

**O-781-22**

**TRADE MARKS ACT 1994**  
**IN THE MATTER OF APPLICATION No. 3576164**  
**BY VALLOOP LIMITED**  
**TO REGISTER THE TRADE MARK**  
**VALLOOP**  
**IN CLASSES 9, 35, 36, 42 & 45**

**AND**

**IN THE MATTER OF OPPOSITION THERETO**  
**UNDER No. 600002146 BY**  
**ALFTABORGIR EHF**

## BACKGROUND

1) On 7 January 2021, Valloop Ltd (hereinafter the applicant) applied to register the trade mark “VALLOOP” in respect of goods and services in Classes 9, 35, 36, 42 & 45 which I will detail later in this decision.

2) The application was examined and accepted, and subsequently published for opposition purposes on 12 November 2021 in Trade Marks Journal No.2021/046. The applicant claims a priority date of 9 July 2020, based upon its EUIPO registration 18271022.

3) On 12 January 2022 Alftaborgir ehf (hereinafter the opponent) filed a notice of opposition. The opponent is the proprietor of the following trade mark:

Mark	Number	Dates of filing & registration	Class	Specification relied upon
VALLO	UK 917906678	28.05.18 13.09.18	9	Detailed later in the decision
			36	
			39	
			42	
			43	

4) The sole ground of opposition is in summary:

- a) The opponents contend that the marks and goods and services of the two parties are highly similar. The mark in suit therefore offends against Section 5(2)(b).

5) On 16 May 2022 the applicant filed a counterstatement, in which it denies the ground of opposition.

6) Both parties are professionally represented. Neither side wished to be heard or filed evidence and only the applicant provided written submissions which I shall refer to as and when required.

7) 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**

8) I will consider the sole ground of opposition 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.”

9) 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.”

10) 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), (aa) 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)-(5A) [Repealed]

(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.”

11) The opponents are relying upon their trade mark listed in paragraph 3 above which is clearly an earlier trade mark. The mark in suit was applied for on 7 January 2021 at which point the opponents mark had not been registered for over five years. Therefore, the proof of use requirements do not bite.

12) 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**

13) As the case law above indicates, it is necessary for me to determine who the average consumer is for the respective parties' services. I must then determine the manner in which these 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.”

14) The applicant’s specification consists of, broadly speaking, “Software and databases” in Class 9; “business services and computer databases services” in Class 35; “financial and management services” in Class 36; “Software and database services” in Class 42; and “legal services” in Class 45. Whilst goods such as software will be sold in, inter alia, traditional retail outlets on the high street, through catalogues and on the Internet, both software and all of the other goods and services will also for the most part, only be purchased after extensive discussions with the provider to ensure that the providers of the goods or services are capable of meeting the requirements of the consumer. The specifications of both parties are unlimited, and so I must keep all of these trade channels in mind. The average consumer of the goods and services at issue will be a member of the general public (including businesses) who is likely, in my opinion, to select the goods and services initially mainly by visual means. However, due to the complexity even of goods such as software the consumer will wish to ensure that the software will run on the computer owned by the consumer. Thus, even these goods may be researched or discussed with a member of staff. All of the other goods and services are of such importance and complexity that considerable care and attention will be taken in the selection of the provider. In this respect I note that in *New Look Ltd v OHIM Cases- T-117/03 to T-119/03 and T-171/03*, the General Court (GC) said this about the selection of clothing:

“49. However, it should be noted that in the global assessment of the likelihood of confusion, the visual, aural or conceptual aspects of the opposing signs do not always have the same weight. It is appropriate to examine the objective conditions under which the marks may be present on the market (*BUDMEN*, paragraph 57). The extent of the similarity or difference between the signs may depend, in particular, on the inherent qualities of the signs or the conditions under which the goods or services covered by the opposing signs are marketed. If the goods covered by the mark in question are usually sold in self-service stores where consumer choose the product themselves and must therefore rely primarily on the image of the trade mark applied to the product, the visual similarity between the signs will as a

general rule be more important. If on the other hand the product covered is primarily sold orally, greater weight will usually be attributed to any aural similarity between the signs.”

**15) Overall, the goods and services may be initially selected visually from advertising in print media or the internet, or from signs above shops and offices, but as discussions will most likely then take place aural considerations will also be important. To my mind, the average consumer is likely to pay an above average degree of attention to the selection of such good and services, given their nature as mentioned earlier.**

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

16) 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”.

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

- (a) The respective uses of the respective goods or services;
- (b) The respective users of the respective goods or services;
- (c) The physical nature of the goods or acts of service;

(d) The respective trade channels through which the goods or services reach the market;

(e) In the case of self-serve consumer items, where in practice they are respectively found or likely to be, found in supermarkets and in particular whether they are, or are likely to be, found on the same or different shelves;

(f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.

18) 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”.

19) 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."

20) In *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA, 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.

21) Both parties have extensive specifications which have been placed in an annex at the end of this decision. The opponent's specifications have a number of wide ranging or general terms which obviously each encompass large parts of the applicant's specification and need no extensive explanation as the words used in the specifications speak for themselves. Any normal interpretation of the terms listed below makes the conclusion obvious. I turn first to consider the goods in class 9 of the two parties. To my mind, the following terms in the opponent's specification in class 9 encompasses the whole of the applicant's class 9 specification. "In Class 9: Cloud computing software; Software downloadable from the internet; Computer software platforms, recorded or downloadable; Computer software; Downloadable computer software for the management of data; Computer software downloadable from global computer information networks; Digital music downloadable provided from a computer database or the internet." **The goods in class 9 must therefore be regarded as identical.**

22) Turning to the services in Class 36 of the two parties again I believe that certain of the terms included in the opponent's specification encompass the whole of the applicant's specification. These terms are "Class 36: Banking; Financing of acquisitions; Banking and financing services; Capital management; Management of corporate finances; Financial evaluation [insurance, banking, real estate]; Commodities financing; Investment advisory

services relating to real estate; Trust administration; Capital fund management; Financing services for the securing of funds in respect of ventures; Management pensions schemes; Securing of funds; Trusteeship representatives; Financial banking; Arranging the provision of finance; Electronic banking services; Financial services provided via the Internet; Personal financial banking services; Financing and funding services; Venture capital and project capital investment services.” **The services in Class 36 must therefore be regarded as identical.**

23) Turning to the class 42 services of the two parties, again I believe that certain of the terms included in the opponent’s specification encompass the whole of the applicant’s specification. These terms are Class 42: “Providing temporary use of non-downloadable computer software for tracking freight over computer networks, intranets and the internet; Technical services for the downloading of software; Providing temporary use of on-line non-downloadable software; Programming of operating software for accessing and using a cloud computing network; Infrastructure as a Service [IaaS]; Consulting services in the field of cloud computing; Consultancy and information services in the field of information technology architecture and infrastructure; Public cloud hosting provider service; Providing temporary use of non downloadable computer software; Design and development of operating software for cloud computing networks; Cloud hosting provider services; Consultancy and information services relating to information technology architecture and infrastructure; Providing virtual computer systems through cloud computing; Providing temporary use of on-line non-downloadable software for the management of data; Private cloud hosting provider service; Providing temporary use of non-downloadable software for analyzing financial data and generating reports; Providing temporary use of non-downloadable software to enable sharing of multimedia content and comments among users.” **The services in Class 42 must therefore be regarded as identical.**

24) I next turn to the services in Class 35 which I have characterised earlier as business services and computer databases services. To my mind, the terms shown above for classes 9 & 42 are clearly, to anyone with a brain cell, similar to at least a medium degree to the applicant’s class 35 services. **The services in class 35 must be regarded as similar to at least a medium degree to the opponent’s class 9 goods and class 42 services.**

25) Lastly, turning to the applicant's services in class 45. Earlier, I characterised these class 45 services as broadly speaking "legal services". There is no doubt that many of the services offered by the opponent will involve legal services, but such services are not specifically mentioned in their specifications. Nor has the opponent set out which services it is relying upon in its opposition to the class 45 services of the applicant. I note that if the similarity between the goods and services 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)."

26) I also note that there is no similarity between financial and banking services and real estate services. In *Bankia SA v OHIM*, case T-323/14, the General Court held that financial and banking services are not similar to estate agency services. The court held that the nature, purpose and method of the services is different. That estate agency services are not generally provided in the same places as financial and banking services, and although the purchase of properties often involves the use of financial services, the relationship between the services is not such that consumers expect the providers of the services to be the same or economically connected. Consequently, the services are not complementary within the meaning of the case law.

27) 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. In the absence of any such evidence or submissions **I find that the applicant's services in class 45 are not similar to any of the goods and services of the opponent.**

## Comparison of trade marks

28) 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.”

29) 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 marks to be compared are, for ease of reference:

Applicant's mark	Opponents' mark
<b>VALLOOP</b>	<b>VALLO</b>

30) The marks have obvious visual and aural similarities as they share the first five letters. Equally they have obvious visual and aural differences in that the opponents' mark has an additional two letters, which when the applicant's mark consists only of seven letters is an obvious and significant difference. Neither mark has any meaning in relation to the goods or services in question, or indeed any meaning at all at least in the English language. The applicant contended that its mark is a conjoining of the words “Value” and “loop”, however I do not accept that the average consumer will see this connection. I do accept that the average UK consumer will see the word LOOP within the applicant's mark and will

pronounce the mark as “VAL” “LOOP”, whereas the opponent’s mark will, to my mind be pronounced “VAL” “EAU”. It is accepted that in short words small differences are more noticeable and in my opinion holds true in the instant case. **Overall, the differences far outweigh any similarities such that the marks have a low degree of similarity.**

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

31) 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).”

32) The opponents’ mark has no meaning that I am aware of in respect of the goods and services for which it is registered. To my mind, it **has an above average degree of inherent distinctiveness**. The opponents have not provided any evidence of use and thus **cannot benefit from an enhanced degree of distinctiveness through use in relation to the goods and services for which its mark is registered.**

## Likelihood of confusion

33) 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:

- Overall, the respective goods and services will be initially selected visually but aural considerations will also be important. To my mind, the average consumer is likely to pay an above average degree of attention to the selection of such good and services.
- The goods and services of the two parties in classes 9, 36 and 42 are identical. The applicant's services in class 35 are similar to a medium degree to the opponent's goods and services in classes 9 and 42. The applicant's services in class 45 are not similar to any of the goods and services of the opponent.
- Overall, the marks have a low degree of similarity.
- The opponent's mark has an above average degree of inherent distinctiveness, but cannot benefit from an enhanced degree of distinctiveness through use in relation to the goods and services for which its mark is registered.

34) 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).”

35) 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.”

36) 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.

37) In view of all of the above, and allowing for the concept of imperfect recollection, even where the goods and services are identical the differences between the trade marks of the two parties are such that there is no likelihood of consumers being indirectly or directly confused into believing that the goods and services provided by the applicant are those of the opponent or provided by an undertaking linked to it. This is because the average consumer is well versed in noticing small differences between short marks and in the instant case the level of attention the average consumer will pay to the origin of the goods and services is above average. **The opposition under Section 5(2) (b) therefore fails.**

## **CONCLUSION**

38) The opposition under section 5(2)(b) fails totally and trade mark 3576164 can proceed to registration.

## **COSTS**

39) As the applicant has been successful it is entitled to a contribution towards its costs.

Preparing a statement and considering the other side's statement	£400
Providing submissions	£1000
TOTAL	£1400

40) I order Alftaborgir EHF to pay Valloop Limited the sum of £1,400. 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 9th day of September 2022**

**G W Salthouse**

**For the Registrar**

**the Comptroller-General**

## Annex 1

Applicant's specification	Opponent's specification
<p>Class 9: Software; Business software; Document management software; Document automation software; Business intelligence software; Workflow management software; Business process management software; Software for the setting up, processing and executing of business transactions; Software for automation of the setting up, processing and executing of business transactions, mergers, acquisitions and capital investment; Artificial intelligence software for the setting up, processing and executing of business transactions, mergers, acquisitions and capital investment; Computer software for analysing business and company data; Computer software for creating searchable databases of information and data; Computer software for creating searchable databases of information and data relating to the merger, acquisition and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Computer software for creating searchable databases of information and data relating to human, tangible and intangible asset management and venture capital, capital and private investment services; Computer software for accessing, browsing and searching databases relating to the merger, acquisition and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Computer software for accessing, browsing and searching databases relating to human, tangible and intangible asset management and venture capital, capital and private investment services; Databases; Databases of documents, information and data relating to the merger, acquisition and management</p>	<p>Class9: Publications in electronic format [downloadable]; Downloadable graphic design templates; Downloadable electronic newsletters; Publications (Electronic -), downloadable; Downloadable game related software applications; Downloadable ringtones for mobile phones; Downloadable software in the nature of a mobile application for playing games; Downloadable electronic brochures; Downloadable music files; Downloadable educational media; Downloadable ringtones; Downloadable electronic maps; Downloadable films; Electronic publications, downloadable, relating to games and gaming; Computer games programmes downloaded via the internet [software]; Downloadable information relating to games and gaming; Downloadable application software for smart phones; Downloadable software applications for use with three dimensional printers; Software downloadable from the internet; Digital music [downloadable] provided from mp3 web sites on the internet; Programs (Computer -) [downloadable software]; Downloadable electronic newspapers; Downloadable computer graphics; Downloadable video game software; Downloadable applications for use with mobile devices; Cloud network monitoring software; Downloadable computer software for the management of information; Digital music downloadable from the Internet; Downloadable screen savers for phones; Downloadable printing fonts; Cloud servers; Downloadable software applications; Computer software platforms, recorded or downloadable; Downloadable computer software for remote monitoring and analysis; Downloadable electronic reports; Downloadable musical sound recordings; Downloadable mobile coupons; Downloadable music sound recordings; Downloadable comic strips; Downloadable movies; Media content; Downloadable computer game software; Downloadable electronic game programs; Computer software; Downloadable video game programs; Downloadable mobile applications for the management of information; Downloadable computer software for the management of data; Computer software for accessing information directories that may be downloaded from the global computer network; Downloadable software; Downloadable image files; Downloadable e-books;</p>

<p>of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Databases of documents, information and data relating to human, tangible and intangible asset management and venture capital, capital and private investment services; software platform for assessing companies for merger, acquisition, due diligence and entering into contractual arrangements with companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; software platform for the management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; software platform for the automated management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; software platform for the automated management of human, tangible and intangible capital and assets, particularly for small and medium sized enterprises, start-up companies and emerging enterprises; software platform developed to digitise the process of assessing companies and human, tangible and intangible assets for merger, acquisition, due diligence, entering into contractual arrangements with companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; software platform developed to automate the process of assessing companies and human, tangible and intangible assets for merger, acquisition, due diligence, entering into contractual arrangements with companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; software platform developed to digitise the process of management of companies and human, tangible and intangible assets, particularly small and medium sized enterprises, start-up companies and emerging enterprises; software platform developed to automate the process of management of companies</p>	<p>Downloadable electronic publications in the nature of magazines; Downloadable educational course materials; Downloadable computer utility software; Computer software downloadable from global computer information networks; Digital music downloadable provided from a computer database or the internet; Downloadable graphics for mobile phones; Computer software downloaded from the internet; Downloadable printable planners and organizers; Downloadable templates for designing audiovisual presentations; Downloadable digital photos; Downloadable applications for mobile devices; Computer screen saver software, recorded or downloadable; Computer programs [downloadable software]; Downloadable video recordings; Downloadable computer software; Downloadable mobile applications for use with wearable computer devices; Downloadable videos; Downloadable wallpapers for computers and phones; Downloadable computer utility programs; Cloud computing software; Downloadable computer game software via a global computer network and wireless devices; Computer game software downloadable from a global computer network; Software; Downloadable computer software for designing and modelling of three dimensional printable products; Downloadable mobile applications for the transmission of data; Downloadable electronic publications; Recorded content; Downloadable smart phone application software; Telephone ring tones [downloadable]; Downloadable computer software applications; Downloadable electronic greeting cards for sending by regular mail; Downloadable mobile applications for the management of data; Downloadable digital music provided from MP3 Internet web sites; Downloadable computer software for the transmission of data; Downloadable sound recordings; Downloadable podcasts; Printing fonts that can be downloaded provided by means of electronic transmission; Computer software applications, downloadable; Downloadable publications; Computer games programmes downloaded via the internet; Downloadable computer games; Databases; Downloadable smart phone applications (software); Downloadable software in the nature of a mobile application; Downloadable ring tones; Downloadable video recordings featuring music; Downloadable interactive entertainment software for playing video games; Downloadable electronic games; Downloadable computer security software; Downloadable publications in electronic form; Downloadable interactive entertainment software for</p>
---	---

<p>and human, tangible and intangible assets, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Developing software to digitise the process of assessing companies and human, tangible and intangible assets for merger acquisition, due diligence, entering into contractual arrangements with companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Developing software to automate the process of assessing companies and human, tangible and intangible assets for merger, acquisition, due diligence, entering into contractual arrangements with companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Developing software to digitise the process of management of companies and human, tangible and intangible assets, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Developing software to automate the process of management of companies and human, tangible and intangible assets, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Artificial intelligence software for the merger, acquisition and management of companies and human, tangible and intangible assets, particularly small and medium enterprises, start-up companies and emerging companies; Software for the automation of the deployment of capital and human, tangible and intangible assets into companies, particularly small and medium companies, start-up companies and emerging companies; Software for the automation of company and human, tangible and intangible asset management in private companies, particularly small and medium companies, start-up companies and emerging companies; Artificial intelligence and machine learning software for the deployment of capital and human, tangible and intangible assets</p>	<p>playing computer games; Electronic publications (downloadable); Downloadable mobile applications; Application software for cloud computing services; Downloadable mobile applications for the transmission of information; Computer games programs downloaded via the internet [software]; Computer programs, downloadable; Downloadable video files; Downloadable ring tones for mobile phones; Information technology and audiovisual equipment; Computer software downloadable from the internet; Digital music downloadable provided from the internet; Downloadable instruction manuals in electronic form; Downloadable instant messaging software; Downloadable email software; Downloadable cloud computing software; Ringtones [downloadable]; Electronic sheet music, downloadable; Downloadable computer programs; Smartphone software applications, downloadable; Downloadable computer game programs; Digital books downloadable from the Internet; Downloadable electronic books; Data recorded electronically; Digital music downloadable provided from MP3 internet websites; Downloadable screen savers for computers; Downloadable computer software for the transmission of information; Weekly publications downloaded in electronic form from the internet; Downloadable application software; Digital music downloadable provided from MP3 internet web sites; Downloadable digital music.</p>
--	---

<p>into and management of private companies, particularly small and medium companies, start-up companies and emerging companies.</p>	
<p>Class 35: Commercial trading services; Business development services; Data processing, systematisation and management; Data processing, systematisation and management relating to human, tangible and intangible asset management and venture capital and capital investment services; Data processing, systematisation and management relating to merger, acquisition and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Compilation of information into computer databases; Compilation of information into computer databases relating to human, tangible and intangible asset management and venture capital and capital investment; Compilation of information into computer databases relating to merger, acquisition and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Compilation and management of databases; Compilation and systemisation of information into computer databases; Compilation and systemisation of information into computer databases relating to the merger, acquisition and management of, and investment into, businesses; Compilation and systemisation of information into computer databases relating to merger, acquisition and management of, and investment into, companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Compilation of data into computer databases; Compilation of data into computer databases relating to the merger, acquisition, investment into and on-going management of businesses and companies, particularly small and medium sized enterprises, start-up companies and emerging</p>	

<p>enterprises; provision of business documentation and advice relating to human, tangible and intangible asset management and venture capital and capital investment; Provision of business information and advice relating to conduct due diligence on companies, namely small and medium enterprises, emerging companies and start-up companies via an on-line proprietary searchable database; Advice relating to the merger, acquisition, investment into and on-going management of businesses and companies, particularly small and medium enterprises, start-up companies and emerging companies; Providing support and management of human capital and assets; Providing an on-line proprietary searchable database containing documents and advice relating to the merger or acquisition of, and investment into, businesses and human, tangible and intangible assets.</p>	
<p>Class 36: Provision of financial documents and advice relating to the merger or acquisition of , and investment into, businesses and human, tangible and intangible assets via an on-line proprietary searchable database; Financial and monetary services; Venture capital and capital investment services; Venture capital funding services for companies, particularly small and medium enterprises; Venture capital funding services to emerging and start-up companies; Private placement and venture capital investment services; Private client investment services; Financing of mergers and acquisitions; venture capital financing; Providing financial security and services for business income; Capital management; Venture capital management; Capital investment; Financial investment; Capital investment brokerage; Capital investment consultation; Capital investment advisory services; fund investment services; investment consultancy; venture capital funding services for</p>	<p>Class 36: Rental of banknote and coin counting or sorting machines; Venture capital funding services for companies; Financing services relating to real estate development; Real estate lease surrender services; Contributory benefit scheme services; Real estate management services relating to shopping centers; Banking; Trusteeship; Financing of acquisitions; Administration of pension schemes; Real estate acquisition [for others]; Banking and financing services; Real estate management services relating to industrial premises; Real estate investment planning; School fees investment services; Capital management; Private placement and venture capital investment services; Appraisal and evaluation of real estate; Arranging of shared ownership of real estate; Banking services relating to the deposit of money; Deposit-taking; Lease of real estate; Financial services relating to the motor trade; Financial services relating to real estate property; Asset allocation; Insuring of hotel</p>

<p>commercial entities; venture capital funding services for inventors; venture capital and project capital investment services; Asset management; Asset management for third parties; Management of companies; Management of brand and product portfolios; Management of private equity funds; Investment in and management of human capital and assets; Investment in and management of human capital and assets in investor-acquired companies, particularly small and medium enterprises, start-up companies and emerging companies; Long-term management of human capital and assets in investor-acquired companies, particularly small and medium enterprises, start-up companies and emerging companies; Financial and capital and human asset evaluation for investment purposes; Securing of funds; Securing of finance from high net-worth individuals and private investors; Financial services relating to the securing of funds for investment purposes; Financial management of risk capital, investment capital and development capital; Financial and asset information, data, advice and consultancy services; Asset and portfolio management; Management of private equity funds; Merger and acquisition of companies and capital assets; Valuation of tangible and intangible assets; Valuation of tangible and intangible assets for small and medium enterprises, start-up companies and emerging companies; Providing an on-line proprietary searchable database featuring due diligence information on companies, particularly small and medium enterprises, emerging companies and start-up companies; providing a proprietary database online featuring financial credit risk information, financial credit ratings, and financial reports; financial and capital asset verification services; Information services relating to finance and capital and human</p>	<p>accommodation; Valuation of real estate property; Deposit accounts services; Financial banking services for the withdrawal of money; Real estate syndication; Arranging letting of real estate; Online banking; Financing of consumer purchases; Treasury services; Real estate affairs services; Management of corporate finances; Financial evaluation [insurance, banking, real estate]; Commodities financing; Investment advisory services relating to real estate; Trust administration; Capital fund management; Real estate management services relating to shopping malls; Financing services for the securing of funds in respect of ventures; Management pensions schemes; Securing of funds; Trusteeship representatives; Financial banking; Real estate insurance services; Virtual currency transfer services; Real estate management services; Financial solvency investigations; Arranging the provision of finance; Provision of finance for civil engineering constructions; Electronic banking services; Arranging the provision of finance for construction operations; Savings bank services; Financial services relating to the funding of broadcasting; Financial information, data, advice and consultancy services; Real estate consultation; Debit account services; Facilitating and arranging financing; Administration of pre-paid health care plans; Real estate appraisal; Leasing of real estate property; Fundraising and financial sponsorship; Monetary affairs; Property (Real estate -) consultancy services; Financing services; Estate management services relating to transactions in real property; Electronic financial trading services; Advisory services relating to real estate ownership; Business liquidation services, financial; Financial services provided via the Internet; Personal financial banking services; Capital investment in real estate; Financial assistance; Providing information relating to real estate affairs, via the Internet; Financing of mergers;</p>
--	--

<p>asset acquisition and management, provided on-line from a computer database or the Internet.</p>	<p>Retail financing services; Real estate agencies; Appraisal of real estate; Insurance underwriting; Savings schemes relating to health care; Conducting of financial affairs on-line; Financial services relating to the sale of property; Computerised banking services; Currency trading and exchange services; Provision of finance for leisure centres; Venture capital funding services for research institutions; Financial management via the Internet; Buying and selling currency; Providing information relating to real estate appraisal; Financial management relating to banking; Internet banking; Providing rebates at participating establishments of others through use of a membership card; Trusteeship of superannuation funds; Financial management services relating to dental institutions; Financing and funding services; Banking services provided for schools; Venture capital and project capital investment services; Financial services for the purchase of real estate; Discount of bills; Trusteeship of pensions; Brokerage; Financial management of holding companies; Financial consultancy services relating to infrastructure investment; Brokerage services for arranging financing by other financial institutions; Management services for real estate investment; Savings scheme services; Providing fundraising activities to support medical research and procedures for those in need; Real estate administration; Real estate appraisal services; Property (Real estate -) finance; Bank account services; Personal equity plan management; Arranging finance for radio programs; Management of real estate; Foreign currency dealing; Real estate management; Provision of current accounts; Electronic check acceptance services; Provision of financial securities; Personal equity plan investment; Real estate management services relating to office premises; Real estate valuation services; Financial planning services relating to building projects; Real</p>
---	---

	<p>estate settlement services [financial services]; Financial services provided to partnerships; Interest rate risk management; Financial services relating to personal equity plans; Accommodation bureaux (real estate property); Commercial real estate agency services; Financial loss management; Real estate lease renewal services; Financial and monetary services; Trading in foreign currency; Provision of information relating to property [real estate]; Bank note checking; Estate management (Real -); Real estate procurement for others; Financing in relation to the buying and selling of businesses; Escrow services; International banking; Rental of paper money and coin counting machines; Financial brokerage services; Providing funding for non-profit entities; Provision of commercial finance; Bank account information services; Estate trust management; Raising of funds for financial purposes; Financing services for companies; Venture capital management; Counterparty risk management; Real-estate brokerage services; Actuarial services; Emergency financial services for travellers; Venture capital funding services for commercial entities; Venture capital funding services to emerging and start-up companies; Real estate agency services relating to the purchase and sale of land; Computerised financial services for retail businesses; Financial services provided by building societies; Financial services relating to travel; Real estate and property management services; Provision of finance for business ventures; Financial services relating to the acquisition of property; Financial management; Arranging finance for films; Pension management services; Provision of information relating to the property market [real estate]; Telebanking; Currency exchange services; Savings schemes relating to health insurance; Equipment financing services; Foreign currency transfer services; Computerised financial services relating to foreign currency dealings; Arranging of</p>
--	--

	<p>annuities; Administration of deposit taking; Finance services; Consultancy relating to educational financial assistance; Financial administration of employee pension plans; Building society services relating to finance; Virtual currency exchange; Provision of finance for sales; Financing services for the securing of funds for business; Financial services provided to businesses in the oil industry; Corporate funds management; Currency exchange rate quotations; Consultancy services relating to the financing of civil works and infrastructure projects; Financial consultancy relating to real estate investment; Advisory services relating to real estate valuations; Financial valuation of personal property and real estate; Provision of investment capital; Agency services for the leasing of real estate property; Financing of building projects; Home banking; Electronic banking via a global computer network [internet banking]; Venture capital funding services for inventors; Financial brokerage services for real estate; Appraisal (Real estate -); Financing services for securing funds; Financial banking services for the deposit of money; Personal finance services; Virtual currency services; Financial consultancy in the field of risk management; Financial investment; Corporate trustee services; Provision of finance for real estate development; Consultation services relating to real estate; Asset management for third parties; Financial services relating to real estate property and buildings; Asset management; Financial management of companies; Financial risk assessment services; Valuation of real estate; Real estate lending services; Financial management services relating to banking institutions; Exchange of currency (Agencies for the -); Financial services relating to the maintenance of vehicles; Real estate management services relating to building complexes; Provision of prepaid cards and tokens; Risk management consultancy [financial]; Funding of product development; Real</p>
--	---

	<p>estate (Leasing of -); Rental of coin counting and sorting machines; Arranging finance for businesses; Securing of funds for the purchase of property; Providing funding for universities; On-line real-time currency trading; Provision of finance for health care; Cooperative credit organizations; Venture capital and venture capital management services; Real estate appraisal and valuation; Arranging finance for television programs; Currency dealing; Real estate investment management; Evaluation (Financial -) [insurance, banking, real estate]; Corporate real estate advisory services; Financial transactions relating to currency swaps; Raising of financial capital; Project financing; Financing services relating to hotels; Property (real estate -) appraisal [financial]; Residential real estate agency services; Real estate selection and acquisition [on behalf of others]; Real estate consultations; Financial management of building projects; Appraisals for insurance claims of real estate; Provision of foreign currency; Providing information and analysis via the Internet in the field of financial investments; Insurance services; Financial transaction services relating to interest rate; Provision of financial protection against foreign exchange risks; Services for debiting and crediting financial accounts; Property leasing [real estate property only]; Research services relating to real estate acquisition; Real estate agency services for the leasing of land; Real estate appraisals [valuations]; Financial services relating to savings; Providing working capital; Trust advice; Assisting in the acquisition of and financial interests in real estate; Real estate agency services relating to the purchase and sale of buildings; Evaluation of real estate; Merchant banking services; Administration of patient reimbursement programs; Currency exchange and advice; Monetary services; Rental of real estate; Bank account and savings account services; Financial risk management services; Trust</p>
--	--

	<p>management; Financial management services provided via the Internet; Swaps of currency rates; Financial management of real estate projects; Arranging of leases of real estate; Valuation services; Financial management services relating to hospitals; Price risk management; Valuations (Real estate -); Provision of financial guarantees for bonding real estate; Trusteeship of financial futures contracts; Pension services; Real estate leasing; Financing services for the purchase of ships; Financial services relating to motor vehicles; Provision of pension schemes; Rental of money counting and sorting machines; Financial management of building occupancy expenses; Provision of equipment finance; Equity financing; Assessment and management of real estate; Financial trust management; Telegraphic remittance [payment] services; Financial and monetary services, and banking; Establishment of trusts (Services for the -); Savings and loan services; Brokerage of currency; Collection of community charge monies; Venture capital funding services for non-profit entities; Trusteeship of money; Financial services provided over the telephone and by means of a global computer network or the internet; Financial management services relating to medical institutions; Acquisition and transfer of monetary claims; Venture capital fund management; Financial management services relating to retirement homes; Financial services provided by electronic means; Real estate brokerage; Brokerage of real estate; Provision of finance for enterprises; Deposit savings; Financial research in the field of risk management; Consultancy services relating to real estate; Property (Real estate -) management; Real estate services related to management of property investments; Real-estate valuations; Accounts receivables financing; Providing funding for research institutions; Arranging the provision of finance for real estate purchase; Conducting of financial</p>
--	---

	<p>         transactions; Financial administration of a private dental plan; Real estate escrow services; Management of financial assets; Real estate investment advice; Consolidation of monies (Services for the -); Leases (arranging of -) [real estate property only]; Financial management for businesses; Arranging of overdrafts; Private banking; Administration of financial affairs relating to real estate; Safe deposit services; Financial sponsorship of entertainment activities; Real estate acquisition [on behalf of others]; Debt recovery and factoring services; Financial evaluations [real estate]; Financial management of building renovation projects; Capitalization services; Brokerage of carbon offsets; Computerised information services relating to real estate; Personal banking services; Provision of financial services by means of a global computer network or the internet; Real estate investment services; Foreign currency exchange; Processing of luncheon vouchers; Loan and credit, and lease-finance services; Leasing of real estate; Venture capital financing; Financial management of current accounts; Financial services provided over the Internet and telephone; Deposit-holding; Real estate financing; Real estate agency services; Real estate property management; Real estate trustee services; Financing services relating to maternity care; Consultancy in the purchasing of real estate; Annuity services; Savings accounts services; Real estates evaluation (fixing of a price); Real estate agency services for the rental of buildings; Equity release services; Collection of non-domestic rates; Insurance for hotels; Trade finance services; Current account facilities; Tax services [not accounting]; Securities and commodities trading services; Financial services relating to the purchase of aircraft; Real estate appraisals; Investment services; Planning (estate -) [financial]; Financial services relating to property; Computerised financial services; Administration of trusts; Provision of       </p>
--	--

	<p>information relating to real estate; Provision of real estate loans; Rental of machines for counting and sorting banknotes; Provision of finance for the purchase of vehicles; Real estate management services relating to residential buildings; Financial exchange; Real estate management services relating to entertainment venues; Property investment banking services; Property (Real estate - ) investment; Financial management of pensions; Financial services relating to the transportation of goods; Money deposit services; Collateral agency services; Arranging of credit insurance; Real estate listing services for housing rentals and apartment rentals; Real estate agency; Industrial financing services; Financial management services relating to convalescent institutions; Brokerage of carbon credits; Fixed income investment services; Variable insurance investment services; Banking services for deposit-taking; Financial services relating to airports; Collection of debt on real estate rental; Real estate acquisition services; Building society services; Real estate agents services; Financial services related to real estate; Venture capital funding services for universities; Financial transfers and transactions, and payment services; Providing real estate information relating to property and land; Maintaining mortgage escrow accounts; Property (Real estate -) insurance; Financing of development projects; Insurance services relating to real estate; Management of retained earnings; Foreign currency services; Financial management of cash accounts; Real estate investment; Investment in real estate (Services for -); Financial services relating to the provision and structuring of capital; Maintaining escrow accounts for investments; Real estate management services relating to retail premises; Savings and loan associations; Financing services relating to trade; Variable annuity investment services; Financial management services relating to local authorities; Provision of finance for the</p>
--	---

	<p>purchase of motor vehicles; Brokerage of emission rights; Deposit services; Financing services relating to dental care; Financial management of reimbursement payments for others; Issuing of promissory notes; Real estate management services relating to commercial buildings; Financial services relating to the securing of funds; Exchange brokerage services; Providing information relating to trusteeship of financial futures contracts; Telephone banking services; Provision of annuities; Real estate investment consultancy; Financial services relating to wealth management; Exchange services (Currency -); Handling of standing orders; Rental of offices [real estate]; Property (Real estate -) brokerage services; Brokerage of building society savings agreements; Financial intermediary services; Issuing of travellers' cheques and currency vouchers; Arranging of leases and rental agreements for real estate; Providing funding for the development of new technology; Financial planning and management; Real estate equity sharing; Provision of finance relating to the sale and purchase of boats; Financial services relating to pensions; Real estate time-sharing; Financial guardianship; Administration of financial affairs; Providing funding for inventions; Arranging of finance for sporting, cultural and entertainment projects; Providing funding for commercial entities; Real estate assessment [financial]; Online business banking services; Real estate consultancy; Administration of savings accounts; Independent financial planning advice; Estate agencies (Real -); Arranging of loan agreements secured on real estate; Real estate services; Financial management of risk capital, investment capital and development capital; Real estate broking; Real estate affairs; Currency trading; Providing funding for governments; Providing funding for inventors; Valuations in real estate matters; Property (Real estate -) evaluations; Trusteeship of real estate</p>
--	---

	<p>property; Asset and portfolio management; Management of private equity funds; Fund raising services via crowdfunding website; Financial management services relating to nursing institutions; Assisting in the acquisition of real estate; Financial services relating to business; Financial management of shares in other companies; Real estate management services relating to housing estates; Financial services for securing funds for others.</p>
<p>Class 42; Providing downloadable software; Providing online, non-downloadable software; Providing temporary use of on-line non-downloadable software for accessing proprietary databases containing information and documents relating to human, tangible and intangible asset management venture capital, capital and private investment services; providing online software services in the fields of human, tangible and intangible asset management and venture capital and capital investment services; providing information on-line from computer databases or from facilities provided on the Internet, including web pages; providing information on-line from computer databases or from facilities provided on the Internet, including web pages, relating to human, tangible and intangible asset management and venture capital, capital and private investment services; providing information on-line from computer databases or from facilities provided on the Internet, including web pages, relating to the merger, acquisition, investment into and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; installation, maintenance and upkeep of computer software and databases; installation, maintenance and upkeep of computer software and databases relating to human, tangible and intangible asset management and venture</p>	<p>Class 42: Evaluation and testing of real estate for the presence of hazardous material; Providing temporary use of non-downloadable computer software for tracking freight over computer networks, intranets and the internet; Services for the planning [design] of hotels; Providing temporary use of online, non-downloadable computer software for use in broadcast monitoring applications; Technical services for the downloading of software; Providing temporary use of on-line non-downloadable software; Programming of operating software for accessing and using a cloud computing network; Infrastructure as a Service [IaaS]; Providing temporary use of online, non-downloadable computer software for language translation; Providing temporary use of on-line, non-downloadable software for use in publishing and printing; Consulting services in the field of cloud computing; Providing online non-downloadable software for use in communication; Technical services for the downloading of video games; Providing online non-downloadable software for use in supply chain management; Consultancy and information services in the field of information technology architecture and infrastructure; Providing temporary use of non-downloadable software applications accessible via a web site; Public cloud hosting provider service; Providing temporary use of on-line non-downloadable software for importing</p>

<p>capital, capital and private investment services; electronic storage of data, including files, documents, images and text; electronic storage of data, including files, documents, images and text relating to human, tangible and intangible asset management and venture capital, capital and private investment services; computerised analysis of data and information; computerised analysis of data and information relating to human, tangible and intangible asset management and venture capital, capital investment and private services; computerised analysis of data and information relating to the merger, acquisition, investment into and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Digitisation of documents; electronic data and document storage; electronic data and document storage relating to human, tangible and intangible asset management and venture capital, capital and private investment services; electronic data and document storage relating to the merger, acquisition, investment into and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; design and development of computer software relating to human, tangible and intangible asset management and venture capital, capital and private investment services; design and development of computer software relating to the merger acquisition, investment into and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Hosting of databases relating to human, tangible and intangible asset management and venture capital, capital and private investment services; Hosting of databases relating to the merger, acquisition, investment into and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Development of databases</p>	<p>and managing data; Consulting in the field of cloud computing networks and applications; Providing temporary use of non-downloadable computer software for preparing shipping documents over computer networks, intranets and the internet; Providing temporary use of on-line non-downloadable software for database management; Providing temporary use of non-downloadable business software; Providing temporary use of non-downloadable software to enable content providers to track multimedia content; Preparation of reports relating to real estate planning; Providing temporary use of non downloadable computer software; Design and development of operating software for cloud computing networks; Cloud hosting provider services; Consultancy and information services relating to information technology architecture and infrastructure; Surveying of real estate; Providing online, non-downloadable software; Rental of operating software for accessing and using a cloud computing network; Providing temporary use of on-line non-downloadable operating software for accessing and using a cloud computing network; Providing virtual computer systems through cloud computing; Providing temporary use of on-line non-downloadable software for the management of data; Providing temporary use of online non-downloadable software; Design and development of operating software for accessing and using a cloud computing network; Providing temporary use of on-line non-downloadable software for the transmission of data; Providing temporary use of online non-downloadable investment software; Providing temporary use of on-line non-downloadable software development tools; Providing temporary use of on-line non-downloadable software for processing electronic payments; Private cloud hosting provider service; Design of hotels; Providing temporary use of non-downloadable software for analyzing financial data and generating reports;</p>
---	---

<p>relating to human, tangible and intangible asset management and venture capital, capital and private investment services; Development of databases relating to the merger, acquisition, investment into and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Updating of software databases relating to human, tangible and intangible asset management and venture capital, capital and private investment services; Updating of software databases relating to the merger, acquisition, investment into and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Maintenance of data bases relating to human, tangible and intangible asset management and venture capital, capital and private investment services; Maintenance of data bases relating to the merger, acquisition, investment into and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Cloud computing services relating to human, tangible and intangible asset management and venture capital, capital and private investment services; Cloud computing services relating to the merger, acquisition, investment into and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Consultancy and advisory services relating to human, tangible and intangible asset management and venture capital, capital and private investment services; Consultancy and advisory services relating to the merger, acquisition, investment into and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises.</p>	<p>Providing temporary use of non-downloadable computer software for use in the creation and publication of on-line journals and blogs; Providing temporary use of non-downloadable software to enable sharing of multimedia content and comments among users; Design services relating to real estate; Providing temporary use of on-line non-downloadable software for inventory management; Providing temporary use of non-downloadable computer software for shipment processing over computer networks, intranets and the internet; Providing temporary use of on-line non-downloadable operating software for computer networks and servers; Technical services for the downloading of digital data; Cloud computing services; Providing temporary use of on-line non-downloadable software for web site development; Providing temporary use of online non-downloadable software for accessing and using a cloud computing network; Providing temporary use of on-line non-downloadable software for the transmission of information; Cloud computing; Providing virtual computer environments through cloud computing; Providing temporary use of on-line non-downloadable software for the management of information; Providing temporary use of non-downloadable computer software for tracking packages over computer networks, intranets and the internet; Providing on-line non-downloadable software for database management; Providing online non-downloadable software for word processing; Providing temporary use of online non-downloadable software for word processing.</p>
<p>Class 45: Legal services; Legal services relating to human, tangible and intangible asset management</p>	

and venture capital, capital and private investment services; Legal services relating to the merger, acquisition, investment into and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Licensing software; Licensing software relating to human, tangible and intangible asset management and venture capital, capital and private investment services; Licensing software relating to the merger, acquisition, investment into and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; Providing online information relating to human, tangible and intangible asset management and venture capital, capital and private investment services; Providing online information relating to the merger, acquisition, investment into and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; providing consulting services in the field of governance, risk and compliance with laws and regulations relating to human, tangible and intangible asset management and venture capital, capital and private investment services; providing consulting services in the field of governance, risk and compliance with laws and regulations relating to the merger, acquisition, investment into and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; reporting services related to compliance with laws and regulations for human, tangible and intangible asset management and venture capital, capital and private investment services; reporting services related to compliance with laws and regulations for the merger, acquisition, investment into and management of companies, particularly small and medium sized enterprises, start-up companies and emerging enterprises; provision of due-diligence information on companies, particularly small and

<p>medium enterprises, emerging companies and start-up companies via an on-line proprietary database.</p>	
	<p>Class 39 Transport; Rental of means of transportation; Rescue, recovery, towing and salvage services; Transportation and delivery of goods; Travel and passenger transportation; Air charter services; Air transport; Air transportation services featuring a frequent flyer bonus program; Aircraft handling; Airline and shipping services; Airline services; Airline transport; Airport passenger check-in services; Airport services; Airport transfer services; Ambulance transport; Animal rescue services [transport]; Armoured vehicle transport; Armoured-car transport; Arrangement of transportation; Arranging and providing transport by land, sea and air; Arranging ferry transportation; Arranging of air transport; Arranging of transport and travel; Navigation (positioning, and route and course plotting); Advisory services relating to road transportation; Arranging the hire of all means of transport; Arranging transport services by land, sea and air; Arranging transportation by land, sea, and air; Arranging transportation of passengers by road, rail, air and sea; Boat chartering; Boat transport; Booking of transport via global computer networks; Bus ferry services; Cable-car transport; Car transport; Charitable services, namely providing transportation; Chartering of marine vessels; Chartering of vehicles for transportation; Computerised distribution advisory services relating to transport; Computerised distribution planning relating to transportation; Computerised transport information services; Consultancy in the field of air transport; Consultancy in the field of transport services provided by telephone call centres and hotlines; Consultancy services relating to transportation; Driving services; Dumping [transportation] of waste; Fares (Provision of information relating to -); Ferry-boat transport;</p>

	<p>Ferryboat operating; Ground transportation relating to the aviation industry; Guarded transportation; Helicopter transport; Hire of rail transport; Hire of road transport; Information services relating to methods of transport; Information services relating to road conditions; Information services relating to traffic; Information services relating to traffic congestion; Information services relating to traffic speed; Information services relating to transport timetables; Inland waterway transport; Launching of spacecraft; Management of vehicular traffic flow through advanced communications network and technology; Marine transport; Motor vehicle transport services; Ocean shipping; Passenger cargo services; Passenger transport; Piloting; Piloting of ships; Port services [docking services]; Professional consultancy relating to transport; Providing information relating to air transport; Providing information relating to shipbrokerage; Providing road and traffic information; Providing transport and travel information; Providing transport and travel information via mobile telecommunications apparatus and devices; Provision of airport facilities for aviation; Provision of airport information services relating to aviation; Provision of data relating to methods of transport; Provision of data relating to timetables; Provision of flight information; Provision of information relating to airline arrivals; Provision of information relating to airline departures; Provision of information relating to airline scheduling; Provision of information relating to road traffic conditions; Provision of information relating to marinas; Provision of information relating to motoring routes; Provision of information relating to ports; Provision of information relating to postal codes; Provision of information relating to road conditions; Provision of information relating to road transport; Provision of transportation tariff information; Railway transport; Rental of aircraft engines; Rental of crates; Rental of portable</p>
--	--

	<p>roadways; Rescue, recovery, towing and salvage; Reservation and booking services for transportation; Reservation of ferry transport; Reservation of rail transport; Reservation services for transportation by air; Reservation services for transportation by boat; Reservation services for transportation by land; Reservation services for transportation by sea; River transport; River transport by boat; Road transport services; Sailboat transportation services; Services for arranging transportation by air; Services for arranging transportation by rail; Services for arranging transportation by road; Services for arranging transportation by water; Services for chartering railway transport; Services for the arranging of transportation; Services for the provision of information relating to motor transport; Services for the provision of information relating to rail transport; Ship chartering; Shipbrokerage; Traffic information; Transit services; Transport and storage of waste; Transport brokerage; Transport by inland water; Transport by land; Transport by man-powered vehicles; Transport by road; Transport by sea; Transport by two-wheeled motor vehicles; Transport by water; Transport of travellers; Transport reservation; Transport services; Transportation information; Transportation logistics; Turbojet airplane transport; Vehicle-driving services; Travel reservations; Making travel reservations (Services for -); Computerised information services relating to travel reservations; Seat reservations for various forms of transport; Travel agency services, namely, making reservations and bookings for transportation.</p>
	<p>Class 43 Appraisal of hotel accommodation; Providing exhibition facilities in hotels; Hotel information; Provision of hotel accommodation; Travel agency services for reserving hotel accommodation; Providing hotel and motel services; Providing accommodation in hotels and motels;</p>

	<p>Hotel reservation services provided via the Internet; Pet hotel services; Rental of curtains for hotels; Accommodation bureau services [hotels, boarding houses]; Motel services; Making hotel reservations for others; Resort hotels; Hotel services for preferred customers; Booking agency services for hotel accommodation; Hotels and motels; Electronic information services relating to hotels; Rental of furniture for hotels; Rental of floor coverings for hotels; Providing guesthouse services; Hotel room booking services; Restaurant services provided by hotels; Hotel accommodation reservation services; Hotel catering services; Providing hotel accommodation; Hotel services; Providing online information relating to hotel reservations; Information relating to hotels; Guesthouses; Accommodation reservations; Providing on-line information relating to holiday accommodation reservations; Hotel accommodation services; Arranging of meals in hotels; Travel agency services for making hotel reservations; Temporary accommodation reservations; Making reservations and bookings for restaurants and meals; Agency services for booking hotel accommodation; Booking of hotel rooms for travellers; Consultancy services relating to hotel facilities; Accommodation reservations (Temporary -); Hotel reservation services; Provision of information relating to hotels; Hotels, hostels and boarding houses, holiday and tourist accommodation; Rental of wall hangings for hotels; Arranging of hotel accommodation; Arranging hotel accommodation; Hotel restaurant services; Resort hotel services; Reservation of hotel accommodation; Guesthouse; Reservations (Temporary accommodation -); Accommodation bureaux [hotels, boarding houses]; Rental of towels for hotels; Hotel reservations; Reservation of accommodation in hotels; Providing room reservation and hotel reservation services; Hotels;</p>
--	---

	Booking services for hotels; Motels; Booking of hotel accommodation.
--	--