

**O-630-22**

**TRADE MARKS ACT 1994  
IN THE MATTER OF REGISTRATION No. 3437818  
STANDING IN THE NAME OF  
BERBIX LIMITED**

**AND**

**IN THE MATTER OF A REQUEST FOR A DECLARATION  
OF INVALIDITY THERETO UNDER No.503880  
BY BREX INC.**

**AND**

**TRADE MARKS ACT 1994  
IN THE MATTER OF APPLICATION No. 00003537940  
BY BREX INC  
TO REGISTER THE TRADE MARK  
Brex  
IN CLASSES 3, 4 & 35**

**AND**

**IN THE MATTER OF OPPOSITION THERETO  
UNDER No. 600001647 BY  
BERBIX LTD**

## BACKGROUND

1) The following trade mark is registered in the name of Berbix Limited (hereinafter BERL):

Mark	Number	Filing & registration date	Class	Specification
Brex	3437818	20.10.19	9	See Annex 1 for full details of specification
		17.01.20	35	
			36	
			42	

2) By an application dated 27 May 2021 Brex Inc (hereinafter BI) applied for a declaration of invalidity in respect of this registration under section 3(6) on the following basis:

“On 9 October 2018 the Applicant for Cancellation secured a registration for the mark BREX in the United States under registration number 5582163. The challenged registration for the mark Brex was filed for the same classes of goods and services as the Applicant for Cancellation's US registration on 20 October 2019. It includes all of the goods and services of the Applicant for Cancellation's US registration together with an alphabetical list of similar goods and services. The registered proprietor of the challenged registration has opposed the Applicant for Cancellation's UK trade mark application 3537940. It has opposed those goods and services covered by the earlier US registration referred to. When the application for registration of the challenged registration was submitted the applicant made a declaration that it was using the mark or had a bona fide intention to use the mark in relation to the goods and services applied for. The applicant did not have use of the mark and did not have a bona fide intention at the time of filing the application to use the mark for the goods and services applied for. Therefore, the application was made in bad faith and accordingly the registration should be cancelled.”

3) On 1 July 2021 BERL provided a counterstatement to the invalidity action, which denied the bad faith allegations and stated that they had never heard of BI, or had contact with them prior to this action. They point out that BI did not apply for a trade mark in the UK until the mark in suit was almost a year old, and they did not file for invalidity until the mark in suit had been registered for 18 months.

4) On 28 September 2020, BI applied to register the trade mark “Brex” in respect of goods and services in classes 9, 16, 36, 41, 42 & 43 (set out in detail at Annex 2).

5) The application was examined and accepted, and subsequently published for opposition purposes on 18 December 2020 in Trade Marks Journal No.2020/051.

6) On 16 February 2021 BERL filed a notice of opposition. The opponent is the proprietor of trade mark 3437818 detailed in paragraph 1 above. The ground of opposition is based upon section 5(1) as the mark and goods and services are identical. The opposition is only aimed at the following goods and services in classes 9, 35, 36 & 42.

Class 9 (Magnetically encoded cards, namely, charge cards, credit cards, debit cards, and payment cards; credit, debit, charge and payment cards containing an encoded electronic chip; credit, debit, charge and payment cards containing a blank electronic chip; computer software for use in connection with the electronic storage, transmission, presentation, verification and authentication of credit, debit, charge and payment cards.)

Class 35 (Accounting services; consulting and information concerning accounting; accountant referrals; providing on-line trade directory services; On-line business directory listings featuring accounting firms, accountants, businesses providing financial and business consulting services, businesses providing outsourced business leadership, personnel and human resources administration, businesses providing data services, businesses providing brand and marketing services)

Class 36 (Issuance of credit, debit, charge and payment cards; issuance of virtual credit, debit, charge and payment cards, virtual currency, and electronic stored value accounts; credit, debit, charge and payment card payment and transaction processing services; virtual credit, debit, charge and payment card transaction processing; Financing loans for business payments through use of corporate credit, debit, charge and payment cards; Electronic payment services involving electronic processing and subsequent transmission of bill payment data;)

Class 42 ( Providing temporary use of a web-based software application for controlling, monitoring and validating credit, debit, charge and payment card transactions and virtual payment transmissions.)

7) On 27 May 2021 BI filed a counterstatement, in which it denies the grounds of opposition as it is seeking to invalidate BERL’s mark.

8) Both sides filed evidence. Both sides ask for an award of costs. Neither side wished to be heard and neither provided written submissions. I note that BI is professionally represented whilst BERL represented itself.

9) Although the UK has left the EU, section 6(3)(a) of the European Union (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 Act relied upon in these

proceedings are derived from an EU Directive. That is why this decision continues to refer to EU trade mark law.

## **DECISION**

10) The invalidity is brought under Section 47 of the Trade Marks Act 1994 (“The Act”) which reads:

“47. (1) The registration of a trade mark may be declared invalid on the ground that the trade mark was registered in breach of section 3 or any of the provisions referred to in that section (absolute grounds for refusal of registration).

Where the trade mark was registered in breach of subsection (1)(b), (c) or (d) of that section, it shall not be declared invalid if, in consequence of the use which has been made of it, it has after registration acquired a distinctive character in relation to the goods or services for which it is registered.

(2) Subject to subsections (2A) and (2G), the registration of a trade mark may be declared invalid on the ground-

(a) that there is an earlier trade mark in relation to which the conditions set out in section 5(1), (2) or (3) obtain, or

(b) that there is an earlier right in relation to which the condition set out in section 5(4) is satisfied,

unless the proprietor of that earlier trade mark or other earlier right has consented to the registration.

(2ZA) The registration of a trade mark may be declared invalid on the ground that the trade mark was registered in breach of section 5(6).

(2A) The registration of a trade mark may not be declared invalid on the ground that there is an earlier trade mark unless –

(a) the registration procedure for the earlier trade mark was completed within the period of five years ending with the date of the application for the declaration,

(b) the registration procedure for the earlier trade mark was not completed before that date, or

(c) the use conditions are met.

(2F) Subsection (2A) does not apply where the earlier trade mark is a trade mark within section 6(1)(c)

(2G) An application for a declaration of invalidity on the basis of an earlier trade mark must be refused if it would have been refused, for any of the reasons set out in subsection (2H), had the application for the declaration been made on the date of filing of the application for registration of the later trade mark or (where applicable) the date of the priority claimed in respect of that application.

(2H) The reasons referred to in subsection (2G) are-

(a) that on the date in question the earlier trade mark was liable to be declared invalid by virtue of section 3(1)(b), (c) or (d), (and had not yet acquired a distinctive character as mentioned in the words after paragraph (d) in section 3(1));

(b) that the application for a declaration of invalidity is based on section 5(2) and the earlier trade mark had not yet become sufficiently distinctive to support a finding of likelihood of confusion within the meaning of section 5(2);

(c) that the application for a declaration of invalidity is based on section 5(3)(a) and the earlier trade mark had not yet acquired a reputation within the meaning of section 5(3).

(5) Where the grounds of invalidity exist in respect of only some of the goods or services for which the trade mark is registered, the trade mark shall be declared invalid as regards those goods or services only.

(5A) An application for a declaration of invalidity may be filed on the basis of one or more earlier trade marks or other earlier rights provided they all belong to the same proprietor.

(6) Where the registration of a trade mark is declared invalid to any extent, the registration shall to that extent be deemed never to have been made: Provided that this shall not affect transactions past and closed.”

11) The only ground of invalidity is under Section 3(6) which reads:

“(6) A trade mark shall not be registered if or to the extent that the application is made in bad faith.”

12) In determining the issue I look to *Sky Limited & Ors v Skykick, UK Ltd & Ors*, [2021] EWCA Civ 1121 where the Court of Appeal considered the case law from *Chocoladefabriken Lindt & Sprüngli AG v Franz Hauswirth GmbH*, Case C-529/07 EU:C:2009:361, *Malaysia Dairy Industries Pte. Ltd v Ankenævnetfor Patenter Varemærker* Case C-320/12, EU:C:2013:435, *Koton Mağazacılık Tekstil Sanayi ve Ticaret AŞ*, Case C-104/18 P, EU:C:2019:724, *Hasbro, Inc. v EUIPO, Kreativni Dogaaji d.o.o. intervening*, Case T-663/19, EU:2021:211, *pelicantravel.com s.r.o. v OHIM, Pelikan Vertriebsgesellschaft mbH & Co KG (intervening)*, Case T-136/11, EU:T:2012:689, and *Psytech International Ltd v OHIM, Institute for Personality & Ability Testing, Inc (intervening)*, Case T-507/08, EU:T:2011:46. It summarised the law as follows:

“68. The following points of relevance to this case can be gleaned from these CJEU authorities:

1. The allegation that a trade mark has been applied for in bad faith is one of the absolute grounds for invalidity of an EU trade mark which can be relied on before the EUIPO or by means of a counterclaim in infringement proceedings: *Lindt* at [34].

2. Bad faith is an autonomous concept of EU trade mark law which must be given a uniform interpretation in the EU: *Malaysia Dairy Industries* at [29].
3. The concept of bad faith presupposes the existence of a dishonest state of mind or intention, but dishonesty is to be understood in the context of trade mark law, i.e. the course of trade and having regard to the objectives of the law namely the establishment and functioning of the internal market, contributing to the system of undistorted competition in the Union, in which each undertaking must, in order to attract and retain customers by the quality of its goods or services, be able to have registered as trade marks signs which enable the consumer, without any possibility of confusion, to distinguish those goods or services from others which have a different origin: *Lindt* at [45]; *Koton Mağazacılık* at [45].
4. The concept of bad faith, so understood, relates to a subjective motivation on the part of the trade mark applicant, namely a dishonest intention or other sinister motive. It involves conduct which departs from accepted standards of ethical behaviour or honest commercial and business practices: *Hasbro* at [41].
5. The date for assessment of bad faith is the time of filing the application: *Lindt* at [35].
6. It is for the party alleging bad faith to prove it: good faith is presumed until the contrary is proved: *Pelikan* at [21] and [40].
7. Where the court or tribunal finds that the objective circumstances of a particular case raise a rebuttable presumption of lack of good faith, it is for the applicant to provide a plausible explanation of the objectives and commercial logic pursued by the application: *Hasbro* at [42].
8. Whether the applicant was acting in bad faith must be the subject of an overall assessment, taking into account all the factors relevant to the particular case: *Lindt* at [37].
9. For that purpose it is necessary to examine the applicant's intention at the time the mark was filed, which is a subjective factor which must be determined by reference to the objective circumstances of the particular case: *Lindt* at [41] – [42].

10. Even where there exist objective indicia pointing towards bad faith, however, it cannot be excluded that the applicant's objective was in pursuit of a legitimate objective, such as excluding copyists: *Lindt* at [49].

11. Bad faith can be established even in cases where no third party is specifically targeted, if the applicant's intention was to obtain the mark for purposes other than those falling within the functions of a trade mark: *Koton Mağazacılık* at [46].

12. It is relevant to consider the extent of the reputation enjoyed by the sign at the time when the application was filed: the extent of that reputation may justify the applicant's interest in seeking wider legal protection for its sign: *Lindt* at [51] to [52].

13. Bad faith cannot be established solely on the basis of the size of the list of goods and services in the application for registration: *Psytech* at [88], *Pelikan* at [54]".

13) According to *Alexander Trade Mark*, BL O/036/18, the key questions for determination in a claim of bad faith are:

(a) What, in concrete terms, was the objective that the applicant has been accused of pursuing?

(b) Was that an objective for the purposes of which the contested application could not be properly filed? and

(c) Was it established that the contested application was filed in pursuit of that objective?

14) It is necessary to ascertain what the applicant knew at the relevant date: *Red Bull GmbH v Sun Mark Limited and Sea Air & Land Forwarding Limited* [2012] EWHC 1929 (Ch). Evidence about subsequent events may be relevant, if it casts light backwards on the position at the relevant date: See *Hotel Cipriani SRL and others v Cipriani (Grosvenor Street) Limited and others*, [2009] RPC 9 (approved by the Court of Appeal in England and Wales: [2010] RPC 16).

15) BI filed witness statements by Mr Graham Farrington a partner in Messrs Ladas & Parry LLP, its Trade Mark Attorney dated 26 November 2021; Mr Steven Lane a director of Lane IP Ltd dated 1 September 2020 the Trade Mark Attorney for Anduril Industries Inc. (not a



party in these proceedings) and Mr Matt Davis-Ratner an employee of Truepill Inc. a company based in California, USA (not a party in these proceedings).

16) These statements claim that Mr Afonin has, under the guise of various companies of which he is a director, registered in the UK trade marks identical to trade marks (and for identical or similar goods and services) which are registered and used in the USA by a variety of independent companies with no link to Mr Afonin (Lane W/S and exhibits). These include:

- **Brex Inc:** Launched in 2018 it offers corporate credit cards along with accompanying services to technology companies. It assists startups to get credit cards with higher limits, and offers an accompanying cash management account, automated expense management and receipt tracking. In June 2019 it raised US\$100million in funding . The company owns the US trade mark 5582163 BREX in relation to classes 9, 35, 36 & 42 registered in 2018. Berbix Ltd, sole director Mr Afonin (Lane exhibit 4) applied for UK 3437818 BREX in relation to classes 9, 35, 36 and 42 on 20 October 2019.
- **Berbix Inc:** founded in 2018 in the USA with the aim of making it easy to verify phot IDs online. They filed for registration of the term BERBIX in the USA on 26 October 2017 in relation to goods and services in classes 9 & 42 (Lane exhibit SL2). The UK company Berbix Ltd filed for an identical mark BERBIX and for goods and services identical and/or highly similar to those registered in the USA on 1 October 2019. From its incorporation on 1 October 2019 until 20 January 2021 the sole Director of Berbix Ltd was Mr Vladimir Afonin (Lane exhibit 4).
- **Fourkites:** founded in 2014 in the USA and whose platform uses an algorithm to calculate shipment arrival times and enables customers to lower operating costs, improve on-time performance and strengthen end-customer relationships. On 9 September 2014 it achieved registration of its mark FourKites in class 42 in the USA. On 9 August 2019 it sought designation of its International Mark 1499174 in the EU and UK, these were granted on 22 June 2020 and 30 January 2020 respectively. On 11 September 2019 Fourkites Ltd was incorporated in the UK and on the same date

sought to register a trade mark “FourKites” in respect of class 42 services in the UK. From its incorporation on 11 September 2019 the sole Director of Fourkites Ltd was Mr Vladimir Afonin (Lane exhibit 8).

- **Veridium IP Ltd:** founded in 2013 in the USA, it provides software which replaces passwords with biometric authentication, thereby improving security. On 14 January 2019 it filed, in the USA, two applications for the trade marks VERIDIUM and VERIDIUMID for goods in class 9 and services in class 42 respectively. The registrations were granted on 23 July 2019 and 17 September 2019 respectively. On 30 September 2019 in the UK, Karlin Realty Ltd filed for a UK trade mark VERIDIUM in class 42. From its incorporation on 7 December 2018 the sole Director of Karlin Realty Ltd was Mr Vladimir Afonin (Lane exhibit 12). This also reveals that he is a Russian living in France and working as an Estate Agent.
- **Truepill Inc:** a health-care company launched in the USA in 2016 with a vision to build the first pharmacy application programming interface. In March 2019 it announced it has raised US\$13.4 million to fund a forthcoming expansion to the UK. On 30 September 2019 it applied to register the mark TRUEPILL in the USA in relation to class 5 goods. This was granted registration on 28 April 2020 (Davis-Ratner exhibit 2). On 7 September 2019 application UK3426787 for the mark TRUEPILL with regard to classes 35, 42 & 44 was filed. On 12 October application UK3435976 for the mark “Truepill” with regard to class 5 was filed. Both applications were made by Mr Vladimir Afonin (Davis-Ratner exhibit 3).

17) Various comments were also made in respect of an American company called Andruil but no evidence was filed which corroborated the claims, which were along the same lines as those outlined above. Whilst BERL filed evidence this consisted of a repeat of its TM8 comments denying any knowledge of BI prior to submitting its application. No mention of the other allegations was made in the original witness statement of Mr Dmitry Zuev, and when asked if it wished to file evidence in reply BERL responded “We have nothing else to add for the evidence in reply as we believe we made our case quite clear in our original witness statement”.

18) I must keep in mind that an allegation of bad faith is a serious allegation which must be distinctly proved, but in deciding whether it has been proved, the usual civil evidence standard applies (i.e. balance of probability). This means that it is not enough to establish facts which are as consistent with good faith as bad faith: *Red Bull GmbH v Sun Mark Limited and Sea Air & Land Forwarding Limited* [2012] EWHC 1929 (Ch).

19) BERL has made reference to various cases pointing out that seeking registration in the UK of marks used in other jurisdictions is not considered an act of bad faith. I accept that although it may be a relevant factor, the mere fact that the applicant knew that another party was using the trade mark in another territory does not establish bad faith: *Malaysia Dairy Industries Pte Ltd v Ankenævnet for Patenter og Varemærker* Case C-320/12. I also note the case of *Wright v Dell Enterprises Inc.* (HOGS AND HEFFERS), BL O/580/16, where, given the territorial nature of IP rights, the mere appropriation of a name registered/used abroad (in that case the USA) was not enough under UK law: there must be something else involved before this can justify a finding of bad faith. Similarly, the mere fact that the applicant knew that another party used the trade mark in the UK does not establish bad faith: *Lindt, Koton* (paragraph 55). The applicant may have reasonably believed that it was entitled to apply to register the mark, e.g. where there had been honest concurrent use of the marks: *Hotel Cipriani*. However, I note that in the instant case there is no claim, or evidence of any use of any mark by BERL, Mr Afonin or any of the companies he controlled.

20) However, an application to register a mark is likely to have been filed in bad faith where the applicant knew that a third party used the mark in the UK, or had reason to believe that it may wish to do so in future, and intended to use the trade mark registration to extract payment/consideration from the third party, e.g. to lever a UK licence from an overseas trader: *Daawat Trade Mark*, [2003] RPC 11, or to gain an unfair advantage by exploiting the reputation of a well-known name: *Trump International Limited v DDTM Operations LLC*, [2019] EWHC 769 (Ch). I also note that in *Copernicus-Trademarks v EUIPO (LUCO)* Case T-82/14, the General Court found that the filing of EU trade marks for the purposes of blocking applications by third parties, and without an intention to use the mark, was an act of bad faith.

21) I also note that in *Trump International Limited v DDTM Operations LLC*, [2019] EWHC 769 (Ch), Mr Justice Henry Carr considered an appeal from a decision of the registrar to refuse TRUMP TV as a trade mark on the ground that the application had been filed in bad

faith. Part of the registrar's reasoning depended on similar fact evidence going to a pattern of behaviour on the part of the applicant's sole director. Carr J. found as follows:

"39. The principles on which similar fact evidence is admissible in civil cases were explained by the House of Lords in *O'Brien v Chief Constable of South Wales Police* [2005] UKHL 26. The Court of Appeal had held that similar fact evidence was only admissible in a civil suit if it was likely to be reasonably conclusive of a primary issue in the proceedings or alternatively if it had enhanced relevance so as to have substantial probative value. The House of Lords held that this test was too restrictive. There should be a two-stage enquiry where the admissibility of such evidence was challenged: first, whether the evidence was potentially probative in the proceedings; and secondly, whether the admission of such evidence would accord with the overriding objective of deciding cases justly. It is necessary to understand the reasons underlying each limb of the two stage enquiry.

40. As to probative value, Lord Bingham said at [3] – [4]:

"3. Any evidence, to be admissible, must be relevant. Contested trials last long enough as it is without spending time on evidence which is irrelevant and cannot affect the outcome. Relevance must, and can only, be judged by reference to the issue which the court (whether judge or jury) is called upon to decide. As Lord Simon of Glaisdale observed in *Director of Public Prosecutions v Kilbourne* [1973] AC 729, 756, "Evidence is relevant if it is logically probative or disprobative of some matter which requires proof... relevant (i.e. logically probative or disprobative) evidence is evidence which makes the matter which requires proof more or less probable."

4. That evidence of what happened on an earlier occasion may make the occurrence of what happened on the occasion in question more or less probable can scarcely be denied. If an accident investigator, an insurance assessor, a doctor or a consulting engineer were called in to ascertain the cause of a disputed recent event, any of them would, as a matter of course, enquire into the background history so far as it appeared to be relevant. And if those engaged in the recent event had in the past been involved in events of an apparently similar character, attention would be paid to those earlier events

as perhaps throwing light on and helping to explain the event which is the subject of the current enquiry. To regard evidence of such earlier events as potentially probative is a process of thought which an entirely rational, objective and fair-minded person might, depending on the facts, follow. If such a person would, or might, attach importance to evidence such as this, it would require good reasons to deny a judicial decision-maker the opportunity to consider it..."

41. As to the second stage, Lord Bingham said at [5]:

"5. The second stage of the enquiry requires the case management judge or the trial judge to make what will often be a very difficult and sometimes a finely balanced judgment: whether evidence or some of it (and if so which parts of it), which ex hypothesi is legally admissible, should be admitted. For the party seeking admission, the argument will always be that justice requires the evidence to be admitted; if it is excluded, a wrong result may be reached. In some cases, as in the present, the argument will be fortified by reference to wider considerations: the public interest in exposing official misfeasance and protecting the integrity of the criminal trial process; vindication of reputation; the public righting of public wrongs. These are important considerations to which weight must be given. But even without them, the importance of doing justice in the particular case is a factor the judge will always respect. The strength of the argument for admitting the evidence will always depend primarily on the judge's assessment of the potential significance of the evidence, assuming it to be true, in the context of the case as a whole."

42. These principles will no doubt be familiar to intellectual property practitioners. In relation to allegations of copyright infringement, it is necessary to decide, as a matter of fact, whether copying has occurred. As with claims of bad faith, direct evidence of copying is rarely available. In this context, it is well established that similar fact evidence may be admissible. The case law is considered in *Copinger and Skone James on Copyright*, Vol 1, 17<sup>th</sup> Edition at [21-393]:

"...where the issue in a copyright case is whether the similarity between the claimant's work and the defendant's work is due to copying or is a coincidence, it is relevant to know that the defendant has produced works which bear a close

resemblance to works other than the work in question which are the subject of copyright. Whereas similarity between two works might be mere coincidence in one case, it is unlikely that there could be coincidental similarity in, say, four cases. The probative force of several resemblances together is much better than one alone.”

This reasoning may well apply, depending on the facts, to an allegation that a third-party trade mark has been applied for in bad faith. The probative force of several instances of such applications, by the same or a connected party who has applied to register a third-party trade mark, is obvious. Such instances, if based on solid grounds, are likely to require evidence from the applicant to refute the inference of bad faith that may otherwise be drawn from them”.

22) It is abundantly clear from the evidence set out above that Mr Afonin and the various companies he controlled when he was the sole director were engaged in deliberately registering marks they had no intention of using but applied for simply to block the rightful owners of the marks from seeking registration in the UK when they wished to expand their business from the USA to the UK. The pattern of behaviour is very clear, shortly after a mark is applied for in the USA if it looks likely that it might come to the UK Mr Afonin or one of the companies under his control would apply for the same mark in respect of identical or highly similar goods and services in the UK. If and when the USA company sought a registration in the UK they would find an existing registration and would be met with a blank denial of knowledge that the American company might come to the UK. It is of particular note that BERL did not respond to the allegations of this behaviour as set out in the evidence of BI but simply relied upon their initial denial of the allegations. Put bluntly Mr Afonin is a chancer whose modus operandi is very clearly set out in the evidence of BI. To my mind, there can be no doubt that the contested registration was applied for in bad faith and offends against section 3(6) of the Act. As a result registration 3437818 will be struck from the Register as at the date applied for, 20 October 2019, and it will be as if the application was never made.

23) Given the above finding the opposition cannot be sustained as there is no earlier right.

## **CONCLUSION**

24) The invalidity action under section 3(6) succeeds. Trade mark 3437818 will be struck from the Register as at the date applied for, 20 October 2019, and trade mark 00003537940 will be registered.

## **COSTS**

25) As BI has been successful it is entitled to a contribution towards its costs.

Preparing a statement and considering the other side's statement x 2	£800
Expenses	£200
Preparing evidence	£800
<b>TOTAL</b>	<b>£1800</b>

26) I order Berbix Limited to pay Brex Inc. the sum of £1,800. This sum to be paid within twenty-one days of the expiry of the appeal period or within twenty-one days of the final determination of this case if any appeal against this decision is unsuccessful.

**Dated this 25<sup>th</sup> day of July 2022**

**G W Salthouse**  
**For the Registrar**  
**the Comptroller-General**

## Annex 1

### Class 9

Access control cards [encoded or magnetic];Apparatus for verifying data on magnetically encoded cards;Authentication software;Banking cards [encoded or magnetic];Banking software;Big data management software;Biometric identity cards;Biometric software;Business application software;Business management software;Business software;Business technology software;Card readers;Card readers for credit cards;Card readers for magnetic cards;Card reading equipment;Cards bearing electronically recorded data;Cards containing microprocessors;Cards (Encoded magnetic - );Cards encoded to access computer software;Cards encoded with security features for identification purposes;Cards (Magnetic or encoded -);Cash cards [encoded];Cash cards [magnetic];Cloud computing software;Cloud server software;Cloud servers;Communication software;Computer application software;Computer communication software to allow customers to access bank account information and transact bank business;Computer databases;Computer e-commerce software to allow users to perform electronic business transactions via a global computer network;Computer hardware for facilitating payment transactions by electronic means;Computer programmes relating to financial matters;Computer programs used for electronic cash register systems;Computer software for biometric systems for the identification and authentication of persons;Computer software for business purposes;Computer software for encryption;Computer software for facilitating payment transactions by electronic means;Computer terminals for banking purposes;Credit card encoding machines;Credit card encoding machines [computer peripherals];Credit card terminals;Credit cards;Credit cards [encoded];Credit cards [magnetic];Credit cards with a magnetic strip;Credit card-style USB flash drives;Credit screening software;Data processing software;Downloadable application software;Downloadable cryptographic keys for receiving and spending cryptocurrency;Electronic chip cards;Encoded cards;Encoded cards for use in point of sale transactions;Encoded cards for use in relation to the electronic transfer of financial transactions;Encoded cards for use in relation to the electronic transfer of funds;Encoded charge cards;Encoded credit cards;Encoded magnetic cards;Encoded prepaid credit cards;Encoded prepaid payment cards;Encoded smart cards;Encryption software;E-payment software;Machine learning software for finance;Magnetic credit cards;Magnetically encoded debit cards;Microchip cards;Multifunction cards for financial services.

### Class 35

Account auditing;Accountancy;Accountancy, book keeping and auditing;Accountancy services;Accounting;Accounting for third parties;Accounts (Drawing up of statements of -);Accounts (Preparation of -);Acquisition of business information relating to company activities;Acquisition of business information relating to company status;Acquisition of commercial information;Administration, billing and reconciliation of accounts on behalf of others;Administration of a discount program for enabling participants to obtain discounts on goods and services through use of a discount membership card;Administration of business affairs;Administration of business payroll for others;Administration of businesses;Administration of foreign business affairs;Administration of incentive award programs to promote the sale of the goods and services of others;Administration of loyalty programs involving discounts or incentives;Administration of membership schemes;Administration of the business affairs of retail stores;Administrative data processing;Administrative loyalty card services;Administrative services relating to credit card



registration;Advertising services relating to financial services;Advice in the field of business management and marketing;Analysis of business data;Assistance, advisory services and consultancy with regard to business management;Assistance in management of business activities;Auditing of accounts;Auditing of financial statements;Billing;Billing services;Business accounting advisory services;Business data analysis;Collecting business information;Collection of data;Computerised accounting;Credit card registration services;Data processing for the collection of data for business purposes;Data processing services in the field of payroll;Data processing verification;Electronic order processing;Financial auditing;Organisation and management of business incentive and loyalty schemes;Organisation and management of customer loyalty programs;Organisation of customer loyalty programs for commercial, promotional or advertising purposes;Organisation, operation and supervision of customer loyalty schemes;Organisation, operation and supervision of loyalty and incentive schemes;Outsourced administrative management for companies;Outsourcing services in the field of business analytics;Outsourcing services in the field of business operations;Payroll assistance;Payroll processing services [for others];Preparation of statements of accounts;Professional business consultation relating to the setting up of businesses;Promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with awards programs;Promoting the goods and services of others by means of a loyalty rewards card scheme;Promoting the goods and services of others through discount card programs;Promoting the goods and services of others through the distribution of discount cards;Promoting the sale of goods and services of others by awarding purchase points for credit card use;Providing a directory of third party web sites to facilitate business transactions;Sales promotion for others provided through the distribution and the administration of privileged user cards;Subscriptions (arranging -) to a telematics, telephone or computer service [internet].

## **Class 36**

Acceptance of bill payments;Accident insurance;Account debiting services;Accounts payable debiting services;Accounts receivables financing;Acquisition and transfer of monetary claims;Acquisition for financial investment;Administration of capital investment services;Administration of deposit taking;Administration of financial affairs;Administration of fund investment;Administration of funds and investments;Administration of group insurance;Administration of insurance business;Administration of investment funds;Administration of mortgage business;Administration of mutual funds;Administration of pension funds;Administration of savings accounts;Administration of shares;Administrative services relating to investments;Advice regarding credit;Advice relating to investments;Advisory services relating to banking;Advisory services relating to corporate finance;Advisory services relating to credit;Advisory services relating to loan services;Advisory services relating to money management;Appraisals (Financial -);Arrangement of loans;Arranging business fundraising activities;Arranging credit;Arranging finance for businesses;Arranging financial transactions;Arranging investments, in particular capital investments, financing services and insurance;Arranging monetary transfers;Arranging of overdrafts;Arranging of travel insurance;Arranging the provision of trade credit;Asset and portfolio management;Asset management for third parties;Automated clearing house services;Automated funds transfer services;Automated payment;Automated payment of accounts;Automated payment services;Bank account and savings account services;Bank account services;Bank card, credit card, debit card and electronic payment card services;Bank card services;Bank cheque card services;Banking;Banking and financial services;Banking insurance;Banking services;Banking services in relation to the electronic transfer of funds;Banking services relating to the deposit of money;Banking services relating to the transfer of funds from accounts;Bill consolidation services;Bill payment services;Bill payment services provided through a website;Brokerage (Financial -);Brokerage (Insurance -);Brokerage of currency;Brokerage of

financial derivatives;Business appraisals for financial valuation;Business credit verification services;Buying and selling currency;Capital fund investment;Capital fund management;Card accessed banking services;Card operated financial services;Cash card services;Cash, check (cheque) and money order services;Cash replacement rendered by credit card;Charge card and credit card services;Charge card services;Charge-card services;Checking account services;Cheque account services;Clearing, financial;Clearing services for payment transactions;Collection of financial information;Computerised banking services;Consultancy services relating to credit;Consumer credit services;Contactless payment services;Credit agencies;Credit and cash card services;Credit and debit card services;Credit and loan services;Credit arranging;Credit brokerage;Credit card advisory services;Credit card and debit card services;Credit card and payment card services;Credit card management services;Credit card payment processing;Credit card payment services;Credit card protection and registry services;Credit card services;Credit card transaction processing services;Credit card validation services;Credit card verification;Credit cards (Issuance of -);Credit rating;Credit scoring services;Current account services;Debit card payment services;Debit card services;Debit card validation services;Electronic banking;Electronic banking via a global computer network [internet banking];Electronic cash transactions;Electronic commerce payment services;Electronic credit card transaction processing;Electronic debit transactions;Electronic funds transfer;Electronic funds transfer by telecommunications;Electronic processing of payments;Electronic stock exchange services;Electronic wallet services (payment services);Escrow services;Finance (Provision of -);Finance (Raising of -);Financial and monetary services, and banking;Financial assessment of company credit;Financial management of cash accounts;Financial management of companies;Financial management of current accounts;Financial management of membership schemes;Financial management of share accounts;Financial management relating to banking;Financial services for the management of credit cards;Financial services in the field of money lending;Financial services relating to bank cards;Financial services relating to credit cards;Financial services relating to the provision of loans;Financial transactions via blockchain;Financial transfers and transactions, and payment services;Insurance;Insurance services relating to credit cards;International banking;Internet banking;Issuance of credit and debit cards;Issuance of credit cards;Issuing electronic payment cards in connection with bonus and reward schemes;Lending and loans services;Loan and credit, and lease-finance services;Loans [financing];Merchant banking services;Money lending services;Money transfer;Online banking;On-line bill payment services;Online business banking services;Online financial transactions;Payment card services;Payment processing;Payment transaction card services;Private banking;Processing credit card transactions for others;Processing debit card transactions for others;Processing electronic payments made through prepaid cards;Processing of credit card payments;Processing of debit card payments;Processing of electronic credit card transactions;Processing of electronic debit transactions;Processing of payments for banks;Processing of payments in relation to charge cards;Processing of payments in relation to credit cards;Processing payments for the purchase of goods and services via an electronic communications network;Providing investors with financial information;Providing purchase protection insurance for goods purchased using credit cards;Providing rebates at participating establishments of others through use of a membership card;Provision of commercial loans;Provision of credit;Provision of credit card services;Provision of credit cards;Provision of current accounts;Provision of electronic funds transfer services;Provision of finance for business ventures;Provision of finance for companies;Provision of finance for enterprises;Provision of funds;Provision of information relating to credit card transactions;Raising of capital;Raising of funds for financial purposes;Revolving credit services;Revolving loan services;Savings account services;Savings and loan services;Secured loans;Services for debiting and crediting financial accounts;Telephone banking and insurance services;Travel insurance;Venture capital financing;Venture capital funding services for companies;Venture capital funding services for inventors;Venture capital funding services to emerging and start-up companies;Venture capital

management; Venture capital (Services for the finding of -); Venture capital (Services for the provision of -); Wealth management services.

## **Class 42**

Access Control as a Service (ACaaS); Administration of mail servers; Application service provider (ASP); Authentication services (control) of data transmitted via telecommunications; Authentication services for computer security; Building and maintaining websites; Certification of data via blockchain; Cloud computing; Computer software design and development; Computer software (Updating of -); Creating and maintaining websites for mobile phones; Creating, maintaining, and modernizing computer software; Creating programmes for data processing; Data authentication via blockchain; Data storage via blockchain; Data warehousing; Design and development of data processing software; Design and development of software in the field of mobile applications; Developing computer programs for electronic cash register systems; Developing computer software; Development and creation of computer programmes for data processing; Development of systems for the processing of data; Development of systems for the storage of data; Electronic monitoring of credit card activity to detect fraud via the internet; Encoding of magnetic cards; Encryption, decryption and authentication of information, messages and data; Information services relating to information technology; Infrastructure as a Service [IaaS]; IT services; Online data storage; Platform as a Service [PaaS]; Platforms for artificial intelligence as software as a service [SaaS]; Providing online, non-downloadable software; Providing temporary use of non-downloadable software for analyzing financial data and generating reports; Providing temporary use of online non-downloadable investment software; Providing temporary use of on-line non-downloadable operating software for accessing and using a cloud computing network; Providing temporary use of on-line non-downloadable software for processing electronic payments; Providing user authentication services using biometric hardware and software technology for e-commerce transactions; Research, development, design and upgrading of computer software; Research in the field of artificial intelligence; Server administration; Smartphone software design; Software as a service; Software as a service [SaaS]; Software as a service [SaaS] featuring computer software platforms for artificial intelligence; Software as a service [SaaS] featuring software for deep learning; Software as a service [SaaS] featuring software for deep neural networks; Software as a service [SaaS] featuring software for machine learning; Software development, programming and implementation; User authentication services using single sign-on technology for online software applications; User authentication services using technology for e-commerce transactions.

## **Annex 2**

## **Class 9**

Magnetically encoded cards, namely, charge cards, credit cards, debit cards, and payment cards; credit, debit, charge and payment cards containing an encoded electronic chip; credit, debit, charge and payment cards containing a blank electronic chip; computer software for facilitating commercial transactions through electronic means via wireless networks, global computer networks and mobile telecommunications networks; computer software for use in connection with the electronic storage, transmission, presentation, verification and authentication of credit, debit, charge and payment cards.

## **Class 16**

Books in the field of accounting, finance, and business; credit cards without magnetic coding.

## **Class 35**

Accounting services; consulting and information concerning accounting; accountant referrals; providing on-line trade directory services; On-line business directory listings featuring accounting firms, accountants, businesses providing financial and business consulting services, businesses providing outsourced business leadership, personnel and human resources administration, businesses providing data services, businesses providing brand and marketing services, businesses providing product development services, businesses providing software development services; general business networking referral services, namely, promoting the goods and services of others by passing business leads and referrals among group members; administration of discount programs for enabling corporate participants to obtain discounts on goods and services for the benefit of the corporation through use of corporate physical and virtual credit, debit, charge and payment cards; Tracking, comparing and monitoring corporate and employee expenses for others for cost accounting purposes; Promoting the membership of physical and virtual credit, debit, charge and payment card accounts through the administration of incentive award programs; Providing incentive award programs through issuance and processing of loyalty points for purchase of a company's goods and services; Promoting the goods and services of others by awarding purchase points for physical and virtual credit, debit, charge and payment card use.

## **Class 36**

Issuance of credit, debit, charge and payment cards; issuance of virtual credit, debit, charge and payment cards, virtual currency, and electronic stored value accounts; credit, debit, charge and payment card payment and transaction processing services; virtual credit, debit, charge and payment card transaction processing; Financing loans for business payments through use of corporate credit, debit, charge and payment cards; Electronic payment services involving electronic processing and subsequent transmission of bill payment data; corporate cash management services; financial transaction services, namely, providing secure commercial transactions and payment options using a mobile device at a point of sale; electronic processing of wireless wallets, mobile wallets and virtual credit, debit, charge and payment card transactions.

## **Class 39**

Travel and transport information services; travel ticket reservation services; travel agency services, namely, making reservations and bookings for transportation for business personnel; organization of travel; arranging of travel visas and travel documents for persons traveling abroad; travel assistance services, namely, arranging for the emergency replacement of airline tickets.

## **Class 41**

Book publishing; publishing of electronic publications; online electronic publishing of books and periodicals; electronic publishing services, namely, publishing of text works of others online featuring information in the fields of business, finance, accounting.

## **Class 42**

Provision of an on-line expense management tool for others in the nature of providing temporary use of online non-downloadable software for transaction approval and expense management; Computer services, namely, hosting and maintaining online website for others to provide feedback and information with respect to physical and virtual credit, debit, charge and payment card membership; Providing temporary use of a web-based software application for controlling, monitoring and validating credit, debit, charge and payment card transactions and virtual payment transmissions.

## **Class 43**

Providing information in the field of temporary lodging and accommodations for business travelers; travel agency services, namely, making reservations and bookings for temporary lodging, restaurants and meals.