

TRADE MARKS ACT 1994  
IN THE MATTER OF APPLICATION No 2221029  
BY SILICON GRAPHICS INC.  
TO REGISTER A TRADE MARK  
**UPSAFE**  
IN CLASSES 9 & 42

AND IN THE MATTER OF OPPOSITION THERETO  
UNDER NUMBER 51190  
BY UNITED PARCEL SERVICE OF AMERICA INC.

## BACKGROUND

1) On 1 February 2000, Silicon Graphics Inc. of 1600 Amphitheatre Parkway, Mountain View, CA 94043, United States of America applied under the Trade Marks Act 1994 for registration of the mark UPSAFE in respect of the following goods:

In Class 9: “Computer hardware and software, namely, hardware and software products, computer systems.”

In Class 42: “Support and configuration services for computer hardware and software used in computer systems and servers.”

2) On the 18 July 2000 United Parcel Service of America Inc. of 55 Glenlake Parkway, NE, Atlanta, Georgia 30328, United States of America filed notice of opposition to the application. The grounds of opposition are in summary:

a) The opponent is the proprietor of the earlier UK and Community trade marks set out in Annex A.

b) The mark in suit is similar to the opponent’s trade marks as it contains UPS and is to be registered for identical and similar goods. In particular the goods in Class 9 of the applicant’s specification are similar to the opponent’s UK trade marks 2191239 and 2175261, and also the opponent’s Community trade marks 451690, 442434, 993410 and 1103928. The mark applied for therefore offends against Section 5(2)(b) of the Trade Marks Act 1994.

c) The opponent has made extensive use of trade marks containing UPS in the UK since 1997. These marks have been used on courier services, computer hardware and software, e-commerce businesses and venture capital. The opponent has a broad reputation in relation to the technology field and so the mark in suit would offend against section 5(3) of the Trade Marks Act 1994.

d) Given the opponent’s reputation in the UK the mark in suit would also offend against Section 5(4)(a).

- 3) The applicant subsequently filed a counterstatement denying the opponent's claims.
- 4) Both sides filed evidence in these proceedings. Both sides ask for an award of costs. Neither side wished to be heard.

#### OPPONENT'S EVIDENCE

5) The opponent filed a declaration, dated 14 May 2001, by Julius Stobbs the opponent's Trade Mark Attorney. At exhibit JEBS1 he provides a reprint of a statutory declaration by Jeffrey Smith which is not signed or dated. The original declaration, it is claimed, was filed in relation to the opponent's application 2181710. Mr Stobbs states that it was dated 17 May 2000. Mr Stobbs also states that:

“Mr Smith's statutory declaration refers to use of the colour brown as a trade mark by the opponent. However, all of its goods and services are also provided under the UPS trade mark. I know, from review of all of the information which was sent to me in relation to that case, and from personal knowledge of the opponent's advertising, that I submit that the use evidenced by the declaration of Mr Smith also illustrates that the opponent has developed a reputation in the United Kingdom in relation to its UPS trade mark.”

6) In the copy of Mr Smith's unsigned and unsworn declaration he states that he is the Finance Director of UPS Limited and has been employed by the company for eight years. He provides evidence of turnover and use of the colour brown by his company. He states that the opponent has used its mark in the UK since 1989. He provides figures for turnover and advertising in the UK as follows:

Year	Turnover £million	Advertising £millions
1997	151	4.5
1996	163	5.8
1995	174	3.9
1994	152	3.3
1993	124	2.9

7) The company has advertised on radio, television and in newspapers and magazines. At exhibit JS4 Mr Smith provides examples of the advertisements. These are dated prior to the relevant date in the instant case and show use of “UPS”. Mr Smith confirms that the services [*transport; packing and storage of goods; services relating to the conveyance and delivery of letters, documents, reports, printed matter and other goods and property using various means of transport*] have been provided throughout the UK.

8) At exhibit JEBS2 Mr Stobbs provides a copy of a statutory declaration by Elizabeth

Calvert. Mr Stobbs states that this declaration was originally filed in relation to opposition proceedings in Hong Kong. However, he claims that it provides background to the opponent's use of UPS and "its world wide reputation in that trade mark". The declaration by Ms Calvert is dated 17 July 2000. Ms Calvert states that she is the Assistant Secretary of United Parcel Service of America.

9) Ms Calvert states that the opponent is the world's largest package distribution company, transporting more than three billion parcels and documents annually. Ms Calvert refers to the technology developed by the opponent to carry out its operations and claims that it "spans an incredible range from specially designed package delivery systems to global computer and communications systems". These provide customers with tracking information for all bar-coded air and ground packages which can be accessed from cellular mobiles and computer based systems.

10) Ms Calvert claims that:

"UPS is a pioneer in many technology-related fields and is consistently on the cutting edge of the information technology, Internet, and global communications revolutions. As stated on the UPS website, UPS has spent more than US\$11 billion on technology worldwide since 1986 and anticipates spending an additional US\$1 billion per year for the foreseeable future."

11) She continues:

"Since at least 1990, UPS has offered to its customers cutting-edge software and hardware under the UPS and UPS & Shield Design trade marks. For example, UPS ONLINE is a family of shipping, tracking, and communications solutions for customers, including hardware and software. Examples of various UPS ONLINE compatible products are produced and shown to me marked exhibit 4 [*not provided*]. In particular, the hardware shown includes a scanner, a scale, a printer, a report printer and personal computer. Upon request by the customer, a UPS technician will come to the site of the business and will proceed to connect together the various UPS ONLINE compatible elements of hardware. The UPS technician will install the applicable UPS ONLINE programs and will tailor them so as to meet the specific professional needs as well as personal preferences of the client."

12) Ms Calvert details various services offered by the opponent, these range from distribution systems to customer relations, Internet communications teleservice centres and the provision of customised reports. She also states that:

"UPS is also a leader in the field of electronics commerce. UPS has a separate website "www.ec.ups.com" to serve as an Internet information clearinghouse and a resource for those exploring ways to transact business over the internet. This site, which is accessible by consumers in Hong Kong, provides information on e-commerce tools and strategies ranging from simple entry-level software to advanced solutions that integrate a company's entire business process."

13) At exhibit JEBS3 Mr Stobbs provides copies of press releases dating from 1997-2000 which were circulated in the UK. These show that the opponent in addition to its delivery service also offers to customers a package of software and hardware to handle orders over the Internet, calculate duties payable, produce the necessary paper work for customs and ensure secure payment.

#### APPLICANT'S EVIDENCE

14) The applicant filed a witness statement, dated 22 February 2002, by Robert Cullen the Sales and Marketing manager for Northern Europe for the applicant company.

15) Mr Cullen states that products using the term UPSAFE were first advertised for sale in January 2000. In exhibit SGI1 he provides technical details of specific items of equipment sold under the mark in suit since the application date. At exhibit SGI2 he provides details of sales in the UK since September 2000. In the period September 2000-November 2001 the company made sales to fifteen customers totalling £124,693. At exhibit SGI3 he provides copies of literature and advertisements for products under the mark in the UK. These show various products being offered by SGI with the mark in suit being shown as "UPSafe [Uninterruptible Power Supplies (UPS)]" on certain of the information sheets. On other occasions the whole of the mark is in the same case.

16) Mr Cullen states that;

"The characteristics of a prospective purchaser of UPSAFE products will be involved in a business with highly critical computer systems or networks that cannot afford any downtime. These for example will be companies who serve other customers, customers whose systems support many users, customers in remote areas, who suffer from power disruptions, customers concerned with quality of data and/or customers who wish to protect their systems from fluctuating power supplies."

#### OPPONENT'S EVIDENCE IN REPLY

17) The opponent's filed a second statement by their Trade Mark Attorney Julius Stobbs, dated 25 May 2002. In his statement Mr Stobbs points out the use by the applicant of the mark in mixed case "UPSafe" which he states emphasises the UPS element of the mark, thereby increasing the likelihood of confusion. He also points out that the applicant has made 15 sales of its product in the UK and therefore any lack of confusion in the market place is understandable as the volume is very low.

18) At exhibit JS1 Mr Stobbs provides a copy of a trade mark search undertaken in February 2002 in relation to marks containing UPS relating to goods in Class 9. He states that most have the element as a suffix not a prefix. Of the few that have UPS as a prefix Mr Stobbs claims that "the element [is] used in such a way that it creates an entirely different meaning. An example of this is UK registration No. B1087806 UPSIDE DOWNIES." Other examples in his exhibit of marks where UPS is used as a prefix are: "upscale/ upstart/ upstyle/ up side down/ upsizer/ upsys/ upsilon/ upsonic/ upsolyte/ ups-start".

19) That concludes my review of the evidence. I now turn to the decision.

## DECISION

20) Although neither side wished to be heard on this matter, the opponent provided written submissions which I shall refer to as and when relevant.

21) The grounds of opposition are under Sections 5(2)(b), 5(3) and 5(4)(a), which read:

“5.-(1)....

(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.

(3) A trade mark which -

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

(b) is to be registered for goods or services which are not similar to those for which the earlier trade mark is protected,

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

(4) A trade mark shall not be registered if, or to the extent that, its use in the United Kingdom is liable to be prevented -

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

(b).....

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

(5) Nothing in this section prevents the registration of a trade mark where the

proprietor of the earlier trade mark or other earlier right consents to the registration.”

22) An “earlier trade mark” is defined in Section 6, the relevant parts of which state:

“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,”

23) The opponent is relying on a number of UK and Community Trade Marks, which are detailed along with their specifications in Annex A. Plainly most of these marks are “earlier trade marks”. Two Community Trade Mark applications (1091594 and 1091644) have been abandoned whilst another two Community Trade Mark applications (1091636 and 821041) are still pending. Although the pending trade marks would, if they proceed to registration, be regarded as “earlier trade marks” I shall not take them into consideration in this opposition. I do not believe that this affects the opponent’s case as the marks concerned do not offer the opponent’s strongest case.

24) In their written submission the opponent’s Trade Mark Attorney has not identified which of the opponent’s numerous trade marks provides the strongest case. Instead they state:

“In relation to the similarity of the goods and services in question, we submit that some or all of the opponent’s earlier trade marks do cover identical goods and services to those of interest.”

25) They list two marks as examples, CTM 173559 “Computer programmes and software” and CTM 442434 “Computer programming services”. In my view these registered trade marks provide the opponent’s strongest case.

26) The specifications of the two parties marks are as follows:

Applicant’s Mark		Opponent’s Marks	
2221029 UPSAFE	In Class 9: “Computer hardware and software, namely, hardware and software products, computer systems.”	173559  UPS	In Class 9: “Computer programmes and software; magnetic discs and tapes; printers, scales and scanners.”

	In Class 42: "Support and configuration services for computer hardware and software used in computer systems and servers."	442434  UPS	In Class 9: "Computers; computer accessories, namely, surge protectors, batteries and alternative power supply appliances."
			In Class 42: "Providing of food and drink; temporary accommodation services; medical, hygienic and beauty care services; veterinary services; legal services; scientific and industrial research services; computer programming services."

**Evidence of use**

27) I will deal with the evidence provided by the opponent first as this affects matters that are to be considered under all three heads of opposition.

28) I have to consider the issues before me as of the relevant date, which is the date of the filing for registration, 1 February 2000. The opponent has to demonstrate that it had a valid case at this date.

29) The opponent has provided figures for turnover and advertising in the UK in relation to the colour brown. However, the opponent's Trade Mark Attorney has stated that all of the opponent's goods and services are also provided under the UPS trade mark. The opponent's primary business is the conveyance and delivery of parcels, letters etc. Its advertising is based on this core activity. In support of this core activity the opponent also provides technical services in relation to tracking information relating to the delivery of parcels and accessing of this information by customers. The opponent also claims to be the world's largest distribution company.

**Effect of evidence under Section 5(2)(b)**

30) As per *Sabel BV v. Puma AG* [1998] RPC 199 and *Canon Kabushiki Kaisha v. Metro-Goldwyn-Meyer Inc.* [1999] RPC 117 the reputation of a trade mark has to be taken into account in the global appreciation of likelihood of confusion. In *Sabel* the European Court of Justice (ECJ) held that:

"In that perspective, the more distinctive the earlier mark, the greater will be the likelihood of confusion. It is therefore not impossible that the conceptual similarity resulting from the fact the two marks use images with analogous semantic content may give rise to a likelihood of confusion where the earlier mark has a particularly distinctive character, either *per se* or because of the reputation it enjoys with the public."

31) In *Canon* the ECJ held that:

“The distinctive character of the earlier trade mark, and in particular its reputation, must be taken into account when determining whether the similarity between the goods or services covered by the two trade marks is sufficient to give rise to the likelihood of confusion.”

32) Consequently, the reputation of a trade mark can assist where it is not particularly inherently distinctive or where there is a low degree of similarity between the respective goods or services.

33) Whilst the opponent has provided turnover figures for its UK operation it has not provided a breakdown to show the turnover per trade mark or even field of activity. It has a number of trade marks registered for a wide range of goods and services. Even if I were to accept that the figures shown for both turnover and advertising relate to the use of UPS in relation to what appears to be its core activity in Class 39 the figures have not been put into context. The total size of the market in Class 39 is not provided nor is any evidence relating to market share in the UK.

34) From the evidence before me I do not consider that the opponent can claim an enhanced distinctive character based on use. In respect of section 5(2)(b) the issue before me is a simple comparison of the respective trade marks and services on the basis of notional and fair use.

#### **Effect of evidence under Section 5(3)**

35) In *General Motors Corporation v. Yplon SA* Case C-375/97 the European Court of Justice established the parameters for claiming a reputation in relation to Section 5(3):

“Article 5(2) of the First Council Directive (89/104/EEC) of 21 December 1988 to approximate the laws of the Member States relating to trade marks is to be interpreted as meaning that, in order to enjoy protection extending to non-similar products or services, a registered trade mark must be known by a significant part of the public concerned by the products or services which it covers. In the Benelux territory, it is sufficient for the registered trade mark to be known by a significant part of the public concerned in a substantial part of that territory, which part may consist of a part of one of the countries composing that territory.”

36) The applicant’s specification covers an array of goods and services across a number of classes such that “the public concerned” must be regarded as the general public, rather than just the business community. The opponent has not commented on this aspect. The opponent has to show that his trade mark is known to a significant part of the public concerned in the United Kingdom. The evidence before me does not establish a reputation in any of the opponent’s trade marks for any of the goods and services offered.

#### **Effect of evidence under Section 5(4)**

37) In relation to passing off the opponent needs to establish that at the relevant date, 1 February 2000, it enjoyed goodwill/reputation.

38) In *South Cone Inc. v. Jack Bessant, Dominic Greensmith, Kenwyn House, Gary Stringer (a partnership)* [2002] RPC 19 Pumrey J. in considering an appeal from a decision of the Registrar to reject an opposition under Section 5(4)(a) said:

“There is one major problem in assessing a passing off claim on paper, as will normally happen in the Registry. This is the cogency of the evidence of reputation and its extent. It seems to me that in any case in which this ground of opposition is raised the Registrar is entitled to be presented with evidence which at least raises a prima facie case that the opponent’s reputation extends to the goods comprised in the applicant’s specification of goods. The requirements of the objection itself are considerably more stringent than the enquiry under Section 11 of the 1938 Act (see *Smith Hayden (OVAX)* [1946] 63 RPC 97 as qualified by *BALI* [1969] RPC 472). Thus, the evidence will include evidence from the trade as to reputation; evidence as to the manner in which the goods are traded or the services supplied; and so on. Evidence of reputation comes primarily from the trade and the public, and will be supported by evidence of the extent of use. To be useful, the evidence must be directed to the relevant date.”

39) This cannot be interpreted in a prescriptive fashion. There will be occasions when the evidence does not fall within the above parameters but still establishes goodwill for passing off purposes - see the decision of Professor Annand, sitting as the Appointed Person, in *Loaded* BL 0/191/02.

40) Considered overall it seems clear that the opponent had some trade in the UK prior to the relevant date. However, the deficiencies in the evidence, including the fact that Mr Smith’s “evidence” has not been properly adopted into these proceedings, combined with the overwhelmingly vague nature of the opponent’s evidence and the lack of market context makes it impossible to assess the extent of the opponent’s goodwill at the relevant date or the mark or marks that identified it.

### **Section 5(2)(b) - Likelihood of confusion**

41) In determining the question under section 5(2), I take into account the guidance provided by the European Court of Justice (ECJ) in *Sabel Bv v Puma AG* [1998 RPC 199], *Canon Kabushiki Kaisha v Metro-Goldwyn-Meyer Inc.* [1999] E.T.M.R. 1, *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel B.V.* [2000] F.S.R. 77 and *Marca Mode CV v Adidas AG* [2000] E.T.M.R 723. It is clear from these cases that:

(a) The likelihood of confusion must be appreciated globally, taking account of all relevant factors; *Sabel Bv v Puma AG* page 224;

(b) the matter must be judged through the eyes of the average consumer, of the goods / services in question; *Sabel Bv v Puma AG* page 224, 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; *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel B.V.* page 84, paragraph 27;

(c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details; *Sabel Bv v Puma AG* page 224;

(d) the visual, aural and conceptual similarities of the marks must therefore be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components; *Sabel Bv v Puma AG* page 224;

(e) a lesser degree of similarity between the marks may be offset by a greater degree of similarity between the goods, and vice versa; *Canon Kabushiki Kaisha v Metro-Goldwyn-Meyer Inc.* page 7 paragraph 17;

(f) there is a greater likelihood of confusion where the earlier trade mark has a highly distinctive character, either *per se* or because of the use that has been made of it; *Sabel Bv v Puma AG* page 8, paragraph 24;

(g) mere association, in the sense that the later mark brings the earlier mark to mind, is not sufficient for the purposes of Section 5(2); *Sabel Bv v Puma AG* page 224;

(h) further, 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; *Marca Mode CV v Adidas AG* page 732, paragraph 41;

(i) but if the association between the marks causes the public to wrongly believe that the respective goods come from the same or economically linked undertakings, there is a likelihood of confusion within the meaning of the section; *Canon Kabushiki Kaisha v Metro-Goldwyn-Meyer Inc.* page 9, paragraph 29.

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

42) The European Court of Justice held in *Canon* in relation to the assessment of the similarity of goods and/or services that the following factors, inter alia, should be taken into account: their nature, their end users and their method of use and whether they are in competition with each other or are complementary.

43) I also take into account the comments of Jacob J. in *Avnet Incorporated v. Isoact Ltd* [1998] FSR 16 where he said:

“In my view, specifications for services should be scrutinised carefully and they should not be given a wide construction covering a vast range of activities. They should be confined to the substance, as it were, the core of the possible meanings attributable to the rather general phrase.”

44) Clearly the specifications in Class 9 for trade marks 173559 and 442434 encompass the

whole of the specification of the mark in suit. In relation to the Class 9 goods the specification must be regarded as identical.

45) With regard to the services in Class 42 the opponent's mark 442434 has "Computer programming services" included in its specification. In my opinion this is very similar to the services included in the applicant's specification.

### **Comparison of signs**

46) In comparing the mark in suit, UPSAFE, to the opponent's UPS mark, visually the mark in suit contains the whole of the opponent's mark. The opponent's mark forms the initial part of the mark in suit. The opponent's referred me to the *Tripcastroid case* (42 RPC 264) which established the importance of the beginnings of words.

47) Phonetically the marks are quite different. In my view the opponent's mark will be seen and pronounced as three letters "U" - "P" - "S", I do not believe it will be pronounced "UPS". By contrast the applicant's mark will be seen as the combination of two words "Up" and "safe" even when used in mixed case "UPSafe". In my opinion the average consumer would not view the mark UPSafe as "U" - "P" - "S" - "afe" as there is no such word as "afe" and it is more natural to "see" the words "up" and "safe" in the mark.

48) Conceptually the opponent's mark would either be seen as three letters with no meaning or as the acronym for United Parcel Service. The applicant's mark would be viewed as two words unusually conjoined. The combination of "up" and "safe" is not a natural one and whilst the combination has no dictionary meaning it projects an image of protection and security, mainly through the second part of the mark.

49) In my opinion the marks are quite different and there is no likelihood of confusion. However, I must also consider the proposition regarding common origin.

50) The applicant's specifications in Classes 9 & 42 cover computer hardware, software and services in support of computer systems. Such goods and services are not, I would suggest, chosen without some consideration and, in some instances, face to face meetings. These goods and services tend to be expensive and the average consumer of such services would, in my opinion, exercise some care in the selection. The opponent does not have a reputation for computer hardware, software and support services such that the average consumer for such products would believe that there was any economic link with the opponent.

### **Conclusion**

51) I have found that despite the identical/highly similar nature of the goods and services in classes 9 and 42 the differences in the marks are such that there is no likelihood of confusion. Consequently, the opposition under Section 5(2)(b) fails.

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

52) To succeed under this ground the opponent must show that it enjoys a reputation in the earlier right. I have found earlier in this decision that the opponent has no reputation in the trade marks. This ground of opposition therefore fails.

### **Section 5(4)(a) - Passing off**

53) To succeed under this ground the opponent must show that it enjoyed goodwill at the relevant date. I have found earlier in this decision that the opponent failed to establish specific goodwill or reputation sufficient to found a passing off action. However, even if the opponent had established goodwill in the UK the applicant's use would not amount to a misrepresentation due to my earlier finding under Section 5(2). The ground of opposition under Section 5(4) therefore fails.

54) The opposition having failed the applicant is entitled to a contribution towards costs. I order the opponent to pay the applicant the sum of £1700. This sum to be paid within seven days of the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 23<sup>rd</sup> day of December 2002

George W Salthouse  
For the Registrar  
The Comptroller General

**Annex A**  
UK Trade Marks

Trade Mark	Number	Effective Date	Class	Specification
UPS	2140474A	30.07.97	9	Printers, scales and scanners, none having uninterruptible power supplies or incorporating uninterruptible power supply apparatus; magnetic discs and tapes computer programs and software relating to the distribution, transportation and warehousing of goods and personal property.
UPS DOCUMENT EXCHANGE	2189292	19.02.99	9	Computer hardware and software; magnetic discs and tapes; printers, and scanners.
			38	Services of transmission of letters, documents, video, audio, and other communications and information by telex, by telephone, by electronic means, and by one or more global computer networks, by facsimile transmission, via the Internet, and via the FTC (File Transfer Protocol); electronic mail.
UPS.COM	2191239	09.03.99	9	Computer software and hardware; batteries; alternative power supply appliances; surge protectors; magnetic discs and tapes; printers; scales and scanners.
			38	Transportation of letters, documents, and other texts by telex, by telephone, by electronic means, and by one or more global computer networks, by facsimile transmission, via the Internet and via FTP (File Transfer Protocol).
			39	Providing information online throughout the global computer network concerning worldwide pickup, tracking and delivery of personal property by air, rail, boat and motor vehicles.
			42	Catering for the provision of food and drink; temporary accommodation services; medical, hygienic and beauty care services; veterinary and agricultural services; legal services; scientific and industrial research services; computer programming services.
	2175261	18.08.98	9	Computer programs and software; batteries; alternative power supply appliances; surge protectors; magnetic discs and tapes; printers, scales, and scanners.
			35	Advertising services; business management services; business administration services; office functions services; providing computerized tracing of packages in transit; distribution of samples; business management assistance services; business management consulting services.
			36	Insurance services; financial affairs services; monetary affairs services; real estate affairs services; brokerage services; banking services; factoring services; underwriting services.
			38	Services of transportation of letters, documents and other texts, by telex, by telephone, by electronic means, by one or more global computer networks, by facsimile transmission, by the Internet.
			42	Catering for the provision of food and drink; temporary accommodation services; medical, hygienic and beauty care services; veterinary and agricultural services; legal services; scientific and industrial research services; computer programming services.

## Community Trade Marks

Trade Mark	Number	Effective Date	Class	Specification
UPS	173559	27.03.91	9	Computer programmes and software; magnetic discs and tapes; printers, scales and scanners.
			16	Paper and paper articles, cardboard and cardboard articles, including face towels, table napkins, filter paper, pocket handkerchiefs, hygienic paper, babies' napkins, packing paper, paper bags, envelopes, packing cardboard, cardboard packaging boxes, cardboard envelopes and cartons; publications and printed matter, newspapers, magazines, brochures, periodicals, prospectuses and books, bookbinding material, including cords, cloth and other textiles for bookbinding; labels, including shipping and address labels; documents; photographs; stationery, adhesive materials for stationery or household purposes; artists' materials, including articles for drawing, painting and modelling; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus), including teaching matter in the form of printed matter, games, floral or animal specimens, geological models of the globes and drawing instruments for blackboards; playing cards, printers' type and cliches (stereotype), printing blocks; cases, bags and plastic material for packing or wrapping (not included in other classes), including envelopes, pouches, plastic bags, bubble wrap and films; pen and pencil sets, pens, paper clip dispensers, pen and holder desk sets, note holders, fountain pens, desk folders, stationery-type portfolios, business card files, pointers, ring binders, letter openers (not of precious metal or coated therewith), desk caddies, all pertaining to the transporting of packages and documents and other personal property.
			25	Uniforms; hats and other headgear; hosiery; gloves; other articles of clothing, including boots, shoes, and slippers, shirts, outervests, insulated jackets, rainwear, sweaters and pullovers.
			38	Services of transmitting messages, letters, documents, and other texts, by telex, by telephone, by electronic means, or by other means.
			39	Transportation affairs, arranging for the transportation of goods; services of transportation of letters, documents, communications, news, information, printed matter, parcels and other goods and property by motor vehicle, railroad, ships, aircraft and other diverse means of transportation, and including related services in Class 39 such as warehousing, storage, packing and delivery with respect to all the foregoing, including delivery service for retail stores.
	173617	15.07.92	9	Computer programmes and software; magnetic discs and tapes; printers, scales and scanners.

			16	Paper and paper articles, cardboard and cardboard articles, including face towels, table napkins, filter paper, pocket handkerchiefs, hygienic paper, babies' napkins, packing paper, paper bags, envelopes, packing cardboard, cardboard packaging boxes, cardboard envelopes and cartons; publications and printed matter, newspapers, magazines, brochures, periodicals, prospectuses and books, bookbinding material, including cords, cloth and other textiles for bookbinding; labels, including shipping and address labels; documents; photographs; stationery, adhesive materials for stationery or household purposes; artists' materials, including articles for drawing, painting and modelling; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus), including teaching matter in the form of printed matter, games, floral or animal specimens, geological models of the globes and drawing instruments for blackboards; playing cards, printers' type and cliches (stereotype), printing blocks; cases, bags and plastic material for packing or wrapping (not included in other classes), including envelopes, pouches, plastic bags, bubble wrap and films; pen and pencil sets, pens, paper clip dispensers, pen and holder desk sets, note holders, fountain pens, desk folders, stationery-type portfolios, business card files, pointers, ring binders, letter openers (not of precious metal or coated therewith), desk caddies, all pertaining to the transporting of packages and documents and other personal property.
			25	Uniforms; hats and other headgear; hosiery; gloves; other articles of clothing, including boots, shoes, and slippers, shirts, outervests, insulated jackets, rainwear, sweaters and pullovers.
			38	Services of transmitting messages, letters, documents, and other texts, by telex, by telephone, by electronic means, or by other means.
			39	Transportation affairs, arranging for the transportation of goods; services of transportation of letters, documents, communications, news, information, printed matter, parcels and other goods and property by motor vehicle, railroad, ships, aircraft and other diverse means of transportation, and including related services in Class 39 such as warehousing, storage, packing and delivery with respect to all the foregoing, including delivery service for retail stores.
UPS EXPRESS	173666	06.11.95	9	Computer programmes and software; magnetic discs and tapes; printers, scales and scanners.
			16	Paper and paper articles, cardboard and cardboard articles, including face towels, table napkins, filter paper, pocket handkerchiefs, hygienic paper, babies' napkins, packing paper, paper bags, envelopes, packing cardboard, cardboard packaging boxes, cardboard envelopes and cartons; publications and printed matter, newspapers, magazines, brochures, periodicals, prospectuses and books, bookbinding material, including cords, cloth and other textiles for bookbinding; labels, including shipping and address labels; documents; photographs; stationery, adhesive materials for stationery or household purposes; artists' materials, including articles for drawing, painting and modelling; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus), including teaching matter in the form of printed matter, games, floral or animal specimens, geological models of the globes and drawing instruments for blackboards; playing cards, printers' type and cliches (stereotype), printing blocks; cases, bags and plastic material for packing or wrapping (not included in other classes), including envelopes, pouches, plastic bags, bubble wrap and films; pen and pencil sets, pens, paper clip dispensers, pen and holder desk sets, note holders, fountain pens, desk folders, stationery-type portfolios, business card files, pointers, ring binders, letter openers (not of precious metal or coated therewith), desk caddies, all pertaining to the transporting of packages and documents and other personal property.

			25	Uniforms; hats and other headgear; hosiery; gloves; other articles of clothing, including boots, shoes, and slippers, shirts, outervests, insulated jackets, rainwear, sweaters and pullovers.
			38	Services of transmitting messages, letters, documents, and other texts, by telex, by telephone, by electronic means, or by other means.
			39	Transportation affairs, arranging for the transportation of goods; services of transportation of letters, documents, communications, news, information, printed matter, parcels and other goods and property by motor vehicle, railroad, ships, aircraft and other diverse means of transportation, and including related services in Class 39 such as warehousing, storage, packing and delivery with respect to all the foregoing, including delivery service for retail stores.
UPS STANDARD	173682	06.11.95	9	Computer programmes and software; magnetic discs and tapes; printers, scales and scanners.
			16	Paper and paper articles, cardboard and cardboard articles, including face towels, table napkins, filter paper, pocket handkerchiefs, hygienic paper, babies' napkins, packing paper, paper bags, envelopes, packing cardboard, cardboard packaging boxes, cardboard envelopes and cartons; publications and printed matter, newspapers, magazines, brochures, periodicals, prospectuses and books, bookbinding material, including cords, cloth and other textiles for bookbinding; labels, including shipping and address labels; documents; photographs; stationery, adhesive materials for stationery or household purposes; artists' materials, including articles for drawing, painting and modelling; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus), including teaching matter in the form of printed matter, games, floral or animal specimens, geological models of the globes and drawing instruments for blackboards; playing cards, printers' type and clichés (stereotype), printing blocks; cases, bags and plastic material for packing or wrapping (not included in other classes), including envelopes, pouches, plastic bags, bubble wrap and films; pen and pencil sets, pens, paper clip dispensers, pen and holder desk sets, note holders, fountain pens, desk folders, stationery-type portfolios, business card files, pointers, ring binders, letter openers (not of precious metal or coated therewith), desk caddies, all pertaining to the transporting of packages and documents and other personal property.
			25	Uniforms; hats and other headgear; hosiery; gloves; other articles of clothing, including boots, shoes, and slippers, shirts, outervests, insulated jackets, rainwear, sweaters and pullovers.
			38	Services of transmitting messages, letters, documents, and other texts, by telex, by telephone, by electronic means, or by other means.
			39	Transportation affairs, arranging for the transportation of goods; services of transportation of letters, documents, communications, news, information, printed matter, parcels and other goods and property by motor vehicle, railroad, ships, aircraft and other diverse means of transportation, and including related services in Class 39 such as warehousing, storage, packing and delivery with respect to all the foregoing, including delivery service for retail stores.
UPS EURO EXPEDITED	173716	05.06.95	9	Computer programmes and software; magnetic discs and tapes; printers, scales and scanners.

			16	Paper and paper articles, cardboard and cardboard articles, including face towels, table napkins, filter paper, pocket handkerchiefs, hygienic paper, babies' napkins, packing paper, paper bags, envelopes, packing cardboard, cardboard packaging boxes, cardboard envelopes and cartons; publications and printed matter, newspapers, magazines, brochures, periodicals, prospectuses and books, bookbinding material, including cords, cloth and other textiles for bookbinding; labels, including shipping and address labels; documents; photographs; stationery, adhesive materials for stationery or household purposes; artists' materials, including articles for drawing, painting and modelling; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus), including teaching matter in the form of printed matter, games, floral or animal specimens, geological models of the globes and drawing instruments for blackboards; playing cards, printers' type and cliches (stereotype), printing blocks; cases, bags and plastic material for packing or wrapping (not included in other classes), including envelopes, pouches, plastic bags, bubble wrap and films; pen and pencil sets, pens, paper clip dispensers, pen and holder desk sets, note holders, fountain pens, desk folders, stationery-type portfolios, business card files, pointers, ring binders, letter openers (not of precious metal or coated therewith), desk caddies, all pertaining to the transporting of packages and documents and other personal property.
			25	Uniforms; hats and other headgear; hosiery; gloves; other articles of clothing, including boots, shoes, and slippers, shirts, outervests, insulated jackets, rainwear, sweaters and pullovers.
			38	Services of transmitting messages, letters, documents, and other texts, by telex, by telephone, by electronic means, or by other means.
			39	Transportation affairs, arranging for the transportation of goods; services of transportation of letters, documents, communications, news, information, printed matter, parcels and other goods and property by motor vehicle, railroad, ships, aircraft and other diverse means of transportation, and including related services in Class 39 such as warehousing, storage, packing and delivery with respect to all the foregoing, including delivery service for retail stores.
UPS EXPRESS PLUS	173757	1.4.96	9	Computer programmes and software; magnetic discs and tapes; printers, scales and scanners.
			16	Paper and paper articles, cardboard and cardboard articles, including face towels, table napkins, filter paper, pocket handkerchiefs, hygienic paper, babies' napkins, packing paper, paper bags, envelopes, packing cardboard, cardboard packaging boxes, cardboard envelopes and cartons; publications and printed matter, newspapers, magazines, brochures, periodicals, prospectuses and books, bookbinding material, including cords, cloth and other textiles for bookbinding; labels, including shipping and address labels; documents; photographs; stationery, adhesive materials for stationery or household purposes; artists' materials, including articles for drawing, painting and modelling; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus), including teaching matter in the form of printed matter, games, floral or animal specimens, geological models of the globes and drawing instruments for blackboards; playing cards, printers' type and cliches (stereotype), printing blocks; cases, bags and plastic material for packing or wrapping (not included in other classes), including envelopes, pouches, plastic bags, bubble wrap and films; pen and pencil sets, pens, paper clip dispensers, pen and holder desk sets, note holders, fountain pens, desk folders, stationery-type portfolios, business card files, pointers, ring binders, letter openers (not of precious metal or coated therewith), desk caddies, all pertaining to the transporting of packages and documents and other personal property.

			25	Uniforms; hats and other headgear; hosiery; gloves; other articles of clothing, including boots, shoes, and slippers, shirts, outervests, insulated jackets, rainwear, sweaters and pullovers.
			38	Services of transmitting messages, letters, documents, and other texts, by telex, by telephone, by electronic means, or by other means.
			39	Transportation affairs, arranging for the transportation of goods; services of transportation of letters, documents, communications, news, information, printed matter, parcels and other goods and property by motor vehicle, railroad, ships, aircraft and other diverse means of transportation, and including related services in Class 39 such as warehousing, storage, packing and delivery with respect to all the foregoing, including delivery service for retail stores.
UPS ONLINE	291955	09.07.96	9	Computer programmes and software; magnetic discs and tapes; printers, scales and scanners.
			16	Paper and paper articles, cardboard and cardboard articles, printed matter, newspapers, brochures, periodicals, and books, bookbinding material; labels; documents; photographs; stationery, adhesive materials (stationery); artists' materials; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus); playing cards, printers' type and clichés (stereotype); plastic material for packing (not included in other classes).
			39	Services of transportation of letters, documents, communications, printed matter, and other goods and property by diverse means of transportation, and including related services in Class 39 such as warehousing and storage and packing and delivery with respect to all the foregoing.
SERVICE D'ENVOIS CR UPS EXPRESS	348045	24.09.96	9	Computer programmes and software; magnetic discs and tapes; printers, scales and scanners.
			16	Paper and paper articles, cardboard and cardboard articles, including face towels, table napkins, filter paper, pocket handkerchiefs, hygienic paper, babies' napkins, packing paper, paper bags, envelopes, packing cardboard, cardboard packaging boxes, cardboard envelopes and cartons; publications and printed matter, newspapers, magazines, brochures, periodicals, prospectuses and books, bookbinding material, including cords, cloth and other textiles for bookbinding; labels, including shipping and address labels; documents; photographs; stationery, adhesive materials for stationery or household purposes; artists' materials, including articles for drawing, painting and modelling; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus), including teaching matter in the form of printed matter, games, floral or animal specimens, geological models of the globes and drawing instruments for blackboards; playing cards, printers' type and clichés (stereotype), printing blocks; cases, bags and plastic material for packing or wrapping (not included in other classes), including envelopes, pouches, plastic bags, bubble wrap and films; pen and pencil sets, pens, paper clip dispensers, pen and holder desk sets, note holders, fountain pens, desk folders, stationery-type portfolios, business card files, pointers, ring binders, letter openers (not of precious metal or coated therewith), desk caddies, all pertaining to the transporting of packages and documents and other personal property.
			38	Services of transmitting messages, letters, documents, and other texts, by telex, by telephone, by electronic means, or by other means.

			39	Transportation affairs; arranging for the transportation of goods; services of transportation of letters, documents, communications, news, information, printed matter, parcels and other goods and property by motor vehicle, railroad, ships, aircraft and other diverse means of transportation, and including related services in Class 39 such as warehousing, storage, packing and delivery with respect to all the foregoing, including delivery for retail stores.
UPS EXPRESS COD	381442	24.9.96	9	Computer programmes and software; magnetic discs and tapes; printers, scales and scanners.
			16	Paper and paper articles, cardboard and cardboard articles, including face towels, table napkins, filter paper, pocket handkerchiefs, hygienic paper, babies' napkins, packing paper, paper bags, envelopes, packing cardboard, cardboard packaging boxes, cardboard envelopes and cartons; publications and printed matter, newspapers, magazines, brochures, periodicals, prospectuses and books, bookbinding material, including cords, cloth and other textiles for bookbinding; labels, including shipping and address labels; documents; photographs; stationery, adhesive materials for stationery or household purposes; artists' materials, including articles for drawing, painting and modelling; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus), including teaching matter in the form of printed matter, games, floral or animal specimens, geological models of the globes and drawing instruments for blackboards; playing cards, printers' type and cliches (stereotype), printing blocks; cases, bags and plastic material for packing or wrapping (not included in other classes), including envelopes, pouches, plastic bags, bubble wrap and films; pen and pencil sets, pens, paper clip dispensers, pen and holder desk sets, note holders, fountain pens, desk folders, stationery-type portfolios, business card files, pointers, ring binders, letter openers (not of precious metal or coated therewith), desk caddies, all pertaining to the transporting of packages and documents and other personal property.
			38	Services of transmitting messages, letters, documents, and other texts, by telex, by telephone, by electronic means, or by other means.
			39	Transportation affairs; arranging for the transportation of goods; services of transportation of letters, documents, communications, news, information, printed matter, parcels and other goods and property by motor vehicle, railroad, ships, aircraft and other diverse means of transportation, and including related services in Class 39 such as warehousing, storage, packing and delivery with respect to all the foregoing, including delivery for retail stores.
	451690	24.1.97	9	Computers; computer accessories, namely, surge protectors, batteries and alternative power supply appliances.
			35	Advertising services; business management services; business administration services; office functions services; providing computerized tracing of packages in transit; distribution of samples; management assistance services; management consulting services.
			36	Insurance services; financial affairs services; monetary affairs services; real estate affairs services; brokerage services; banking services; factoring services; underwriting services.

			42	Providing of food and drink; temporary accommodation services; medical, hygienic and beauty care services; veterinary and agricultural services; legal services; scientific and industrial research services; computer programming services; services that cannot be placed in other classes.
UPS ONLINE ENVOY	452854	28.01.97	9	Computer programmes and software; batteries; alternative power supply appliances; surge protectors, magnetic discs and tapes; printers, scales and scanners.
			38	Services of transmitting messages, letters, documents, and other texts, by telex, by telephone, by electronic means, and by one or more global computer networks or by other means.
			39	Services of transportation of letters, documents, communications, printed matter, and other goods and property by diverse means of transportation, and included related services in Class 39 such as warehousing and storage and packing and delivery with respect to all the foregoing.
UPS	442434	24.01.97	9	Computers; computer accessories, namely, surge protectors, batteries and alternative power supply appliances.
			35	Advertising services; business management services; business administration services; office functions services; providing computerized tracing of packages in transit; distribution of samples; management assistance services; management consulting services.
			36	Insurance services; financial affairs services; monetary affairs services; real estate affairs services; brokerage services; banking services; factoring services; underwriting services.
			42	Providing of food and drink; temporary accommodation services; medical, hygienic and beauty care services; veterinary services; legal services; scientific and industrial research services; computer programming services.
	821041	pending. Date filed 11.5.98	9	Computer programmes and software; batteries; alternative power supply appliances; surge protectors, magnetic discs and tapes; printers, scales and scanners.
			38	Services of transmitting messages, letters, documents, and other texts, by telex, by telephone, by electronic means, and by one or more global computer networks or by other means.
			39	Courier services; transport and delivery services; services of transportation of letters, documents, communications, printed matter, and other goods and property by diverse means of transportation, and included related services in Class 39 such as warehousing and storage and packing and delivery with respect to the foregoing.
	993410	18.11.98	9	Computer, software; batteries; alternative power supply appliances; surge protectors; magnetic discs and tapes; printers, scales and scanners.
			16	Publications and printed matter, cardboard, paper and goods made from these materials (not included in other classes); plastic materials for packaging, plastic shipping containers (not included in other classes).
			25	Clothing, footwear, headgear.
			35	Advertising services; business management services; business administration services; office functions services; providing computerized tracing of packages in transit; distribution of samples; management assistance services; management consulting services.

			36	Insurance services; financial services concerning the transportation and delivery of personal property; monetary affairs services; real estate affairs services; brokerage services; banking services; credit card and debit card services; consumer and commercial loan services; factoring services; underwriting services.
			38	Telecommunication; services of transmitting messages, letters, documents, and other texts, by telex, by telephone, by electronic means, and by one or more global computer networks or by other means.
			39	Transport; services of transportation of letters, documents, communications, printed matter, and other goods and property by diverse means of transportation, and included related services in Class 39 such as warehousing and storage and packing and delivery with respect to all the foregoing; courier-services.
			42	Providing of food and drink; temporary accommodation services; medical, hygienic and beauty care services; legal services; scientific and industrial research services; computer programming services.
UPS ONLINE DOSSIER	1091594	abandoned	9	Computer hardware and software; magnetic discs and tapes; printers and scanners.
			38	Telecommunication; services of transmission of letters, documents, animated and still images, and of sounds and music, and other communications and information by telex, by telephone, by electronic means, and by one or more global computer networks or by other means; electronic mail.
UPS DOCUMENT EXCHANGE	1091636	pending. Date filed 2.3.99	9	Computer hardware and software; magnetic discs and tapes; printers and scanners.
			38	Telecommunication; services of transmission of letters, documents, and other communications and information by telex, by telephone, by electronic means, and by one or more global computer networks; services of transmission of video and audio by electronic means, and/or by one or more global computer networks; electronic mail.
UPS ONLINE COURIER	1091644	abandoned	9	Computer hardware and software; magnetic discs and tapes; printers and scanners.
			38	Telecommunication; services of transmission of letters, documents, animated and still images, and of sounds and music, and other communications and information by telex, by telephone, by electronic means, and by one or more global computer networks or by other means; electronic mail.
UPS.COM	1103928	12.03.99	9	Computer software and hardware; batteries; alternative power supply appliances; surge protectors, magnetic discs and tapes; printers, scales and scanners.
			38	Telecommunication; services of transmission of letters, documents, and other texts by telex, by telephone, by electronic means, and by one or more global computer networks or by other means.
			39	Providing information online through the global computer network concerning worldwide pickup, tracking and delivery of personal property by air, rail, boat and motor vehicles.
			42	Providing of food and drink; temporary accommodation services; medical, hygienic and beauty care services; veterinary and agricultural services; legal services; scientific and industrial research services; computer programming services.