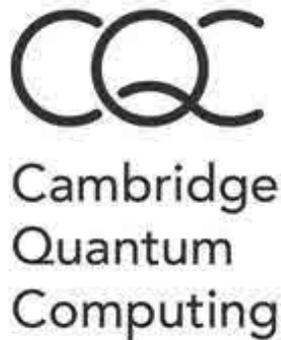


O-931-21

**TRADE MARKS ACT 1994
IN THE MATTER OF APPLICATION No. 3364817
BY CAMBRIDGE QUANTUM COMPUTING LIMITED
TO REGISTER IN CLASSES 9, 36 & 42
THE TRADE MARK**



AND

**IN THE MATTER OF OPPOSITION THERETO
UNDER No. 416098
BY
THE CHANCELLOR, MASTERS AND SCHOLARS OF THE UNIVERSITY OF CAMBRIDGE**

AND

**IN THE MATTER OF APPLICATION No. 3364805
BY CAMBRIDGE QUANTUM COMPUTING LIMITED
TO REGISTER IN CLASS 36
THE TRADE MARK
CAMBRIDGE QUANTUM COMPUTING**

AND

**IN THE MATTER OF OPPOSITION THERETO
UNDER No. 416143
BY
THE CHANCELLOR, MASTERS AND SCHOLARS OF THE UNIVERSITY OF CAMBRIDGE**

BACKGROUND

1) On 4 January 2019, Cambridge Quantum Computing Ltd (hereinafter the applicant) applied to register the word and device trade mark (3364817) shown on the previous page in respect of the following goods and services:

In Class 9: Computer Software; computer hardware; computer operating systems; data processing software; software development tools; quantum software and quantum algorithms, enhanced by artificial intelligence, machine learning, deep neural networks and quantum machine learning; AI software; financial software; AI software for financial transactions; software for Encryption, and decryption; encryption software; mobile phone software; computer software for constructing, analyzing and running quantum programs, quantum algorithms, and quantum instruction language; downloadable computer software for quantum programming and developing and testing quantum algorithms; downloadable computer software for quantum computing; downloadable computer software for developing quantum virtual machines (QVM); computer hardware; computer hardware for quantum programming and quantum computing; microwave and radio frequency (RF) components, namely, cables, attenuators, circulators, and isolators; electrical and electronic components; electrical and electronic test apparatus and instruments; electrical and electronic apparatus for logging, storing, processing, transmitting and receiving data; computer software and/or computer hardware for the encryption, encoding, decryption and decoding of data; systems with artificial intelligence (computers); parts and fittings for the aforesaid goods.

In Class 36: Financial affairs; monetary affairs; real estate affairs; insurance; cryptocurrency; digital cash; digital transfers; Incubation services, namely, providing work space containing business equipment to freelancers, start-ups, existing businesses and non-profits; incubation services, namely, providing financing to freelancers, start-ups, existing businesses and non-profits; financial services relating to the provision of loans; financial management for businesses; information, advisory and consultancy services relating to the aforesaid.

In Class 42: Scientific and technological services and research and design relating thereto; Industrial analysis and industrial research services; design and development of computer hardware and software; technological services for encryption, and decryption; information processing services; encryption databases; security databases design of computer software; design of AI software; cloud-based delivery platform; Quantum Encryption services; Artificial Intelligence services; Software as a service (SaaS) services featuring open source software and programming language for constructing, analyzing and running quantum programs and quantum algorithms; cloud computing featuring

software for use in quantum programming and quantum computing; application service provider featuring application programming interface (API) software for use in quantum programming and developing and testing quantum algorithms; software as a service (SaaS) services featuring open source software for developing and testing quantum algorithms; design and development of computer software; development of technologies for the fabrication of chips and circuits for quantum programming and quantum computing; technology consultation and research in the field of quantum computing, quantum programming, quantum engineering, quantum algorithms and cryogenics; computer hardware development; computer hardware design; computer design research; developing hardware in the field of cryptography; developing software using blockchain technology; software engineering; information, advisory and consultancy services relating to the aforesaid.

2) The application was examined and accepted, and subsequently published for opposition purposes on 18 January 2019 in Trade Marks Journal No. 2019/003.

3) Also on 4 January 2019 the applicant applied to register the word trade mark CAMBRIDGE QUANTUM COMPUTING in respect of the following services in Class 36: Financial affairs; monetary affairs; real estate affairs; insurance; cryptocurrency; digital cash; digital transfers; Incubation services, namely, providing work space containing business equipment to freelancers, start-ups, existing businesses and non-profits; incubation services, namely, providing financing to freelancers, start-ups, existing businesses and non-profits; financial services relating to the provision of loans; financial management for businesses; information, advisory and consultancy services relating to the aforesaid.

4) The application was examined and accepted, and subsequently published for opposition purposes on 25 January 2019 in Trade Marks Journal No. 2019/004.

5) On 18 April 2019 (3364817) and 25 April 2019 (3364805) respectively The Chancellor, Masters and Scholars of the University of Cambridge (hereinafter the opponent) filed notices of opposition. The opponent in these proceedings is the proprietor of the following trade marks:

	Mark	Number	Dates of filing & registration	Class	Specification relied upon
1	CAMBRIDGE	UK 3015609	26.07.13 04.09.15	9	Teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or

				<p>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;</p>
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				<p>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</p>
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				<p>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; 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;</p>
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				<p>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; spectrosopes; 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</p>
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				<p>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.</p>
			16	<p>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</p>

				<p>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.</p>
			41	<p>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</p>

					<p>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.</p>
2	CAMBRIDGE	EU 12019733	26.07.13 29.08.15	9	<p>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</p>

					<p>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</p>
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				<p>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</p>
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				<p>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;</p>
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				<p>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; spectrosopes; 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; wafers for integrated circuits; walkie-talkies; water level</p>
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				<p>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; macrosopes; 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.</p>
			16	<p>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</p>

				<p>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.</p>
			41	<p>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</p>

					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.
3	CAMBRIDGE	UK 3243445	13.07.17 20.07.18	42	Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; research, testing and analysis services; computer-aided research, testing and analysis services; laboratory research, testing and analysis services; scientific research, testing and analysis; academic research, testing and analysis; agricultural research, testing and analysis; ecological research, testing and analysis; engineering research, testing and analysis; environmental research, testing and analysis; industrial research, testing and analysis; medical

				<p>research, testing and analysis; technological research, testing and analysis; veterinary research, testing and analysis; agrochemical research, testing and analysis; archaeological research, testing and analysis; biological research, testing and analysis; chemical research, testing and analysis; physics research, testing and analysis; biochemical research, testing and analysis; biomedical research, testing and analysis; biotechnological research, testing and analysis; bacteriological research, testing and analysis; therapeutics research, testing and analysis; chemical engineering research, testing and analysis; civil engineering research, testing and analysis; electrical engineering research, testing and analysis; genetic engineering research, testing and analysis; historical research, testing and analysis; information technology research, testing and analysis; mechanical engineering research, testing and analysis; geological research, testing and analysis; mechanical research, testing and analysis; optical research, testing and analysis; astrophysical research, testing and analysis; pharmaceutical research, testing and analysis; urban planning research, testing and analysis; scientific research and development; medical research and development; engineering research and development; industrial research and development; agricultural research and development; technological research and development; pharmaceutical research and development; information technology research and development; communications research and development; research and development of new products for others; consultancy relating to research, testing, analysis and development in the fields of science, medicine, drug discovery, engineering, therapeutics, agriculture, technology, information technology, communications; providing technical advice in the fields of science, medicine, drug discovery, engineering, therapeutics, agriculture, technology, information technology, communications; preparation of scientific reports; preparation of industrial reports; preparation of medical reports; preparation of academic reports; preparation of technical reports; preparation of technological reports; preparation of engineering reports; preparation of agricultural reports; preparation of ecological reports; preparation of environmental reports; preparation of historical reports; preparation of urban planning reports; providing advice, information and data relating to research, analysis, testing and development in the fields of science, medicine, drug discovery, engineering, therapeutics, agriculture, technology, information technology and communications; providing information and data relating to research, analysis, testing and development in the fields of science, medicine, drug discovery, engineering, therapeutics, agriculture, technology, information technology and communications from an on-line searchable database; computer-aided design; development and testing of computing methods, algorithms and software; software engineering; scientific surveys; drug discovery services; drug development services; clinical trials; DNA screening for scientific research purposes; genetic testing for</p>
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					scientific research purposes; topographical surveying; archaeological exploration; underwater exploration.
4	UNIVERSITY OF CAMBRIDGE / CAMBRIDGE UNIVERSITY SERIES OF TWO MARKS	UK 2137966	02.07.97 16.01.98	9	Computers; computer software; video games; computer programs, computer games; recording discs; sound recordings and audio-visual recordings; digital and pre-recorded video-tapes, cassettes, compact discs and phonograph records; optical apparatus and instruments; spectacles, sunglasses; fridge magnets; teaching instructional and educational apparatus and instruments; parts and fittings for all the aforesaid goods.
				16	Paper, paper articles, cardboard and cardboard articles; newspapers, periodical publications, magazines and journals, all being publications; books, posters; maps, charts; printed matter; instructional and teaching materials (other than apparatus); photographs; paper knives; bookmarks; souvenir plastic bags.
				36	Financial services; debit card and credit card services.
5	UNIVERSITY OF CAMBRIDGE	EU 896449	04.08.98 07.03.00	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
6	 CAMBRIDGE	UK 3015610	26.07.13 14.02.14	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

					<p>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;</p>
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				<p>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</p>
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				<p>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</p>
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				<p> 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; spectrosopes; 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; 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 </p>
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				<p>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.</p>
			16	<p>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</p>

				<p>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.</p>
			41	<p>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;</p>

					<p>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.</p>
7	CAMBRIDGE ASSESSMENT	UK 3268106	03.11.17 06.04.18	9	<p>Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; 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; fire-extinguishing apparatus; pocket calculators; sound transmitting apparatus; sound recording apparatus; sound reproduction apparatus; USB flash drives; CD-ROMs; magnetic data media; magnetic tapes; magnetic disks; optical discs; optical data media; videotapes; computer software;</p>

				<p>downloadable computer software; computer software, recorded; software for mobile phones, tablets and portable computers; downloadable software for mobile devices; 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; downloadable books; downloadable booklets; downloadable pamphlets; 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; electronic publications, downloadable; printed publications in electronically readable form; printed publications in optically recorded form; databases; podcasts; talking books; downloadable publications; downloadable educational materials including exam papers, course materials and lecture notes; mouse pads; sleeves for laptops; sleeves for tablet computers; sleeves for portable computers; cases for mobile phones, tablets or portable computers; computer software for the provision of training, education, examination and assessment including software for operation over computer networks and 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; 3D spectacles; animated cartoons; audiovisual teaching apparatus; bags adapted for laptops; bar code readers; battery chargers; calculating machines; cases for smartphones; cell phone straps; chargers for electric batteries; chemistry apparatus and instruments; cinematographic film, exposed; clothing especially made for laboratories; compact discs [audio-video]; compact discs [read-only memory]; computer memory devices; computer programmes [programs], recorded; computer keyboards; computer operating programs, recorded; computer peripheral devices; computer software, recorded; computer programs [downloadable software]; computer game software; computer software applications, downloadable; computer hardware; computers; covers for smartphones; covers for personal digital assistants [PDAs]; covers for tablet computers; decorative magnets; digital photo frames; digital signs; downloadable ring tones for mobile phones; downloadable music files; egg timers [sandglasses] / hourglasses; electronic pens [visual display units]; electronic agendas; electronic pocket translators; electronic notice boards; electronic book readers; electronic interactive whiteboards; electronic sheet music, downloadable; encoded key cards; epidiascopes; films, exposed; flashing lights [luminous signals] / blinkers [signalling lights]; floppy disks; frames for photographic transparencies; hands-free kits for telephones; headphones;</p>
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				<p>identity cards, magnetic; interactive touch screen terminals; interfaces for computers; joysticks for use with computers, other than for video games; juke boxes for computers; laptop computers; lasers, not for medical purposes; light-emitting electronic pointers; loudspeakers; magnetic tape units for computers; magnets; mathematical instruments; measures; measuring instruments; memory cards for video game machines; metronomes; microphones; microprocessors; microscopes; mobile telephones / cell phones / cellular phones; modems; monitors [computer hardware]; monitors [computer programs]; mouse [computer peripheral]; neon signs; notebook computers; pedometers; apparatus and instruments for physics; pipettes; Pitot tubes; portable media players; precision measuring apparatus; precision balances; pressure measuring apparatus; printed circuits; printed circuit boards; printers for use with computers; prisms [optics]; processors [central processing units] / central processing units [processors]; projection screens; projection apparatus; protective helmets; protective masks; protective helmets for sports; protective films adapted for computer screens; protective films adapted for smartphones; protractors [measuring instruments]; quantity indicators; radios; readers [data processing equipment]; reflecting discs for wear, for the prevention of traffic accidents; reflective safety vests; resuscitation mannequins [teaching apparatus]; rulers [measuring instruments]; rules [measuring instruments]; scales; scales with body mass analysers / scales with body mass analyzers; scanners [data processing equipment]; selfie sticks [hand-held monopods]; shoes for protection against accidents, irradiation and fire; sighting telescopes for firearms / telescopic sights for firearms; mechanical signs; signs, luminous; slide projectors / transparency projection apparatus; slide-rules; smart rings; smartglasses; smartphones; smartwatches; spectacle cases / eyeglass cases; spirit levels; square rulers for measuring; squares for measuring; personal stereos; T-squares for measuring; tablet computers; tape recorders; teaching apparatus; teleprompters; test tubes; material testing instruments and machines; thermometers, not for medical purposes; time recording apparatus; time clocks [time recording devices]; video recorders; video cassettes; video game cartridges; video screens; video telephones; virtual reality headsets; wearable activity trackers; weighing apparatus and instruments; weights; wrist rests for use with computers; X-ray films, exposed; X-ray photographs, other than for medical purposes; parts and fittings for all the aforesaid goods.</p>
			16	<p>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; arithmetical tables; atlases; biological samples for use in microscopy [teaching materials]; booklets; bookmarkers; books; calendars; cards; charts; comic books; diagrams; printed forms; geographical maps;</p>

				<p>handwriting specimens for copying; histological sections for teaching purposes; magazines [periodicals]; manuals; handbooks; newsletters; newspapers; pamphlets; periodicals; pictures; postcards; posters; printed publications; prospectuses; school supplies [stationery]; song books; stickers; teaching materials [except apparatus]; terrestrial globes; exercise books; Bibles; printed awards; printed certificates; reference books; dictionaries; directories; reports; journals; exam papers; lecture notes; worksheets; quizzes; educational assessment criteria; flashcards; vocabulary lists; documents; forms; brochures; instructional and teaching materials 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; albums / scrapbooks; announcement cards [stationery]; bags [envelopes, pouches] of paper or plastics, for packaging; banners of paper; boxes of paper or cardboard; cardboard; catalogues; clipboards; coasters of paper; copying paper [stationery]; covers [stationery] / wrappers [stationery]; desk mats; document files [stationery]; document holders [stationery]; drawing pads; drawing boards; drawing materials; drawing instruments; drawing sets; drawing pens; drawing rulers; embroidery designs [patterns]; engraving plates; engravings; envelope sealing machines for offices; envelopes [stationery]; erasing products; etchings; fabrics for bookbinding; files [office requisites]; flyers; folders for papers / jackets for papers; folders [stationery]; forms, printed; fountain pens; franking machines for office use / postage meters for office use; graphic prints; graphic reproductions; graphic representations; greeting cards; gummed tape [stationery]; index cards [stationery]; indexes; labels of paper or cardboard; ledgers [books]; lithographic works of art; loose-leaf binders; manuals [handbooks] / handbooks [manuals]; marking pens [stationery]; mats for beer glasses; mimeograph apparatus and machines; note books; pads [stationery]; paint boxes [articles for use in school]; paper for recording machines; paper sheets [stationery]; paper clasps; luminous paper; paper tapes and cards for the recordal of computer programmes; paper for radiograms; paper ribbons; paper-clips; paperweights; parchment paper; passport holders; pen clips; pen cases / boxes for pens; pen wipers; pencil holders; pencil lead holders; pencil sharpeners, electric or non-electric; pencils; penholders; pens [office requisites]; photographs [printed]; placards of paper or cardboard; place mats of paper; plastic film for wrapping; plastic cling film, extensible, for palletization; portraits; printed timetables; printed coupons; printed sheet music; printers' blankets, not of textile; printers' reglets; printing type; printing sets, portable [office requisites]; prints [engravings]; rubber erasers; scrapers [erasers] for offices; sealing stamps; sealing wax; sealing machines for offices; sealing compounds for stationery purposes; seals [stamps]; self-adhesive tapes for stationery or household purposes; shields [paper seals]; signboards of paper or cardboard;</p>
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				<p>stamp pads; stamp stands; stamps [seals]; stands for pens and pencils; stencils [stationery]; stencils; stickers [stationery]; table linen of paper; table napkins of paper; table runners of paper; tablecloths of paper; tablemats of paper; tags for index cards; tickets; tracing patterns; washi; wrapping paper / packing paper; writing or drawing books; writing materials; writing paper; writing cases [sets]; writing brushes; writing instruments; writing board erasers; parts and fittings for all the aforesaid goods.</p>
			41	<p>Education; providing of training; entertainment; sporting and cultural activities; academies [education]; boarding schools; schools; nursery schools; services of schools [education]; coaching [training]; education information; physical education; practical training; teaching services; educational services; instruction services; tuition; vocational guidance [education or training advice]; vocational retraining; adult education services; analysing educational test scores and data for others; arrangement of training courses; business educational services; business training; 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; academic examination services; educational research; provision of educational examination facilities; setting of educational standards; university education services; university services; provision of distance learning programmes; arranging and conducting of colloquiums, workshops [training], congresses, conferences, seminars and symposiums; correspondence courses; distance learning courses; organisation of competitions [education or entertainment]; organisation of exhibitions for cultural or educational purposes; arranging of festivals for educational purposes; club services [entertainment or education]; game services provided on-line from a computer network; holiday camp services [entertainment]; holiday camp services [education]; sport camp services; electronic desktop publishing; publishing consultancy services; advisory services relating to publishing; publishing services; electronic publishing services; providing electronic publications; publication of printed matter and printed publications; production of radio and television programmes; providing online electronic publications, not downloadable; publication of texts, other than publicity texts; publication of books, reference books, directories, manuals, reports, magazines, journals, periodicals, dictionaries, exam papers, lecture notes, worksheets, quizzes, puzzles, examination marking criteria, pamphlets, booklets, flashcards, vocabulary lists and educational material including online publication; publishing; writing of texts, other than publicity texts; bibliographic information; language interpreter services; translation; lending libraries; mobile library services; providing museum facilities; teaching, examination and assessment services including computer assisted and computer mediated services and on-line services; ; boarding school education; arranging and conducting of colloquiums; arranging and</p>

				<p>conducting of conferences; educational examination; educational services provided by schools; arranging and conducting of in-person educational forums; production of music; on-line publication of electronic books and journals; providing on-line electronic publications, not downloadable; providing on-line music, not downloadable; providing on-line videos, not downloadable; organization of competitions [education or entertainment]; organization of exhibitions for cultural or educational purposes; practical training [demonstration]; presentation of live performances; publication of books; recording studio services; arranging and conducting of seminars; songwriting; arranging and conducting of symposiums; teaching / educational services / instruction services; training services provided via simulators; tutoring; arranging and conducting of workshops [training]; writing of texts; information, advisory and consultancy services relating to the aforesaid services.</p>
			42	<p>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 information and advice relating to education, teaching, training and assessment; certification [quality control]; providing quality assurance services; process monitoring for quality assurance; accreditation services for developing, evaluating and test standards for the purpose of accreditation; software as a service [SaaS]; calibration [measuring]; cloud seeding; cloud computing; computer programming; computer software design; computer system analysis; computer system design; computer software consultancy; computer technology consultancy; conversion of data or documents from physical to electronic media; conversion of computer programs and data, other than physical conversion; creating and designing website-based indexes of information for others [information technology services]; data encryption services; digitization of documents [scanning]; electronic data storage; handwriting analysis [graphology]; installation of computer software; maintenance of computer software; monitoring of computer systems by remote access; monitoring of computer systems to detect breakdowns; monitoring of computer systems for detecting unauthorized access or data breach; outsource service providers in the field of information technology; quality control; recovery of computer data; research and development of new</p>

					products for others; surveying; technical research; web site design consultancy; information, advisory and consultancy services relating to the aforesaid services.
8	CAMBRIDGE MATHEMATICS	UK 3294047	02.03.18 16.11.18	9	Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; 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; fire-extinguishing apparatus; pocket calculators; sound transmitting apparatus; sound recording apparatus; sound reproduction apparatus; USB flash drives; CD-ROMs; magnetic data media; magnetic tapes; magnetic disks; optical discs; optical data media; videotapes; computer software; downloadable computer software; computer software, recorded; software for mobile phones, tablets and portable computers; downloadable software for mobile devices; 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; downloadable books; downloadable booklets; downloadable pamphlets; 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; electronic publications, downloadable; printed publications in electronically readable form; printed publications in optically recorded form; databases; podcasts; talking books; downloadable publications; downloadable educational materials including exam papers, course materials and lecture notes; mouse pads; sleeves for laptops; sleeves for tablet computers; sleeves for portable computers; cases for mobile phones, tablets or portable computers; computer software for the provision of training, education, examination and assessment including software for operation over computer networks and 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; 3D spectacles; animated cartoons; audiovisual teaching apparatus; bags adapted for laptops; bar code readers; battery chargers; calculating machines; cases for smartphones; cell phone straps; chargers for electric batteries; chemistry apparatus and instruments; cinematographic film, exposed; clothing especially made for laboratories; compact discs [audio-video]; compact discs [read-only memory]; computer memory devices; computer programmes [programs], recorded;

				<p>computer keyboards; computer operating programs, recorded; computer peripheral devices; computer software, recorded; computer programs [downloadable software]; computer game software; computer software applications, downloadable; computer hardware; computers; covers for smartphones; covers for personal digital assistants [PDAs]; covers for tablet computers; decorative magnets; digital photo frames; digital signs; downloadable ring tones for mobile phones; downloadable music files; egg timers [sandglasses] / hourglasses; electronic pens [visual display units]; electronic agendas; electronic pocket translators; electronic notice boards; electronic book readers; electronic interactive whiteboards; electronic sheet music, downloadable; encoded key cards; epidiascopes; films, exposed; flashing lights [luminous signals] / blinkers [signalling lights]; floppy disks; frames for photographic transparencies; hands-free kits for telephones; headphones; identity cards, magnetic; interactive touch screen terminals; interfaces for computers; joysticks for use with computers, other than for video games; juke boxes for computers; laptop computers; lasers, not for medical purposes; light-emitting electronic pointers; loudspeakers; magnetic tape units for computers; magnets; mathematical instruments; measures; measuring instruments; memory cards for video game machines; metronomes; microphones; microprocessors; microscopes; mobile telephones / cell phones / cellular phones; modems; monitors [computer hardware]; monitors [computer programs]; mouse [computer peripheral]; neon signs; notebook computers; pedometers; apparatus and instruments for physics; pipettes; Pitot tubes; portable media players; precision measuring apparatus; precision balances; pressure measuring apparatus; printed circuits; printed circuit boards; printers for use with computers; prisms [optics]; processors [central processing units] / central processing units [processors]; projection screens; projection apparatus; protective helmets; protective masks; protective helmets for sports; protective films adapted for computer screens; protective films adapted for smartphones; protractors [measuring instruments]; quantity indicators; radios; readers [data processing equipment]; reflecting discs for wear, for the prevention of traffic accidents; reflective safety vests; resuscitation mannequins [teaching apparatus]; rulers [measuring instruments]; rules [measuring instruments]; scales; scales with body mass analysers / scales with body mass analyzers; scanners [data processing equipment]; selfie sticks [hand-held monopods]; shoes for protection against accidents, irradiation and fire; sighting telescopes for firearms / telescopic sights for firearms; mechanical signs; signs, luminous; slide projectors / transparency projection apparatus; slide-rules; smart rings; smartglasses; smartphones; smartwatches; spectacle cases / eyeglass cases; spirit levels; square rulers for measuring; squares for measuring; personal stereos; T-squares for measuring; tablet computers; tape recorders; teaching apparatus; teleprompters; test tubes; material testing instruments and machines; thermometers, not for medical purposes; time recording apparatus; time clocks</p>
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					[time recording devices]; video recorders; video cassettes; video game cartridges; video screens; video telephones; virtual reality headsets; wearable activity trackers; weighing apparatus and instruments; weights; wrist rests for use with computers; X-ray films, exposed; X-ray photographs, other than for medical purposes; parts and fittings for all the aforesaid goods.
				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; arithmetical tables; atlases; biological samples for use in microscopy [teaching materials]; booklets; bookmarkers; books; calendars; cards; charts; comic books; diagrams; printed forms; geographical maps; handwriting specimens for copying; histological sections for teaching purposes; magazines [periodicals]; manuals; handbooks; newsletters; newspapers; pamphlets; periodicals; pictures; postcards; posters; printed publications; prospectuses; school supplies [stationery]; song books; stickers; teaching materials [except apparatus]; terrestrial globes; exercise books; Bibles; printed awards; printed certificates; reference books; dictionaries; directories; reports; journals; exam papers; lecture notes; worksheets; quizzes; educational assessment criteria; flashcards; vocabulary lists; documents; forms; brochures; instructional and teaching materials 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; albums / scrapbooks; announcement cards [stationery]; bags [envelopes, pouches] of paper or plastics, for packaging; banners of paper; boxes of paper or cardboard; cardboard; catalogues; clipboards; coasters of paper; copying paper [stationery]; covers [stationery] / wrappers [stationery]; desk mats; document files [stationery]; document holders [stationery]; drawing pads; drawing boards; drawing materials; drawing instruments; drawing sets; drawing pens; drawing rulers; embroidery designs [patterns]; engraving plates; engravings; envelope sealing machines for offices; envelopes [stationery]; erasing products; etchings; fabrics for bookbinding; files [office requisites]; flyers; folders for papers / jackets for papers; folders [stationery]; forms, printed; fountain pens; franking machines for office use / postage meters for office use; graphic prints; graphic reproductions; graphic representations; greeting cards; gummed tape [stationery]; index cards [stationery]; indexes; labels of paper or cardboard; ledgers [books]; lithographic works of art; loose-leaf binders; manuals [handbooks] / handbooks [manuals]; marking pens [stationery]; mats for beer glasses; mimeograph apparatus and machines; note books; pads [stationery]; paint boxes [articles for use in school]; paper for recording machines; paper sheets [stationery]; paper clasps;

				<p>luminous paper; paper tapes and cards for the recordal of computer programmes; paper for radiograms; paper ribbons; paper-clips; paperweights; parchment paper; passport holders; pen clips; pen cases / boxes for pens; pen wipers; pencil holders; pencil lead holders; pencil sharpeners, electric or non-electric; pencils; penholders; pens [office requisites]; photographs [printed]; placards of paper or cardboard; place mats of paper; plastic film for wrapping; plastic cling film, extensible, for palletization; portraits; printed timetables; printed coupons; printed sheet music; printers' blankets, not of textile; printers' galleys; printing type; printing sets, portable [office requisites]; prints [engravings]; rubber erasers; scrapers [erasers] for offices; sealing stamps; sealing wax; sealing machines for offices; sealing compounds for stationery purposes; seals [stamps]; self-adhesive tapes for stationery or household purposes; shields [paper seals]; signboards of paper or cardboard; stamp pads; stamp stands; stamps [seals]; stands for pens and pencils; stencils [stationery]; stencils; stickers [stationery]; table linen of paper; table napkins of paper; table runners of paper; tablecloths of paper; tablemats of paper; tags for index cards; tickets; tracing patterns; washi; wrapping paper / packing paper; writing or drawing books; writing materials; writing paper; writing cases [sets]; writing brushes; writing instruments; writing board erasers; parts and fittings for all the aforesaid goods.</p>
			41	<p>Education; providing of training; entertainment; sporting and cultural activities; academies [education]; boarding schools; schools; nursery schools; services of schools [education]; coaching [training]; education information; physical education; practical training; teaching services; educational services; instruction services; tuition; vocational guidance [education or training advice]; vocational retraining; adult education services; analysing educational test scores and data for others; arrangement of training courses; business educational services; business training; 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; academic examination services; educational research; provision of educational examination facilities; setting of educational standards; university education services; university services; provision of distance learning programmes; arranging and conducting of colloquiums, workshops [training], congresses, conferences, seminars and symposiums; correspondence courses; distance learning courses; organisation of competitions [education or entertainment]; organisation of exhibitions for cultural or educational purposes; arranging of festivals for educational purposes; club services [entertainment or education]; game services provided on-line from a computer network; holiday camp services [entertainment]; holiday camp services [education]; sport camp services; electronic desktop publishing; publishing consultancy services; advisory services relating to publishing; publishing services; electronic publishing services; providing</p>

				<p>electronic publications; publication of printed matter and printed publications; production of radio and television programmes; providing online electronic publications, not downloadable; publication of texts, other than publicity texts; publication of books, reference books, directories, manuals, reports, magazines, journals, periodicals, dictionaries, exam papers, lecture notes, worksheets, quizzes, puzzles, examination marking criteria, pamphlets, booklets, flashcards, vocabulary lists and educational material including online publication; publishing; writing of texts, other than publicity texts; bibliographic information; language interpreter services; translation; lending libraries; mobile library services; providing museum facilities; teaching, examination and assessment services including computer assisted and computer mediated services and on-line services; boarding school education; arranging and conducting of colloquiums; arranging and conducting of conferences; educational examination; educational services provided by schools; arranging and conducting of in-person educational forums; production of music; on-line publication of electronic books and journals; providing on-line electronic publications, not downloadable; providing on-line music, not downloadable; providing on-line videos, not downloadable; organization of competitions [education or entertainment]; organization of exhibitions for cultural or educational purposes; practical training [demonstration]; presentation of live performances; publication of books; recording studio services; arranging and conducting of seminars; songwriting; arranging and conducting of symposiums; teaching / educational services / instruction services; training services provided via simulators; tutoring; arranging and conducting of workshops [training]; writing of texts; provision of information relating to education, teaching, training and assessment, provided on-line from a computer database or from the internet; information, advisory and consultancy services relating to the aforesaid services.</p>
			42	<p>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; design of software for managing and monitoring online forums for discussion; creating electronically stored web pages for online services and the internet; hosting of digital content; advisory services relating to computer based information systems; design of websites; online hosted computer services; managing web sites for others; constructing an internet platform for the exchange of information; hosting an internet platform for the exchange of information; hosting a website containing information and advice relating to education, teaching, training and assessment; certification [quality control]; providing quality assurance services; process monitoring for quality assurance; accreditation services for developing, evaluating and test standards for the purpose of accreditation; software as a service [SaaS]; calibration [measuring]; cloud seeding; cloud</p>

					<p>computing; computer programming; computer software design; computer system analysis; computer system design; computer software consultancy; computer technology consultancy; conversion of data or documents from physical to electronic media; conversion of computer programs and data, other than physical conversion; creating and designing website-based indexes of information for others [information technology services]; data encryption services; digitization of documents [scanning]; electronic data storage; handwriting analysis [graphology]; installation of computer software; maintenance of computer software; monitoring of computer systems by remote access; monitoring of computer systems to detect breakdowns; monitoring of computer systems for detecting unauthorized access or data breach; outsource service providers in the field of information technology; quality control; recovery of computer data; research and development of new products for others; surveying; technical research; mathematical research services; web site design consultancy; information, advisory and consultancy services relating to the aforesaid services.</p>
9	CAMBRIDGE ENGLISH	UK 2634072	10.09.12 05.04.13	9	<p>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; computer software for the provision of training, education, examination and assessment including software for operation over computer networks and 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.</p>
				16	<p>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; 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</p>

					mediated services and on-line services and to the provision of distance learning programmes.
				41	Education; providing of training; entertainment; sporting and cultural activities; provision of training, teaching, examination and assessment services including computer assisted and computer mediated services and on-line services, and the provision of distance learning programmes.
10	CAMBRIDGE CORE	UK 3072705	15.09.14 27.03.15	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 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,

				<p>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.</p>
			16	<p>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; 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 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</p>

					mediated services and on-line services and to the provision of distance learning programmes; parts and fittings for all the aforesaid goods.
				35	Advertising; business management; business administration; office functions; compilation and management of databases; updating and maintenance of data in computer databases; retail and online retail services connected with the sale of printed publications, downloadable applications and publications stored on optical or electronic or magnetic media; rental 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; organisation of conferences 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 writers; developing promotional campaigns for business; distribution of advertising, marketing and promotional material; advertising, marketing and promotional consultancy, advisory and assistance services; provision of a website containing advice and information relating to advertising, marketing and promotion; provision of a website containing a database of printed, downloadable and non-downloadable publications; information, advisory and consultancy services relating to the aforesaid services.
				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.
			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 [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; 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.
11	NORTH WEST CAMBRIDGE	3092555	03.02.15 13.11.15	35	Advertising; Business management; Business administration; Office functions; administration of business affairs; administrative accounting; administrative services relating to referrals for general building contractors; administrative services relating to the relocation of personnel; advertising in periodicals, brochures and newspapers; advertising of business web sites; advertising of residential real estate; advertising through all public communication means; advertising via the Internet; advisory services for business management; arranging and conducting of real estate auctions; arranging of contracts, for others, for the provision of services; assistance and advice regarding business organization and management; auctioneering of property; auctioneering services provided on the Internet; auctioneering services provided via telecommunication networks; business advice and information; business consultancy, management, planning and supervision; business development; business information; business management analysis; business management planning; business marketing; business networking; business planning; business project management services for construction projects; business research and surveys; business strategy development; marketing; public relations, publicity and promotional services; business information services provided from a computer database or on the Internet; business administration, information, advice and consultation relating to business support services, business advice, business and economic development, business information services and advice to start-up companies, recruitment services, personnel services, employment, publicity and public relations, advertising and marketing; advertising services provided via the Internet; production of television and radio advertisements; accountancy; auctioneering; opinion polling; data processing; provision of business information; event management services, public relations; publicity; business surveys; conducting of business communication surveys; consultancy and advice relating to personnel and recruitment; advertising, promotional and marketing services; compilation of advertisements, producing and placing of advertisements and publicity material; dissemination of advertising

				<p>and promotional materials; issuing publicity leaflets; administration of business affairs, economic forecasting and analysis for business purposes; market research and market analysis; business marketing studies; public relations services; operational business services; information and advisory services relating to advertising, business management and marketing; compilation of statistics for research purposes for a local authority; compilation and arranging of statistical information; dissemination of statistical information; organisation, operation and supervision of loyalty schemes and incentive schemes; organisation, operation and supervision of sales incentive schemes; on-line administration and supervision of a discount, special offer and gift voucher schemes; organisation, operation and supervision of loyalty and incentive schemes via the internet and mobile devices; loyalty card services; direct mail advertising services; on-line advertising on a computer network; market research and marketing services; computerised file management; compilation, storage, analysis and retrieval of information and data; compilation and systemisation of information into computer databases; price comparison services; price analysis services; compilation and provision of price, feature and suitability information relating to goods and services; management of a retail store and or supermarket; rental of advertising space; presentation of goods on communication media, for retail purposes; public relations; commercial information and advice for consumers; sales promotion for others; shop window dressing; distribution of samples; arranging newspaper subscriptions for others; photocopying services; rental of vending machines; accounting; commercial administration of the licensing of the goods and services of others; employment agencies; payroll preparation; the bringing together, for the benefit of others, a variety of retail outlets, service providers namely banks, accountants, legal service providers, financial advisors, travel agents, estate agents, hairdressers, beauticians, dentist's surgeries, doctor's surgeries, opticians, post offices, libraries, taxi servicers, bus services, tailors, cobblers, milliners, locksmiths, sports centres, health clubs, care homes, schools, community centres, supermarkets, local shops, leisure centres, hospitals, recreational complexes, restaurants, cafeteria and snack bar facilities, crèche and nursery facilities, exhibitions and displays, enabling customers to conveniently view and purchase a range of goods and services and make use of such facilities in a shopping centre or small town; wholesale services, retail services and online retail services connected with the sale of chemicals used in industry, chemicals used in science, chemicals used in photography, chemicals used in agriculture, chemicals used in horticulture, chemicals used in forestry, unprocessed artificial resins, unprocessed plastics, manures, fire extinguishing compositions, tempering preparations, soldering preparations, chemical substances for preserving foodstuffs, tanning substances, adhesives used in industry, paints, varnishes, lacquers, preservatives against rust, preservatives against deterioration of wood, colorants, mordants, raw natural resins, metals in foil and</p>
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				<p>powder form for painters, metals in foil and powder form for decorators, metals in foil and powder form for printers, metals in foil and powder form for artists, bleaching preparations, substances for laundry use, cleaning preparations, polishing preparations, scouring preparations, abrasive preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, toiletries, oral hygiene preparations, breath fresheners, breath freshening strips, mouth wash, breath freshening sprays, cleaning preparations for the teeth, toothpaste, tooth polish, preparations for cleaning dentures, fragrances, Eau de Cologne, Eau de toilette, body sprays, perfumes, perfumed tissues, pre-moistened or impregnated tissues or wipes, tissues impregnated with cosmetic lotions, scents, toilet water, body cleaning preparations, beauty care preparations, bath preparations, deodorants for personal use, antiperspirants, hair preparations, hair treatments, hair dyes, hair lotions, hair spray, hair waving preparations, hair removal preparations, shampoos, conditioners, shaving preparations, shaving preparations, shaving gels, shaving foams, pre-shaving and after shaving lotions, make-up, false eyelashes, false nails, henna, lip glosses, lipsticks, lotions for cosmetic purposes, nail care preparations, nail polish, nail varnish, make-up, make-up powder, make-up preparations, make-up removing preparations, make-up remover pads and wipes, mascara, skin care preparations, after-sun lotions, baby lotion, baby oil, baby wipes, non-medicated balms, bath lotion, beauty masks, oils, creams and lotions for the skin, non-medicated preparations for the application to, condition and care of the hair, scalp, skin and nails, sun-tanning preparations, sunscreen preparations, skin cleansers and hydrators, skin tones, skin moisturisers, toilet powders, talcum powders, face and body scrubs, face and body masks, massage gels other than for medical purposes, oils for cleaning purposes, oils for cosmetic purposes, oils for toilet purposes, petroleum jelly for cosmetic purposes, soaps and gels, soap, hand cleaning preparations, preparations for the bath, bath salts, not for medical purposes, balms other than for medical purposes, bleaching preparations [decolorants] for cosmetic purposes, cosmetic preparations, cosmetic creams, cosmetic dyes, cosmetic kits, cosmetic pencils, cosmetic preparations for eyelashes, cosmetic preparations for skin care, eyebrow cosmetics, eyebrow pencils, cosmetic preparations for slimming purposes, cotton sticks for cosmetic purposes, cotton wool for cosmetic purposes, depilatories, depilatory wax, cleaning preparations, fragrancing preparations, potpourri, room fragrancing preparations, household fragrances, vehicle cleaning preparations, laundry preparations, fabric conditioners, detergent soap, fabric softeners, laundry bleaching preparations, soap powders, washing powder, washing soda, leather and shoe cleaning and polishing preparations, abraders, abrasive preparations, emery, pumice stone, tailors' wax, cobblers' wax, colorants for toilet purposes, animal grooming preparations, toilet water, toiletries, varnish-removing preparations, waxing substance and preparations, industrial oils, industrial</p>
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				<p>greases, lubricants, dust absorbing, wetting compositions, binding compositions, fuels, motor spirit, illuminants, candles, wicks for lighting, pharmaceutical preparations, veterinary preparations, sanitary preparations for medical purposes, dietetic food adapted for medical or veterinary use, dietetic substances adapted for medical or veterinary use, food for babies, dietary supplements for humans, dietary supplements for animals, plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants, preparations for destroying vermin, fungicides, herbicides, dietary supplements and dietetic preparations, beverages for infants, dietetic foods adapted for infants, dietetic foods adapted for invalids, milk powder for babies, infant formula, dietary supplements for animals, dietetic beverages adapted for medical purposes, nutritional supplements, dental preparations and articles, antiseptic mouthwashes, mouth rinses for medical use, hygiene preparations and articles, pest control preparations and articles, medical preparations and articles, veterinary preparations and articles, diagnostic preparations, natural remedies preparations, medical dressings, medical coverings, medical applicators, absorbent articles for personal hygiene, absorbent cotton, adhesive bands for medical purposes, adhesive plasters, adhesives for dentures, air deodorising preparations, air purifying preparations, alcohol for pharmaceutical purposes, anaesthetics, analgesics, animal washes, anti-rheumatism bracelets, anti-rheumatism rings, antibiotics, antioxidant pills, antiseptic cotton, antiseptics, bacterial preparations for medical and veterinary use, bandages for dressings, bath preparations, medicated, bath salts for medical purposes, bracelets for medical purposes, breast-nursing pads, chemical contraceptives, chemical preparations for medical purposes, chemical preparations for pharmaceutical purposes, chemical preparations for the diagnosis of pregnancy, chemical preparations for veterinary purposes, compresses, cooling sprays for medical purposes, deodorants for clothing and textiles, detergents for medical purposes, dietetic foods adapted for medical purposes, dog lotions, dog washes, douching preparations for medical purposes, drugs for medical purposes, eye-washes, eye-patches for medical purposes, febrifuges, first-aid boxes, filled, hydrogen peroxide for medical purposes, insect repellent incense, laxatives, lozenges for pharmaceutical purposes, medical preparations for slimming purposes, medicinal hair growth preparations, mouthwashes for medical purposes, personal sexual lubricants, pesticides, petroleum jelly for medical purposes, pharmaceutical preparations, pharmaceutical preparations for skin care, pharmaceutical preparations for treating dandruff, poisons, preparations for destroying dry rot fungus, preparations for destroying mice, preparations for the treatment of burns, preparations to facilitate teething, remedies for perspiration, sedatives, slimming pills, surgical dressings, tanning pills, tissues impregnated with pharmaceutical lotions, tobacco-free cigarettes for medical purposes, feminine hygiene products, panty liners, tampons, maternity towels, pants for feminine hygiene, sanitary</p>
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				<p>briefs, incontinence pads, incontinence pants, nappies, disposable nappies, disposable nappies made of cellulose, disposable nappies made of paper, nappies for incontinence, cotton wool for pharmaceutical purposes, cotton wool in the form of buds for medical use, towels impregnated with medicated or disinfectant lotions, impregnated antiseptic wipes, impregnated medicated wipes, petroleum jelly (for medical purposes), skin care creams for medical use, medicated creams, babies' creams (medicated), medicated skin creams, nappy cream (medicated), sanitising wipes, moist wipes impregnated with a pharmaceutical lotion, antiseptic wipes, medicated balms, teething gel, medicated nipple creams, disposable nappies made of paper and/or cellulose, common metals, common metal alloys, metal building materials, transportable buildings of metal, materials of metal for railway tracks, non-electric cables, wires of common metal, ironmongery, small items of metal hardware, pipes and tubes of metal, safes, ores, machines, machine tools, motors, engines, machine coupling components, machine transmission components, agricultural implements, incubators for eggs, automatic vending machines, hand tools, hand operated implements, cutlery, side arms, razors, scientific apparatus and instruments, nautical apparatus and instruments, surveying apparatus and instruments, photographic apparatus and instruments, cinematographic apparatus and instruments, optical apparatus and instruments, weighing apparatus and instruments, measuring apparatus and instruments, signalling apparatus and instruments, checking (supervision) apparatus and instruments, life-saving apparatus and instruments, 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 publications, downloadable books, 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</p>
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				<p>dosimeters, downloadable ring tones for mobile phones, DVD players, hourglasses, egg-candlers, electronic notice boards, electronic pens [visual display units], encoded magnetic cards, eyeglass chains, eyeglass cases, eyeglass cords, eyepieces, instruments containing eyepieces, facsimile machines, fibre optic cables, filters for respiratory masks, food analysis apparatus, furnaces for laboratory use, ovens for laboratory use, fuse wire, fuses, gas testing instruments, petrol gauges, gauges, 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, magnetic identity cards, electric apparatus for remote ignition, incubators, intercommunication apparatus, ionisation apparatus not for the treatment of air or water, juke boxes for computers, musical juke boxes, 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, material testing instruments and machines, mathematical instruments, measures, graduated glassware, mercury levels, metal detectors for industrial or military purposes, meteorological balloons, meteorological instruments, metronomes, modems, electric monitoring apparatus, navigation apparatus for vehicles [on-board computers], observation instruments, optical character readers, ozonisers, pedometers, periscopes, personal stereos, photocopiers, apparatus and instruments for physics, pince-nez, eyeglasses, eyeglass frames, precision balances, precision measuring apparatus, pressure measuring apparatus, pressure gauges, pressure indicators, pressure indicator plugs for valves, protection devices against X-rays not for medical purposes, protective helmets for sports, protective masks, protective suits for aviators, pyrometers, quantity indicators, radar apparatus, radio pagers, radiological apparatus for industrial purposes, radiology screens for industrial purposes, radios, radiotelegraphy sets, radiotelephony sets, remote control apparatus, respirators for filtering air, respiratory masks other than for artificial respiration, respirators, other than for artificial respiration, resuscitation mannequins [teaching apparatus], riding helmets, satellite navigational apparatus, satellites for scientific purposes, scales, scanners [data processing equipment], simulators for the steering and control of vehicles, slide projectors, smoke detectors, solar batteries, solderers' helmets, spark-guards, spectacle cases, spectacle frames, spectacle lenses, spectacles [optics], speed indicators, stands for photographic apparatus, steering apparatus, (automatic) for vehicles, stereoscopic apparatus, sunglasses, surveying apparatus and instruments, taximeters, teeth protectors, telescopes, temperature indicators, temperature indicator labels, not for medical purposes, testing apparatus not for medical purposes, thermometers, not for medical</p>
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				<p>purposes, thermostats, tripods for cameras, electric wires, wrist rests for use with computers, apparatus and installations for the production of x-rays, safety spectacles, frames for spectacles and sunglasses, surgical apparatus and instruments, medical apparatus and instruments, dental apparatus and instruments, veterinary apparatus and instruments, artificial limbs, artificial eyes, artificial teeth, orthopaedic articles, suture materials, apparatus for lighting, apparatus for heating, apparatus for steam generating, apparatus for cooking, apparatus for refrigerating, apparatus for drying, apparatus for ventilating, apparatus for water supply, apparatus for sanitary purposes, vehicles, apparatus for locomotion by land, apparatus for locomotion by air, apparatus for locomotion by water, firearms, ammunition, projectiles, explosives, fireworks, precious metals, precious metal alloys, jewellery, precious stones, horological instruments, chronometric instruments, watches, musical instruments, paper, cardboard, printed matter, bookbinding material, photographs, stationery, adhesives for stationery or household purposes, artists' materials, paint brushes, typewriters and office requisites, instructional and teaching material, instructional and teaching apparatus, plastic materials for packaging, printers' type, printing blocks, adhesive tapes for stationery or household purposes, albums/scrapbooks, almanacs, arithmetical tables, atlases, blackboards, blotters, bookends, booklets, bookmarkers, books, calendars, cards, charts, catalogues, charcoal pencils, clipboards, clips for offices, staples for offices, comic books, compasses for drawing, composing frames [printing], diagrams, document laminators for office use, drawing materials, drawing pads, drawing pens, drawing sets, drawing pins, elastic bands for offices, printed forms, fountain pens, geographical maps, handwriting specimens for copying, histological sections for teaching purposes, indexes, ledgers [books], magazines [periodicals], manuals, handbooks, marking pens, newsletters, newspapers, note books, numbers [type], pamphlets, paper, paper-clips, paperweights, pencil leads, periodicals, pictures, postcards, posters, printed matter, printed publications, prospectuses, song books, stickers, terrestrial globes, writing instruments, writing pads, writing cases [sets], writing materials, 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, rubber, gutta-percha, gum, asbestos, mica, plastics in extruded form for use in manufacture, packing materials, stopping materials, insulating materials, flexible pipes, leather and imitations of leather, animal skins, hides, trunks and travelling bags, umbrellas and parasols, walking sticks, whips, harness and saddlery, luggage, bags, wallets and other carriers, handbags, cosmetic bags [not fitted], toilet bags, changing bags, overnight bags, sports bags, shopping bags, beach bags, clutch bags, garment bags, beauty cases, leather cases, travel cases,</p>
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				<p>attaché cases, business card cases, rucksacks, back packs, satchels, boxes, hat boxes, boxes and bags of leather, leather board or vulcanised fibre, document cases, key cases, purses, valises, card holders, leather card holder, luggage label holders, credit card cases, I.D. cases, briefcases, shoulder belts [straps] of leather, suitcases, tool bags of leather, wheeled shopping bags, leather and imitation leather, pelts and hides, saddlery, whips and animal apparel, building materials (non-metallic), non-metallic rigid pipes for building, asphalt, pitch and bitumen, non-metallic transportable buildings, monuments, building and construction materials and elements, doors, gates, windows and window coverings, structures and transportable buildings, unprocessed and semi-processed materials namely pitch, tar, bitumen and asphalt, stone, rock, clay and minerals, wood and artificial wood, statues and works of art, advertisement columns, asphalt paving, bicycle parking installations, binding materials for road repair, bricks, building cardboard [asphalted], building glass, building paper, buildings, building stone, building timber, busts of stone, concrete or marble, casement windows, ceilings, cement, chimney cowls, chimney pots, chimney shafts, chimneys, cladding for buildings, crash barriers for roads, door frames, door panels, doors, fences, roofing tiles, window frames, window glass, for building, windows, wooden floor boards, building blocks incorporating insulating materials, building boards of plastics materials, translucent building panels made from plastics materials, reinforcing materials for building, sheet glazing materials for use in building, portable building made of non-metallic materials, air ducts of non-metallic materials for buildings, laminates of non-metallic materials for use in buildings, planks of non-metallic materials for use in buildings, fire protection materials (non-metallic) for use in building, skylights made from plastics materials for use in buildings, construction materials of artificial stone, road construction materials (non-metallic), construction materials, refractory constructions materials, bus stops [signs or structures], advertising hoardings, advertising boards, rainwater traps and, draincovers, houses, buildings, apartment buildings, apartments, building elements made wholly or predominantly of non-metallic materials, materials, elements and components all for use in building, household utensils, household containers, household appliances, kitchen utensils, kitchen containers, kitchen appliances, combs, sponges, brushes, brush-making materials, articles for cleaning purposes, steel wool, unworked glass, semi-worked glass, glassware, porcelain, earthenware, apparatus for wax-polishing, basins [bowls], baskets for domestic use, bird baths, birdcages, brooms, chamber pots, chopsticks, coffee filters, cooking pot sets, cooking pots, cooking utensils, corkscrews, cosmetic utensils, crockery, decanters, drying racks for washing, flower pots, fly swatters, frying pans, heat-insulated containers, heaters for feeding bottles, non-electric, ice cube molds, insect traps, ironing board covers, shaped, ironing boards, kitchen mixers, non-electric, knife rests for the table, mops, toilet sponges, toilet utensils, toothbrushes, electric toothbrushes,</p>
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					<p>toothpick holders, waffle irons, washing boards, washtubs, works of art of porcelain, ceramic, earthenware or glass, strainers, syringes for watering flowers and plants, tea balls, tea caddies, tea cosies, tea services [tableware], toilet paper dispensers, toilet paper holders, towel rails and rings, trays for domestic purposes, litter trays for pets, trouser presses, watering devices, wax-polishing appliances, non-electric, for shoes, statues of porcelain, terra-cotta or glass, figurines of porcelain, terra-cotta or glass, plaques of porcelain, terra-cotta or glass, baby baths, portable baby baths for babies and infants, blenders for food preparation, bath seats for babies, potties and toilet potties, toilet seat trainers, textile gloves for cleaning, gardening gloves, indoor terraria, gardening articles, glasses, drinking vessels and barware, oven gloves, ropes, string, nets, tents, awnings, tarpaulins, sails, sacks, bags, padding materials, stuffing materials, raw fibrous textile materials, yarns, threads, textiles, textile piece goods, bed covers, table covers, clothing, footwear, headgear, articles of outer-clothing, shirts, suits, sleepwear, sweatshirts, T-shirts, jogging suits, articles of knitted clothing, sweaters, socks, neckties, neck scarfs [mufflers], gloves, scarves, caps, baseball caps, panama hats, flat caps, college caps / beanie hats, knitted caps, visor caps, hoods [clothing], academic robes, academic headwear, money belts [clothing], belts [clothing], aprons [clothing], swimsuits, braces for clothing [suspenders], ear muffs [clothing], studs for football boots, rugby shirts, polo shirts, ladies outerwear, children's clothing, ties, bow ties, overalls, working overalls, white coats for hospital use, lace, embroidery, ribbons, braid, buttons, hooks, eyes, pins, needles, artificial flowers, carpets, rugs, mats, matting, linoleum, materials for covering existing floors, wall hangings, games, playthings, gymnastic articles, sporting articles, decorations for Christmas trees, meat, fish, poultry and game, meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, compotes, eggs, milk and milk products, edible oils and fats, almonds, ground, aloe vera prepared for human consumption, anchovy, apple purée, bacon, beans, preserved, black pudding, broth, broth concentrates, butter, buttercream, caviar, charcuterie, cheese, clams [not live], cocoa butter, coconut butter, coconut, desiccated, coconut fat, coconut oil, compotes, condensed milk, corn oil, cranberry sauce [compote], crayfish, not live, cream [dairy products], croquettes, crustaceans, not live, curd, dates, edible birds' nests, edible fats, edible oils, fish fillets, fish meal for human consumption, fish mousses, fish, not live, fish, preserved, frozen fruits, fruit-based snack food, fruit peel, fruit, preserved, fruit salads, game, not live, gelatine, gherkins, ginger jam, ham, herrings, hummus [chickpea paste], jellies, fruit jellies, kefir [milk beverage], lard for food, lentils, preserved, liver, liver pâté, lobsters, not live, margarine, marmalade, meat jellies, meat, preserved, milk products, mushrooms, preserved, mussels, not live, nuts, prepared, olive oil for food, olives, preserved, onions, preserved, oysters, not live, palm kernel oil for food, palm oil for food, peanut butter, peanuts, processed, peas, preserved, pickles, pork, potato chips, potato flakes, poultry, not live, powdered eggs,</p>
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					<p>prawns, not live, preparations for making bouillon, preparations for making soup, preserved garlic, processed fish spawn, processed seeds, raisins, rape oil for food, rennet, ryazhenka [fermented baked milk], salted fish, salted meats, sauerkraut, sausages, seaweed extracts for food, sesame oil, shellfish, not live, shrimps, not live, soups, soya beans, preserved, for food, soya milk [milk substitute], suet for food, tahini [sesame seed paste], tofu, tomato purée, tripe, truffles, preserved, vegetable juices for cooking, vegetable soup preparations, vegetables, cooked, vegetables, dried, vegetables, preserved, vegetables, tinned, whey, whipped cream, white of eggs, yogurt, yolk of eggs, preparations made of soya, soup and soup products in powder or liquid form, preparations for making soup in powder or liquid form, milk shakes, milk powder for foodstuffs, dried foodstuffs, desserts of yogurt, drinking yogurts, dairy products, prepared meals, snacks and desserts, coffee, tea, cocoa and artificial coffee, rice, tapioca and sago, flour and preparations made from cereals, bread, pastry and confectionery, ices, sugar, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces (condiments), spices, ice, allspice, almond confectionery, almond paste, aniseed, aromatic preparations for food, artificial coffee, baking powder, baking soda, barley meal, bean meal, bee glue, beer vinegar, binding agents for ice cream, bread, bread rolls, breadcrumbs, buns, cake frosting [icing], cake powder, candy, capers, cereal bars, cereal-based snack food, cereal preparations, cheeseburgers [sandwiches], chewing gum, chips [cereal products], chocolate-based beverages, chocolate mousses, cocoa, cocoa-based beverages, coffee, coffee-based beverages, condiments, cookies, cooking salt, corn flakes, corn meal, couscous [semolina], crackers, custard, dessert mousses [confectionery], dough, dressings for salad, flavourings, other than essential oils, frozen yogurt [confectionery ices], garden herbs, preserved [seasonings], ginger [spice], gingerbread, glucose for culinary purposes, gluten additives for culinary purposes, gluten prepared as foodstuff, golden syrup, ham glaze, high-protein cereal bars, honey, ice cream, ice for refreshment, ice, natural or artificial, iced tea, infusions, not medicinal, ketchup [sauce], lozenges [confectionery], marzipan, mayonnaise, meat gravies, meat pies, muesli, natural sweeteners, noodle-based prepared meals, noodles, nutmegs, oat-based food, oat flakes, oatmeal, palm sugar, pancakes, pasta, pasta sauce, pasties, pastry, peanut confectionery, pepper, peppermint sweets, peppers [seasonings], pesto [sauce], pies, pizzas, popcorn, pralines, puddings, quiches, ravioli, relish [condiment], rice cakes, royal jelly, rusks, sago, sandwiches, sauces [condiments], seasonings, semolina, sorbets [ices], soya sauce, spaghetti, spring rolls, sugar, sushi, tacos, tapioca, tarts, tea, tea-based beverages, thickening agents for cooking foodstuffs, tomato sauce, tortillas, turmeric for food, unroasted coffee, vinegar, waffles, wheat flour, wheat germ for human consumption, yeast, confectionery, non-medicated confectionery, frozen confectionery, sugar confectionery, chocolate, chocolate confections, confectionery in frozen form, confectionery</p>
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				<p>bars, lozenges, pastilles, sweets, ice lollies, chocolates, biscuits, cakes, pastries, wafers, snack foods, ice cream and ice cream products, chilled and frozen confections and desserts, cold tea, grains and agricultural, horticultural and forestry products not included in other classes, live animals, fresh fruits and vegetables, seeds, natural plants and flowers, foodstuffs for animals, malt, barley, beans, fresh, beet, berries, fresh fruits, beverages for pets, bird food, bran, bran mash for animal consumption, bred stock, bulbs, bushes, cereal seeds, unprocessed, chestnuts, fresh, chicory roots, chicory [salad], Christmas trees, citrus fruit, cocoa beans, raw, coconut shell, coconuts, crayfish, live, crustaceans, live, cucumbers, fresh, dog biscuits, fishing bait, live, flowers, natural, fruit, fresh, garden herbs, fresh, grains [cereals], grapes, fresh, leeks, fresh, lemons, fresh, lentils, fresh, lettuce, fresh, maize, malt for brewing and distilling, mushrooms, fresh, mussels, live, oats, oil cake, olives, fresh, onions, fresh vegetables, oranges, plant seeds, plants, plants, dried, for decoration, potatoes, fresh, poultry, live, rhubarb, rice, unprocessed, seedlings, sesame, shellfish, live, spinach, fresh, sugarcane, wheat, wheat germ for animal consumption, wood chips for the manufacture of wood pulp, wreaths of natural flowers, fodder for animals, bedding and litter for animals, natural turf, fresh nuts, beers, mineral and aerated waters and other non-alcoholic beverages, fruit beverages and fruit juices, syrups and other preparations for making beverages, aerated water, ale, lager, porter, shandy, stout, kvass, low-alcohol beer, non-alcoholic ciders, non-alcohol wines, non-alcoholic aperitifs, beverages containing vitamins, beverages enriched with added vitamins, whey beverages, non-alcoholic cocktails, energy drinks, energy drinks containing caffeine, flavoured carbonated beverages, fruit juice, gurana drinks, honey-based beverages, isotonic beverages, isotonic drinks, hypertonic and hypotonic drinks (for use and/or as required by athletes), sports drinks, non-alcoholic malt free beverages, non-dairy milk, table waters, tomato juice [beverage], vegetable juices, waters, effervescent (sherbet) tablets and effervescent powders for drinks, smoothies (non-alcoholic fruit beverages), malt wort, malt beer, alcoholic beverages, alcoholic beverages containing fruit, alcoholic essences, alcoholic extracts, aperitifs, bitters, brandy, cachaca, calvados, cream liqueurs, cider, cocktails, curacao, digesters [liqueurs and spirits], distilled beverages, fruit extracts, alcoholic, gin, grappa, hydromel [mead], kirsch, liqueurs, nira [sugarcane-based alcoholic beverage], peppermint liqueurs, perry, piquette, pre-mixed alcoholic beverages, other than beer-based, rice alcohol, rum, sake, spirits [beverages], tequila, vodka, whisky, wine, alcoholic energy drinks, alcoholic punches, blended whisky, bourbon whiskey, calvados, carbonated alcoholic beverage, distilled beverages and spirits, flavoured spirits, grappa, liqueurs containing cream, low alcoholic drinks, low alcoholic wine, malt whisky, mulled wines, port, port wines, rum punch, sangria, schnapps, sherry, sparkling wines, tequila, vermouth, tobacco, smokers' articles, matches, tobacco, smokers' articles, matches; provision of information to customers</p>
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					and advice or assistance in the selection of goods brought together as above; information, advice and consultancy services relating to the aforesaid services.
				36	Insurance; Financial affairs; Monetary affairs; Real estate affairs; Acquisition of land for others; acquisition of real estate for others; advisory services relating to credit and debit control; agencies for collecting gas or electric power utility payments; arranging of leases and rental agreements for real estate; asset and portfolio management; automated banking services; automated payment services; banking services relating to the deposit of money; bill payment services provided through a web site; bill payment services; brokerage, rental and leasing of real estate; brokerage services relating to lease-purchase; brokerage services relating to the leasing of land; commercial and residential real estate agency services; estate planning; estate trust management; estate trust planning; financial advisory, management and consultancy services; financial affairs, monetary affairs and real estate affairs; financial evaluation of real estate; financial, investment and real estate asset management; financial valuation of personal property and real estate; leasing of real estate; leasing of land; management of buildings [real estate services]; property asset management services; property portfolio management; providing advice relating to real estate investment; providing information relating to real estate affairs via the Internet; providing information relating to the leasing of land; providing information relating to the rental of buildings; providing real estate information; providing real estate information relating to property and land; providing real estate listings and real estate information via the Internet; real estate and housing management; real estate management; real estate management services relating to housing estates; real estate management services relating to retail premises; real estate management services relating to shopping malls; rental of houses; rental of permanent housing accommodation; rental of residential housing; rental of student housing; information, advice and consultation relating to insurance, financial matters and financial affairs; information, advice, consultation and the provision of services relating to housing, rental, leasing and letting of land and properties, land acquisition services, real estate affairs and property and land development and accommodation; real estate appraisal services, real estate agency services, real estate management services, valuation services, housing agents' services, real estate broker services;; provision of information relating to residential, commercial and industrial property; provision of apartments and housing accommodation; renting of commercial premises, offices; real estate leasing and arranging of real estate property leases; insurance services; real estate services; real estate and property management services; rental of houses;tax advice; tax planning; taxation consultancy; tax services; financial management services relating to public services; financial management services relating to hospitals; provision of information,

					advisory and consultancy services relating to all of the aforesaid services.
				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; providing courses of instruction at pre-school, primary, secondary, adult-learning, college and university levels in the field of publishing, academic research, academic administration, public administration, educational instruction and all academic and vocational disciplines; information, advisory and consultancy services relating to the aforesaid services.
12	CAMBRIDGE CLASS SERVER	3060815	20.06.14 05.12.14	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

				<p>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.</p>
			16	<p>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</p>

				<p>[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.</p>
			35	<p>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,</p>

				<p>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.</p>
			41	<p>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</p>

				<p>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,</p>
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					advisory and consultancy services relating to the aforesaid services.
				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.
				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.

6) The grounds of opposition are in summary:

- a) The opponent claims that it has reputation in the marks above in relation to the goods and services set out above, and for which its marks are registered. The opponent contends that the marks of the two parties are very similar and that the goods and services applied for are identical and/or similar to the goods and services set out above for which the earlier marks are registered. The opponent also contends that it has a family of marks which share the common denominator CAMBRIDGE. In respect of application 3364817 the opponent relies upon marks 1-10 above. In respect of application 3364805 it relies upon marks 1, 3, 4, 5, 7, 8, 9, 10, 11 & 12 As such the marks in suit offend against Section 5(2)(b) of the Act.

- b) The opponent claims that it has reputation in the marks incorporating the word CAMBRIDGE in relation to its core educational and research services and related goods. The opponent claims that use of the marks in suit would take unfair advantage as the marks/goods and services are identical/ similar. Use of the marks in suit would also dilute the distinctiveness of its marks, and would constitute free-riding by the applicant. The opponent contends that any trade mark which contains the word CAMBRIDGE in relation to the goods and services covered by

classes 9, 36 and 42 would create a link with the opponent. In respect of application 3364817 the opponent relies upon marks 1-6 above. In respect of application 3364805 it relies upon marks 1, 3, 4 & 5. As such the marks in suit offend against section 5(3) of the Act.

- c) The opponent claims that it has used the word CAMBRIDGE since the thirteenth century in respect of printed matter; provision of training, teaching, examination and assessment services; education; provision of courses of instruction; lectures and seminars; arranging and conducting conferences and seminars; library services; publication services; provision of distance learning courses; provision of recreational and sporting facilities; scientific research; academic research; downloadable publications; educational consultancy; educational information services. As such use of the marks in suit would lead to misrepresentation amongst the public which will result in damage to the opponent. The marks in suit offend against section 5(4)(a) of the Act.

7) On 21 December 2020 (application 3364817 / opposition 416098) and 27 January 2021 (application 3364805 / opposition 416143) the applicant filed counterstatements both of which basically denied all the grounds of opposition. The applicant seeks proof of use on the opponent's mark 2137966 in regard to class 36 services. The applicant also draws attention to the number of earlier marks relied upon where the goods and services for which these marks are registered appear to have no obvious connection to the goods and services sought to be registered. I take this as being an indication that the applicant believes that the opponent is behaving in an unreasonable manner, causing considerable additional work for the applicant due to the lack of specificity of the pleadings.

8) Both parties filed evidence; both sides seek an award of costs in their favour. The matter came to be heard on 3 November 2021 when the applicant was represented by Mr Wood of Messrs Basck Ltd; the opponent was represented by Mr Stobbs of Messrs Stobbs IP Ltd.

OPPONENT'S EVIDENCE

9) The opponent filed a witness statement, dated 6 April 2021, by Liam Carmichael the brand protection manager of the opponent. He provides a history of the university dating back to 1209. He claims that the university has always referred to itself simply as Cambridge as he claims "because the public knows that in the contexts of education, publishing, sport, academia and research the word Cambridge always refers to the University of Cambridge". He states that the University offers 30 undergraduate courses and 330 postgraduate courses and has some 20,000 students. It is clear from

the evidence (exhibit LC4) that the university is regarded as one of the best universities in the world. The university also has a division known as Cambridge Assessment (CA) which provides assessment and examination services throughout the UK. It provides examinations in the UK via one of its divisions Oxford, Cambridge and RSA Examinations or OCR. Amongst the examinations on offer are Cambridge Nationals, Cambridge Technicals and Cambridge Progression. It also offers school examinations for 5-19 year old students via Cambridge Assessment International Education, some 10,000 students in the UK took such exams in 2007-2008 (exhibits LC 7 refers). Mr Carmichael states that Cambridge University Press (CUP) is the world’s oldest publisher starting in 1534. It produces a number of academic books as well as course materials and teaching manuals for use in regard of the examinations designed by the University. CUP has won a number of awards for publishing. He provides the following turnover figures:

Year	Total income £million	From education and research £million	Cambridge Assessment in UK £million	CUP UK sales £million
2013-2014	1,438	324.6	153.3	28.5
2014-2015	1,504	350.1	156.0	28.3
2015-2016	1,638	375.9	167.7	28.7
2016-2017	n/a	400.2	168.5	32.5
2017-2018	n/a	n/a	n/a	31.5
2018-2019	n/a	n/a	n/a	30.9
2019-2020	n/a	n/a	n/a	29.3

10) Mr Carmichael states that there are 140 centres and institutes managed by the University which carry out research. Not all of these have the name Cambridge within their titles, (of the 57 listed at exhibit LC16 just over half had the word “cambridge” anywhere in their name); but Mr Carmichael states that “When there is research being undertaken under the Cambridge name, that name refers to the University of Cambridge. This is due in part to the strong connection that the University has to the “Cambridge Cluster”, a set of companies and industry initiatives that has been built upon the research of the University, and which grows under the support and aegis of the University”. He then goes onto state that “Today, Cambridge is Europe’s largest technology cluster. Around 57,000 people are employed by the more than 1,500 technology-based firms in the area, which have a combined annual revenue of over £13 billion”. He also mentions the company Cambridge Innovation Capital plc which

the University has invested in, although it is clear that the vast majority of funding raised by this company comes from other investors, and its link to the University is unclear, save that the University invests with the company. He then makes the astonishing claim that “the work, research and development that takes place within these companies [the cluster] and institutions is all directly linked to, and results from, the input and support of the University”. Why the average consumer would view the word “Cambridge” as meaning the University as opposed to seeing it as an indication of geographical location is not made clear. I am willing to accept that many of these companies may have been formed by or employ former students of the University, but that does not mean that any goodwill an independent accrues belongs to the University.

11) Mr Carmichael claims that the word CAMBRIDGE “has been widely used in reference to the University in relation to the provision of educational services and as a centre of educational excellence”. He provides copies of press reports and also excerpts from works of literature. He states that the University was a pioneer in computer science, and still remains at the forefront of teaching and research in computer science. He states that the courses offered by the university cover all aspects of modern computer science and that students are taught by leading researchers in the field. He provides the following exhibits which require further comment:

- LC13: There are a number of stories from leading national UK newspapers which simply mention Cambridge initially. But they very quickly mention the University or state that the person in the story is a student at the university.
- LC14: Whilst a number of literary works mention Cambridge in relation to education or learning, many are set in periods where there were few if any schools and even fewer universities, and only the very wealthy were educated. Cambridge only really began to expand in the 19th century, and even at the end of the 19th century the university made up a considerable amount of the town (it only became a city in 1951). Perceptions today might differ considerably.
- LC20: This comprises of a list of people who have attended Cambridge University and went onto win a Nobel Prize. The list includes people such as Austen Chamberlain born in 1863, educated at Cambridge and other Universities, who became an MP in 1892 and served in a number of Government posts including two terms as Chancellor of the Exchequer. During his time as Foreign Secretary (1924-1929) he negotiated the Locarno Agreement for which he was awarded a Nobel Prize the same year. I take from this that a number of clever people attended Cambridge University, as well as more high profile traitors than you can shake a stick at.

APPLICANT'S EVIDENCE

12) The applicant filed four witness statements. The first, dated 24 June 2021, is by Anthony Ryan Hotung General Counsel of the applicant company, a position he has held since October 2015. He states that the applicant company was incorporated in July 2014 and included the term Cambridge in the company name as this is where it is located. He states that the applicant does not teach undergraduates but is an organisation whose prime focus is quantum computing and related technology and specifically quantum computing (QC) software. He defines QC as being based upon quantum mathematics and then states:

“4. Quantum computing is based on quantum mechanics. The laws of quantum mechanics describe how the laws of nature govern the behaviour of infinitesimal molecules such as photons and electrons. Unlike classical computing which relies on bits which store information in binary values of '0s' and '1s', quantum computing relies on quantum bits or 'qubits' which can represent the values of '0' and '1' concurrently, a phenomenon known as 'superposition'. It is also possible for qubits to exchange information when they are paired, known as 'entanglement'. Because of such properties as superposition and entanglement, it is possible, through quantum computing, to achieve an exponential computational speed-up that cannot be achieved by classical computers. In practical terms, this means that problems that would take years or decades to solve using classical computers, can be solved by quantum computers in a matter of minutes or hours or days. Consequently, the promise of quantum computing is gaining attention among governments and large corporations who wish to apply quantum computing resources to solve problems that cannot be solved by classical computers. These include finding cures for diseases (drug discovery), or reducing pollution (carbon capture), or to find more efficient scheduling or logistics solutions (optimisation), and so on. This is a very nascent field of work, where the work CQC does is novel and highly innovative. The Opponent's work does not overlap with commercial sales of goods or services that CQC offers to CQC customers.

5. CQC's principal activities include building tools in the form of quantum algorithms and software for the commercialisation of quantum computing and related technologies. CQC's current products and services include:

- a. a quantum development platform (tket⁰) which is used for optimisation,
 - b. enterprise applications in the area of quantum chemistry (EUMEN) —which can be used for molecular simulation in drug discovery and materials science;
 - c. quantum machine learning;
 - d. quantum augmented cybersecurity, (IronBridge@), which can generate certifiable unhackable quantum keys.
6. CQC's commercial activities are primarily targeted at large corporates with large budgets, who are seeking to solve complex problems that cannot be solved by way of classical computing, or to find solutions that cannot be solved by classical computers.
7. CQC does not sell retail or off-the-shelf products or software. A consumer cannot instantly become a CQC customer by going shopping. The customer on-boarding process generally takes between several months to over a year. The process begins by entering into a non-disclosure and confidentiality agreement ('NDA') with CQC. The NDA provides a framework within which the prospective customer can disclose the research, problem or use case they wish to solve for. The customer will hold discussions with CQC scientists and/or engineers, and settle on a project work plan, project deliverables, milestone fees, and agreement around ownership of intellectual property generated under the agreement. CQC will in turn also conduct due diligence in regards to the customer's requirements to determine whether CQC can actually assist the customer. Because customers engage in the onboarding process and technical due diligence on CQC, it is virtually inconceivable that CQC would be mistaken as the Opponent.
8. CQC attracts customers through relationships and networking. It does not engage in mass marketing. CQC only has between one and two dozen customers. On its website (<https://cambridgequantum.com>), CQC mentions various companies and organisations such as IBM, Honeywell, Nippon Steel Corporation, National Physical Labs, TOTAL, CERN, Pasqal, Microsoft, Roche, JSR Life Sciences, etc. CQC makes no representation as to the Opponent being linked to CQC. The Opponent has no equity in CQC, nor is it a shareholder or investor in CQC.”

13) Mr Hotung provides copies of articles from the magazine Business Weekly which shows that it is responsible for the first ever use of natural language processing on a quantum computer. He states:

“11.as can be seen from the citations above, CQC has established a significant reputation in the world as a leader in the field of quantum computing. Indeed, its position as a global leader in quantum software has resulted in the public announced merger on 8 June 2021, pursuant to which Honeywell's quantum hardware business will be merged with CQC's quantum software business, subject to regulatory clearances.

12. CQC's quantum software business will continue to operate under the trade name Cambridge Quantum Computing. The announcements referred in the preceding paragraphs were disseminated through channels with significant readership and large audiences such as CNBC, Forbes, Barrons, and interviews including on Yahoo Finance and Sky News. It is clear that CQC has earned its place in the business world independently through the talent of its scientific team (with currently over 100 scientists of which 70 hold PhDs), hard work, skill, and senior leadership, in the UK as well as in Europe, the US and in Japan. 'Cambridge Quantum Computing' and 'CQC' are synonymous with leadership in quantum computing software.”

14) The second witness statement, dated 24 June 2021, is by Timothy Norris IP Counsel employed by the applicant. He makes many of the same points as covered by the first witness. He provides state of the Register evidence and also refers to decisions by other jurisdictions which have no bearing on the instant case.

15) The third witness statement, dated 28 June 2021, is by Christoph H Loch the Director at Cambridge Judge Business School an academic department of the University of Cambridge, a position he has held since 2011. He states

“3. From my experience, the general public is aware of the existence of science parks, the Cambridge Cluster, Silicon Fen and other Cambridge-based incubators and innovation centres. Thus, the public routinely distinguishes the high-tech goods and services provided by Cambridge-based start-ups and technology companies from those of the University, even if those companies use the city name as part of their branding.

4. I have never heard of any consumers who would associate or confuse Cambridge Quantum Computing with the University of Cambridge or CJBS.

5. In my opinion, the word “Cambridge” is associated with a city name rather than the University.”

16) The fourth witness statement, dated 25 June 2021, is by Alan Wiltshire the Contracts Director at Cambridge Consultants a position he has held since 2010.

“5. From my experience, the general public is aware of the existence of science parks, the Cambridge Cluster, Silicon Fen and other Cambridge-based incubators and innovation centres, hence is able to distinguish the high-tech goods and services provided by Cambridge-based start-ups and technology companies from those of the University, even if those companies use the city name as part of their branding.

6. I have never heard of any consumers who would associate or confuse Cambridge Consultants with the University of Cambridge, even though both entities use the word "Cambridge" in their branding.

7. I have never heard of any consumers who would associate or confuse Cambridge Quantum Computing with the University of Cambridge.

8. I acknowledge the University's reputation in the education sector, however in my opinion, in general, but also especially in the IT and high-tech industry, the word "Cambridge" is associated with a city name rather than the University.”

OPPONENT’S EVIDENCE IN REPLY

17) The opponent filed a second witness statement, dated 31 August 2021, by Mr Carmichael who has provided evidence previously in these proceedings. For some unknown reason, despite being professionally represented, the witness who had previously provided exhibits LC 1-26 decided to number the exhibits to this statement LC1-8. In this decision I shall, for the sake of clarity renumber the exhibits of the second statement to reflect normal convention of following on from the first statement. Thus, exhibits LC1-8 attached to the second statement become exhibits LC27- 34.

18) In his statement Mr Carmichael explains that Cambridge Enterprise is part of the University which seeks to assist innovators, experts and entrepreneurs to use commercial avenues to develop their ideas and expertise for the benefit of society, themselves and the University. Cambridge Enterprise offer expert advice and support to commercialisation and social enterprise, including help with

academic consultancy services, protection, development and licensing of ideas; new company creation and seed funding. Mr Carmichael seeks to suggest that the businesses of the two parties are much closer than alleged by the applicant. He cites an example of a company called Riverlane which was started by a Senior Research Fellow at Cambridge University. The University invested in the company via its funding arms (Cambridge Innovation Capital and Cambridge Enterprise) along with another unnamed source. The company employs a number of ex-Cambridge students and funds PhD students to do research on its behalf. Mr Carmichael does not state that this company (Riverlane) is owned or run by the University but does attempt to take credit for its success and benefit from its goodwill. He states:

“10. This is just one example of the ways in which research into quantum computing and the commercialisation of that research are connected together as part of the same ecosystem. The University is active in many different parts of that ecosystem – not just conducting research, but providing support and funding for spinout companies which commercialise that research. In turn, those companies benefit from the research conducted at the University and at other research-led academic institutions to develop the products which they sell to their customers. I note that in the Applicant’s own evidence, at Exhibit AH4, they point out that they have ‘37 PhDs’ working in their company – presumably PhD students carrying out research funded by the Applicant and developing products to sell to their customers. Any attempt to draw a clear line between academic, research, and commercial activities in this context is clearly futile.”

19) He also cites the fact that Hitachi fund a laboratory within the University which carries out research in the field of quantum computing. He also states:

“14. The University is acknowledged as being a leading player within the field of quantum computing. Industry publication The Quantum Daily recently recognised the University as one of the world’s top ten quantum technology research institutions. This article commented in particular on the University’s ability to ‘combine research, teaching and service to encourage the growth of this ecosystem’ (see Exhibit LC8). The University is clearly recognised not just for its research in the quantum computing sector, but also for its work developing links with other players within the sector.”

20) At the hearing the applicant sought to exclude this evidence on the basis that it was not evidence in reply. I disagree with this view as to my mind the evidence is in response to issues raised by the applicant, and in any case could easily have been allowed in as additional evidence. I also note that in

my opinion, this evidence adds very little if anything to the opponent's case. That concludes my summary of the evidence filed, insofar as I consider it necessary.

DECISION

21) Although the UK has left the EU, section 6(3)(a) of the European (Withdrawal) Act 2018 requires tribunals to apply EU-derived national law in accordance with EU law as it stood at the end of the transition period. The provisions of the Trade Marks Act relied on in these proceedings are derived from an EU Directive. This is why this decision continues to make reference to the trade mark case-law of EU courts.

22) The first ground of opposition is under section 5(2)(b) which reads:

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

(a)

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

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

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

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

(a) a registered trade mark, international trade mark (UK) or Community trade mark which has a date of application for registration earlier than that of the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks.”

24) The opponent is relying upon its trade marks listed in paragraph 5 above which are clearly earlier trade marks. The marks in suit were published on 4 January 2019 (3364817) and 25 January 2019

(3364805) at which point most of the opponent's marks had not been registered for over five years, Therefore, the proof of use requirements do not bite and the opponent can rely upon the full specifications registered. Only UK 2137966 (16.01.98), EU 896449 (07.03.00) and UK 2634072 (05.04.13) have to meet the Proof of Use requirements. However, the applicant only sought proof of use in relation to the class 36 services for which mark 2137966 (University of Cambridge / Cambridge University) is registered. Section 6A reads:

“(1) This section applies where

- (a) an application for registration of a trade mark has been published,
- (b) there is an earlier trade mark of a kind falling within section 6(1)(a), (b) or (ba) in relation to which the conditions set out in section 5(1), (2) or (3) obtain, and
- (c) the registration procedure for the earlier trade mark was completed before the start of the relevant period.

(1A) In this section “the relevant period” means the period of 5 years ending with the date of the application for registration mentioned in subsection (1)(a) or (where applicable) the date of the priority claimed for that application.

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

(3) The use conditions are met if –

- (a) within the relevant period the earlier trade mark has been put to genuine use in the United Kingdom by the proprietor or with his consent in relation to the goods or services for which it is registered, or
- (b) the earlier trade mark has not been so used, but there are proper reasons for non-use.

(4) For these purposes –

- (a) use of a trade mark includes use in a form (the “variant form”) differing in elements which do not alter the distinctive character of the mark in the form in which it was

registered (regardless of whether or not the trade mark in the variant form is also registered in the name of the proprietor), and

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

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

(5A) In relation to an international trade mark (EC) the reference in subsection (1)(c) to the completion of the registration procedure is to be construed as a reference to the publication by the European Union Intellectual Property Office of the matters referred to in Article 190(2) of the European Union Trade Mark Regulation.

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

25) In *Walton International Ltd & Anor v Verweij Fashion BV* [2018] EWHC 1608 (Ch) Arnold J (as he then was) summarised the law relating to genuine use as follows:

“114.....The CJEU has considered what amounts to “genuine use” of a trade mark in a series of cases: Case C-40/01 *Ansul BV v Ajax Brandbeveiliging BV* [2003] ECR I-2439, *La Mer* (cited above), Case C-416/04 P *Sunrider Corp v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [2006] ECR I-4237, Case C-442/07 *Verein Radetsky-Order v Bunderversvereinigung Kamaradschaft ‘Feldmarschall Radetsky’* [2008] ECR I-9223, Case C-495/07 *Silberquelle GmbH v Maselli-Strickmode GmbH* [2009] ECR I-2759, Case C-149/11 *Leno Merken BV v Hagelkruis Beheer BV* [EU:C:2012:816], [2013] ETMR 16, Case C-609/11 P *Centrotherm Systemtechnik GmbH v Centrotherm Clean Solutions GmbH & Co KG* [EU:C:2013:592], [2014] ETMR, Case C-141/13 P *Reber Holding & Co KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [EU:C:2014:2089] and Case C-689/15 *W.F. Gözze Frottierweberei GmbH v Verein Bremer Baumwollbörse* [EU:C:2017:434], [2017] Bus LR 1795.

115. The principles established by these cases may be summarised as follows:

(1) Genuine use means actual use of the trade mark by the proprietor or by a third party with authority to use the mark: *Ansul* at [35] and [37].

(2) The use must be more than merely token, that is to say, serving solely to preserve the rights conferred by the registration of the mark: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Leno* at [29]; *Centrotherm* at [71]; *Reber* at [29].

(3) The use must be consistent with the essential function of a trade mark, which is to guarantee the identity of the origin of the goods or services to the consumer or end user by enabling him to distinguish the goods or services from others which have another origin: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Silberquelle* at [17]; *Leno* at [29]; *Centrotherm* at [71]. Accordingly, affixing of a trade mark on goods as a label of quality is not genuine use unless it guarantees, additionally and simultaneously, to consumers that those goods come from a single undertaking under the control of which the goods are manufactured and which is responsible for their quality: *Gözze* at [43]-[51].

(4) Use of the mark must relate to goods or services which are already marketed or which are about to be marketed and for which preparations to secure customers are under way, particularly in the form of advertising campaigns: *Ansul* at [37]. Internal use by the proprietor does not suffice: *Ansul* at [37]; *Verein* at [14] and [22]. Nor does the distribution of promotional items as a reward for the purchase of other goods and to encourage the sale of the latter: *Silberquelle* at [20]-[21]. But use by a non-profit making association can constitute genuine use: *Verein* at [16]-[23].

(5) The use must be by way of real commercial exploitation of the mark on the market for the relevant goods or services, that is to say, use in accordance with the commercial *raison d'être* of the mark, which is to create or preserve an outlet for the goods or services that bear the mark: *Ansul* at [37]-[38]; *Verein* at [14]; *Silberquelle* at [18]; *Centrotherm* at [71]; *Reber* at [29].

(6) All the relevant facts and circumstances must be taken into account in determining whether there is real commercial exploitation of the mark, including: (a) whether such use is viewed as warranted in the economic sector concerned to maintain or create a share

in the market for the goods and services in question; (b) the nature of the goods or services; (c) the characteristics of the market concerned; (d) the scale and frequency of use of the mark; (e) whether the mark is used for the purpose of marketing all the goods and services covered by the mark or just some of them; (f) the evidence that the proprietor is able to provide; and (g) the territorial extent of the use: *Ansul* at [38] and [39]; *La Mer* at [22]-[23]; *Sunrider* at [70]-[71], [76]; *Leno* at [29]-[30], [56]; *Centrotherm* at [72]-[76]; *Reber* at [29], [32]-[34].

(7) Use of the mark need not always be quantitatively significant for it to be deemed genuine. Even minimal use may qualify as genuine use if it is deemed to be justified in the economic sector concerned for the purpose of creating or preserving market share for the relevant goods or services. For example, use of the mark by a single client which imports the relevant goods can be sufficient to demonstrate that such use is genuine, if it appears that the import operation has a genuine commercial justification for the proprietor. Thus there is no *de minimis* rule: *Ansul* at [39]; *La Mer* at [21], [24] and [25]; *Sunrider* at [72] and [76]-[77]; *Leno* at [55].

(8) It is not the case that every proven commercial use of the mark may automatically be deemed to constitute genuine use: *Reber* at [32].”

26) In *Awareness Limited v Plymouth City Council*, Case BL O/236/13, Mr Daniel Alexander Q.C. as the Appointed Person stated that:

“22. The burden lies on the registered proprietor to prove use..... However, it is not strictly necessary to exhibit any particular kind of documentation, but if it is likely that such material would exist and little or none is provided, a tribunal will be justified in rejecting the evidence as insufficiently solid. That is all the more so since the nature and extent of use is likely to be particularly well known to the proprietor itself. A tribunal is entitled to be sceptical of a case of use if, notwithstanding the ease with which it could have been convincingly demonstrated, the material actually provided is inconclusive. By the time the tribunal (which in many cases will be the Hearing Officer in the first instance) comes to take its final decision, the evidence must be sufficiently solid and specific to enable the evaluation of the scope of protection to which the proprietor is legitimately entitled to be properly and fairly undertaken, having regard to the interests of the proprietor, the opponent and, it should be said, the public.”

and further at paragraph 28:

“28. I can understand the rationale for the evidence being as it was but suggest that, for the future, if a broad class, such as “tuition services”, is sought to be defended on the basis of narrow use within the category (such as for classes of a particular kind) the evidence should not state that the mark has been used in relation to “tuition services” even by compendious reference to the trade mark specification. The evidence should make it clear, with precision, what specific use there has been and explain why, if the use has only been narrow, why a broader category is nonetheless appropriate for the specification. Broad statements purporting to verify use over a wide range by reference to the wording of a trade mark specification when supportable only in respect of a much narrower range should be critically considered in any draft evidence proposed to be submitted.”

27) In *Dosenbach-Ochsner Ag Schuhe Und Sport v Continental Shelf 128 Ltd*, Case BL 0/404/13, Mr Geoffrey Hobbs Q.C. as the Appointed Person stated that:

“21. The assessment of a witness statement for probative value necessarily focuses upon its sufficiency for the purpose of satisfying the decision taker with regard to whatever it is that falls to be determined, on the balance of probabilities, in the particular context of the case at hand. As Mann J. observed in *Matsushita Electric Industrial Co. v. Comptroller- General of Patents* [2008] EWHC 2071 (Pat); [2008] R.P.C. 35:

[24] As I have said, the act of being satisfied is a matter of judgment. Forming a judgment requires the weighing of evidence and other factors. The evidence required in any particular case where satisfaction is required depends on the nature of the inquiry and the nature and purpose of the decision which is to be made. For example, where a tribunal has to be satisfied as to the age of a person, it may sometimes be sufficient for that person to assert in a form or otherwise what his or her age is, or what their date of birth is; in others, more formal proof in the form of, for example, a birth certificate will be required. It all depends who is asking the question, why they are asking the question, and what is going to be done with the answer when it is given. There can be no universal rule as to what level of evidence has to be provided in order to satisfy a decision-making body about that of which that body has to be satisfied.

22. When it comes to proof of use for the purpose of determining the extent (if any) to which the protection conferred by registration of a trade mark can legitimately be maintained, the

decision taker must form a view as to what the evidence does and just as importantly what it does not ‘show’ (per Section 100 of the Act) with regard to the actuality of use in relation to goods or services covered by the registration. The evidence in question can properly be assessed for sufficiency (or the lack of it) by reference to the specificity (or lack of it) with which it addresses the actuality of use.”

28) Mark 2137966 (University of Cambridge / Cambridge University) is registered for the following services in class 36: Financial services; debit card and credit card services. In its written submissions the opponent accepts that it has not demonstrated use in relation to “debit card and credit card services”. However, it contends that it has shown use in relation to “financial services” and refers specifically to the witness statements of Mr Carmichael. It is clear from the evidence that the University set up two investment companies, Cambridge Innovation Capital and Cambridge Enterprise. It is also clear that Cambridge Innovation Capital raises finance from a range of investors, not just the University. So although the University is a major investor in these companies, and the companies seek to invest in companies formed by ex-students of the University, there is no evidence that the services are provided under the mark 2137966. The majority of the funds invested would appear to be raised from sources other than the University and the services offered under the names of the two companies, not the university name. **To my mind, the opponent has not shown it has used its mark 2137966 in relation to financial services and so cannot rely upon the class 36 services registered for this mark in the comparison tests.**

29) When considering the issue under section 5(2)(b) I take into account the following principles which are gleaned from the decisions of the EU courts in *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v OHIM*, Case C-3/03, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH*, Case C-120/04, *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P.

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

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

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

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

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

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

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

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

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

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

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

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

The average consumer and the nature of the purchasing decision

30) As the case law above indicates, it is necessary for me to determine who the average consumer is for the respective parties' goods and services. I must then determine the manner in which these goods and services are likely to be selected by the average consumer in the course of trade. 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.”

31) The goods and services sought to be registered are, broadly speaking, in relation to both marks financial, insurance and real estate services; for mark 3364817 only the goods and services include computer software & hardware, electrical equipment and instruments; various scientific and technological services, industrial research and design and software services all of which include basic and highly sophisticated goods and products. In my opinion, the average consumer for the goods and services under consideration will be the general public including businesses. Turning now to the level of attention the average consumer will display when selecting the goods and services. I accept that, for the most part, the cost of the goods and services will vary considerably, but bearing in mind that the average consumer will wish to ensure they are selecting the correct type of software or hardware, or technical service (be it financial or industrial), they will pay an above average level of attention when selecting the goods and services so as to ensure they meet their criteria. I therefore find that relevant average consumers will pay at an above average degree of attention (or higher) when selecting the goods and services at issue.

32) Goods in class 9 such as software and hardware will be sold through a range of channels, including retail premises such as electrical stores and computer stores as well as in less specialised outlets (where the goods are normally displayed on shelves and are obtained by self-selection). They will also be sold on-line and via catalogues. The initial selection is therefore likely to be a visual one, although I accept that the consumer may enter into a discussion with staff, for instance in better quality computer stores. Considered overall, the selection process is likely to be predominantly a visual one, although I accept that aural considerations will also play their part.

33) Turning to the services in classes 36 & 42, financial, insurance and real estate services, and scientific and technical services are likely to be selected from brochures, on-line and in person at premises such as high street offices and public facing areas of offices or factories. Simpler more straightforward products such as car insurance will be self-selected and booked on-line or by phone with little if any discussion with the provider. However, more complex financial / insurance and technical assistance will require a discussion to determine the precise nature of the good or service required. Considered overall, the selection process is likely to be, initially, predominantly a visual one, although I accept that aural considerations will play a much greater role in the selection process.

Comparison of goods and services

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

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

35) In *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T- 133/05, the General Court (GC) stated that:

“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”.

36) 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.”

37) In *Beautimatic International Ltd v Mitchell International Pharmaceuticals Ltd and Another*, [2000] F.S.R. 267 (HC), Neuberger J. (as he then was) stated that:

“I should add that I see no reason to give the word “cosmetics” and “toilet preparations”... anything other than their natural meaning, subject, of course, to the normal and necessary principle that the words must be construed by reference to their context.”

38) In *Kurt Hesse v OHIM*, Case C-50/15 P, the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods. 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”.

39) As Mr Daniel Alexander Q.C. noted as the Appointed Person in *Sandra Amelia Mary Elliot v LRC Holdings Limited* BL-0-255-13:

“It may well be the case that wine glasses are almost always used with wine – and are, on any normal view, complementary in that sense - but it does not follow that wine and glassware are similar goods for trade mark purposes.”

Whilst on the other hand:

“.....it is neither necessary nor sufficient for a finding of similarity that the goods in question must be used together or that they are sold together.”

40) I also note that if the similarity between the goods is not self-evident, it may be necessary to adduce evidence of similarity even if the marks are identical. In *Commercy AG, v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-316/07, the General Court pointed out that:

“43. Consequently, for the purposes of applying Article 8(1)(b) of Regulation No 40/94, it is still necessary, even where the two marks are identical, to adduce evidence of similarity between the goods or services covered by them (see, to that effect, order of 9 March 2007 in Case C-196/06 P *Alecansan v OHIM*, not published in the ECR, paragraph 24; and Case T-150/04 *Mülhens v OHIM – Minoronzoni(TOSCA BLU)* [2007] ECR II-2353, paragraph 27).”

41) Thus, where the similarity between the respective goods / services is not self-evident, the opponent must show how, and in which respects, they are similar.

42) I shall first consider the goods in class 9. At the hearing it was agreed that the applicant’s goods fall into three parts:

- a) Software: which comprises: Computer Software; computer operating systems; data processing software; software development tools; quantum software and quantum algorithms, enhanced by artificial intelligence, machine learning, deep neural networks and quantum machine learning; AI software; financial software; AI software for financial transactions; software for Encryption, and decryption; encryption software; mobile phone software; computer software for constructing, analyzing and running quantum programs, quantum algorithms, and quantum instruction language; downloadable computer software for quantum programming and

developing and testing quantum algorithms; downloadable computer software for quantum computing; downloadable computer software for developing quantum virtual machines (QVM); computer software for the encryption, encoding, decryption and decoding of data; parts and fittings for the aforesaid goods.

b) Hardware: which comprises: computer hardware; computer hardware; computer hardware for quantum programming and quantum computing; computer hardware for the encryption, encoding, decryption and decoding of data; systems with artificial intelligence (computers); parts and fittings for the aforesaid goods.

c) Parts and components: which comprises: microwave and radio frequency (RF) components, namely, cables, attenuators, circulators, and isolators; electrical and electronic components; electrical and electronic test apparatus and instruments; electrical and electronic apparatus for logging, storing, processing, transmitting and receiving data; parts and fittings for the aforesaid goods.

43) It was also agreed that the opponent's registrations in Class 9 for : "downloadable computer software (UK 3015609); "computer software" (UK 2137966, UK 3268106, UK 3294047, UK 2634072, UK 3072705, UK 3092555 and UK 3060815) are identical to the applicant's specification for "software" (see above) in class 9.

44) Further, it was agreed that the opponent's registration in class 9 of "computer hardware" (UK 3268106, UK 3294047 and UK 3092555) is identical to the applicant's specification for "hardware" (see above) in class 9. It was also agreed that the opponent's specification of "design and development of computer hardware and software" (UK3243445, UK3268106, UK3294047, UK3092555 and UK 3060815) was similar to a medium to high degree to the applicant's specification for "hardware in class 9.

45) Finally, it was agreed that the opponent's registration in class 9 of "teaching apparatus and instruments; electric cables" (UK 3015609) was at least similar to a medium degree to the applicant's specification for "parts and components" (see above) in class 9.

46) I now turn to the class 36 services of the applicant. At the hearing it was agreed that these services split easily into four parts.

- a) Finance which comprises: Financial affairs; monetary affairs; cryptocurrency; digital cash; digital transfers; financial services relating to the provision of loans; financial management for businesses; incubation services, namely, providing financing to freelancers, start-ups, existing businesses and non-profits; information, advisory and consultancy services relating to the aforesaid.
- b) Real Estate: which comprises: real estate affairs; information, advisory and consultancy services relating to the aforesaid.
- c) Insurance: which comprises: insurance; information, advisory and consultancy services relating to the aforesaid.
- d) Set-up services: which comprises: Incubation services, namely, providing work space containing business equipment to freelancers, start-ups, existing businesses and non-profits; information, advisory and consultancy services relating to the aforesaid.

47) It was also agreed that the opponent's registration in class 36 of "financial services" (UK 2137966) (earlier in this decision ruled out under the proof of use provisions) and "financial affairs; Monetary affairs" (UK 3092555) is identical to the applicant's specification for "finance" (see above) in class 36.

48) For the opponent, Mr Stobbs contended that the registrations for "printed matter" in Class 16 were similar to the applicant's "Finance" services above on the basis that printed matter in relation to such services was similar in nature and would be used by the same end users as the applicant's services. He also contended that the opponent's specifications of "education services" in Class 41 and "University education services, academic and vocational educational services" in Class 41 were also similar to the applicant's services classified as "finance" (above) as, if they covered financial issues, they would be similar in nature and provided to the same end users as those of the applicant. These arguments are totally spurious as by the same token a primary school teacher teaching 5 year olds to add up would be deemed to providing the essential building blocks of knowledge for all financial transactions in the child's future, and would therefore be equally similar to a high street bank or specialist finance company in the City of London. No-one wanting financial advice or a service would approach a University no matter how long it has been established. The opponent itself set up stand alone companies to provide such services, neither of which has the word "University" in their names.

49) It was agreed that the opponent's registration in class 36 of "Real estate affairs; information, advice, consultation and the provision of services relating to housing, rental, leasing and letting of land and properties, land acquisition services, real estate affairs and property and land development and accommodation" (UK 3092555) is identical to the applicant's specification for "real estate" (see above) in class 36.

50) It was also agreed that the opponent's registration in class 36 of "Insurance" (UK 3092555) is identical to the applicant's specification for "insurance" (see above) in class 36.

51) Although there was some disagreement at the hearing to my mind it is blatantly obvious that the opponent's specification of "Real estate affairs; information, advice, consultation and the provision of services relating to housing, rental, leasing and letting of land and properties, land acquisition services, real estate affairs and property and land development and accommodation; Renting of commercial premises" in class 36 (UK 3092555) fully encompasses the applicant's specification for "set-up services" (see above) in class 36.

53) I next turn to the class 42 services of the applicant. It was agreed that these split into three groups, as follows:

- a) Research: which comprises: Scientific and technological services and research and design relating thereto; Industrial analysis and industrial research services; technology consultation and research in the field of quantum computing, quantum programming, quantum engineering, quantum algorithms and cryogenics; information, advisory and consultancy services relating to the aforesaid.
- b) Hardware: which comprises: design and development of computer hardware; computer hardware development; computer hardware design; computer design research; developing hardware in the field of cryptography; development of technologies for the fabrication of chips and circuits for quantum programming and quantum computing; information, advisory and consultancy services relating to the aforesaid.
- c) Software: which comprises: design and development of computer software; technological services for encryption, and decryption; information processing services; encryption databases;

security databases design of computer software; design of AI software; cloud-based delivery platform; Quantum Encryption services; Artificial Intelligence services; Software as a service (SaaS) services featuring open source software and programming language for constructing, analyzing and running quantum programs and quantum algorithms; cloud computing featuring software for use in quantum programming and quantum computing; application service provider featuring application programming interface (API) software for use in quantum programming and developing and testing quantum algorithms; software as a service (SaaS) services featuring open source software for developing and testing quantum algorithms; design and development of computer software; developing software using blockchain technology; software engineering; information, advisory and consultancy services relating to the aforesaid.

54) At the hearing the applicant did not make any submissions on these services. To my mind, the opponent's registration in class 42 of "Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software" (UK 3243445, UK3060815, UK 3268106, UK 3092555 and UK 3294047) is identical to the part of the applicant's specification classified as "research" (see above) in class 42, as the services clearly overlap completely. In my opinion, the opponent's registration in class 42 of "Constructing an internet platform for the exchange of information; consultancy relating to research, testing, analysis and development in the fields of technology, information technology and communications" (UK 3243445) is highly similar to the applicant's specification for "research" (see above) in class 42, as again there is some overlap but not total encompassing of the services..

55) In my opinion, the opponent's registration in class 42 of "design and development of computer hardware and software" (UK 3243445, UK 3268106, UK 3294047, UK 3092555 and UK 3060815) is identical to the parts of the applicant's specification classified as "hardware" (see above) in class 42 as these terms fully encompass those of the applicant. The opponent also submitted that its registration for "computer hardware" in class 9 (UK 3268106, UK 3294047 and UK 3092555) was similar to the applicant's specification for "hardware" (see above) in class 42. It contended that the computer hardware of its earlier right would be purchased by the same end users of the applicant's services. To my mind, this is clearly mistaken as if one commissions hardware to be designed it is because it is so specialised that the normal manufacturers or retailers of computer software do not make or offer the type of computer required by the commissioner.

56) The opponent contended that its Class 42 specification of “Computer software consultancy” (UK3268106 and UK 32944047) is identical to the applicant’s specification for “software” (see above) in class 42. I agree with this view as to my mind, the opponent’s specification in its generality incorporates the whole of the applicant’s services.

57) The opponent also contended that its Class 9 specifications of “Computer software” (UK 2137966, UK 3268106, UK3294047, UK 2634072, UK 3072705, UK 3092555 and UK 3060815) and “Downloadable computer software; computer software in the field of electronic publishing; computer software for educational purposes; 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” (UK 3015609) were similar to the applicant’s “software” (see above) as design and development of computer hardware and software, as covered by the application, may be provided by the same end users as the goods covered by the earlier rights. The fact that an end user may use goods provided by one party when providing a service is not a serious argument that the goods and services of the two parties are similar. If this were taken to its logical conclusion then the supplier of chairs and tables could claim to be providing goods similar to the services of the applicant as they were sat on and at these goods when talking to clients and providing its highly complex services. I find no similarity between the opponent’s class 9 goods as listed earlier in the paragraph and the applicant’s “software” services in Class 42.

58) The opponent also contends that its registration in class 38 of “Provision of access to computer databases and arrangement of access to databases on the internet” (UK 3072705) is similar to the applicant’s specification for the “software” services (see above) in class 42 as the provision of access to databases would be provided by the same end users of the services covered by the application. Once again the opponent makes a claim which defies logic without any evidence to support its contention. It does not state why an end user of encryption services would be a supplier of access to databases. I refer to paragraph 40 above and find the services of the two parties not similar.

59) The opponent’s goods and services listed above for the comparison tests were those identified by the opponent as providing its strongest case in its submissions dated 6 April 2020. When this list is compared to the pleadings which sought to rely upon the whole of the specifications listed earlier in this decision, one can understand the applicant’s complaints regarding the absence of consideration

of the pleadings. The cavalier nature of the behaviour of the opponent has caused significant work for the applicant and the Tribunal which was wholly avoidable had the opponent taken a considered and professional approach to the manner in which its case was pleaded instead of merely seeking to overwhelm the applicant. This however is not the full extent of the confusion and additional work caused by the opponent's behaviour. It was only after completing the above comparison of goods and services that I realised the inconsistencies in the opponent's submissions and pleadings, partly because in its last set of submissions the opponent effectively just waved a hand over the subject with almost no comment.

60) In its original pleadings the opponent relied upon the full specification for which each of its twelve earlier rights was registered with the exception of UK 3137966 (restricted to classes 9, 16 & 36), EU 896449 (restricted to Class 41), UK 3092555 (restricted to classes 35,3 & 41). As part of its initial submissions on 6 April 2020 the opponent set out the goods and services which formed what it referred to as its "strongest case". These made no mention of large swathes of parts of the classes for which marks are registered but also completely excluded two marks 12019733 and 3015610, and also excluded the following classes for the marks as indicated 3015609 (class 41), 3268106 (Class 16), 3072705 (Class 35), 3092555 (Class 35) and 3060815 (classes 35 & 45). The "strongest case" also identified the goods and services of mark 3092555 in Classes 9, 16 & 42 despite the fact that the form TM7 at question 1 restricted the opposition to using the opponent's registration relating to classes 35, 36 and 41 only. I also note that the statement of grounds filed with the TM7 forms provides examples of goods and services which are considered by the opponent to be identical or similar to those of the applicant and lists class 38 services of mark 3092555 which are not included in the TM7.

61) At paragraphs 3 & 4 of its written submissions dated 1 November 2021 the opponent lists its earlier rights and lists the goods and services for which those marks are registered that it relies upon in the opposition. I note that this list does not accord with the opponent's earlier written submissions; e.g 12019733 and 3015610 are still listed in relation to classes 9, 16 & 41 despite neither mark featuring on the "strongest case" list. Marks 3072705, 3092555 and 3060815 all list class 35 as being relied upon when these services are not mentioned in the earlier submissions. Further, 3092555 only relies upon classes 35,36 & 41 as per the original TM7 and makes no mention of the reliance on goods and services in classes 9, 16 & 42 set out in the strongest case scenario.

62) In its submissions dated 1 November 2021, having provided the list of earlier rights and classes which it relies upon, the opponent, paragraph 33 suddenly produces a “new” best case list. Although it does so with the caveat:

“Whilst the opponent does not abandon any of its claims, given that the majority of the opponent’s earlier rights are not subject to any proof of use requirements, for the purpose of procedural efficiency in the Hearing, the opponent will focus its main case on the following **four** earlier rights”. [my emphasis]

63) The opponent then proceeds to list the following 5 (**five**) earlier rights:

3015609: Classes 9,16 & 41

12019733: Classes 9, 16 & 41

3243445: Class 42

2137966: Class 36

3268106: Classes 9, 16, 41 & 42.

64) As if the confusion created by the opponent’s submissions were not enough it was compounded by their response to a letter I sent out on 22 October 2021. I was unaware when writing the letter of the existence of the written submissions from April, and so I sought from the opponent a list of the goods and services they were relying upon and the reasons why they believed these were identical or similar to the applicant’s specification. I became aware of the earlier submissions prior to a response being supplied but did nothing as I assumed that the opponent would refer me to the earlier list, or even update the list and flesh out their reasoning. Instead what I received, dated 27 October 2021, was 107 pages listing every earlier right, although the pages relating to 3015610 were all blank, and no advance in terms of reasoning. The response did not make any reference to the “new” best case set out in submissions received only days later, where the case was restricted to four or five (who knows) earlier rights.

65) This case has been quite unnecessarily complicated, initially by the opponent relying upon so many earlier rights, then insisting on relying upon the full specification for most of its earlier rights, allied with the fact that when filed the earlier rights simply quoted the whole class specification rather than something even remotely akin to what the opponent does and where its business might expand. This has been compounded by the fact that in providing its best case the opponent relied upon goods

and services not included in the pleadings, then changed its mind and filed a “new” best case which included at least one mark previously excluded from the proceedings from their “strongest case”. One questions whether the right hand knows what the right hand is doing never mind what the left one is getting up to. Quite how the applicant’s were supposed to prepare a defence against an attack which it took 107 pages simply to outline the similarity of the goods and services, and this list left out many classes of goods and services which originally formed part of the opposition, I do not know. It has taken more hours than I care to count for me to understand the various changes of position of the opponent, suffice to say it was more than a day. This is something to which I will doubtless return when the issue of costs is discussed.

66) I shall therefore take the opponent at its word and only compare the five marks it has listed in its latest set of submissions.

Comparison of trade marks

67) It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the marks must be assessed by reference to the overall impressions created by them, 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.”

68) It would be wrong, therefore, to artificially dissect the trade marks, although it is necessary to take into account their distinctive and dominant components and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by them. The opponent’s marks UK 3015609, EU 12019733 and 3243445 are identical and therefore can be covered by a single comparison. The trade marks to be compared are:

	Opponent’s trade marks		Applicant’s trade marks
1	3015609, 12019733 &3243445	1	3364817

	CAMBRIDGE		
2	237966 UNIVERSITY OF CAMBRIDGE / CAMBRIDGE UNIVERSITY	2	3364805 CAMBRIDGE QUANTUM COMPUTING
3	3268106 CAMBRIDGE ASSESSMENT		

69) When comparing the marks I take into account the views expressed in *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02, the GC noted that the beginnings of word tend to have more visual and aural impact than the ends. The court stated:

“81. It is clear that visually the similarities between the word marks MUNDICOLOR and the mark applied for, MUNDICOR, are very pronounced. As was pointed out by the Board of Appeal, the only visual difference between the signs is in the additional letters ‘lo’ which characterise the earlier marks and which are, however, preceded in those marks by six letters placed in the same position as in the mark MUNDICOR and followed by the letter ‘r’, which is also the final letter of the mark applied for. Given that, as the Opposition Division and the Board of Appeal rightly held, the consumer normally attaches more importance to the first part of words, the presence of the same root ‘mundico’ in the opposing signs gives rise to a strong visual similarity, which is, moreover, reinforced by the presence of the letter ‘r’ at the end of the two signs. Given those similarities, the applicant’s argument based on the difference in length of the opposing signs is insufficient to dispel the existence of a strong visual similarity.

82. As regards aural characteristics, it should be noted first that all eight letters of the mark MUNDICOR are included in the MUNDICOLOR marks.

83. Second, the first two syllables of the opposing signs forming the prefix 'mundi' are the same. In that respect, it should again be emphasised that the attention of the consumer is usually directed to the beginning of the word. Those features make the sound very similar.

70) The opponent submitted:

“36. Applicant’s signs are visually, aurally and conceptually similar to the Opponent’s earlier marks:

36.1. The only element of the Opponent’s distinctive CAMBRIDGE mark is contained entirely within the Applicant’s marks.

36.2. With regard to the ‘817 mark, whilst the CQC device element cannot be ignored in the overall analysis of similarity, it clearly represents the letters CQC and therefore simply refers back to and reinforces the mark’s verbal elements and, as such, is of reduced impact within the mark as a whole. The Applicant observed at para 20 of the relevant Counterstatement that the stylised element “does not clearly represent an abbreviation of the name [Cambridge Quantum Computing]...”, [emphasis added] but this observation contains an implicit admission that the device element is a depiction of the acronym CQC. It is a matter of judgment as to whether or not this is clear. The Opponent submits that it is an obvious depiction of CQC.

36.3. The additional element QUANTUM COMPUTING in the Applicant’s marks is plainly a descriptive term, at least in the context of the goods and services covered in classes 9 and 42, all of which relate to the field of quantum computing. Whilst this element cannot be ignored, it plays only a small part in the analysis, bearing in mind its descriptive connotations. The Applicant’s evidence (see witness statement of Anthony Hotung) shows that quantum computing is a form of computing based on quantum mechanics which can be deployed to solve problems orders of magnitude faster than a classical computer, and that quantum computing can be commercialised by designing quantum software, algorithms and other technology and hardware (precisely the goods and services at issue in these proceedings). The Opponent’s evidence shows that this is also an area in which the Opponent operates. Liam Carmicheal’s April

Statement establishes that the Opponent is renowned for its research generally and his August Statement establishes that the Opponent is one of the world's leading quantum technology research institutions (para 14, LC8).

36.4. Visually, the Applicant's marks share the CAMBRIDGE element with the Opponent's marks. Furthermore, the common CAMBRIDGE element is the initial element, just as it is in the Opponent's marks (where it is either the only element or the first element), which increases the impression of overall visual similarity. In the case of the Applicant's '817 mark, this has the CQC device element as its initial element but, given that this simply refers to the rest of the mark, the attention is naturally drawn to the verbal elements where again, the initial verbal element CAMBRIDGE is common to the '817 mark and the Opponent's marks. The Applicant's marks are visually similar to the Opponent's CAMBRIDGE marks to a high degree and visually similar to the Opponent's remaining marks to at least a medium degree.

36.5. Aurally, both of the Applicant's marks would be pronounced as CAMBRIDGE QUANTUM COMPUTING. In the case of the Applicant's '817 mark, although the device element will be perceived as the letters CQC, it is unlikely to be pronounced given that it references the other verbal elements of the mark. Consequently, there is initial phonetic identity between the Applicant's marks and the Opponent's marks, with the difference being that the Applicant's marks have the additional words QUANTUM COMPUTING which are absent from the Opponent's CAMBRIDGE mark (and different from the second word of the Opponent's CAMBRIDGE ASSESSMENT mark). The Applicant's marks are phonetically similar to the Opponent's marks to at least a medium degree.

36.6. Turning to the conceptual comparison, clearly the Applicant's marks are conceptually highly similar to the Opponent's marks as they all refer to the common concept, Cambridge. This remains the case even taking into consideration the additional elements of the Applicant's marks, QUANTUM COMPUTING and (in the case of the '817 mark) the CQC device. In the context of goods and services which relate to quantum computing, which the goods and services at issue plainly do (at least in classes 9 and 42), the element QUANTUM COMPUTING does not introduce a distinctive concept into the Applicant's marks which could possibly impact on the manner in which the word Cambridge is perceived or understood within the mark. Whilst it is a concept, it does not impact greatly on the conceptual comparison for these particular goods and services. Similarly, the CQC device present in the '817 mark simply refers to the verbal elements

and is equally incapable of impacting on the conceptual comparison. The concept common to both the Applicant's and Opponent's marks is the geographical location, Cambridge and as such the marks should be regarded as conceptually similar to a high degree.

37. The Opponent therefore submits that, in view of the medium level of visual and phonetic similarity and the high level of conceptual similarity, over all the Applicant's signs are similar to the Opponent's earlier marks to an above average degree."

71) For its part the applicant contended:

"53. There is nothing in the evidence provided which suggests that the case is other than as previously found, or as suggested in the Counterstatement. The only overlap rests in the word CAMBRIDGE, which would be understood to be a reference to the city of the same name.

54. As established by the fact that the Opponent was only able to obtain registration of the mark CAMBRIDGE by reason of acquired distinctiveness, the element CAMBRIDGE is inherently non-distinctive for all manner of goods and services in classes 9, 16, 36 and 41, and the primary understanding of the public would be that the word CAMBRIDGE simply designates the place of the same name.

55. When comparing marks, it is appropriate to consider the distinctiveness of the common element(s): in the present case it is simply the inclusion of the place name CAMBRIDGE, and there is no suggestion that any other aspect of the Applicant's mark increases the likelihood of the marks being seen as similar. Rather, the differences point away from such a finding.

56. Whilst we anticipate it being asserted that the consideration of the distinctiveness cannot be considered under this heading, we believe it impacts on both the comparison of the marks and the likelihood of confusion, and as such we invite you to consider the position under both this head and likelihood of confusion. We say that in light of the differences and the low level of distinctiveness of the element CAMBRIDGE, the differences in the marks should lead to a finding that they are dissimilar.

57. If you do make such a finding you should, however, go on to provide your decision on likelihood of confusion to deal with this for the purposes of any appeal."

72) The two marks of the applicant effectively differ only in that 3364817 has a device element, otherwise the marks share the same three words, in the same order, differing only in that 3364805 is all in capitals, whereas 3364817 has a combination of upper and lower case. However, as the case does not affect the comparison test for the purposes of this comparison the marks are identical save the device element.

73) Firstly, I shall compare the mark in suit to the opponent's marks 3015609, 12019733 & 3243445 (CAMBRIDGE). Visually the marks of the two parties share the first element in that both start with the geographical location. Thereafter, as the opponent's mark is but a single word they differ completely. Although the applicant's device element appears at the top of the mark and is quite stylised I believe that most consumers will view it as the letters CQC especially as there is the very significant clue of the words being written below it. Whilst there is some visual similarity there is more dissimilarity and so the applicant's mark 3364805 is visually similar to a low to medium degree, whereas the applicant's mark 3364817 is only visually similar to a low degree because of the logo.

74) The opponent argues that the logo element of the applicant's mark 3364817 is clearly the letters CQC. As such, these letters are likely to be spoken, particularly when one first encounters the mark. Aurally the marks of the two parties obviously have a degree of similarity as both contain the word CAMBRIDGE which would sound the same in both marks. However, the marks in suit additionally have the words QUANTUM COMPUTING and so there are considerable differences between the marks, even if the logo element is ignored. Aurally the marks in suit are similar to the opponent's three marks to a low degree.

75) The opponent's mark consists of the single word "Cambridge" which is both the name of a city and is also the name of the county. Whilst technically it is Cambridgeshire it is common for county names to be shortened such as Glamorgan rather than Glamorganshire. It will therefore be seen as a geographical location, clearly alluding to the location of the provider. However, as the opponent has claimed it is well known as a university city and a seat of learning for university students. I do not accept the entirety of the opponent's claims regarding reputation but to this limited extent I do, but I note that Cambridge is also known as being an area where hi-tech industry is flourishing and the nickname "Silicon Fen" reflects this. The opponent claims that the fact that both marks have the word CAMBRIDGE at the start means that they are conceptually similar as the other two words relate to the activities of the applicant. Firstly, not all of the goods and services applied for relate specifically to

quantum computing for instance in class 9 there are the terms computer software and computer hardware, which could include standard laptops which have nothing to do with quantum computing. Similarly, the class 36 services do not obviously have anything to do with quantum computing. However, even if the goods and services did directly relate to quantum computing this does not mean that these words should be blithely ignored, or that they do not help differentiate the marks of the two parties. The word CAMBRIDGE simply identifies a city or county, which despite the delusions of the opponent does not start and end with the University. Cambridge University may well offer teaching in quantum computing but it does so as a University, whereas the marks in suit identify a company offering a service. Moreover, this is a highly specialised field with very few companies active in the UK, anyone seeking the services of such a company is likely to be aware of the limited choice, and their selection will be very carefully made. Conceptually the marks are dissimilar other than their rough geographical location.

76) I take into account the views in *The Picasso Estate v OHIM*, Case C-361/04 P, the Court of Justice of the European Union found that:

“20. By stating in paragraph 56 of the judgment under appeal that, where the meaning of at least one of the two signs at issue is clear and specific so that it can be grasped immediately by the relevant public, the conceptual differences observed between those signs may counteract the visual and phonetic similarities between them, and by subsequently holding that that applies in the present case, the Court of First Instance did not in any way err in law.”

77) Overall, I believe that the marks in suit have a low degree of similarity to the opponent's marks 3015609, 12019733 & 3243445.

78) I next turn to consider the marks in suit to the opponent's mark 237966 UNIVERSITY OF CAMBRIDGE / CAMBRIDGE UNIVERSITY (a series of two). Visually and aurally most of the same conclusions reached in paragraphs 74 & 75 apply, the only difference being that the word CAMBRIDGE is not the first element of the opponent's three word mark and that both of the opponent's marks contain the word UNIVERSITY (and one also contains the word "of"). UNIVERSITY is not found in the marks in suit. There are therefore more visual and aural differences than previously and as a consequence the marks of the two parties are similar to a low degree.

79) Conceptually the opponent's mark would immediately conjure up in the minds of the average consumer images of the old university buildings which are familiar from television programmes such

as “Porterhouse Blue” and “Cambridge Spies”. Contrast this to the marks in suit which conjure up a tech company and the conclusion is that the marks of the two parties are conceptually very different.

80) Overall, I believe that the marks in suit have a low degree of similarity to the opponent’s series of two marks 2137966.

81) Lastly, I compare the marks in suit to the opponent’s mark 3268106 CAMBRIDGE ASSESSMENT. Again, most of the views expressed in paragraphs 74 & 75 apply when considering the visual and aural similarities. In the instant comparison the opponent’s mark consists of two words one of which appears in the marks in suit, the other word does not, and the two words in the marks in suit which are additional to the term CAMBRIDGE are totally different to the words in the opponent’s mark. The logo element makes a further point of difference. Visually and aurally the marks have a low degree of similarity.

82) Conceptually the opponent’s mark suggests an evaluation or appraisal taking place in the city of Cambridge or the county of Cambridgeshire. Contrast this to the marks in suit which conjure up a tech company and the conclusion is that the marks of the two parties are conceptually very different.

83) Overall, I believe that the marks in suit have a low degree of similarity to the opponent’s mark 3268106.

Distinctive character of the earlier trade mark

84) 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).”

85) I also note that in her decision BL/ O / 003-20, Ms Michaels, acting as the Appointed Person stated:

“15. I accept that if there is no objection to a mark under section 3(1)(c) on that basis, the mark must be deemed inherently distinctive to a sufficient degree to justify its registration, but the question before me is rather different to that raised in *Windsurfing*: the point is whether the fact that the mark consists of the name of a geographical location means that it may (or must) only have a low (or very low) level of distinctiveness. Mr Stobbs referred me to Case T-379/03 *Peek & Cloppenburg KG v OHIM* EU:T:2005:373; [2006] E.T.M.R. 33, where the Court said:

“36. ... Art.7(1)(c) CTMR does not in principle preclude the registration of geographical names which are unknown to the relevant class of persons—or at least unknown as the designation of a geographical location—or of names in respect of which, because of the type of place they designate, such persons are unlikely to believe that the category of goods concerned originates there or was conceived of there (see, by analogy, *Windsurfing Chiemsee* at [33]).

37. In the light of all the foregoing, a sign's descriptiveness cannot be assessed other than by reference to the goods or services concerned, on the one hand, and by reference to the understanding which the relevant persons have of it, on the other (Case T-295/01 *Nordmilch eG v OHIM (OLDENBURGER)* [2003] E.C.R. II-4365 at [27]–[34]).

38. In making that assessment the Office is bound to establish that the geographical name is known to the relevant class of persons as the designation of a place. What is more, the name in question must suggest a current association, in the mind of the relevant class of persons, with the category of goods or services in question, or else it must be reasonable to assume that such a name may, in the view of those persons, designate the geographical origin of that category of goods or services. In making that assessment, particular consideration should be given to the relevant class of persons' degree of familiarity with the geographical name in question, with the characteristics of the place designated by that name, and with the category

of goods or services concerned (see, by analogy, *Windsurfing Chiemsee*, paragraph 37 and paragraph 1 of the operative part).”

However, it seems to me that the Court’s reference to considering consumers’ familiarity with the geographical name again related to the issue of registrability, which may require only a minimal level of distinctiveness, not the issue before me as to assessing the level of distinctiveness of such a name.

16. In my judgment the level of inherent distinctiveness of a mark which consists of or includes the name of a geographical location must be assessed in the same way as any other kind of mark, and so must include consideration of the distinctiveness of the mark for the goods and services in the specification. The Hearing Officer’s initial conclusion in paragraph 55 was that CAMBRIDGE has a very low level of distinctiveness simply because it is the name of a town. He did not say that he reached that view in the light of any of the evidence in the case, or by reference to considerations such as the size, prominence or fame of the town, nor did he link the level of distinctiveness to any of the goods or services relied upon in the specification of the earlier mark.

17. The sentence criticised by the Opponent - “Being the name of a geographical location results in it having only a very low level of inherent distinctive character” - taken by itself, does seem to me to reflect an error of principle, as the level of inherent distinctiveness of a geographical name is likely to vary between well-known and obscure location names, and may also vary for different goods and services. The general rule set out by the CJEU in Case C-342/97 *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV* should have been applied by the Hearing Officer, as indeed is clear from the fact that he set out paragraphs 22 and 23 of that judgment in paragraph 54 of his decision. Nevertheless, the single sentence criticised by the Opponent does not show that at that point the Hearing Officer did 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 ...”.

18. I find support for my concerns in the decision of Mr Thomas Mitcheson QC sitting as the Appointed Person in BL O/223/16, *NEWPORT CREEK*, where the Hearing Officer had similarly found NEWPORT to have very low inherent distinctiveness for textile goods simply because it was a geographical name. Mr Mitcheson said:

“14. ... It is correct that the Hearing Officer had to attribute a level of distinctiveness to the word NEWPORT, but is unclear why she reached a finding that it could only be attributed “very low distinctiveness”. ...

...

19. Although I have rejected the broad submission that the Hearing Officer should not have referred to s.3(1)(c) at all, it does appear that she was attributing a very low level of distinctiveness based on the fact that Newport is a geographical location. As the Opponent pointed out, this does not follow for all geographical locations, and context is important. Thus, BRAZIL might be a highly distinctive mark for computer software but not for coffee.

...

22 In my opinion neither the fact that NEWPORT is a geographical location nor the *Formula One/Whyte and Mackay* case law provides sufficient justification for the finding of very low distinctiveness for the goods in issue, and on this basis I am entitled to assess afresh this aspect of the case and the resultant likelihood of confusion between the marks for the relevant goods. ...”.

19. On the other hand, in BL O/693/19 *MONT BLANC*, another Hearing Officer was criticised on appeal for having analysed the level of inherent distinctiveness of the mark Mont Blanc as follows: “AM’s mark consists of the words MONT BLANC. It is not descriptive of the goods (beers) and is in fact a well-known mountain in the Alps and suggests a simple geographical location. To my mind, the earlier mark is of low average inherent distinctiveness.” Ms Emma Himsworth QC sitting as the Appointed Person held that no error of principle had been identified in that simple analysis, and the Hearing Officer there was entitled to make that finding.

20. Here, the Hearing Officer failed to give any reason for his primary finding as to the level of inherent distinctiveness of the mark, other than the fact that it consists of a place name. That seems to me to be an inadequate analysis of the position, or it may be that the manner in which the conclusion is expressed does not reflect all of the reasoning which led him to that conclusion. On balance, I consider that this sentence suggests that he erred in his approach to the assessment of the inherent distinctiveness of the earlier mark.

21. However, the Hearing Officer went on in his very next sentence to find that “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.” This second sentence suggests that the Hearing Officer had indeed considered the level of inherent distinctiveness of the mark by reference to the goods or services in its specification and perhaps also by reference to the renown of the town. I think it very possible that he did carry out that analysis and, if he did so, reading the two sentences together may show that there was no error of principle here. The difficulty though is that if the Hearing Officer did carry out the appropriate assessment of inherent distinctiveness, he did not express his views with clarity or set out his reasoning in full.

22. At paragraph 24 of the decision, the Hearing Officer mentioned the Opponent's evidence of its connection with the "Cambridge Cluster," a large number of companies and industry initiatives based in the Cambridge area which have been built upon or spun out of the research of the University. He did not analyse that evidence further at that point, but turned to the issue later in the decision, when considering the objection under section 5(4)(a), saying:

“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.”

23. It was common ground that something had gone awry in the wording of this paragraph. It seems likely to me that the Hearing Officer meant to say that whilst the evidence did not show that all of the companies in the cluster were affiliated to the University, he could find that many of them were so affiliated. That makes sense of his finding in paragraph 85 that the Opponent had goodwill for research, including neuroscience research.

24. The Hearing Officer did not express a view as to whether the Opponent's evidence about the Cambridge Cluster (or “hi-tech cluster”) showed that the companies in the cluster make or sell hi-tech goods (and especially, for present purposes, Class 9 goods) or provide hi-tech services, or both. He did not distinguish between the various goods and services relied upon by

the Opponent or say whether it was his view that all of goods or services relied upon by the Opponent would be connected with the “hi-tech cluster,” reinforcing his primary view that Cambridge would not be inherently distinctive of them. Again, this may be due to the way in which the Hearing Officer expressed his views rather than a lack of appropriate analysis, but I note that he did not refer back to this additional reason for finding the mark to have low inherent distinctiveness when summarising his findings at paragraph 66 of the decision.

25. I have considered carefully whether this is an appropriate case in which to set aside the Hearing Officer's decision in relation to the section 5(2)(b) objection to the Applicant's Class 9 goods. On balance, I have concluded that the analysis carried out by the Hearing Officer was flawed. He appears to have based his view solely upon the fact that CAMBRIDGE is a geographical name, rather than upon the additional factors discussed above. It is therefore appropriate for me to reassess this aspect of the case and the question of any resultant likelihood of confusion between the marks for the relevant goods.

26. The fact that Cambridge is a geographical location does not mean that a mark consisting of that name is automatically of very low distinctiveness for all goods and services. On the other hand, the opponent only claimed below that the mark was of moderate inherent distinctiveness. As Mr Mitcheson QC said, and the Opponent accepted, context is important. The first point on context is that Cambridge is a well-known city, of a substantial size, with a world-renowned university. The average consumer of all of parties' goods and services would be aware of that and in my view would also be likely to know that there are industries and trades of various kinds and around based in the city. CAMBRIDGE is unlikely to be a very distinctive term for many goods and services.

27. More specifically, the evidence filed in the opposition described the hi-tech cluster of many more specialist businesses located in and around the city, some but not all of which, according to the Hearing Officer, were connected directly or indirectly with the University. The Opponent contended that the town of Cambridge has no reputation for manufacturing the specialist goods in issue. However, that argument appears to me to ignore the Opponent's own evidence about the hi-tech cluster of businesses in Cambridge. In my view, the evidence does not make clear the nature of the goods or services provided by the "more than 1,500 technology-based firms in the area," but it leaves open the possibility (and I think it far more probable than not) that both hi-tech goods and services of a hi-tech nature are provided by companies within the cluster. That

seems to me to be the obvious implication of describing the businesses as technology-based firms. If, as seems probable, some of the numerous companies in the Cambridge hi-tech cluster produce Class 9 goods, and some of them are not connected with the University, the use of the name Cambridge in relation to such goods would not be especially distinctive and not distinctive of the Opponent. Moreover, I think it likely that someone who is aware of the hi-tech cluster would be likely to assume that at least some businesses within the cluster would design or manufacture specialist hi-tech goods.

28. The Opponent's Class 9 goods include scientific and measuring apparatus and instruments, which would include hi-tech goods, whilst the specification of goods in the contested application is for a highly specialist sub-set of scientific apparatus and instruments. In my view, the average consumer of any of the Class 9 goods would be someone with a certain level of scientific knowledge or expertise, and it was common ground that the average consumer of the Applicant's goods would be a specialist consumer. Such consumers would be very likely to know of the existence of the hi-tech cluster and either to know or to assume that the businesses in it supply goods as well as services.

29. In my judgment, taking all those factors together, the name CAMBRIDGE is not inherently likely to be seen by the relevant average consumer as indicating a single trade origin, but would more likely been seen as indicating a geographical connection with the city or the hi-tech cluster. In the circumstances, I do not accept the Opponent's submission that Cambridge is inherently distinctive to any significant level for the goods in issue. In my view, whilst of course the fact that the earlier mark is registered for the Class 9 goods shows that it must have the necessary level of inherent distinctiveness to justify its registration, all of the other factors which I have discussed indicate that CAMBRIDGE has only a low level of distinctiveness when used in relation to the relevant Class 9 goods."

86) In the instant case the evidence is, not surprisingly, very similar to that considered by the Appointed Person in that it is clear that there is a large cluster of hi-tech companies in and around the City of Cambridge and within Cambridgeshire. It is clear that a great many of these companies have no link to the University, despite the inflated claims made by the opponent. It is also obvious from the evidence that the existence of this cluster is widely known. Therefore, as the Appointed Person stated for the hi-tech goods and services in classes 9 & 42 the mark CAMBRIDGE is not a distinctive mark. Further, as is common in all cities there will be companies offering financial and real estate services

amongst others in class 36. Therefore, the term CAMBRIDGE is not a distinctive mark for such services. Turning to the opponent's other marks, CAMBRIDGE UNIVERSITY is clearly a mark of average distinctiveness in and of itself, whilst CAMBRIDGE ASSESSMENT to my mind is not distinctive as it only suggests that a valuation or judgement will be made by a Cambridge based person / company. As no use has been shown of this mark it cannot benefit from enhanced distinctiveness through use. I accept that CAMBRIDGE UNIVERSITY has established a reputation with regard to undergraduate and postgraduate studies and education the opponent has considerable world-wide reputation. It also has considerable reputation and use in respect of setting assessment and examinations for use by schools. It also has a reputation in respect of publishing, however, none of these services are in any way similar to those of the applicant and so for the purposes of the comparison tests.

87) In conclusion, "Cambridge" and "Cambridge Assessment" are of low distinctiveness in respect of the goods and services in classes 9, 36 & 42. The opponent's mark "Cambridge University" is of average distinctiveness in relation to the goods and services in classes 9, 36 & 42.

Likelihood of confusion

88) In determining whether there is a likelihood of confusion, a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods and services and vice versa. As I mentioned above, it is also necessary for me to keep in mind the distinctive character of the opponent's trade mark as the more distinctive the trade mark is, the greater the likelihood of confusion. I must also keep in mind the average consumer for the goods and services, the nature of the purchasing process and the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them he has retained in his mind. Earlier in this decision, I concluded that:

- the average consumer for the goods and services is a member of the general public including businesses who will select the goods and services by predominantly visual means, although I do not discount aural considerations and that they are likely to pay at an above average degree of attention (or higher) to the selection of the goods and services.
- All five of the opponent's marks have a low degree of similarity to the marks in suit.

- the opponent's marks Cambridge and Cambridge Assessment have low degrees of inherent distinctiveness and cannot benefit from an enhanced distinctiveness through use in relation to goods in class 9, or services in classes 36 & 42. The opponent's mark Cambridge University is inherently distinctive to an average degree but cannot benefit from enhanced distinctiveness in relation to the goods and services in Classes 9, 36 & 42.
- My findings regarding the goods and services of the two parties are as follows:

Applicant's specification	Opponent's mark	Result
Class 9: Computer Software; computer operating systems; data processing software; software development tools; quantum software and quantum algorithms, enhanced by artificial intelligence, machine learning, deep neural networks and quantum machine learning; AI software; financial software; AI software for financial transactions; software for Encryption, and decryption; encryption software; mobile phone software; computer software for constructing, analyzing and running quantum programs, quantum algorithms, and quantum instruction language; downloadable computer software for quantum programming and developing and testing quantum algorithms; downloadable computer software for quantum computing; downloadable computer software for developing quantum virtual machines (QVM); computer software for the encryption, encoding, decryption and decoding of data; parts and fittings for the aforesaid goods.	UK 3015609 UK 2137966 UK 3268106 UK 3294047 UK 2634072 UK 3072705 UK 3092555 UK 3060815	Identical Identical Identical Identical Identical Identical Identical Identical
Class 9: computer hardware; computer hardware; computer hardware for quantum programming and quantum computing; computer hardware for the encryption, encoding, decryption and decoding of data; systems with artificial intelligence (computers); parts and fittings for the aforesaid goods.	UK 3268106 UK 3294047 UK 3092555 UK 3243445 UK 3268106 UK 3294047 UK3092555 UK 3060815	Identical Identical Identical similar to a medium to high degree

Class 9: microwave and radio frequency (RF) components, namely, cables, attenuators, circulators, and isolators; electrical and electronic components; electrical and electronic test apparatus and instruments; electrical and electronic apparatus for logging, storing, processing, transmitting and receiving data; parts and fittings for the aforesaid goods.	UK 3015609	similar to a medium degree
Class 36: Financial affairs; monetary affairs; cryptocurrency; digital cash; digital transfers; financial services relating to the provision of loans; financial management for businesses; information, advisory and consultancy services relating to the aforesaid.	UK 2137966	Identical, but ruled out under POU.
	UK 3092555	Identical
Class 36: real estate affairs; information, advisory and consultancy services relating to the aforesaid.	UK 3092555	Identical
Class 36: insurance; information, advisory and consultancy services relating to the aforesaid.	UK 3092555	Identical
Class 36: Incubation services, namely, providing work space containing business equipment to freelancers, start-ups, existing businesses and non-profits; incubation services, namely, providing financing to freelancers, start-ups, existing businesses and non-profits; information, advisory and consultancy services relating to the aforesaid.	UK 3092555	Identical
Class 42: Scientific and technological services and research and design relating thereto; Industrial analysis and industrial research services; technology consultation and research in the field of quantum computing, quantum programming, quantum engineering, quantum algorithms and cryogenics; information, advisory and consultancy services relating to the aforesaid.	UK 3243445	Identical
	UK3060815	Identical
	UK 3268106	Identical
	UK 3092555	Identical
	UK 3294047	Identical
	UK 3243445	Highly similar
Class 42: design and development of computer hardware; computer hardware development; computer hardware design; computer design research; developing hardware in the field of cryptography; development of technologies for the fabrication of chips and circuits for quantum	UK 3243445	Identical
	UK 3268106	Identical
	UK 3294047	Identical

programming and quantum computing; information, advisory and consultancy services relating to the aforesaid.	UK 3092555 UK 3060815	Identical
Class 42: design and development of computer software; technological services for encryption, and decryption; information processing services; encryption databases; security databases design of computer software; design of AI software; cloud-based delivery platform; Quantum Encryption services; Artificial Intelligence services; Software as a service (SaaS) services featuring open source software and programming language for constructing, analyzing and running quantum programs and quantum algorithms; cloud computing featuring software for use in quantum programming and quantum computing; application service provider featuring application programming interface (API) software for use in quantum programming and developing and testing quantum algorithms; software as a service (SaaS) services featuring open source software for developing and testing quantum algorithms; design and development of computer software; developing software using blockchain technology; software engineering; information, advisory and consultancy services relating to the aforesaid.	UK 3268106 UK 32944047	Identical Identical

89) I take into account the views expressed in *Anncos, Inc. V OHIM*, Case T-385/09, where the General Court considered an appeal against OHIM’s decision that there was no likelihood of confusion between ANN TAYLOR LOFT and LOFT (both for clothing and leather goods) and found that:

“48. In the present case, in the light of the global impression created by the signs at issue, their similarity was considered to be weak. Notwithstanding the identity of the goods at issue, the Court finds that, having regard to the existence of a weak similarity between the signs at issue, the target public, accustomed to the same clothing company using sub-brands that derive from the principal mark, will not be able to establish a connection between the signs ANN TAYLOR LOFT and LOFT, since the earlier mark does not include the ‘ann taylor’ element, which is, as noted in paragraph 37 above (see also paragraph 43 above), the most distinctive element in the mark applied for.

49. Moreover, even if it were accepted that the ‘loft’ element retained an independent, distinctive role in the mark applied for, the existence of a likelihood of confusion between the signs at issue

could not for that reason be automatically deduced from that independent, distinctive role in that mark.

50. Indeed, the likelihood of confusion cannot be determined in the abstract, but must be assessed in the context of an overall analysis that takes into consideration, in particular, all of the relevant factors of the particular case (*SABEL*, paragraph 18 above, paragraph 22; see, also, Case C-120/04 *Medion* [2005] ECR I-8551, paragraph 37), such as the nature of the goods and services at issue, marketing methods, whether the public's level of attention is higher or lower and the habits of that public in the sector concerned. The examination of the factors relevant to this case, set out in paragraphs 45 to 48 above, do not reveal, *prima facie*, the existence of a likelihood of confusion between the signs at issue."

90) I also take into account the views expressed in *L.A. Sugar Limited v By Back Beat Inc*, Case BL O/375/10, where Mr Iain Purvis Q.C., as the Appointed Person, explained that:

"16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: "The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark.

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

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

- (b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as “LITE”, “EXPRESS”, “WORLDWIDE”, “MINI” etc.).
- (c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension (“FAT FACE” to “BRAT FACE” for example).”

91) I note that in *Sutaria v. Cheeky Italian Ltd* (O/219/16), the Appointed Person expanded on the decision in *L.A. Sugar* at 16, noting:

- “16.1. First, a finding of a likelihood of indirect confusion is not a consolation prize for those who fail to establish a likelihood of direct confusion. It should be kept in mind that the differences which mean that one mark would not be mistaken for the other might well dispel indirect confusion as well.
- 16.2. Second, if (as here) the differences between the marks are such that there is no likelihood of direct confusion, one needs a reasonably special set of circumstances for a finding of a likelihood of indirect confusion. This is what Mr Purvis was pointing out in those paragraphs in *LA Sugar* .
- 16.3. Third, when making a finding of a likelihood of indirect confusion, in my view it is necessary to be specific as to the mental process involved on the part of the average consumer. Whilst the categories of case where indirect confusion may be found is not closed, Mr Purvis' three categories are distinct, each reflecting a slightly different thought process on the part of the average consumer.”

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

93) I also note that a degree of similarity in the goods/services of the two parties is essential. This was stated in *Waterford Wedgwood plc v OHIM – C-398/07 P* (CJEU) and also in *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA, where Lady Justice Arden stated that:

“49..... I do not find any threshold condition in the jurisprudence of the Court of Justice cited to us. Moreover I consider that no useful purpose is served by holding that there is some

minimum threshold level of similarity that has to be shown. If there is no similarity at all, there is no likelihood of confusion to be considered. If there is some similarity, then the likelihood of confusion has to be considered but it is unnecessary to interpose a need to find a minimum level of similarity.

94) In the comparison of goods and services carried out at paragraphs 34-66 earlier in this decision it is stated on a number of occasions that agreement was reached at the hearing regarding goods and services being identical and/or similar. These were the only goods and services pursued by the opponent unless specifically mentioned in the text of the decision. There are a number of occasions where I dismiss the contention that there is any similarity between goods and services of the opponent and those sought to be registered. Wherever this is stated then the comment in paragraph 94 above apply and the opposition fails.

95) The opponent submitted:

“49. The overall assessment of likelihood of confusion must take into consideration notional and fair use of the Opponent’s marks on the goods and services they cover and the notional and fair use of the Applicant’s mark in relation to the goods and services at issue.

50. The overall analysis in this case is in many ways very simple. Here, the marks at issue are plainly very similar (especially to the Opponent’s CAMBRIDGE marks) and the Applications have been filed for identical and highly similar goods and services to those in which the Opponent enjoys registered protection. Already this is enough for there to be a likelihood of confusion.

51. In addition, further factors which increase the likelihood of confusion in line with *Sabel v Puma* are:

51.1. the enhanced degree of distinctive character that the Opponent enjoys in its earlier marks;

51.2. the fact that this enhanced degree of distinctive character is in relation to research, education and publishing goods and services, which are very closely related to the Applicant’s goods and services (if not identical to them);

51.3. the fact that the additional elements QUANTUM COMPUTING and the CQC device which appear in the Applicant’s marks which differentiate them from the Opponent’s marks are effectively entirely descriptive in relation to relevant goods and services. The only truly distinctive element of the Applicant’s marks is the element it shares with the Opponent’s marks;

51.4. the structure of the Applicant's marks – CAMBRIDGE + [descriptor] – mirrors the naming structure that many of the Opponent's research departments and institutions in fact use (see paragraph 10.4 above).

51.5. The structure of the Applicant's mark also mirrors the structure of the Opponent's family of trade mark registrations.

52. The Medion case confirms that the concept of confusion envisaged by Section 5(2)(b) encompasses the case where goods/services bearing the later mark would be assumed to be economically linked with the owner of the earlier mark.

53. In relation to the analysis of likelihood of confusion when comparing the application with the Opponent's earlier CAMBRIDGE mark, this is a straightforward analysis in line with the Medion case. The earlier CAMBRIDGE mark is contained within its entirety in CAMBRIDGE QUANTUM COMPUTING. The QUANTUM COMPUTING element does not impact on consumer perception of the CAMBRIDGE element, which retains an independent distinctive role. The words QUANTUM COMPUTING are descriptive in the context of the relevant goods and services, especially those in classes 9 and 42. As a result of this the average consumer will assume that goods and services bearing the mark CAMBRIDGE QUANTUM COMPUTING originate with the same party as the CAMBRIDGE products.

54. Even if it is deemed that this is not a case where the principles in Medion apply then this is nevertheless a case of indirect confusion of a kind envisaged by Ian Purvis, sitting as Appointed Person in LA Sugar. He confirmed that where a consumer will notice the differences between the marks then direct confusion (i.e. confusing one for the other) is unlikely. However, even where that is the case there are circumstances where there will be indirect confusion, where the consumer recognises that the marks are different but also notes a commonality between them which leads to the conclusion that the mark denotes another brand of the same trade mark owner. This case is exactly on all-fours with the second scenario for indirect confusion identified in LA Sugar, namely where elements which are recognised to be non-distinctive are added on to the earlier mark. The words QUANTUM COMPUTING are descriptive and the CQC device merely refers back to the verbal elements of the mark. Confusion of an indirect kind will arise in the context of the goods and services at issue because consumers will assume that the mark is another

55. The Opponent has also claimed a family of marks (see *Il Ponte Finanziaria SPA -vOHIM* (2008 ETMR 13 CJEU) and also the case of *Future Enterprises PTE Ltd -vEUIPO/Macdonald*

International Property Co Ltd (T-518/13) in relation to the concept of a family of marks). The mark CAMBRIDGE QUANTUM COMPUTING is of exactly the same form and structure which is typical of the Opponent's brands which would lead the average consumer who is familiar with the Opponent's family of marks to assume an economic connection with the Opponent on the basis that the mark is another variation within the family.

56. Even if the Opponent is not felt to have formally established a family of registrations, ultimately the question is the same: does the average consumer, when confronted with CAMBRIDGE QUANTUM COMPUTING in relation to the goods and services at issue, assume that it originates from or is related to the Opponent? The Opponent submits that this is plainly the case.

57. In light of the foregoing, the Oppositions should succeed and the Applications be rejected on the basis of Section 5(2)(b)."

96) The applicant contended:

"58.If it is concluded that there is a level of similarity in the marks by reason of the inclusion of the element CAMBRIDGE, and that as a matter of construction some goods are identical, it does not follow that a likelihood of confusion must result in a mechanistic way. Rather, all relevant factors must be taken into account: key amongst them is the perception of the average consumer to the later mark and the impact of the inherent descriptiveness of the element CAMBRIDGE.

59.The issue has been recently considered by the High Court in [2021] EWHC 2189 (IPEC) Oatly AB and Anor v. Glebe Farm Foods Limited. The relevant passage is at §54-58 and makes it clear that where an element with low distinctiveness is the only common element in the registration and the application, this points away from a likelihood of confusion in most cases because the context is likely to be that consumers would not assume there to be a commercial link between the enterprises. This confirms the comments of Mr Justice Arnold (as he was) in Whyte and MacKay Ltd v Origin Wine UK Ltd & Anor [2015] EWHC 1271 (Ch) (06 May 2015), which is a case which we believe both you and the Opponent's representatives will be well aware of.

60.The Opponent has made no case for there being any special circumstances which lead one to believe that there would be confusion. As set out in the evidence of the Applicant, these are marks that are already in use: the Opponent has never had reason to complain of such use, and there is nothing in the activities of the parties or the mark applied for to suggest that there are factors which

make it likely that the average consumer, who is a sophisticated user, would believe there to be an economic link between the parties.”

97) I note that in *Il Ponte Finanziaria SpA v OHIM*, Case C-234/06, the Court of Justice of the European Union stated that:

“62. While it is true that, in the case of opposition to an application for registration of a Community trade mark based on the existence of only one earlier trade mark that is not yet subject to an obligation of use, the assessment of the likelihood of confusion is to be carried by comparing the two marks as they were registered, the same does not apply where the opposition is based on the existence of several trade marks possessing common characteristics which make it possible for them to be regarded as part of a ‘family’ or ‘series’ of marks.

63 The risk that the public might believe that the goods or services in question come from the same undertaking or, as the case may be, from economically-linked undertakings, constitutes a likelihood of confusion within the meaning of Article 8(1)(b) of Regulation No 40/94 (see *Alcon v OHIM*, paragraph 55, and, to that effect, *Canon*, paragraph 29). Where there is a ‘family’ or ‘series’ of trade marks, the likelihood of confusion results more specifically from the possibility that the consumer may be mistaken as to the provenance or origin of goods or services covered by the trade mark applied for or considers erroneously that that trade mark is part of that family or series of marks.

64 As the Advocate General stated at paragraph 101 of her Opinion, no consumer can be expected, in the absence of use of a sufficient number of trade marks capable of constituting a family or a series, to detect a common element in such a family or series and/or to associate with that family or series another trade mark containing the same common element. Accordingly, in order for there to be a likelihood that the public may be mistaken as to whether the trade mark applied for belongs to a ‘family’ or ‘series’, the earlier trade marks which are part of that ‘family’ or ‘series’ must be present on the market.

65 Thus, contrary to what the appellant maintains, the Court of First Instance did not require proof of use as such of the earlier trade marks but only of use of a sufficient number of them as to be capable of constituting a family or series of trade marks and therefore of demonstrating that such a family or series exists for the purposes of the assessment of the likelihood of confusion.

66 It follows that, having found that there was no such use, the Court of First Instance was properly able to conclude that the Board of Appeal was entitled to disregard the arguments by which the appellant claimed the protection that could be due to ‘marks in a series’.”

98) The opponent claims to have a “family of marks” and describes the structure of these marks as being “– CAMBRIDGE + [descriptor]”. However, this does not accord with the marks filed in this opposition. Three consist solely of the word CAMBRIDGE solus (3015609, 012019733 and 3243445), another is the word CAMBRIDGE plus a device element (3015610), two consist of UNIVERSITY OF CAMBRIDGE (2137966 & 896449), four actually fit the pattern CAMBRIDGE ASSESSMENT (3268106), CAMBRIDGE MATHEMATICS (3294047), CAMBRIDGE ENGLISH (2634072) and CAMBRIDGE CORE (3072705) whilst another almost meets the criteria having two words as its descriptor element CAMBRIDGE CLASS SERVER (3060815) whilst the twelfth mark is NORTH WEST CAMBRIDGE (3092555). It is clear that it is not necessary to show proof of use of all the marks in the pattern, but it is required that use of a sufficient number of them is shown. In the instant case no use of any of the four in the pattern, or fifth which almost makes it, has been provided. The “family of marks” submission is therefore rejected.

99) As can be seen from my conclusions at paragraph 88 above, the goods and services in question are likely to be chosen with above average care. The five marks relied upon by the opponent are only similar to a low degree to the two marks in suit, the only point of similarity being the word CAMBRIDGE which has been shown to be lacking in distinctiveness in relation to anything connected to hi-tech goods or services because of the existence of the Cambridge cluster also known as Silcon Fen. In my opinion even when used on identical goods and services, and even allowing for the concept of imperfect recollection, and the reputation of the opponent under Cambridge University the differences in the marks of the two parties is so great that there is no likelihood of consumers being confused, directly or indirectly, into believing that the goods and services applied for and provided by the applicant are those of the opponent or provided by an undertaking linked to it. **The opposition under Section 5(2) (b) therefore fails in respect of all the goods and services.**

100) I next turn to the ground of opposition under section 5(3) which reads:

“5. (3) A trade mark which-

(a) is identical with or similar to an earlier trade mark, shall not be registered if, or to the extent that, the earlier trade mark has a reputation in the United Kingdom (or, in the case of a European Union trade mark or international trade mark (EC), 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.”

101) 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*).

102) I must first determine, if at the relevant date for the opposition (23 March 2017) the opponent had a reputation in relation to its Cambridge marks and if so in what goods and services. The test for 'reputation' was set out by the CJEU in *General Motors*. The earlier mark must be known by 'a significant part' of the relevant public. Some commentators have regarded this as setting a low threshold. In *Iron & Smith kft v Unilever NV*, Case Case C-125/14, the CJEU was asked whether a CTM (now an EUTM) with a reputation 'in the Community' (now the European Union), but not in the member state where infringement was alleged, was capable of being infringed under provisions of the Community Trade Mark Regulation (now the European Union Trade Mark Regulation) broadly equivalent to s.5(3) of the Act. The court answered that:

“If the earlier Community trade mark has already acquired a reputation in a substantial part of the territory of the European Union, but not with the relevant public in the Member State in which registration of the later national mark concerned by the opposition has been applied for, the proprietor of the Community trade mark may benefit from the protection introduced by Article 4(3) of Directive 2008/95 where it is shown that a commercially significant part of that public is familiar with that mark, makes a connection between it and the later national mark, and that there is, taking account of all the relevant factors in the case, either actual and present injury to its mark, for the purposes of that provision or, failing that, a serious risk that such injury may occur in the future.”

103) A European Union trade mark may therefore be known to “a commercially significant part of the public concerned by the products or services covered by that trade mark” in the Union, without meeting the usual threshold in a particular Member State. Nevertheless, provided that the mark is known to “a commercially significant part of” the relevant public in the Member State in which protection is sought it may be entitled to extended protection on account of its reputation in the Union. It is apparent from the court’s judgment that the latter requirement is intended to cover situations where there is a lower, but still significant, degree of recognition of the EUTM in the Member State. This is confirmed by other language versions of the judgment. The French version says that a “commercially non-negligible” part of the relevant public in the Member State must be aware of the earlier CTM (now EUTM) and make a link with the later national trade mark. As a matter of logic, a national trade mark with a qualifying reputation in the UK must therefore be known to more than the lower ‘non-negligible’ part of the relevant public described in *Iron & Smith*.”

104) Regarding reputation the opponent contends:

“69. The Opponent relies on its registrations of CAMBRIDGE, UNIVERSITY OF CAMBRIDGE and CAMBRIDGE (& Coat of Arms) in relation to its reputation case. These are UK registration nos. 3015609 CAMBRIDGE (classes 9, 16 and 41) and 3243445 CAMBRIDGE (CLASS 42), EU registration no. 12019733 CAMBRIDGE, EU registration no. 896449 UNIVERSITY OF CAMBRIDGE, UK registration no. 2137966 UNIVERSITY OF CAMBRIDGE and UK registration no. 3015610 CAMBRIDGE (& Coat of Arms).

70. The Opponent’s evidence establishes that it benefits from a significant reputation in the UK in its CAMBRIDGE and UNIVERSITY OF CAMBRIDGE marks in the fields of education, publishing / publications and research.

71. The reputation attaching to the Opponent's marks is very significant. The Opponent is renowned throughout the world as a leading University, publisher and research body and is preeminent in the UK. (Liam Carmichael April Statement, paragraphs 5-24 and Exhibits LC1-LC13, paragraphs 25-63 and Exhibits 14-24).

72. Furthermore, the Opponent's reputation for excellence extends to the field of quantum computing, particularly in relation to education and research, including commercial research:

72.1. The Opponent is a pioneering institution in the field of computer science and home to the world's oldest computer science department. (Liam Carmichael April Statement, paragraphs 59-62)

72.2. The Opponent is recognised as undertaking research with "world class impact" in the area of Computer Science and Informatics (Liam Carmichael April Statement, paragraphs 45 and 69 and LC19). 24

72.3. The Opponent is recognised by industry as one of the world's top ten quantum technology research institutions (Liam Carmichael August Statement, paragraph 14 and LC8).

72.4. At least 32 researchers from the University have been awarded the Nobel Prize in Physics (Liam Carmichael April Statement, paragraph 46)

72.5. One of the University's Strategic Research Initiatives is Cambridge Big Data, which seeks to address challenges presented by unprecedented volumes of data (Liam Carmichael April Statement, paragraphs 28 and 63)

73. We note that in relation to the opposition against '817 (which covers classes 9, 36, 42), the Applicant admits that Opponent has a reputation in its marks in relation to "providing of graduate and postgraduate education" (see para 5.3 above and paragraph 31 of the Applicant's Counterstatement), which can be assumed to include graduate and postgraduate education in the field of quantum computing."

105) For its part the applicant submitted:

“30. As to repute, the Applicant has conceded the existence of repute for some services. Save for those services, the existence of repute is denied.

31. The First Witness Statement of Liam Carmichael details two types of assessment, namely English Language Assessments and International assessments. The number of candidates from the UK appears not to have been given for the English language assessments, and the number of candidate entries for the International assessments is very low. Whilst it is possible that there is repute outside the UK, in relation to the English language assessments it is not possible to assess how widespread that is in the EU and in relation to the International assessments the numbers are low across the EU. It is also to be noted that the exhibits pertain to a period some time before the applications and Mr Carmichael gives no figures for a period closer to the application dates. As such it does not provide a contemporaneous “snapshot”.

32. You will of course be aware of the general principles expressed in the CLUB SAIL and PLYMOUTH LIFE CENTRE cases that all evidence is to be weighed not just in terms of what is shown, but equally what is not shown and could reasonably be expected to be shown. Amongst the volume of evidence provided one would reasonably have expected updated figures and documents if they existed, and this is evidence which was www.basck.com page 8 entirely in the power of UOC to provide: the Applicant would not be expected to find any evidence to contradict it.

33. Moreover, from a legal point of view, even if the EU figures are deemed noteworthy, it is not sufficient that there is repute in part of the EU: Case C-125/14 Iron & Smith kft v Unilever NV clarifies that where the repute exists in a Member State other than that where the acts complained of occur then the trade mark owner may benefit from the protection “where it is shown that a commercially significant part of that public is familiar with that mark, makes a connection between it and the later national mark, and that there is, taking account of all the relevant factors in the case, either actual and present injury to its mark, for the purposes of that provision or, failing that, a serious risk that such injury may occur in the future”.

34. It is clear from paragraph 31 of that judgment that “injury” does not mean simply detriment. The case does, however, add a requirement that if the trade mark owner’s repute is outside the Member State in question they must adduce evidence that at the very least a commercially

significant part of the public is familiar with the mark. We say that the relevant public must be familiar with the mark in relation to the services for which repute is claimed, in this case English language assessments and international examinations, and the UOC has not satisfied that evidential burden.

35. Finally, to the extent that any evidence in paragraph 22 of the First Witness Statement of Liam Carmichael is said to provide evidence of repute in relation to anything other than those services for which repute is admitted, that suggestion is strictly denied: these are promotional activities intended to project the repute and quality of UOC as an educational establishment and cannot suggest repute for any other goods or services.”

106) Taking into account the submissions of both parties but more particularly considering what the evidence actually shows it is my view that that the opponent has a reputation in respect of “electronic publications, printed publications in electronically readable form; examination and assessment” in class 9, the whole of its class 16 specification which I shall for simplicity refer to as “publishing” and “providing of graduate and postgraduate education” in class 41. As such it gets over the first hurdle of reputation in respect of its earlier marks in respect of these goods and services only. It is clear that the University is engaged in a number of enterprises but these do not trade under the marks relied upon and so cannot be taken into account.

107) I must now turn to consider whether the consumer would make a link between the activities of the two parties. In deciding this issue I take into account the comments of Mr Geoffrey Hobbs Q.C. (sitting as a Deputy Judge) in *Electrocoin Automatics Limited and Coinworld Limited and Others* [2005] FSR 7:

“102. I think it is clear that in order to be productive of advantage or detriment of the kind prescribed, ‘the link’ established in the minds of people in the market place needs to have an effect on their economic behaviour. The presence in the market place of marks and signs which call each other to mind is not, of itself, sufficient for that purpose.”

108) I also look to the case of *Intel Corporation Inc v CPM United Kingdom Ltd* [2006] EWCH 1878 where Patten J said at para 28:

“But the first step to the exploitation of the distinctive character of the earlier mark is necessarily the making of the association or link between the two marks and all that Neuberger J is, I think, saying in this passage [Premier Brands at p. 789] is that the existence of a later mark which calls to mind the earlier established mark is not sufficient to ground an objection under s.5(3) or s.10(3) unless it has one or other of the consequences specified by those provisions. It must be right that the making of the association is not necessarily to be treated as a detriment or the taking of an unfair advantage in itself and in cases of unfair advantage it is likely to be necessary to show that the making of the link between the marks had economic consequences beneficial to the user of the later mark. But in relation to detriment the position is more complicated. The association between two marks and therefore potentially between the products or services to which they relate may be detrimental to the strength and reputation of the earlier mark if it tarnishes it by association or makes it less distinctive. This is likely to take place as a consequence of the same mental process which links the two marks in the minds of consumers and is essentially a negative reaction and effect.”

109) The opponent contends:

“74. It is not necessary under this ground that the Opponent establishes full-blown confusion as to trade origin, as it is under Section 5(3). What is relevant is if there is a sufficient degree of knowledge of the earlier mark that the relevant average consumer, when confronted with the later trade mark, makes an association between the two marks.

75. An “association” in this sense is a bringing to mind. If, on encountering the later mark, the consumer is prompted to think of the earlier mark in some capacity, even if recognising that the marks are different and not necessarily from the same source, there may be a ‘link’.

76. The relevant factors for establishing ‘link’ are set out in Intel as quoted at paragraph 61 above.

77. Taking each of these factors in turn:

77.1. The Applicant’s marks are highly similar to the Opponent’s reputed marks, and in any event at least similar enough to create a link in the mind of the average consumer. In the case of the earlier mark CAMBRIDGE, the earlier mark is contained within the later marks at issue and

forms the distinctive part of them. The analysis on similarity of marks is discussed under Section 5(2)(b) above.

77.2. The goods and services for which the Applicant seeks registration are similar to those in which the Opponent enjoys a reputation, especially those in classes 9 and 42. In particular, the Opponent enjoys a huge reputation for its marks in research, including research in the field of quantum computing (as discussed above). Even if the Tribunal does not agree that the goods and services are similar in the sense that they are required to be for the purposes of finding confusion under Section 5(2)(b), the Opponent submits that the goods and services at issue are proximal to the space in which the Opponent has an established reputation. There is a clear degree of symbiosis, bearing in mind the overlap in the fields in question and the relevance of 25 research and education in the context of a field such as quantum computing, such that there is a likelihood that consumers would perceive a link.

77.3. It has already been discussed at paragraphs 47 and 48 above that the average consumers of the Applicant's goods and services is likely to overlap to a significant degree with the average consumer of the Opponent's goods and services, especially its reputed research services. This further increases the likelihood that the average consumer of the Applicant's services will call to mind the Opponent's reputed marks.

77.4. The strength of reputation that the Opponent enjoys in its marks is very significant respect of education, publishing/publications and research, as established by the evidence and noted in the section above. It is a reputation for excellence and is of significant history, with the Opponent having been regarded as one of the most prominent, esteemed and successful academic and research institutions in the United Kingdom for centuries. The strength of the Opponent's reputation increases the likelihood that consumers would perceive a link between the Applicant's signs and the Opponent's reputed marks.

77.5. The Opponent's marks enjoy a high degree of distinctive character, weighing in favour of a finding of link. The distinctive character of the Opponent's earlier marks has already been discussed at paragraphs 38-42 above

77.6. The Opponent submits that there is a likelihood of confusion within the meaning of Section 5(2)(b) between its reputed marks and the Applicant's later marks which would necessarily also

give rise to link (and injury under this Section 5(3) ground). However, even if the Tribunal does not agree, a likelihood of confusion is not required for success under the ground of opposition under Section 5(3).

78. On the basis of the above, the Opponent submits that consumers would make a link back to the Opponent's reputed marks when confronted with use of the Applicant's signs.

110) The applicant submitted:

"36. The evidence is far from sufficient to conclude that the average consumer of the goods and services of the Applications would immediately link the marks of the Applications with the Opponent. There is no commercial activity by UOC in the field (or indeed any field outside education, assessments and publishing); no evidence that companies started by alumni of UOC or spin-outs use the name CAMBRIDGE in such a way as to suggest endorsement or connection; no evidence that UOC is known as being active in the fields for which protection is sought.

37. Rather, the natural understanding of the relevant consumer upon seeing the name CAMBRIDGE is that the Applicant is based in the city of Cambridge or was founded there. As set out in the witness statement of Hotung, that is accurate. This accords with www.basck.com page 9 with the finding made by the Hearing Officer Mark Bryant in case O-102-19 CAMBRIDGE FOOTBALL CLUB (logo) and the statement of Mr Loch, Dean (Director) of the Opponent's Judge Business School, who gave a witness statement in support of the Applicant.

38. The Opposition under s.5(3) should therefore fail on that simple ground."

111) The fact that the opponent's reputation is not in goods or services which are similar to those sought to be registered by the applicant is not fatal to their case under this ground of opposition, but it is a factor to be taken into account. Earlier in this decision I determined that the opponent's marks CAMBRIDGE and CAMBRIDGE UNIVERSITY / UNIVERSITY OF CAMBRIDGE were similar to the marks in suit to a low degree. In this ground the opponent is also relying upon its mark CAMBRIDGE plus device element (number 6 at paragraph 3 above). To my mind the device element is simply an additional point of difference between the opponent's mark and the mark in suit. The only point of similarity is the word CAMBRIDGE which is of low distinctiveness as all it conveys is an association

with the city of county of Cambridge / Cambridgeshire. To my mind the marks in suit will not form a link as they do not rise even to the “bringing to mind” stage.

UNFAIR ADVANTAGE AND DUE CAUSE

112) Despite this finding, in case I am wrong I will continue to consider whether if such a link existed it would give an unfair advantage to the applicant’s mark or whether it is detrimental to the reputation of the opponent’s mark, and whether the applicant had due cause to use its mark. In considering these issues I take into account the comments of Arnold J. in *Jack Wills Limited v House of Fraser (Stores) Limited* [2014] EWHC 110 (Ch) where he considered the earlier case law and concluded that:

“80. The arguments in the present case give rise to two questions with regard to taking unfair advantage. The first concerns the relevance of the defendant's intention. It is clear both from the wording of Article 5(2) of the Directive and Article 9(1)(c) of the Regulation and from the case law of the Court of Justice interpreting these provisions that this aspect of the legislation is directed at a particular form of unfair competition. It is also clear from the case law both of the Court of Justice and of the Court of Appeal that the defendant's conduct is most likely to be regarded as unfair where he intends to benefit from the reputation and goodwill of the trade mark. In my judgment, however, there is nothing in the case law to preclude the court from concluding in an appropriate case that the use of a sign the objective effect of which is to enable the defendant to benefit from the reputation and goodwill of the trade mark amounts to unfair advantage even if it is not proved that the defendant subjectively intended to exploit that reputation and goodwill.

81. The second question is whether there is a requirement for evidence of a change in the economic behaviour of consumers or a serious likelihood of such a change. As counsel for House of Fraser pointed out, the CJEU has held that proof that the use of the sign is or would be detrimental to the distinctive character of the trade mark requires evidence of a change in the economic behaviour of the average consumer of the goods or services for which the trade mark is registered or a serious likelihood that such change will occur in the future: see *Intel* at [77], [81] and Case C-383/12 *Environmental Manufacturing LLP v Office for Harmonisation in the Internal Market* (unreported, 14 November 2013) at [34]-[43]. As counsel for House of Fraser accepted, there is no requirement for evidence of a change in the economic behaviour of consumers of the *trade mark proprietor's* goods or services in order to establish the taking of unfair advantage of the distinctive character or repute of the trade mark. He submitted, however,

that it was necessary that there should be evidence of a change in the economic behaviour of the consumers of the *defendant's* goods or services.

82. Counsel for Jack Wills did not dispute that, in order for advantage to be taken of the trade mark's distinctive character or repute, it was necessary for there to be some change in the behaviour of the defendant's consumers as a result of the use of the allegedly infringing sign, or a serious likelihood of such a change. Nor did he dispute that what was required was a change in the behaviour of the consumers as consumers of the relevant goods and services, and in that sense in their economic behaviour. He submitted, however, that the trade mark proprietor could not be expected to adduce positive evidence that consumers had changed their behaviour as a result of the use of the sign.

83. In my judgment the correct way to approach this question is to proceed by analogy with the approach laid down by the Court of Justice in *Environmental Manufacturing* in the following passage:

“42. Admittedly, Regulation No 207/2009 and the Court's case-law do not require evidence to be adduced of actual detriment, but also admit the serious risk of such detriment, allowing the use of logical deductions.

43. None the less, such deductions must not be the result of mere suppositions but, as the General Court itself noted at paragraph 52 of the judgment under appeal, in citing an earlier judgment of the General Court, must be founded on ‘an analysis of the probabilities and by taking account of the normal practice in the relevant commercial sector as well as all the other circumstances of the case’.”

113) I also take into account the case of *Mäurer + Wirtz GmbH & Co KG v OHIM* , Case T-63/07, where the General Court held that:

“40. It is possible, particularly in the case of an opposition based on a mark with an exceptionally high reputation, that the probability of a future, non-hypothetical risk of detriment to the earlier mark or of unfair advantage being taken of it by the mark applied for is so obvious that the opposing party does not need to put forward and prove any other fact to that end. However, it is also possible that the mark applied for does not, at first sight, appear capable of giving rise to one of the risks covered by Article 8(5) of Regulation No 40/94 with respect to the

earlier mark with a reputation, even though it is identical with or similar to the earlier mark, in which case the non-hypothetical, future risk of detriment or unfair advantage must be established by other evidence, which it is for the opposing party to put forward and prove (Case T-215/03 *Sigla v OHIM –Elleni Holding (VIPS)* [2007] ECR II-711, paragraph 48).”

114) In *Leidseplein Beheer BV v Red Bull*, Case C-65/12, the CJEU held that:

“43. In a system for the protection of marks such as that adopted, on the basis of Directive 89/104, by the Benelux Convention, however, the interests of a third party in using, in the course of trade, a sign similar to a mark with a reputation must be considered, in the context of Article 5(2) of that directive, in the light of the possibility for the user of that sign to claim ‘due cause’.

44. Where the proprietor of the mark with a reputation has demonstrated the existence of one of the forms of injury referred to in Article 5(2) of Directive 89/104 and, in particular, has shown that unfair advantage has been taken of the distinctive character or the repute of that mark, the onus is on the third party using a sign similar to the mark with a reputation to establish that he has due cause for using such a sign (see, by analogy, Case C-252/07 *Intel Corporation* [2008] ECR I-8823, paragraph 39).

45. It follows that the concept of ‘due cause’ may not only include objectively overriding reasons but may also relate to the subjective interests of a third party using a sign which is identical or similar to the mark with a reputation.

46. Thus, the concept of ‘due cause’ is intended, not to resolve a conflict between a mark with a reputation and a similar sign which was being used before that trade mark was filed or to restrict the rights which the proprietor of that mark is recognised as having, but to strike a balance between the interests in question by taking account, in the specific context of Article 5(2) of Directive 89/104 and in the light of the enhanced protection enjoyed by that mark, of the interests of the third party using that sign. In so doing, the claim by a third party that there is due cause for using a sign which is similar to a mark with a reputation cannot lead to the recognition, for the benefit of that third party, of the rights connected with a registered mark, but rather obliges the proprietor of the mark with a reputation to tolerate the use of the similar sign.

47. The Court thus held in paragraph 91 of the judgment in *Interflora and Interflora British Unit* (a case concerning the use of keywords for internet referencing) that where the advertisement displayed on the internet on the basis of a keyword corresponding to a trade mark with a reputation

puts forward – without offering a mere imitation of the goods or services of the proprietor of that trade mark, without being detrimental to the repute or the distinctive character of that mark and without, moreover, adversely affecting the functions of the trade mark concerned – an alternative to the goods or services of the proprietor of the trade mark with a reputation, it must be concluded that such a use falls, as a rule, within the ambit of fair competition in the sector for the goods or services concerned and is thus not without ‘due cause’.

48. Consequently, the concept of ‘due cause’ cannot be interpreted as being restricted to objectively overriding reasons.

115) In *Argos Ltd v Argos Systems Inc.*, [2018] EWCA Civ 2211, the Court of Appeal again considered whether an advantage gained by the defendant was unfair. The Court of Appeal found that Argos Systems website ‘targeted’ UK consumers. It was therefore using the ARGOS[.com] sign in the UK in relation to the service of providing advertising space. UK consumers would make a link between the ARGOS trade mark and the use of ARGOS[.com] by Argos Systems. And the latter gained a commercial advantage from such use. Nevertheless, the Court of Appeal found that the use of the Argos name for the advertising space services provided via the website was fair. Consequently, there was no infringement of s.10(3) of the Act. L.J. Floyd, who gave the lead judgment, explained why it was fair, as follows:

“109.I do not accept that the judge made any error of principle in his approach to the issue of unfair advantage. He correctly identified that the case was not one involving any transfer of image to ASI's goods or services. He went on to consider factors which have a bearing on unfairness. These were that (a) ASI had not done anything to seek out the unwanted internet traffic which arrived at its website, and which it had no power to prevent; (b) ASI's display of AdSense ads was of some benefit to AUL by restoring misdirected customers to AUL who might otherwise have lost interest; (c) participation in AdSense was a normal and commercially unobjectionable activity; (d) the income stream derived from it by ASI was small in the context of both parties' businesses; (e) on arriving at the website even moderately observant customers would see it had nothing to do with AUL.”

116) The opponent submitted:

“79. The Opponent submits that the Applicant does not have due cause to adopt the signs at issue in these proceedings.

Unfair advantage and/or detriment

80. In order to succeed under this ground, the Opponent must establish that one of three types of injury results from the relevant consumer making a link between the Applicant's signs and the Opponent's earlier reputed marks:

- an unfair advantage taken of the earlier mark's distinctive character or reputation; or
- detriment to the earlier mark's distinctive character; or
- detriment to the earlier mark's reputation 26

81. The Applicant does not deny in its Counterstatements that that use of the signs for which the Applicant seeks registration would lead to detriment of the distinctive character or repute of the Opponent's marks under Section 5(3).

82. The Opponent submits that on the basis that it should succeed under Section 5(2)(b) on the basis of its reputed marks, it follows that it should also succeed under Section 5(3).

83. If the Tribunal disagrees on the case based on Section 5(2)(b), the Opponent submits that there is still a clear case for unfair advantage under Section 5(3).

84. The relevant case law relating to unfair advantage is quoted at paragraphs 63, 64 and 67 above. According to L'Oreal v Bellure NV C-487/07 at [41] "the concept of 'taking unfair advantage of the distinctive character or the repute of the trade mark', also referred to as 'parasitism' or 'free-riding', ...relates not to the detriment caused to the mark but to the advantage taken by the third party as a result of the use of the identical or similar sign. It covers, in particular, cases where, by reason of a transfer of the image of the mark or of the characteristics which it projects to the goods identified by the identical or similar sign, there is clear exploitation on the coat-tails of the mark with a reputation."

85. In the present case, the Opponent's marks benefit from a huge reputation for quality, excellence and prestige, both in education and research. The Applicant's signs are similar to the Opponent's signs in that they incorporate the CAMBRIDGE element, and in the context of the goods and services covered by the Applications, for whom the average consumer is largely the same as the average consumer of the Opponent's services, the Opponent's earlier reputed

marks will be called to mind and the positive image of the Opponent's reputation projected or transferred onto the Opponent's signs.

86. As such, the Opponent submits that, even if the Tribunal does not believe that the Opponent has succeeded under its Section 5(2)(b) ground, then it should succeed under this 5(3) ground on the basis of its reputation, the creation of a link and unfair advantage.

117) The applicant submitted:

"Unfair Advantage

39. It is entirely unclear the basis upon which it is said that the Applications would take advantage of the repute or distinctiveness attaching to the Opponent's registrations (whether for the conceded services or at all). The closest one gets to an explanation is to be found in the Second Witness Statement of Liam Carmichael, which may be summarised as asserting the following: a. UOC has supported a "spin-out" company in the field called Riverlane; b. UOC has a research laboratory which looks at quantum computing (we understand that to be part of PhD research programmes); and c. UOC as part of that research work has undertaken seminars and talks.

40. It is denied that even if this evidence is admissible (and we say it is not) it makes good the claim to unfair advantage as against repute. There is no suggestion that in the 6 years that the Applicant has existed it has ever sought to take advantage of the repute of UOC, or has obtained such advantage.

41. Further, in order to make a finding of unfair advantage the "link" (if found) must be such as to alter the economic behaviour of the relevant consumer. Given the highly specialist nature of the goods and services for which protection is sought (as set out in the Witness Statements of Mr Hotung and Mr Norris) it is inconceivable that the buying process would not establish that the Applicant is not linked to the University. As set out in the evidence of Hotung, the Applicant has established a free-standing and significant repute in the field and has no need to "piggy-back".

42. As to taking advantage of the distinctiveness of the marks, it is enough to remind the Hearing Officer that this is the name of a city. Whilst the Opponent may be on a crusade to deprive all

companies in the surrounding area of the right to use the name of the city in which they are based or were founded, the word CAMBRIDGE primarily designates the name of a city (as supported by the findings of the EUIPO set out in the witness statement of Mr Norris, and as must have been found to be the case for the CAMBRIDGE registrations, since they proceeded on the basis of acquired www.basck.com page 10 distinctiveness). Other well-known locations around the World also bear the name "Cambridge", for example Cambridge Massachusetts [[https:// www.cambridgema.gov/ historic/ cambridgehistory](https://www.cambridgema.gov/historic/cambridgehistory)], and Cambridge Ohio [[https://www.collegesimply.com/colleges-near/ohio/ cambridge/](https://www.collegesimply.com/colleges-near/ohio/cambridge/)].

Due Cause

43. Contrary to the statement of the Opponent in their form TM7, in order to benefit from the defence of "due cause" it is not necessary to demonstrate that it is necessary to use the element complained of. Rather, as set out in *Leidseplein Beheer BV v Red Bull*, Case C-65/12 (emphasis added):

"44. Where the proprietor of the mark with a reputation has demonstrated the existence of one of the forms of injury referred to in Article 5(2) of Directive 89/104 and, in particular, has shown that unfair advantage has been taken of the distinctive character or the repute of that mark, the onus is on the third party using a sign similar to the mark with a reputation to establish that he has due cause for using such a sign (see, by analogy, Case C-252/07 *Intel Corporation* [2008] ECR I-8823, paragraph 39).

45. It follows that the concept of 'due cause' may not only include objectively overriding reasons but may also relate to the subjective interests of a third party using a sign which is identical or similar to the mark with a reputation.

46. Thus, the concept of 'due cause' is intended, not to resolve a conflict between a mark with a reputation and a similar sign which was being used before that trade mark was filed or to restrict the rights which the proprietor of that mark is recognised as having, but to strike a balance between the interests in question by taking account, in the specific context of Article 5(2) of Directive 89/104 and in the light of the enhanced protection enjoyed by that mark, of the interests of the third party using that sign. In so doing, the claim by a third party that there is due cause for using a sign which is similar to a mark with a reputation cannot lead to the

recognition, for the benefit of that third party, of the rights connected with a registered mark, but rather obliges the proprietor of the mark with a reputation to tolerate the use of the similar sign.

47. The Court thus held in paragraph 91 of the judgment in *Interflora and Interflora British Unit* (a case concerning the use of keywords for internet referencing) that where the advertisement displayed on the internet on the basis of a keyword corresponding to a trade mark with a reputation puts forward – without offering a mere imitation of the goods or services of the proprietor of that www.basck.com page 11 trade mark, without being detrimental to the reputation or the distinctive character of that mark and without, moreover, adversely affecting the functions of the trade mark concerned – an alternative to the goods or services of the proprietor of the trade mark with a reputation, it must be concluded that such a use falls, as a rule, within the ambit of fair competition in the sector for the goods or services concerned and is thus not without ‘due cause’.

44. Once it is concluded that the mark CAMBRIDGE is liable to be understood as a reference to the city it is inevitable that the use of the mark (in absence of other arguments) is with due cause. That is particularly the case where, as recognised by Mr Loch of the Judge Business School, there is a thriving scene in Cambridge in this sector.

45. In light of all of the above the opposition under s.5(3) should be dismissed.”

118) Turning to the issue of due cause, I do not accept the opponent broad statement that there was no due cause, without providing any reasoning to back up this contention. To my mind, the applicant is based in or around the City of Cambridge and in Cambridgeshire so this aspect of the mark is legitimate. It is clearly engaged in quantum computing and so it would, to my mind appear to have a perfectly reasonable claim to due cause. The opponent clearly suffers from the delusion that it owns the rights to the term Cambridge no matter what field of activity is involved.

119) Moving onto unfair advantage, it is clear from the *Argos* judgment that there would have been unfair advantage if the image of the ARGOS trade mark transferred to the goods/services provided by Argos Systems or if there was a likelihood of confusion, including indirect confusion. Earlier in this decision I determined that there would not be direct or indirect confusion between the marks. I do not

believe that the average consumer will form a link between the two parties and so their economic activity will not be affected. **The ground of opposition under section 5(3) fails.**

120) Lastly, I turn to the ground of opposition under section 5(4)(a). In respect of section 5(4)(a) 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.”

121) 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.”

122) First, I must determine the date at which the opponent's claim is to be assessed; this is known as the material date. I take into account the views expressed in *Advanced Perimeter Systems Limited v Multisys Computers Limited*, BL O-410-11 by Mr Daniel Alexander QC as the Appointed Person at paragraphs 39 – 43. The applicant did not file evidence of use of the mark applied for and so the material date is the date that the marks in suit were applied for, 4 January 2019.

123) The opponent submits:

“87. The Opponent claims goodwill in the mark CAMBRIDGE in relation to: Printed matter; provision of training; examination and assessment services; education; provision of courses of instruction; lectures and seminars; arranging and conducting conferences and seminars; library services; publication services; provision of distance learning courses; provision of recreational and sporting facilities; scientific research; academic research; downloadable publications; educational consultancy; educational information services.

88. The Opponent notes that in relation to the Opposition against the '817 the Applicant admits in its Counterstatement that the Opponent owns goodwill in the mark CAMBRIDGE in respect of “providing of graduate and postgraduate education”.

89. In some respects, the Opponent's case under this ground of opposition is not very different from its case under Section 5(2)(b).

90. However, in other important respects the Opponent's case under Section 5(4)(a) is different from its Section 5(2)(b) case because the nature of goodwill is not the same as a registered trade mark. Goodwill does not have an independent existence but is generated by commercial activity and attaches to a commercial entity.

91. The Opponent submits that the evidence submitted in these proceedings clearly establishes that it has generated goodwill in its CAMBRIDGE mark in the goods and services identified above including education and publishing and especially research, including in fields of research connected with quantum computing. This goodwill has been generated as a result of the Opponent's significant commercial endeavours in these fields, as demonstrated by the evidence.

92. Moreover, packaged up in that goodwill is an understanding both that many of the University's own research centres include CAMBRIDGE in their name (and are often of the form "CAMBRIDGE + descriptor" - for example Cambridge Big Data, Cambridge Cardiovascular, or Cambridge Neuroscience) and that the University frequently supports and nurtures spin-out and start-up companies, both financially via its commercial arm, Cambridge Enterprise, and Cambridge Innovation Capital, and by providing practical support to entrepreneurs with initiatives such as the Accelerate programme.

93. In light of the Opponent's goodwill in CAMBRIDGE, the Opponent submits that notional and fair use of CAMBRIDGE QUANTUM COMPUTING / CQC CAMBRIDGE QUANTUM COMPUTING would constitute a misrepresentation to the public. In particular, this misrepresentation is that CAMBRIDGE QUANTUM COMPUTING is an entity that is formally associated with the Opponent and, consequently, that the goods and services it provides are similarly connected with the Opponent. An average consumer, knowledgeable of the Opponent and the huge body of research that is undertaken by the Opponent and the activities of the Opponent in supporting spin out and start up companies, would necessarily assume that the form of this name suggests a formal affiliation with the Opponent. As there is no such formal affiliation, this would be a misrepresentation, and damage to the Opponent's goodwill would necessarily follow from that misrepresentation.

94. In light of the foregoing, the Oppositions should succeed and the Applications be rejected on the basis of Section 5(4)(a)."

124) Earlier in this decision I have set out the reputation I believe that the evidence supports, this same evidence is relied upon for the goodwill claimed, but unfortunately for the opponent their claims for goodwill far outstrip the evidence. They have not filed evidence that any commercial activity is carried out under the Cambridge mark. It undoubtedly offers publishing services and educational services (limited to pre and post graduates) as well as examination setting, but all of this is under the Cambridge University mark. As to any activity under the marks Cambridge Big Data, Cambridge Cardiovascular, or Cambridge Neuroscience, whilst these may be subsidiaries of the University it is unclear from the evidence that this is well known. The evidence shows that many of the "affiliates" claimed do not even use the term CAMBRIDGE in their name. The opponent may believe that every reference to Cambridge is somehow linked to the University, but this is not how the real world sees matters. Increasingly, Cambridge is becoming an industrial city which happens to have a university

and the days when the then town of Cambridge revolved entirely around the University have long since disappeared.

125) I have already found that the opponent has goodwill and reputation in its mark, albeit to a lesser extent than contended by the opponent. I also found earlier in this decision that use of the marks in suit, actual or on a fair and notional basis would not result in confusion with the opponent's marks. Accordingly, it seems to me that the necessary misrepresentation required by the tort of passing off will not occur. **The opposition under Section 5(4)(a) of the Act must fail.**

CONCLUSION

126) The oppositions under sections 5(2)(b), 5(3) and 5(4)(a) all fail.

COSTS

127) As the applicant has been successful it is entitled to a contribution towards its costs. At the hearing the issue of the conduct of this case by the opponent was raised and I have made a number of comments regarding my own reservations as to how matters were pursued and the additional work that the confusion between various papers provided by the opponent caused. I therefore invite the applicant to provide submissions on costs which should be filed within 14 working days of the date of this decision. The opponent will have fourteen days after receipt of these submissions to reply. Should the imminent Christmas season cause issues with this timetable I invite the parties to contact me with any requests for reasonable extensions. The appeal period will NOT start until the decision on costs has been issued.

Dated this 21st day of December 2021

George W Salthouse
For the Registrar,
the Comptroller-General