

**O-160-19**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF TRADE MARK APPLICATION NOS. 3263483 AND 3263482  
BY NATURE RESEARCH SOCIETY TO REGISTER THE FOLLOWING TRADE  
MARKS**



**AND**

**NATURE RESEARCH SOCIETY**

**IN CLASSES 41 AND 42**

**AND IN THE MATTER OF JOINT OPPOSITIONS THERETO UNDER NOS. 411150  
AND 411154 BY HM PUBLISHERS HOLDINGS LIMITED AND MACMILLAN  
PUBLISHERS INTERNATIONAL LIMITED**

## Background and pleadings

1) Nature Research Society (“the applicant”) applied to register the following two marks in the UK on 15 October 2017. They were both accepted and published in the Trade Marks Journal on 27 October 2017:

3263482
NATURE RESEARCH SOCIETY
<p><b>Class 41:</b> <i>Publishing;Publishing a newspaper for customers on the Internet;Publishing and issuing scientific papers in relation to medical technology;Publishing and reporting;Publishing by electronic means;Publishing of books;Publishing of books and reviews;Publishing of books, magazines;Publishing of documents;Publishing of educational material;Publishing of educational matter;Publishing of electronic books and journals on-line;Publishing of electronic books and journals online;Publishing of electronic publications;Publishing of instructional books;Publishing of interactive computer and video game software;Publishing of journals;Publishing of journals, books and handbooks in the field of medicine;Publishing of magazines in electronic form on the Internet;Publishing of maps;Publishing of medical publications;Publishing of music;Publishing of musical works;Publishing of newsletters;Publishing of newspapers;Publishing of printed matter;Publishing of printed matter relating to french wines;Publishing of reviews;Publishing of scientific papers;Publishing of scientific papers in relation to medical technology;Publishing of scripts for theatrical use;Publishing of stories;Publishing of web magazines;Publishing scientific papers in relation to medical technology;Publishing services;Publishing services (including electronic publishing services);Publishing services carried out by computerised means;Publishing services for books;Publishing services for books and magazines;Publishing services for periodical and non-periodical publications, other than publicity texts;Publishing services, except printing;Advisory services relating to publishing;Book and review publishing;Book publishing;Desk top publishing;Digital video, audio and multimedia entertainment publishing services;Electronic desktop publishing;Electronic publishing;Electronic publishing services;Electronic text publishing services;Magazine publishing;Multimedia entertainment software publishing services;Multimedia publishing;Multimedia publishing of books;Multimedia publishing of electronic publications;Multimedia publishing of journals;Multimedia publishing of magazines;Multimedia publishing of magazines, journals and newspapers;Multimedia publishing of newspapers;Multimedia publishing of printed matter;Music publishing;Music publishing and music recording services;Music publishing services;Newspaper publishing;On-line publishing services;Online electronic publishing of books and periodicals;Provision of information relating to publishing;Writing and publishing of texts, other than publicity texts;Conference services;Conferences (Arranging and conducting of -);Arrangement of conferences for educational purposes;Arrangement of conferences for recreational purposes;Arranging and conducting conferences;Arranging and conducting conferences and seminars;Arranging and conducting educational conferences;Arranging and conducting of commercial, trade and business conferences;Arranging and conducting of conferences;Arranging and conducting of conferences and congresses;Arranging and conducting of conferences, congresses and symposiums;Arranging conferences;Arranging of an annual conference relating to logistics;Arranging of an annual conference relating to procurement;Arranging of an annual conference relating to telecommunications;Arranging of an annual educational conference;Arranging of conferences;Arranging of conferences relating to advertising;Arranging of conferences relating to business;Arranging of conferences relating to commerce;Arranging of conferences relating to cultural activities;Arranging of conferences relating to education;Arranging of conferences relating to entertainment;Arranging of conferences relating to trade;Arranging of conferences relating to training;Arranging of educational conferences;Arranging, conducting and organisation of conferences;Conducting of business conferences;Conducting of educational conferences;Consultancy and information services relating to arranging, conducting and organisation of conferences;Consultancy relating to arranging and conducting of conferences;Organisation of conferences and symposia in the field of medical science;Organisation of conferences related to entertainment;Organisation of conferences relating to education;Organisation of conferences relating to training;Organisation of conferences relating to vocational training;Organisation of conferences, exhibitions and competitions;Organisation of congresses and conferences for cultural and educational purposes;Organisation of meetings and</i></p>

conferences;Organisation of seminars and conferences;Organising of conferences for educational purposes;Organising of conferences relating to education;Organising of education conferences;Organising of educational conferences;Organization of educational conferences;Planning of conferences for educational purposes;Publishing;Publishing a newspaper for customers on the Internet;Publishing and issuing scientific papers in relation to medical technology;Publishing and reporting;Publishing by electronic means;Publishing of books;Publishing of books and reviews;Publishing of books, magazines;Publishing of documents;Publishing of educational material;Publishing of educational matter;Publishing of electronic books and journals on-line;Publishing of electronic books and journals online;Publishing of electronic publications;Publishing of instructional books;Publishing of interactive computer and video game software;Publishing of journals;Publishing of journals, books and handbooks in the field of medicine;Publishing of magazines in electronic form on the Internet;Publishing of maps;Publishing of medical publications;Publishing of music;Publishing of musical works;Publishing of newsletters;Publishing of newspapers;Publishing of printed matter;Publishing of printed matter relating to french wines;Publishing of reviews;Publishing of scientific papers;Publishing of scientific papers in relation to medical technology;Publishing of scripts for theatrical use;Publishing of stories;Publishing of web magazines;Publishing scientific papers in relation to medical technology;Publishing services;Publishing services (including electronic publishing services);Publishing services carried out by computerised means;Publishing services for books;Publishing services for books and magazines;Publishing services for periodical and non-periodical publications, other than publicity texts;Publishing services, except printing;Advisory services relating to publishing;Book and review publishing;Book publishing;Desk top publishing;Digital video, audio and multimedia entertainment publishing services;Electronic desktop publishing;Electronic publishing;Electronic publishing services;Electronic text publishing services;Magazine publishing;Multimedia entertainment software publishing services;Multimedia publishing;Multimedia publishing of books;Multimedia publishing of electronic publications;Multimedia publishing of journals;Multimedia publishing of magazines;Multimedia publishing of magazines, journals and newspapers;Multimedia publishing of newspapers;Multimedia publishing of printed matter;Music publishing;Music publishing and music recording services;Music publishing services;Newspaper publishing;On-line publishing services;Online electronic publishing of books and periodicals;Provision of information relating to publishing;Writing and publishing of texts, other than publicity texts;Arranging and conducting of meetings in the field of education;Organisation of meetings and conferences;Organising of meetings in the field of education.

**Class 42:** Scientific advisory services;Scientific analysis;Scientific and technological services;Scientific computer programming services;Scientific consultancy;Scientific investigations for medical purposes;Scientific research;Scientific research and analysis;Scientific research services;Advisory services relating to computer software used for publishing;Providing temporary use of on-line, non-downloadable software for use in publishing and printing;Software development in the framework of software publishing;Advisory services relating to computer software used for publishing;Providing temporary use of on-line, non-downloadable software for use in publishing and printing.

3263483



**Class 41:** Publishing; Publishing a newspaper for customers on the Internet; Publishing and issuing scientific papers in relation to medical technology; Publishing and reporting; Publishing by electronic means; Publishing of books; Publishing of books and reviews; Publishing of books, magazines; Publishing of documents; Publishing of educational material; Publishing of educational matter; Publishing of electronic books and journals on-line; Publishing of electronic books and journals online; Publishing of electronic publications; Publishing of instructional books; Publishing of interactive computer and video game software; Publishing of journals; Publishing of journals, books and handbooks in the field of medicine; Publishing of magazines

*in electronic form on the Internet; Publishing of maps; Publishing of medical publications; Publishing of music; Publishing of musical works; Publishing of newsletters; Publishing of newspapers; Publishing of printed matter; Publishing of printed matter relating to french wines; Publishing of reviews; Publishing of scientific papers; Publishing of scientific papers in relation to medical technology; Publishing of scripts for theatrical use; Publishing of stories; Publishing of web magazines; Publishing scientific papers in relation to medical technology; Publishing services; Publishing services (including electronic publishing services);Publishing services carried out by computerised means; Publishing services for books; Publishing services for books and magazines; Publishing services for periodical and non-periodical publications, other than publicity texts; Publishing services, except printing; Advisory services relating to publishing; Book and review publishing; Book publishing; Desk top publishing; Digital video, audio and multimedia entertainment publishing services; Electronic desktop publishing; Electronic publishing; Electronic publishing services; Electronic text publishing services; Magazine publishing; Multimedia entertainment software publishing services; Multimedia publishing; Multimedia publishing of books; Multimedia publishing of electronic publications; Multimedia publishing of journals; Multimedia publishing of magazines; Multimedia publishing of magazines, journals and newspapers; Multimedia publishing of newspapers; Multimedia publishing of printed matter; Music publishing; Music publishing and music recording services; Music publishing services; Newspaper publishing; On-line publishing services; Online electronic publishing of books and periodicals; Provision of information relating to publishing; Writing and publishing of texts, other than publicity texts; Conference services; Conferences (Arranging and conducting of -);Arrangement of conferences for educational purposes; Arrangement of conferences for recreational purposes; Arranging and conducting conferences; Arranging and conducting conferences and seminars; Arranging and conducting educational conferences; Arranging and conducting of commercial, trade and business conferences; Arranging and conducting of conferences ;Arranging and conducting of conferences and congresses; Arranging and conducting of conferences, congresses and symposiums; Arranging conferences; Arranging of an annual conference relating to logistics; Arranging of an annual conference relating to procurement; Arranging of an annual conference relating to telecommunications; Arranging of an annual educational conference; Arranging of conferences; Arranging of conferences relating to advertising; Arranging of conferences relating to business; Arranging of conferences relating to commerce; Arranging of conferences relating to cultural activities; Arranging of conferences relating to education; Arranging of conferences relating to entertainment; Arranging of conferences relating to trade; Arranging of conferences relating to training; Arranging of educational conferences; Arranging, conducting and organisation of conferences; Conducting of business conferences; Conducting of educational conferences; Consultancy and information services relating to arranging, conducting and organisation of conferences; Consultancy relating to arranging and conducting of conferences; Organisation of conferences and symposia in the field of medical science; Organisation of conferences related to entertainment; Organisation of conferences relating to education; Organisation of conferences relating to training; Organisation of conferences relating to vocational training; Organisation of conferences, exhibitions and competitions; Organisation of congresses and conferences for cultural and educational purposes; Organisation of meetings and conferences; Organisation of seminars and conferences; Organising of conferences for educational purposes; Organising of conferences relating to education; Organising of education conferences; Organising of educational conferences; Organization of educational conferences; Planning of conferences for educational purposes; Publishing; Publishing a newspaper for customers on the Internet; Publishing and issuing scientific papers in relation to medical technology; Publishing and reporting; Publishing by electronic means; Publishing of books; Publishing of books and reviews; Publishing of books, magazines; Publishing of documents; Publishing of educational material; Publishing of educational matter; Publishing of electronic books and journals on-line; Publishing of electronic books and journals online; Publishing of electronic publications; Publishing of instructional books; Publishing of interactive computer and video game software; Publishing of journals; Publishing of journals, books and handbooks in the field of medicine; Publishing of magazines in electronic form on the Internet; Publishing of maps; Publishing of medical publications; Publishing of music; 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Electronic publishing; Electronic publishing services; Electronic text publishing*

*services; Magazine publishing; Multimedia publishing; Multimedia publishing of books; Multimedia publishing of electronic publications; Multimedia publishing of journals; Multimedia publishing of magazines; Multimedia publishing of magazines, journals and newspapers; Multimedia publishing of newspapers; Multimedia publishing of printed matter; Newspaper publishing; On-line publishing services; Online electronic publishing of books and periodicals; Provision of information relating to publishing; Writing and publishing of texts, other than publicity texts.*

**Class 42:** *Advisory services relating to computer software used for publishing; Providing temporary use of on-line, non-downloadable software for use in publishing and printing; Software development in the framework of software publishing; Advisory services relating to computer software used for publishing; Providing temporary use of on-line, non-downloadable software for use in publishing and printing; Software development in the framework of software publishing.*

2) HM Publishers Holdings Limited and Macmillan Publishers International (“the opponents”) jointly oppose the marks on the basis of section 5(2)(b) and section 5(3) of the Trade Marks Act 1994 (“the Act”). This is on the basis of six earlier marks, the relevant details of which are shown in the annex to this decision, but a brief summary is provided below:

Number	Mark	Status	Filing Date	Classes
3174032	<b>nature</b> research	Registered	11 July 2016	9, 16, 35, 41, 42 & 45
3174031	NATURE	Registered	11 July 2016	9, 16, 35, 41, 42 & 45
EU16247728	<b>nature</b> research	Registered	15 July 2016	9, 16, 35, 41, 42 & 45
EU15667901	<b>nature</b> research	Withdrawn		
EU15632979	NATURE	Pending	11 July 2016	9, 16 & 41
EU16989428	NATURE	Opposed	11 July 2016	35, 42 & 45

3) The opponents rely upon all the goods and services of their earlier marks for their oppositions based upon section 5(2)(b) and all their goods and services in classes 9, 16 and 41 of the first five marks listed above (the sixth is not relied upon for the purposes of section 5(3)). As can be seen from the above table, only the first three of the opponents’ marks are currently earlier marks under section 6 of the act because they are the only marks that have an earlier filing date than the applicant’s marks and that are also registered. The fifth and sixth marks may qualify as earlier marks if they subsequently become registered (as per section 6(2) of the Act).

4) The opponents assert that the respective goods/services are identical or, if not, very similar and that the marks are similar leading to a likelihood of confusion under section 5(2)(b).

5) The opponents also assert that they “have developed a massive reputation” in their NATURE and NATURE RESEARCH marks throughout the EU in relation to publishing goods and services in classes 9, 16 and 41. They submit that use of the applicant’s marks would, without due cause, take unfair advantage of, or be detrimental to the distinctive character or repute of the earlier marks and be open to objection under section 5(3) of the Act. In particular, they assert that:

- because the applicant has adopted the opponents’ NATURE and NATURE RESEARCH marks within its marks, they will take unfair advantage of their distinctive character and/or repute of their marks. They submit that when consumers encounter the applicant’s marks, the opponents’ marks are brought to mind or that they are thought to be the marks of the opponents or that they have some economic connection;
- if the applicant’s services are of poor quality, this could result in detriment to the distinctive character or repute (tarnishment) of the opponents’ marks;
- Use of the applicant’s marks would have the effect of diluting the distinctiveness of the opponents’ marks resulting in a change in the economic behaviour of the relevant consumer. This will result in detriment to the distinctive character of the opponents’ marks.

6) The applicant filed counterstatements denying the claims made. It points to the word “Nature” being a “generic mark” widely used and that “it means the surroundings, weather and natural objects on our planet”. It provides a list of other similar organisations with the words “nature research”. It asserts that the words “Nature Research” are descriptive. It states that the journals published by the applicant are “totally different with the journals published by the Opponents”. The applicant also points to the expensive access to the opponents’ publications but that its own publications are free to access.

7) Only the opponents filed evidence in these proceedings. This will be summarised to the extent that it is considered appropriate.

8) A Hearing took place on 21 February 2019, with the opponents represented by Mr Julius Stobbs for Stobbs IP. The applicant was not represented.

### **Opponents' Evidence**

9) This takes the form of two witness statements, the first by Jan Casper Rebling, Chartered Trade Mark Attorney and solicitor at Stobbs IP and provides information about the opponents and their products, services and claimed reputation. The second is by Sir Philip Campbell, Editor-in-Chief of Nature at Springer Nature. He does not explain the relationship between Springer Nature and the opponents. He provides evidence regarding the journal Nature, its scale and length of use and also claimed broader use of the mark either solus or with additional matter.

### **DECISION**

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

10) Mr Stobbs stated that he did not abandon the opponents' grounds based upon any of its identified marks, but restricted his submissions based upon the three registered earlier marks. I go further and identify the opponents' best case as their reliance upon earlier mark 3174032 **nature**research. It is my view that their other marks provide a case that is no better (in respect of its other **nature**research marks) or, for reasons that I will explain later, is inferior (where they rely upon their NATURE marks). I will therefore restrict my considerations only to the assessment of a likelihood of confusion between the applicant's marks and the opponents' 3174032 **nature**research mark.

11) Section 5(2)(b) of the Act is as follows:

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

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected, there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark”.

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

12) For the purposes of this decision, it is sufficient that I note that at least some of the services are identical, for example, both of the applicant’s Class 41 specifications contain the term *publishing* that is self-evidently identical to *publishing services* in the earlier mark’s Class 41 specification. I will proceed on the basis that the opponents’ best case rests with these identical services.

### **Comparison of marks**

13) It is clear from *Sabel BV v. Puma AG*, Case C-251/95, (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 the marks, bearing in mind their distinctive and dominant components. The Court of Justice of the European Union (“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.”

14) It would be wrong, therefore, artificially to dissect the marks, although it is necessary to take into account the distinctive and dominant components of the marks and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the marks.



15) I will consider the similarity between the opponents' marks and each of the applicant's marks in turn.

16) Firstly, I consider the dominant and distinctive parts and the similarity of the applicant's word mark to the earlier mark:

Earlier mark	Applicant's mark
	NATURE RESEARCH SOCIETY

17) The earlier mark consists of the words *nature* and *research* conjoined. Despite being conjoined, the separate identity of the two words is maintained by the word *nature* being in the colour red and the word *research* being black. Both of these words will be readily understood by the average consumer in the UK in the way that is highlighted in the following dictionary references:

*Nature*: The phenomena of the physical world collectively, including plants, animals, the landscape, and other features and products of the earth, as opposed to humans or human creations.<sup>1</sup>

*Research*: The systematic investigation into and study of materials and sources in order to establish facts and reach new conclusions.<sup>2</sup>

18) When taking these meaning together, the average consumer is likely to understand the earlier mark as a reference to studies of aspects of the physical world. The two words form a unit because they combine to create a clear term that is likely to be readily understood by the average consumer. It is this term that is the dominant part. I also recognise that the difference in colour of the two words cancels out the conjoining of the two words so that the mark clearly retains its impression of consisting of these two easily understood words rather than potentially leading to some artificial separation of the letters present in the mark. In the recent judgment of

<sup>1</sup> <https://en.oxforddictionaries.com/definition/nature>

<sup>2</sup> <https://en.oxforddictionaries.com/definition/research>

the GC in *Sumol + Compal Marcas v EUIPO*, T-656/17, paragraph 35, it confirmed that “the colours of [...] signs are constituent elements which must be taken into account”

19) The applicant’s mark consists of three words in ordinary typeface. The first two words are the same as are present in the earlier mark and with the same meanings identified in the previous paragraph. The third word “society” is likely to be understood as meaning:

“An organization or club formed for a particular purpose or activity.”<sup>3</sup>

20) Taken as a whole, it informs the average consumer of an organisation in the field of studies of aspects of the physical world. Therefore, no one word dominates over and above any other word and it is the combination of the three words and the phrase they create that is the single dominant part of the mark.

21) Visually, the marks share similarity in that the two words of the earlier mark are reproduced as the first two of the three words present in the applicant’s mark. They differ in that in the earlier mark, the words are conjoined and the first word appears in the colour red and these characteristics are absent in the applicant’s mark. Taking all of this into account, I find that the respective marks share a medium high level of visual similarity.

22) Aurally, the respective marks are likely to be referred to by reference to the words present that will be given their ordinary pronunciation. Taking this into account, I find that they share a medium to high level of aural similarity.

23) Conceptually, the earlier mark consists of the two words “nature” and “research”, both of which will be readily understood by the average consumer and likely to be understood as a reference to studies of aspects of the physical world. The applicant’s mark includes the additional word “Society” and when viewed as a whole it is likely to be perceived as a reference to a society formed for a purpose related to studies of aspects of the physical world. Consequently, there is similarity of concept



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<sup>3</sup> <https://en.oxforddictionaries.com/definition/society>

in that the concept created by the applicant's mark includes the concept created by the earlier mark. I conclude that there is a medium high level of conceptual similarity.

24) Secondly, I will consider the issue of distinctive and dominant components and the level of similarity of the earlier mark with the applicant's word and device mark.

The respective marks are shown below:

Earlier mark	Applicant's mark
	

25) As I noted above, the two words "nature" and "research" present in the earlier mark form a unit and it is this term that is the dominant and distinctive component.

26) The applicant's mark consists of the following components: (i) the letters NRS that are integral with (ii) a "hoop" device in the colour yellow, the device of a head and the device of a leaf; (iii) the words "Promoting Science" in small letters appearing underneath the letters NRS, and iv) the words "Nature Research Society" presented in the same dark blue colour as the letters "NRS". I disagree with the submission from Mr Stobbs that because the letters "NRS" have an unknown meaning they will be endowed with only a low distinctive character. Rather, because of their size and position within the mark and the interplay between them and the three devices, I find that the letters "NRS" together with the three devices all combine to create the dominant and distinctive component of the mark. I do agree with Mr Stobbs' alternative submission that the words "Nature Research Society" being present in the mark informs the consumer that the letters "NRS" is an acronym for these words. I also agree with the submission that the words "promoting science", because of their small size, less prominent shade and their descriptive message, play no or only a marginal part in the overall distinctive character of the mark. The words "Nature Research Society" also have an independent and distinctive role within the mark.

27) The respective marks share some visual similarity because of the common occurrence of the words “Nature Research”, however, in all other respects, the marks are different. The additional coloured device components and word components in the earlier mark are all absent in the applicant’s mark. Further, taking account of the visual dominance of the letters “NRS” and the devices, I conclude that they share only a low level of visual similarity.

28) Aurally, Mr Stobbs submitted that the applicant’s mark would be referred to as “Nature Research Society”. Whilst I recognise this is a possibility, it is less likely because of the dominance of the “NRS” component. It is my view that the mark is more likely to be referred to merely as “NRS”. I also don’t ignore that, although much less likely, it is not inconceivable that it may also be referred to as “NRS Nature Research Society”. Where it would be referred to as “Nature Research Society”, the level of aural similarity will be at its highest and the same as when considering the similarity with the applicant’s word mark (see paragraph 25, above) where I found that they share a medium to high level of similarity. Where the applicant’s mark will be referred to as “NRS”, there will be aural dissimilarity and where, albeit unlikely, it is referred to “NRS Nature Research”, the level of aural similarity will be reduced compared to merely “Nature Research Society”.

29) I have found that the earlier mark is likely to be understood as a reference to studies of aspects of the physical world. The applicant’s mark consists of multiple components where the NRS component (together with the integrated devices) dominates. The average consumer is likely to be informed of the meaning of the letters “NRS” by the words “Nature Research Society” appearing below it. I have provided the meaning of the words “nature”, “research” and “society”. When analysed carefully there are numerous additional concepts present in the mark, such as the concept of a leaf and a human head. However, the predominant message conveyed to the consumer is the three letters “NRS” and, in the context of the mark, as a whole, these are likely to be perceived as a reference to a society formed for a purpose related to studies of aspects of the physical world. Therefore, whilst the concepts of the two marks are not identical, they do share at least a medium level of conceptual similarity.

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

30) The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purpose of assessing the likelihood of confusion, it must be borne in mind that the average consumer's level of attention is likely to vary according to the category of goods or services in question: *Lloyd Schuhfabrik Meyer*, Case C-342/97.

31) 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.”

32) I am proceeding on the basis that I have found that the respective services to be identical in at least as far as *publishing services* are concerned. In respect of such services, the average consumer is likely to be commercial undertakings who have a requirement to publish material. Individual or small groups are less likely to require such services, but I recognise that in some fields, such as the one that both parties appear to be involved, that individuals or small groups such as researchers may also wish to access such services. All these consumers are likely to pay at least an average degree of attention during the purchasing process because there may be a need to assess who would be the most appropriate publisher for any given material. The purchase is likely to be visual in nature with the customer being exposed to the marks of publishers during their search either on the Internet or printed sources such as a phone directory. However, I do not ignore the fact that aural considerations may play a part through, for example, exposure to service providers via radio advertising or word of mouth recommendation.

33) I recognise that the purchasing process may differ for other of the parties' goods and services, but in respect of the applicant's services, they will all involve at least an average degree of care and attention and therefore this is broadly the same as for its *publishing*. Some of the opponents' goods may involve a lower degree of care and attention such as its *DVDs* and *Compact discs*, but reliance on these goods does not place it in any stronger position than its reliance upon its *publishing services*. Consequently, the lower level of care and attention in respect of such goods does not improve its overall case.

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

34) 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).”

35) I also keep in mind the guidance of Mr Iain Purvis Q.C. as the Appointed Person in *Kurt Geiger v A-List Corporate Limited*, BL O-075-13, where he discussed the issue of the level of 'distinctive character' and that it is only likely to increase the likelihood of confusion to the extent that it resides in the element(s) of the marks that are identical or similar. He said:

“38. The Hearing Officer cited *Sabel v Puma* at paragraph 50 of her decision for the proposition that ‘the more distinctive it is, either by inherent nature or by use, the greater the likelihood of confusion’. This is indeed what was said in *Sabel*. However, it is a far from complete statement which can lead to error if applied simplistically.

39. It is always important to bear in mind what it is about the earlier mark which gives it distinctive character. In particular, if distinctiveness is provided by an aspect of the mark which has no counterpart in the mark alleged to be confusingly similar, then the distinctiveness will not increase the likelihood of confusion at all. If anything it will reduce it.”

36) In other words, simply considering the level of distinctive character possessed by the earlier mark is not enough. It is important to ask ‘in what does the distinctive character of the earlier mark lie?’ Only after that has been done can a proper assessment of the likelihood of confusion be carried out. In the current case, the earlier mark contains the words “Nature Research”. Section 72 of the Act requires that, in the absence of a specific challenge to its validity, I must proceed on the basis that the earlier mark is endowed with at least the minimum level of distinctive character. I have already commented that the words themselves describe “studies of aspects of the physical world”. This is a meaning that designates a characteristic of the services, including *publishing services*, namely it designates the subject matter. Taking this view, it must be the conjoining of the two words and the colour of the first word that add the necessary distinctive character. However, it is my view that, when considering the mark as a whole, its inherent distinctive character is the minimum required for registration in respect of goods and services, including *publications* and *publishing* relating to research in the field of nature.

37) The opponents claim that the earlier mark also benefits from an enhanced level of distinctive character because of the use made of the mark and also because of the use made of the mark NATURE that, it is claimed, inspired its “Nature Research” mark and was intended to be perceived as a reference back to the NATURE mark. In summary, the opponents’ evidence of use of its “Nature Research” mark is:

- “Nature Research” launched in 2015 (potentially less than 22 months before the relevant date in these proceedings) as the overarching brand for the opponents’ portfolio of 67 scientific journals, products and services that includes *Nature* journal and other partner services and journals<sup>4</sup>. A “Nature Research” “catalog” dated 2017 is provided listing these journals. The copy is in black and white, so it is not possible to say with certainty that the version of the earlier mark that appears on its front page is in the identical colour but certainly there is a slight difference of tone in the presentation of the two words suggesting that it is. Forty-six of these journals include the word “Nature”, e.g. “Nature Biotechnology”, “Nature Climate Change”, “Nature Medicine”<sup>5</sup>;
- Use of the “Nature Research” mark is shown, namely:
  - An advertisement that appeared in the July 2017 edition of “Nature”, promoting the journal “Nature Astronomy”. A banner at the top of the full-page advert carries the words “a natureresearch journal” (where the reference to “natureresearch” appears in the same form as the earlier mark but again, with the same reservation that comes with a black and white copy) and in the text of the advertisement is the following passage: “We are part of a portfolio of journals within Nature Research [...]”<sup>6</sup>;
  - A similar advertisement for the journal “nature human behaviour” is shown in the same exhibit, as are advertisements for “natureresearch editing service” and a “nature masterclass” where the earlier mark appears in a banner at the top of the advertisement (the copies are, once again, in black and white);

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<sup>4</sup> Mr Rebling’s witness statement, para. 3

<sup>5</sup> Exhibit JCR1

<sup>6</sup> Exhibit JCR2



- Two advertisements announcing new journals for January 2016 and one announcing the launch of a journal in January 2017, all carrying the same “a natureresearch journal” banner as described above.<sup>7</sup>
- Marketing expenditure figures for the various journals in the “Nature Research” portfolio are provided, totalling in the region of £1 million for each of the years 2016 and 2017<sup>8</sup>. In 2016, nearly half of the figure is attributed to “Nature”. Nearly half of the 2017 figure is attributed to “New Nature Journal Launch”.

38) Evidence is also provided in support of the enhanced distinctive character and reputation attaching to the earlier mark NATURE and, at the hearing, Mr Stobbs relied upon this as illustrating the enhanced distinctive character and reputation attached to the earlier “Nature Research” mark. I record here that NATURE is used on what the evidence illustrates is an esteemed weekly scientific journal that was first published in 1869 with 50,000 print copy subscribers worldwide, a readership of over 420,000, over 8 million online monthly page views and over 3 million followers on social media. Approximately 30% of print subscribers and 25% of online subscribers to the journal “Nature” are in the EU. Between January 2013 and April 2014, the journal had between 3,300 and 4,000 subscribers each month with a gradual decline being seen from the start to the end of this period<sup>9</sup>. In the UK, over £400,000 marketing spend appears to be attributed to “Nature”, in each of the years 2016 and 2017<sup>10</sup>.

39) I must assess this evidence and decide whether or not it illustrates that the earlier mark benefits from an enhanced level of distinctive character. Firstly, I consider the impact of the evidence relating specifically to the “Nature Research” earlier mark. In this respect, the evidence illustrates use of the mark from some time in 2015, but at no time is this more accurately identified. Consequently, I am unable to conclude that use commenced before December 2015, 22 months before the relevant date in these proceedings. The exhibits have been provided in black and

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<sup>7</sup> Exhibit JCR5

<sup>8</sup> Mr Rebling’s witness statement, para 10

<sup>9</sup> Sir Philip Campbell’s witness statement

<sup>10</sup> As per Footnote 8

white and it is not possible to ascertain whether the use shown is in the colours in which the mark is registered. That said, the different tones in the versions shown are consistent with the colours of the registered mark and I do not reduce the relevance of the evidence because of the absence of colour examples.

40) Turning to the scope and scale of the use shown, I note that the majority of the use shown is in respect of the opponents' portfolio of scientific journals. At the hearing, Mr Stobbs directed me to various examples of several associated services such as editing services. I note these, but they are clearly ancillary to its core goods and services. The evidence shows that the mark is used to identify an extensive portfolio of scientific journals, both online and in print, with at least some of these being long standing and well considered. Taking all of this into account, despite the relatively short time the mark was used prior to the relevant date, I conclude that the mark has acquired a modest amount of enhanced distinctive character in respect of the following goods and services:

**Class 16:** *Academic and scientific journals*

**Class 41:** *Online electronic publishing of academic and scientific journals*  
[included in the opponents' *online electronic publishing of ... periodicals*];  
*publication of academic and scientific journals*

41) Mr Stobbs also submitted that the distinctive character in the mark is enhanced because of its connection with the very well-known and respected NATURE journal and that the mark was chosen specifically to create the link to this journal. I disagree that the distinctive character of the *NatureResearch* mark is enhanced because of its association to the NATURE journal. *NatureResearch* is a different mark that is visually presented differently and includes two words that form a unit whereas the NATURE mark consists of one word that differs in its distinctive character to the *NatureResearch* mark. For all these reasons, I dismiss this limb of the opponents' argument.

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

42) The following principles 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 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 mark may retain an independent distinctive role in

a composite mark, without necessarily constituting a dominant element of that mark;

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


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

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

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

(k) if the association between the marks creates a risk that the public might believe that the respective goods or services come from the same or

43) Mr Stobbs drew my attention to the decision of David Kitchin QC, sitting as the

Appointed Person in  v CLIMATE MASTER, BL O-376-02 where he summarised the findings of the hearing officer, without criticism, to the effect that having regard for one of the marks containing a prominent device and the word “LTD” it, nevertheless, captured the distinctive character of the other mark leading to a perception that the businesses were in some way related. I note this, but also note that it does not create a legal test and that I must consider the specific factors in the current case that may lead to a different outcome. Further, it is my view that the mark is not on “all fours” with the marks in the current case because the words “climate master” are inherently more distinctive than the words “nature research”. That said, I keep the decision in mind.

44) In its counterstatement, the applicant identified a number of other similar organisations around the world that utilise the term “Nature Research” as part of their

name. It has chosen to not file any evidence in these proceedings but information provided in a counterstatement may be “formally admissible as evidence”<sup>11</sup>. However, the question of whether this information is admissible as evidence or not, is of little relevance here because, at its high point, it can be said not to contradict my already formed view regarding the descriptive nature of the term “Nature Research”.

45) As confirmed by the CJEU in *Formula One Licensing BV v OHIM*, Case C-196/11P, a registered mark is prima facie evidence of its validity and, therefore, that it has at least a minimum level of distinctive character.

46) In the current case the applicant’s mark shares the words “nature research”. I have already commented that these words indicate “studies of aspects of the physical world” and the fact that they have such a meaning contributes to the mark, as a whole, having only the minimum distinctive character required for registration. I recognise that the weak distinctive character of an earlier mark does not preclude a likelihood of confusion (as per *L’Oréal SA v OHIM*, Case C-235/05 P), but also that descriptive matter is given less weight when comparing marks (as per *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97). I also need to factor in that I have found that the mark benefits from a modestly increased distinctive character as the result of the use made of it. Nevertheless, this enhanced level of distinctive character is in respect of the particular presentation of the words “Nature Research” and not merely the words.

47) The particular presentation is that the words are conjoined and each word appears in a different colour. Taking all of this into account, together with recognising that the respective publishing services are identical and that the nature of the purchasing act is at least average and predominantly visual in nature, I conclude that because of the very low level of distinctive character, the average consumer, upon encountering the respective marks is likely to believe that the common occurrence of the words “Nature Research” is a description of the field of activity and no more than coincidence that both marks contain the term. As a consequence, there is no likelihood of direct confusion where one mark is confused with the other, nor indirect

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<sup>11</sup> See para 39 of BL O/468/12 SIMMONS Trade Mark

confusion where the consumer notices that the marks are not the same but, nevertheless, believes that because of their similarity, the goods or services provided under the respective marks originate from the same or linked undertaking.

48) I conclude that there is no likelihood of confusion between the opponents' "Nature Research" mark and the applicant's mark.

49) I comment briefly upon the opponents' reliance upon their NATURE mark. I have already stated (at paragraph 10) the opponents' case when relying upon this mark is inferior to their case based upon their *NatureResearch* mark. I acknowledge that this mark benefits from a more significant level of enhanced distinctive character because of its longstanding use as the title of one of the opponents' scientific journals. However, because of the greater differences to the applicant's mark, I find that there is also no likelihood of confusion. As I have already observed, the applicant's mark consists of three words that form a unit to indicate a "society" in the field of "nature research" and, therefore, conceptually, the distinction between the marks is such that, when combined with the lower visual and aural similarity, no likelihood of confusion will occur.

50) Turning to the opponents' case against the applicant's word and device mark, the differences between this and the opponents' two marks are significantly greater and it follows that even in respect of identical services, the ground based upon section 5(2)(b) fails against this mark.

51) In summary, the grounds based upon section 5(2)(b) fail against both of the applicant's marks.

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

52) Section 5(3) states:

"(3) A trade mark which –

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

(b) (repealed)

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

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

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

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

(c) It is necessary for the public when confronted with the later mark to make a link with the earlier reputed mark, which is the case where the public calls the earlier mark to mind; *Adidas Saloman*, paragraph 29 and *Intel*, paragraph 63.

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

(e) Where a link is established, the owner of the earlier mark must also establish the existence of one or more of the types of injury set out in the

section, or there is a serious likelihood that such an injury will occur in the future; *Intel, paragraph 68*; whether this is the case must also be assessed globally, taking account of all relevant factors; *Intel, paragraph 79*.

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

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

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

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



## **Reputation**

54) Earlier I found that the opponents' "Nature Research" mark has a modest level of enhanced distinctive character because of its use prior to the relevant date. That same use translates to a moderate reputation for the purposes of this section of the Act. Similarly, in respect of the opponents' NATURE mark, the more extensive and longstanding use referred to earlier translates to a notable reputation. In both cases, the reputation in respect of publishing of scientific journals. I proceed on this basis.

## **Link**

55) In *Intra-Press SAS v OHIM*, Joined cases C-581/13P & C-582/13P, the CJEU stated (at paragraph 72 of its judgment) that:

"The Court has consistently held that the degree of similarity required under Article 8(1)(b) of Regulation No 40/94, on the one hand, and Article 8(5) of that regulation, on the other, is different. Whereas the implementation of the protection provided for under Article 8(1)(b) of Regulation No 40/94 is conditional upon a finding of a degree of similarity between the marks at issue so that there exists a likelihood of confusion between them on the part of the relevant section of the public, the existence of such a likelihood is not necessary for the protection conferred by Article 8(5) of that regulation. Accordingly, the types of injury referred to in Article 8(5) of Regulation No 40/94 may be the consequence of a lesser degree of similarity between the earlier and the later marks, provided that it is sufficient for the relevant section of the public to make a connection between those marks, that is to say, to establish a link between them (see judgment in *Ferrero v OHMI*, C-552/09 P, EU:C:2011:177, paragraph 53 and the case-law cited)."

56) The common element present in both marks is the words "Nature Research". As I have already found, these words designate a characteristic. Therefore, the consumer is likely to see any similarity arising from this common element as coincidence. Therefore, whilst one mark may bring the other to mind and, thus, create the requisite link, it is only a very weak link. I find that the existence of such a

weak link is insufficient for there to be any detriment or unfair advantage taken on the part of the applicant. The common occurrence of the words NATURE RESEARCH is likely to be put down to the fact that they indicate the subject matter of the services.

57) I find that the grounds based upon section 5(3) fail in their entirety.

### **Summary**

58) The opposition fails on all grounds and the application can proceed to registration.

### **Costs**

59) The applicant has been successful and is entitled to a contribution towards its costs. Awards of costs are governed by Annex A of Tribunal Practice Notice (TPN) 2 of 2016. I award the following costs to the applicant based on the published scale:

Considering opponents' statements and preparing counterstatements	£450
Considering other side's evidence	£500
<b>TOTAL</b>	<b>£950</b>

60) I order HM Publishers Holdings Limited and Macmillan Publishers International Limited to jointly and severally pay Nature Research Society the sum of **£950**. This sum is to be paid within fourteen days of the expiry of the appeal period or within fourteen days of the final determination of this case if any appeal against this decision is unsuccessful.

**27<sup>th</sup> March 2019**

**Mark Bryant  
Principal Hearing Officer  
For the Registrar**

## ANNEX – Relevant details of all earlier marks

3174032

nature research

Filing date: 11 July 2016

Date of entry in register: 27 January 2017

**Relies on all g & s**

**Reputation claimed re all g & s in 9, 16 & 41**

**Class 9:** Apparatus for recording, transmission or reproduction of sound or images; Magnetic data carriers, recording discs; Compact discs, DVDs and other digital recording media, data processing equipment, computers; Computer software; media content; audiovisual teaching apparatus; bags adapted for laptops; CDs; CD-ROMs; compact disc players; computer game software; software for playing games on mobile phones, tablets or portable computers; computer software, recorded; computer programs, recorded; computer programs [downloadable software]; software for mobile phones, tablets and portable computers; downloadable software for mobile devices; computer keyboards; computer peripheral devices; computer memory devices; computers; data processing apparatus; disk drives for computers; disks, magnetic; downloadable music files; downloadable image files; downloadable text files; downloadable video files; downloadable exam papers; downloadable quizzes; downloadable assessment criteria; downloadable educational materials; downloadable periodical publications; downloadable journals; downloadable academic and scientific journals; downloadable dictionaries; downloadable reference books; downloadable lecture notes; downloadable educational worksheets; downloadable slide presentations; downloadable flashcards; downloadable vocabulary lists; DVDs; electronic publications, downloadable; electronic pocket translators; floppy disks; interfaces for computers; laptop computers; magnetic data media; magnetic tapes; magnetic disks; monitors [computer hardware]; mouse pads; notebook computers; tablet computers; portable computers; optical discs; optical data media; pocket calculators; portable telephones; mobile telephones; smartphones; handheld electronic devices for teaching and learning; portable electronic devices for teaching and learning; handheld electronic devices for examination and assessment; portable electronic devices for examination and assessment; handheld electronic devices for entertainment and reading; portable electronic devices for entertainment and reading; portable media players; printers for use with computers; central processing units; projection screens; projection apparatus; sleeves for laptops; sleeves for tablet computers; sleeves for portable computers; cases for mobile phones, tablets or portable computers; sound transmitting apparatus; sound recording apparatus; sound reproduction apparatus; teaching apparatus; testing apparatus not for medical purposes; USB flash drives; video cassettes; videotapes; non-printed (electronic) publications; printed publications in electronically readable form; printed publications in optically recorded form; databases; podcasts; talking books; training manuals in the form of a computer program; educational software; application software; computer programmes for interactive games or quizzes; computer software for communicating with users of hand-held computers; computer software in the field of electronic publishing; electronic whiteboards; satellite telephones; solar powered telephones; video communications apparatus; wireless telephony apparatus; digital tablets; computer apparatus; graphics tablets; handheld computers; mobile computers; on-board computers; pocket computers for note-taking; stands for computer equipment; wearable computers; computer software for the provision of training, education, examination and assessment; computer software for the provision of training, education, examination and assessment for operation over computer networks; computer software for the provision of training, education, examination and assessment for operation by remote computer access; magnetic, optical and other disks, magnetic tape and other media for electronically recording data or software carrying computer data or computer software for the provision of training, education,

examination and assessment; downloadable publications; downloadable educational materials including exam papers, course materials and lecture notes; downloadable computer software; reading glasses; parts and fittings for all the aforesaid goods.

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

**Class 35:** Advertising; Business management; Business administration; Office function; advertising services provided via the internet; advertising, marketing and promotional services; arranging of subscriptions for the on-line publications of others; business information; business assistance; business consultancy; business data analysis; analysis of market research data and statistics; business merchandising display services; business research services; business information services provided online from a global computer network or the internet; market research; market research services for publishers; the bringing together, for the benefit of others, a variety of education, training, research and publishing services, enabling customers to conveniently view and purchase these services; retail and online retail services connected with the sale of apparatus for recording, transmission or reproduction of sound or images, Magnetic data carriers, recording discs, Compact discs, DVDs and other digital recording media, computers, Computer software, media content, audiovisual teaching apparatus, bags adapted for laptops, calculating machines, CDs, CD-ROMs, compact disc players, computer game software, software for playing games on mobile phones, tablets or portable computers; retail and online retail services connected with the sale of computer software, recorded, computer programs, recorded, computer programs [downloadable software], software for mobile phones, tablets and portable computers, downloadable software for mobile devices, computer keyboards, computer peripheral devices, computer memory devices, computers, data processing apparatus, disk drives for computers, disks, magnetic, downloadable music files, downloadable image files, downloadable text files; retail and online retail services connected with the sale of downloadable video files, downloadable exam papers, downloadable quizzes, downloadable assessment criteria, downloadable educational materials, downloadable periodical publications, downloadable journals, downloadable academic and scientific journals, downloadable dictionaries, downloadable reference books, downloadable lecture notes, downloadable educational worksheets, downloadable slide presentations, downloadable flashcards; retail and online retail services connected with the sale of downloadable vocabulary lists, DVDs, electronic publications, downloadable, electronic pocket translators, floppy disks, interfaces for computers, laptop computers, magnetic data media, magnetic tapes, magnetic disks, monitors [computer

hardware], mouse pads, notebook computers, tablet computers, portable computers, optical discs, optical data media, pocket calculators, portable telephones, mobile telephones, smartphones; retail and online retail services connected with the sale of handheld electronic devices for teaching and learning, portable electronic devices for teaching and learning, handheld electronic devices for examination and assessment, portable electronic devices for examination and assessment, handheld electronic devices for entertainment and reading, portable electronic devices for entertainment and reading, portable media players, printers for use with computers, central processing units; retail and online retail services connected with the sale of projection screens, projection apparatus, sleeves for laptops, sleeves for tablet computers, sleeves for portable computers, cases for mobile phones, tablets or portable computers, sound transmitting apparatus, sound recording apparatus, sound reproduction apparatus, teaching apparatus, testing apparatus not for medical purposes, USB flash drives, video cassettes, videotapes, non-printed (electronic) publications; retail and online retail services connected with the sale of printed publications in electronically readable form, printed publications in optically recorded form, databases, podcasts, talking books, training manuals in the form of a computer program, educational software, application software, computer programmes for interactive games or quizzes, computer software for communicating with users of hand-held computers, computer software in the field of electronic publishing; retail and online retail services connected with the sale of electronic whiteboards, satellite telephones, solar powered telephones, video communications apparatus, wireless telephony apparatus, digital tablets, computer apparatus, graphics tablets, handheld computers, mobile computers, on-board computers, pocket computers for note-taking, stands for computer equipment, wearable computers, computer software for the provision of training, education, examination and assessment; retail and online retail services connected with the sale of computer software for the provision of training, education, examination and assessment for operation over computer networks, computer software for the provision of training, education, examination and assessment for operation by remote computer access, magnetic, optical and other disks; retail and online retail services connected with the sale of magnetic tape and other media for electronically recording data or software carrying computer data or computer software for the provision of training, education, examination and assessment, downloadable publications, downloadable educational materials including exam papers, course materials and lecture notes, downloadable computer software, reading glasses, paper, cardboard, printed matter, bookbinding material, photographs; retail and online retail services connected with the sale of stationery, adhesives for stationery or household purposes, artists' materials, paint brushes, typewriters and office requisites (except furniture), instructional and teaching material (except apparatus), plastic materials for packaging, printers' type, printing blocks, adhesive tape dispensers [office requisites], adhesive tapes for stationery or household purposes, adhesives [glues] for stationery or household purposes; retail and online retail services connected with the sale of albums/scrapbooks, almanacs, announcement cards [stationery], arithmetical tables, atlases, binding strips [bookbinding], biological samples for use in microscopy [teaching materials], blackboards, blotters, bookbindings, bookends, booklets, bookmarkers, books, calendars, cards, charts, catalogues, charcoal pencils, clipboards, clips for offices, staples for offices, bookbinding cloth, comic books, compasses for drawing; retail and online retail services connected with the sale of composing frames [printing], copying paper [stationery], cords for bookbinding, correcting fluids [office requisites], correcting tapes [office requisites], diagrams, document laminators for office use, document files [stationery], document holders [stationery], drawing materials, drawing pads, drawing pens, drawing sets, drawing pins, elastic bands for offices, envelopes [stationery], files [office requisites], flyers; retail and online retail services connected with the sale of folders for papers, folders [stationery], printed forms, fountain pens, geographical maps, handwriting specimens for copying, histological sections for teaching purposes, index cards [stationery], indexes, ledgers [books], magazines [periodicals], manuals, handbooks, marking pens, newsletters, newspapers, note books, numbers [type], pads [stationery], pamphlets, paper, paper sheets [stationery], paper-clips, paperweights; retail and online retail services connected with the sale of pencil leads, pencil sharpeners, electric or non-electric, pencils, pens [office requisites], periodicals, pictures, postcards, posters, printed matter, printed publications, printing type, printing blocks, prospectuses, rubber erasers, school supplies [stationery], song books, stationery, stickers, teaching materials [except apparatus], terrestrial globes, writing instruments, writing pads, writing cases [sets], writing materials; retail and online retail services connected with the sale of writing cases [stationery], writing or drawing books, writing paper, exercise books, Bibles, printed awards, printed certificates, reference books, dictionaries, directories, manuals, reports, magazines, journals, academic and scientific journals, Periodicals, newspapers, newsletters, exam papers, lecture notes, worksheets, quizzes, printed puzzles, educational assessment criteria, flashcards, vocabulary lists, paper, books; retail and online retail services connected with the sale of booklets, documents, forms, brochures, cards, instructional and teaching materials all relating to the training, testing, examination and assessment of candidates for educational achievement, and to the provision of training, testing, examination and assessment services,

*including computer assisted, computer mediated services and on-line services and to the provision of distance learning programmes; compilation of information into computer database; computerised data verification; on-line data processing services; licensing of the goods and services of others (Commercial administration of the -); recruitment; employment recruitment; recruitment services; recruitment and placement services; advertising services relating recruitment of personnel; dissemination of information relating to the recruitment of graduates; information, advisory and consultancy services relating to the aforesaid services.*

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

**Class 42:** *Scientific and technological services and research and design relating thereto; Industrial analysis and research services; Design and development of computer hardware and software; hosting of websites; hosting of digital content on the internet; hosting of digital content, namely on-line journals and blogs; design, creation, hosting and maintenance of internet sites for third parties; application service provider [ASP], namely, hosting computer software applications of others; hosting the web sites of others on a computer server for a global computer network; creation and maintenance of web sites for others and hosting the web sites of others; design and development of software for processing and distribution of multimedia contents; design and development of software for compression and decompression of multimedia contents; design and development of software for processing and distribution of multimedia contents; providing electronic verification of online orders of digital*

content and generating electronic permission codes which then allow users to access said digital content; development of software and hardware for data and multimedia content conversion from and to different protocols; design of software and hardware for data and multimedia content conversion from and to different protocols; computerised analysis of data; technical data analysis services; monitoring online content; Design services relating to books and periodicals; computer programming in the fields of multi-media and electronic publishing; hosting platforms on the Internet for educational purposes; hosting web portals for educational purposes; information, advisory and consultancy services relating to the aforesaid services.

**Class 45:** Legal services; Security services for the protection of property and individuals; on-line social networking services; computer licensing; computer software licensing; consultancy services relating to the legal aspects of franchising; copyright management; copyright protection; intellectual property licensing services; legal research; Licensing of computer games; licensing of computer programs; licensing of computer software; licensing of software; licensing of patents; licensing of technology; licensing services; management of authors' copyright; registration of domain names for identification of users on a global computer network; registration of domain names; information, advisory and consultancy services relating to the aforesaid services.

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NATURE

Filing date: 11 July 2016

Date of entry in register: 21 October 2016

**Relies on all g&s for 5(2)**

**Claimed reputation in 9, 16 & 41**

**Class 9:** Apparatus for recording, transmission or reproduction of sound or images; Magnetic data carriers, recording discs; Compact discs, DVDs and other digital recording media, data processing equipment, computers; Computer software; media content; audiovisual teaching apparatus; bags adapted for laptops; CDs; CD-ROMs; compact disc players; computer game software; software for playing games on mobile phones, tablets or portable computers; computer software, recorded; computer programs, recorded; computer programs [downloadable software]; software for mobile phones, tablets and portable computers; downloadable software for mobile devices; computer keyboards; computer peripheral devices; computer memory devices; computers; data processing apparatus; disk drives for computers; disks, magnetic; downloadable music files; downloadable image files; downloadable text files; downloadable video files; downloadable exam papers; downloadable quizzes; downloadable assessment criteria; downloadable educational materials; downloadable periodical publications; downloadable journals; downloadable academic and scientific journals; downloadable dictionaries; downloadable reference books; downloadable lecture notes; downloadable educational worksheets; downloadable slide presentations; downloadable flashcards; downloadable vocabulary lists; DVDs; electronic publications, downloadable; electronic pocket translators; floppy disks; interfaces for computers; laptop computers; magnetic data media; magnetic tapes; magnetic disks; monitors [computer hardware]; mouse pads; notebook computers; tablet computers; portable computers; optical discs; optical data media; pocket calculators; portable telephones; mobile telephones; smartphones; handheld electronic devices for teaching and learning; portable electronic devices for teaching and learning; handheld electronic devices for examination and assessment; portable electronic devices for examination and assessment; handheld electronic devices for entertainment and reading; portable electronic devices for entertainment and reading; portable media players; printers for use with computers; central processing units; projection screens; projection apparatus; sleeves for laptops; sleeves for tablet computers; sleeves for portable computers; cases for mobile phones, tablets or portable computers; sound transmitting apparatus; sound recording apparatus;

sound reproduction apparatus; teaching apparatus; testing apparatus not for medical purposes; USB flash drives; video cassettes; videotapes; non-printed (electronic) publications; printed publications in electronically readable form; printed publications in optically recorded form; databases; podcasts; talking books; training manuals in the form of a computer program; educational software; application software; computer programmes for interactive games or quizzes; computer software for communicating with users of hand-held computers; computer software in the field of electronic publishing; electronic whiteboards; satellite telephones; solar powered telephones; video communications apparatus; wireless telephony apparatus; digital tablets; computer apparatus; graphics tablets; handheld computers; mobile computers; on-board computers; pocket computers for note-taking; stands for computer equipment; wearable computers; computer software for the provision of training, education, examination and assessment; computer software for the provision of training, education, examination and assessment for operation over computer networks; computer software for the provision of training, education, examination and assessment for operation by remote computer access; magnetic, optical and other disks, magnetic tape and other media for electronically recording data or software carrying computer data or computer software for the provision of training, education, examination and assessment; downloadable publications; downloadable educational materials including exam papers, course materials and lecture notes; downloadable computer software; reading glasses; parts and fittings for all the aforesaid goods.

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

**Class 35:** Advertising; Business management; Business administration; Office function; advertising services provided via the internet; advertising, marketing and promotional services; arranging of subscriptions for the on-line publications of others; business information; business assistance; business consultancy; business data analysis; analysis of market research data and statistics; business merchandising display services; business research services; business information services provided online from a global computer network or the internet; market research; market research services for publishers; the bringing together, for the benefit of others, a variety of education, training, research and publishing services, enabling customers to conveniently view and purchase these services; retail and online retail services connected with the sale of apparatus for recording, transmission or reproduction of sound or images, Magnetic data carriers, recording discs, Compact discs, DVDs and other digital recording media, computers, Computer software, media content, audiovisual teaching apparatus, bags adapted for



*laptops, calculating machines, CDs, CD-ROMs, compact disc players, computer game software, software for playing games on mobile phones, tablets or portable computers; retail and online retail services connected with the sale of computer software, recorded, computer programs, recorded, computer programs [downloadable software], software for mobile phones, tablets and portable computers, downloadable software for mobile devices, computer keyboards, computer peripheral devices, computer memory devices, computers, data processing apparatus, disk drives for computers, disks, magnetic, downloadable music files, downloadable image files, downloadable text files; retail and online retail services connected with the sale of downloadable video files, downloadable exam papers, downloadable quizzes, downloadable assessment criteria, downloadable educational materials, downloadable periodical publications, downloadable journals, downloadable academic and scientific journals, downloadable dictionaries, downloadable reference books, downloadable lecture notes, downloadable educational worksheets, downloadable slide presentations, downloadable flashcards; retail and online retail services connected with the sale of downloadable vocabulary lists, DVDs, electronic publications, downloadable, electronic pocket translators, floppy disks, interfaces for computers, laptop computers, magnetic data media, magnetic tapes, magnetic disks, monitors [computer hardware], mouse pads, notebook computers, tablet computers, portable computers, optical discs, optical data media, pocket calculators, portable telephones, mobile telephones, smartphones; retail and online retail services connected with the sale of handheld electronic devices for teaching and learning, portable electronic devices for teaching and learning, handheld electronic devices for examination and assessment, portable electronic devices for examination and assessment, handheld electronic devices for entertainment and reading, portable electronic devices for entertainment and reading, portable media players, printers for use with computers, central processing units; retail and online retail services connected with the sale of projection screens, projection apparatus, sleeves for laptops, sleeves for tablet computers, sleeves for portable computers, cases for mobile phones, tablets or portable computers, sound transmitting apparatus, sound recording apparatus, sound reproduction apparatus, teaching apparatus, testing apparatus not for medical purposes, USB flash drives, video cassettes, videotapes, non-printed (electronic) publications; retail and online retail services connected with the sale of printed publications in electronically readable form, printed publications in optically recorded form, databases, podcasts, talking books, training manuals in the form of a computer program, educational software, application software, computer programmes for interactive games or quizzes, computer software for communicating with users of hand-held computers, computer software in the field of electronic publishing; retail and online retail services connected with the sale of electronic whiteboards, satellite telephones, solar powered telephones, video communications apparatus, wireless telephony apparatus, digital tablets, computer apparatus, graphics tablets, handheld computers, mobile computers, on-board computers, pocket computers for note-taking, stands for computer equipment, wearable computers, computer software for the provision of training, education, examination and assessment; retail and online retail services connected with the sale of computer software for the provision of training, education, examination and assessment for operation over computer networks, computer software for the provision of training, education, examination and assessment for operation by remote computer access, magnetic, optical and other disks; retail and online retail services connected with the sale of magnetic tape and other media for electronically recording data or software carrying computer data or computer software for the provision of training, education, examination and assessment, downloadable publications, downloadable educational materials including exam papers, course materials and lecture notes, downloadable computer software, reading glasses, paper, cardboard, printed matter, bookbinding material, photographs; retail and online retail services connected with the sale of stationery, adhesives for stationery or household purposes, artists' materials, paint brushes, typewriters and office requisites (except furniture), instructional and teaching material (except apparatus), plastic materials for packaging, printers' type, printing blocks, adhesive tape dispensers [office requisites], adhesive tapes for stationery or household purposes, adhesives [glues] for stationery or household purposes; retail and online retail services connected with the sale of albums/scrapbooks, almanacs, announcement cards [stationery], arithmetical tables, atlases, binding strips [bookbinding], biological samples for use in microscopy [teaching materials], blackboards, blotters, bookbindings, bookends, booklets, bookmarkers, books, calendars, cards, charts, catalogues, charcoal pencils, clipboards, clips for offices, staples for offices, bookbinding cloth, comic books, compasses for drawing; retail and online retail services connected with the sale of composing frames [printing], copying paper [stationery], cords for bookbinding, correcting fluids [office requisites], correcting tapes [office requisites], diagrams, document laminators for office use, document files [stationery], document holders [stationery], drawing materials, drawing pads, drawing pens, drawing sets, drawing pins, elastic bands for offices, envelopes [stationery], files [office requisites], flyers; retail and online retail services connected with the sale of folders for papers, folders [stationery], printed forms, fountain pens, geographical maps, handwriting specimens for copying, histological sections for teaching purposes, index cards [stationery], indexes, ledgers [books], magazines [periodicals],*

manuals, handbooks, marking pens, newsletters, newspapers, note books, numbers [type], pads [stationery], pamphlets, paper, paper sheets [stationery], paper-clips, paperweights; retail and online retail services connected with the sale of pencil leads, pencil sharpeners, electric or non-electric, pencils, pens [office requisites], periodicals, pictures, postcards, posters, printed matter, printed publications, printing type, printing blocks, prospectuses, rubber erasers, school supplies [stationery], song books, stationery, stickers, teaching materials [except apparatus], terrestrial globes, writing instruments, writing pads, writing cases [sets], writing materials; retail and online retail services connected with the sale of writing cases [stationery], writing or drawing books, writing paper, exercise books, Bibles, printed awards, printed certificates, reference books, dictionaries, directories, manuals, reports, magazines, journals, academic and scientific journals, Periodicals, newspapers, newsletters, exam papers, lecture notes, worksheets, quizzes, printed puzzles, educational assessment criteria, flashcards, vocabulary lists, paper, books; retail and online retail services connected with the sale of booklets, documents, forms, brochures, cards, instructional and teaching materials all relating to the training, testing, examination and assessment of candidates for educational achievement, and to the provision of training, testing, examination and assessment services, including computer assisted, computer mediated services and on-line services and to the provision of distance learning programmes; compilation of information into computer database; computerised data verification; on-line data processing services; licensing of the goods and services of others (Commercial administration of the -); recruitment; employment recruitment; recruitment services; recruitment and placement services; advertising services relating recruitment of personnel; dissemination of information relating to the recruitment of graduates; information, advisory and consultancy services relating to the aforesaid services.

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

mediated means and via on-line means; provision of distance learning programmes; presenting and analysing data; information, advisory and consultancy services relating to the aforesaid services.

**Class 42:** Scientific and technological services and research and design relating thereto; Industrial analysis and research services; Design and development of computer hardware and software; hosting of websites; hosting of digital content on the internet; hosting of digital content, namely on-line journals and blogs; design, creation, hosting and maintenance of internet sites for third parties; application service provider [ASP], namely, hosting computer software applications of others; hosting the web sites of others on a computer server for a global computer network; creation and maintenance of web sites for others and hosting the web sites of others; design and development of software for processing and distribution of multimedia contents; design and development of software for compression and decompression of multimedia contents; design and development of software for processing and distribution of multimedia contents; providing electronic verification of online orders of digital content and generating electronic permission codes which then allow users to access said digital content; development of software and hardware for data and multimedia content conversion from and to different protocols; design of software and hardware for data and multimedia content conversion from and to different protocols; computerised analysis of data; technical data analysis services; monitoring online content; Design services relating to books and periodicals; computer programming in the fields of multi-media and electronic publishing; hosting platforms on the Internet for educational purposes; hosting web portals for educational purposes; monitoring online content and references relating to educational and academic articles and publications; monitoring the online attention paid to scholarly articles; information, advisory and consultancy services relating to the aforesaid services.

**Class 45:** Legal services; Security services for the protection of property and individuals; on-line social networking services; computer licensing; computer software licensing; consultancy services relating to the legal aspects of franchising; copyright management; copyright protection; intellectual property licensing services; legal research; Licensing of computer games; licensing of computer programs; licensing of computer software; licensing of software; licensing of patents; licensing of technology; licensing services; management of authors' copyright; registration of domain names for identification of users on a global computer network; registration of domain names; information, advisory and consultancy services relating to the aforesaid services.

EU016247728

**nature**research

Colours claimed/indication: Red; Grey

Filing date: 15 July 2016

Date of entry in register: 5 June 2017

**Relies on all g&s for 5(2)**

**Claimed reputation in 9, 16 & 41**

**Class 9:** Life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for

coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus; audiovisual teaching apparatus; bags adapted for laptops; CDs; CD-ROMs; compact disc players; computer game software; software for playing games on mobile phones, tablets or portable computers; computer software, recorded; computer programs, recorded; computer programs [downloadable software]; software for mobile phones, tablets and portable computers; downloadable software for mobile devices; computer keyboards; computer peripheral devices; computer memory devices; computers; data processing apparatus; disk drives for computers; disks, magnetic; downloadable music files; downloadable exam papers; downloadable quizzes; downloadable assessment criteria; DVDs; electronic pocket translators; floppy disks; interfaces for computers; laptop computers; magnetic data media; magnetic tapes; magnetic disks; monitors [computer hardware]; mouse pads; notebook computers; tablet computers; portable computers; optical discs; optical data media; pocket calculators; portable telephones; mobile telephones; smartphones; handheld electronic devices for teaching and learning; portable electronic devices for teaching and learning; handheld electronic devices for educational examination and assessment; portable electronic devices for educational examination and assessment; handheld electronic devices for recording, organising, transmitting and viewing text, data, image and audio files; portable electronic devices for recording, organising, transmitting and viewing text, data, image and audio files; portable media players; printers for use with computers; central processing units; projection screens; projection apparatus; sleeves for laptops; sleeves for tablet computers; sleeves for portable computers; cases for mobile phones, tablets or portable computers; sound transmitting apparatus; sound recording apparatus; sound reproduction apparatus; teaching apparatus; testing apparatus not for medical purposes; USB flash drives; video cassettes; videotapes; training manuals in the form of a computer program; educational software; application software; computer programmes for interactive games or quizzes; computer software for communicating with users of hand-held computers; computer software in the field of electronic publishing; electronic whiteboards; satellite telephones; solar powered telephones; video communications apparatus; wireless telephony apparatus; digital tablets; computer apparatus; graphics tablets; handheld computers; mobile computers; on-board computers; pocket computers for note-taking; stands for computer equipment; wearable computers; computer software for the provision of training, education, examination and assessment; computer software for the provision of training, education, examination and assessment for operation over computer networks; computer software for the provision of training, education, examination and assessment for operation by remote computer access; magnetic, optical and other disks, magnetic tape and other media for electronically recording data or software carrying computer data or computer software for the provision of training, education, examination and assessment; downloadable computer software; reading glasses; downloadable technical and medical journals; parts and fittings for all the aforesaid goods.

**Class 16:** Paper and cardboard; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paintbrushes; typewriters and office requisites [except furniture]; instructional and teaching material [except apparatus]; plastic materials for packaging; printers' type; printing blocks; adhesive tape dispensers [office requisites]; adhesive tapes for stationery or household purposes; adhesives [glues] for stationery or household purposes; albums/scrapbooks; almanacs; announcement cards [stationery]; arithmetical tables; atlases; binding strips [bookbinding]; biological samples for use in microscopy [teaching materials]; blackboards; blotters; bookbindings; bookends; booklets; bookmarkers; calendars; cards; charts; catalogues; charcoal pencils; clipboards; clips for offices; staples for offices; bookbinding cloth; compasses for drawing; composing frames [printing]; copying paper [stationery]; cords for bookbinding; correcting fluids [office requisites]; correcting tapes [office requisites]; diagrams; document laminators for office use; document files [stationery]; document holders [stationery]; drawing materials; drawing pads; drawing pens; drawing sets; drawing pins; elastic bands for offices; envelopes [stationery]; files [office requisites]; flyers; folders for papers; folders [stationery]; printed forms; fountain pens; geographical maps; handwriting specimens for copying; histological sections for teaching purposes; index cards [stationery]; indexes; ledgers [books]; manuals; marking pens; note books; numbers [type]; pads [stationery]; pamphlets; paper; paper sheets [stationery]; paper-clips; paperweights; pencil leads; pencil sharpeners, electric or non-electric; pencils; pens [office requisites]; pictures; postcards; posters; printing type; prospectuses; rubber erasers; school supplies [stationery]; song books; stickers; terrestrial globes; writing instruments; writing pads; writing cases [sets]; writing materials; writing cases [stationery]; writing or drawing books; writing paper; exercise books; Bibles; printed awards; printed certificates; directories; technical and medical journals; exam papers; worksheets; quizzes; printed puzzles; flashcards; paper, forms, brochures, cards, instructional and teaching materials in Class 16 all relating to the testing, examination and assessment of candidates for educational achievement, and to the provision of testing, examination and assessment services, including computer assisted,

computer mediated services and on-line services and to the provision of distance learning programmes; parts and fittings for all the aforesaid goods.

**Class 35:** Advertising; business management; business administration; office functions; advertising services provided via the internet; advertising, marketing and promotional services; arranging of subscriptions for the on-line publications of others; business information; business assistance; business consultancy; business data analysis; analysis of market research data and statistics; business merchandising display services; business research services; business information services provided online from a global computer network or the internet; market research; market research services for publishers; the bringing together, for the benefit of others, a variety of education, training, research and publishing services, enabling customers to conveniently view and purchase these services; retail and online retail services connected with the sale of apparatus for recording, transmission or reproduction of sound or images, magnetic data carriers, recording discs, compact discs, DVDs and other digital recording media, computers, computer software, media content, audiovisual teaching apparatus, bags adapted for laptops, calculating machines, CDs, CDROMs, compact disc players, computer game software, software for playing games on mobile phones, tablets or portable computers; retail and online retail services connected with the sale of computer software, recorded, computer programs, recorded, computer programs [downloadable software], software for mobile phones, tablets and portable computers, downloadable software for mobile devices, computer keyboards, computer peripheral devices, computer memory devices, computers, data processing apparatus, disk drives for computers, disks, magnetic, downloadable music files, downloadable image files, downloadable text files; retail and online retail services connected with the sale of downloadable video files, downloadable exam papers, downloadable quizzes, downloadable assessment criteria, downloadable educational materials, downloadable periodical publications, downloadable journals, downloadable academic and scientific journals, downloadable dictionaries, downloadable reference books, downloadable lecture notes, downloadable educational worksheets, downloadable slide presentations, downloadable flashcards; retail and online retail services connected with the sale of downloadable vocabulary lists, DVDs, electronic publications, downloadable, electronic pocket translators, floppy disks, interfaces for computers, laptop computers, magnetic data media, magnetic tapes, magnetic disks, monitors [computer hardware], mouse pads, notebook computers, tablet computers, portable computers, optical discs, optical data media, pocket calculators, portable telephones, mobile telephones, smartphones; retail and online retail services connected with the sale of handheld electronic devices for teaching and learning, portable electronic devices for teaching and learning, handheld electronic devices for examination and assessment, portable electronic devices for examination and assessment, handheld electronic devices for entertainment and reading, portable electronic devices for entertainment and reading, portable media players, printers for use with computers, central processing units; retail and online retail services connected with the sale of projection screens, projection apparatus, sleeves for laptops, sleeves for tablet computers, sleeves for portable computers, cases for mobile phones, tablets or portable computers, sound transmitting apparatus, sound recording apparatus, sound reproduction apparatus, teaching apparatus, testing apparatus not for medical purposes, USB flash drives, video cassettes, videotapes, non-printed (electronic) publications; retail and online retail services connected with the sale of printed publications in electronically readable form, printed publications in optically recorded form, databases, podcasts, talking books, training manuals in the form of a computer program, educational software, application software, computer programmes for interactive games or quizzes, computer software for communicating with users of hand-held computers, computer software in the field of electronic publishing; retail and online retail services connected with the sale of electronic whiteboards, satellite telephones, solar powered telephones, video communications apparatus, wireless telephony apparatus, digital tablets, computer apparatus, graphics tablets, handheld computers, mobile computers, on-board computers, pocket computers for note-taking, stands for computer equipment, wearable computers, computer software for the provision of training, education, examination and assessment; retail and online retail services connected with the sale of computer software for the provision of training, education, examination and assessment for operation over computer networks, computer software for the provision of training, education, examination and assessment for operation by remote computer access, magnetic, optical and other disks; retail and online retail services connected with the sale of magnetic tape and other media for electronically recording data or software carrying computer data or computer software for the provision of training, education, examination and assessment, downloadable publications, downloadable educational materials including exam papers, course materials and lecture notes, downloadable computer software, reading glasses, paper, cardboard, printed matter, bookbinding material, photographs; retail and online retail services connected with the sale of stationery, adhesives for stationery or household purposes, artists' materials, paint brushes, typewriters and office requisites (except furniture), instructional and teaching material (except

apparatus), plastic materials for packaging, printers' type, printing blocks, adhesive tape dispensers [office requisites], adhesive tapes for stationery or household purposes, adhesives [glues] for stationery or household purposes; retail and online retail services connected with the sale of albums/scrapbooks, almanacs, announcement cards [stationery], arithmetical tables, atlases, binding strips [bookbinding], biological samples for use in microscopy [teaching materials], blackboards, blotters, bookbindings, bookends, booklets, bookmarkers, books, calendars, cards, charts, catalogues, charcoal pencils, clipboards, clips for offices, staples for offices, bookbinding cloth, comic books, compasses for drawing; retail and online retail services connected with the sale of composing frames [printing], copying paper [stationery], cords for bookbinding, correcting fluids [office requisites], correcting tapes [office requisites], diagrams, document laminators for office use, document files [stationery], document holders [stationery], drawing materials, drawing pads, drawing pens, drawing sets, drawing pins, elastic bands for offices, envelopes [stationery], files [office requisites], flyers; retail and online retail services connected with the sale of folders for papers, folders [stationery], printed forms, fountain pens, geographical maps, handwriting specimens for copying, histological sections for teaching purposes, index cards [stationery], indexes, ledgers [books], magazines [periodicals], manuals, handbooks, marking pens, newsletters, newspapers, note books, numbers [type], pads [stationery], pamphlets, paper, paper sheets [stationery], paper-clips, paperweights; retail and online retail services connected with the sale of pencil leads, pencil sharpeners, electric or nonelectric, pencils, pens [office requisites], periodicals, pictures, postcards, posters, printed matter, printed publications, printing type, printing blocks, prospectuses, rubber erasers, school supplies [stationery], song books, stationery, stickers, teaching materials [except apparatus], terrestrial globes, writing instruments, writing pads, writing cases [sets], writing materials; retail and online retail services connected with the sale of writing cases [stationery], writing or drawing books, writing paper, exercise books, Bibles, printed awards, printed certificates, reference books, dictionaries, directories, manuals, reports, magazines, journals, academic and scientific journals, scientific, technical and medical journals, periodicals, newspapers, newsletters, exam papers, lecture notes, worksheets, quizzes, printed puzzles, educational assessment criteria, flashcards; retail and online retail services connected with the sale of, vocabulary lists, paper, books, booklets, documents, forms, brochures, cards, instructional and teaching materials all relating to the training, testing, examination and assessment of candidates for educational achievement, and to the provision of training, testing, examination and assessment services, including computer assisted, computer mediated services and on-line services and to the provision of distance learning programmes; compilation of information into computer database; computerised data verification; on-line data processing services; licensing of the goods and services of others (Commercial administration of the -); recruitment; employment recruitment; recruitment services; recruitment and placement services; advertising services relating recruitment of personnel; dissemination of information relating to the recruitment of graduates; subscriptions to electronic journals; market research and analysis; information, advisory and consultancy services relating to the aforesaid services.

**Class 41:** Entertainment; sporting and cultural activities; online electronic publishing of books and periodicals; arranging and conducting of colloquiums; arranging and conducting of workshops [training]; arranging and conducting of congresses; arranging and conducting of conferences; arranging and conducting of seminars; arranging and conducting of symposiums; boarding schools; schools; educational examination; electronic desktop publishing; game services provided on-line from a computer network; holiday camp services [entertainment]; publishing consultancy services; advisory services relating to publishing; publishing services; electronic publishing services; providing electronic publications; publication of printed matter and printed publications; language interpreter services; lending libraries; mobile library services; providing museum facilities; nursery schools; organisation of competitions [education or entertainment]; organisation of exhibitions for cultural or educational purposes; physical education; production of radio and television programmes; providing online electronic publications, not downloadable; publication of texts, other than publicity texts; publication of books; publication of reference books; publication of directories; publication of manuals; publication of reports; publication of magazines; publication of journals; publication of academic and scientific journals, publication of periodicals; publication of dictionaries; publication of exam papers; publication of lecture notes; publication of worksheets; publication of quizzes; publication of puzzles; publication of examination marking criteria; publication of pamphlets; publication of booklets; publication of flashcards; publication of vocabulary lists; publication of educational material; publication of electronic books online; publication of electronic journals online; publication of electronic reference books online; publication of directories online; publication of manuals online; publication of reports online; publication of magazines online; publication of periodicals online; publication of dictionaries online; publication of exam papers online; publication of lecture notes online; publication of educational worksheets online; publication of quizzes online; publication of puzzles online; publication of examination marking criteria online; publication of pamphlets online; publication of booklets

online; publication of flashcards online; publication of vocabulary lists online; publication of educational material online; publishing; sport camp services; translation; vocational guidance [education or training advice]; vocational retraining; writing of texts, other than publicity texts; academic examination services; analysing educational test scores and data for others; arrangement of training courses; arranging of festivals for educational purposes; bibliographic information; business educational services; business training; computer assisted examination services; design of educational courses, examinations and qualifications; development of educational material; educational assessment services; educational examination services; educational research; provision of educational examination facilities; setting of educational standards; university education services; university services; provision of examination and assessment services including such services being provided via computer assisted and computer mediated means and via on-line means; monitoring online content and references relating to educational and academic articles and publications; presenting and analysing data for educational purpose; monitoring the online attention paid to scholarly articles; consultancy services relating to academic subjects; information, advisory and consultancy services relating to the aforesaid services.

**Class 42:** Technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; hosting of websites; hosting of digital content on the internet; hosting of digital content, namely on-line journals and blogs; design, creation, hosting and maintenance of internet sites for third parties; application service provider [ASP], namely, hosting computer software applications of others; hosting the web sites of others on a computer server for a global computer network; creation and maintenance of web sites for others and hosting the web sites of others; design and development of software for processing and distribution of multimedia contents; design and development of software for compression and decompression of multimedia contents; design and development of software for processing and distribution of multimedia contents; providing electronic verification of online orders of digital content and generating electronic permission codes which then allow users to access said digital content; development of software and hardware for data and multimedia content conversion from and to different protocols; design of software and hardware for data and multimedia content conversion from and to different protocols; computerised analysis of data; technical data analysis services; monitoring online content; Design services relating to books and periodicals; computer programming in the fields of multi-media and electronic publishing; hosting platforms on the Internet for educational purposes; hosting web portals for educational purposes; technical and medical research; preparation of technical reports; provision of technology reports; conversion of data or documents from physical to electronic media; electronic data storage; software as a service [SaaS]; hosting of websites; hosting of digital content on the internet; providing electronic verification of online orders of digital content and generating electronic permission codes which then allow users to access said digital content; Design services relating to books and periodicals; hosting platforms on the Internet for educational purposes; hosting web portals for educational purposes; hosting of databases; computer analysis; information, advisory and consultancy services relating to the aforesaid services.

**Class 45:** Legal services; Security services for the protection of property and individuals; on-line social networking services; computer licensing; computer software licensing; consultancy services relating to the legal aspects of franchising; copyright management; copyright protection; intellectual property licensing services; legal research; Licensing of computer games; licensing of computer programs; licensing of computer software; licensing of software; licensing of patents; licensing of technology; licensing services; management of authors' copyright; registration of domain names for identification of users on a global computer network; registration of domain names; information, advisory and consultancy services relating to the aforesaid services.

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**WITHDRAWN 4 JUNE 2018**

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NATURE

## **NO RECORD OF EUIPO DATABASE**

EU016989428

NATURE

Filing date: 11 July 2016

Opposed (as of 24/01/19)

## **RELIED UPON FOR 5(2) ONLY, RELIES ON ALL GOODS AND SERVICES**

**Class 35:** Advertising; Business management; Business administration; Office function; advertising services provided via the internet; advertising, marketing and promotional services; arranging of subscriptions for the on-line publications of others; business information; business assistance; business consultancy; business data analysis; analysis of market research data and statistics; business merchandising display services; business research services; business information services provided online from a global computer network or the internet; market research; market research services for publishers; the bringing together, for the benefit of others, a variety of education, training, research and publishing services, enabling customers to conveniently view and purchase these services; retail and online retail services connected with the sale of apparatus for recording, transmission or reproduction of sound or images, Magnetic data carriers, recording discs, Compact discs, DVDs and other digital recording media, computers, Computer software, media content, audiovisual teaching apparatus, bags adapted for laptops, calculating machines, CDs, CD-ROMs, compact disc players, computer game software, software for playing games on mobile phones, tablets or portable computers; retail and online retail services connected with the sale of computer software, recorded, computer programs, recorded, computer programs [downloadable software], software for mobile phones, tablets and portable computers, downloadable software for mobile devices, computer keyboards, computer peripheral devices, computer memory devices, computers, data processing apparatus, disk drives for computers, disks, magnetic, downloadable music files, downloadable image files, downloadable text files; retail and online retail services connected with the sale of downloadable video files, downloadable exam papers, downloadable quizzes, downloadable assessment criteria, downloadable educational materials, downloadable periodical publications, downloadable journals, downloadable academic and scientific journals, downloadable dictionaries, downloadable reference books, downloadable lecture notes, downloadable educational worksheets, downloadable slide presentations, downloadable flashcards; retail and online retail services connected with the sale of downloadable vocabulary lists, DVDs, electronic publications, downloadable, electronic pocket translators, floppy disks, interfaces for computers, laptop computers, magnetic data media, magnetic tapes, magnetic disks, monitors [computer hardware], mouse pads, notebook computers, tablet computers, portable computers, optical discs, optical data media, pocket calculators, portable telephones, mobile telephones, smartphones; retail and online retail services connected with the sale of handheld electronic devices for teaching and learning, portable electronic devices for teaching and learning, handheld electronic devices for examination and assessment, portable electronic devices for examination and assessment, handheld electronic devices for entertainment and reading, portable electronic devices for entertainment and reading, portable media players, printers for use with computers, central processing units; retail and online retail services connected with the sale of projection screens, projection apparatus, sleeves for laptops, sleeves for tablet computers, sleeves for portable computers,



cases for mobile phones, tablets or portable computers, sound transmitting apparatus, sound recording apparatus, sound reproduction apparatus, teaching apparatus, testing apparatus not for medical purposes, USB flash drives, video cassettes, videotapes, non-printed (electronic) publications; retail and online retail services connected with the sale of printed publications in electronically readable form, printed publications in optically recorded form, databases, podcasts, talking books, training manuals in the form of a computer program, educational software, application software, computer programmes for interactive games or quizzes, computer software for communicating with users of hand-held computers, computer software in the field of electronic publishing; retail and online retail services connected with the sale of electronic whiteboards, satellite telephones, solar powered telephones, video communications apparatus, wireless telephony apparatus, digital tablets, computer apparatus, graphics tablets, handheld computers, mobile computers, on-board computers, pocket computers for note-taking, stands for computer equipment, wearable computers, computer software for the provision of training, education, examination and assessment; retail and online retail services connected with the sale of computer software for the provision of training, education, examination and assessment for operation over computer networks, computer software for the provision of training, education, examination and assessment for operation by remote computer access, magnetic, optical and other disks; retail and online retail services connected with the sale of magnetic tape and other media for electronically recording data or software carrying computer data or computer software for the provision of training, education, examination and assessment, downloadable publications, downloadable educational materials including exam papers, course materials and lecture notes, downloadable computer software, reading glasses, paper, cardboard, printed matter, bookbinding material, photographs; retail and online retail services connected with the sale of stationery, adhesives for stationery or household purposes, artists' materials, paint brushes, typewriters and office requisites (except furniture), instructional and teaching material (except apparatus), plastic materials for packaging, printers' type, printing blocks, adhesive tape dispensers [office requisites], adhesive tapes for stationery or household purposes, adhesives [glues] for stationery or household purposes; retail and online retail services connected with the sale of albums/scrapbooks, almanacs, announcement cards [stationery], arithmetical tables, atlases, binding strips [bookbinding], biological samples for use in microscopy [teaching materials], blackboards, blotters, bookbindings, bookends, booklets, bookmarkers, books, calendars, cards, charts, catalogues, charcoal pencils, clipboards, clips for offices, staples for offices, bookbinding cloth, comic books, compasses for drawing; retail and online retail services connected with the sale of composing frames [printing], copying paper [stationery], cords for bookbinding, correcting fluids [office requisites], correcting tapes [office requisites], diagrams, document laminators for office use, document files [stationery], document holders [stationery], drawing materials, drawing pads, drawing pens, drawing sets, drawing pins, elastic bands for offices, envelopes [stationery], files [office requisites], flyers; retail and online retail services connected with the sale of folders for papers, folders [stationery], printed forms, fountain pens, geographical maps, handwriting specimens for copying, histological sections for teaching purposes, index cards [stationery], indexes, ledgers [books], magazines [periodicals], manuals, handbooks, marking pens, newsletters, newspapers, note books, numbers [type], pads [stationery], pamphlets, paper, paper sheets [stationery], paper-clips, paperweights; retail and online retail services connected with the sale of pencil leads, pencil sharpeners, electric or non-electric, pencils, pens [office requisites], periodicals, pictures, postcards, posters, printed matter, printed publications, printing type, printing blocks, prospectuses, rubber erasers, school supplies [stationery], song books, stationery, stickers, teaching materials [except apparatus], terrestrial globes, writing instruments, writing pads, writing cases [sets], writing materials; retail and online retail services connected with the sale of writing cases [stationery], writing or drawing books, writing paper, exercise books, Bibles, printed awards, printed certificates, reference books, dictionaries, directories, manuals, reports, magazines, journals, academic and scientific journals, Periodicals, newspapers, newsletters, exam papers, lecture notes, worksheets, quizzes, printed puzzles, educational assessment criteria, flashcards, vocabulary lists, paper, books; retail and online retail services connected with the sale of booklets, documents, forms, brochures, cards, instructional and teaching materials all relating to the training, testing, examination and assessment of candidates for educational achievement, and to the provision of training, testing, examination and assessment services, including computer assisted, computer mediated services and on-line services and to the provision of distance learning programmes; compilation of information into computer database; computerised data verification; on-line data processing services; licensing of the goods and services of others (Commercial administration of the -); recruitment; employment recruitment; recruitment services; recruitment and placement services; advertising services relating recruitment of personnel; dissemination of information relating to the recruitment of graduates; online media monitoring services, namely, monitoring online content related to educational and academic articles and publications, for business purposes; business data analysis; analysis of market research data; computerised data verification; online media monitoring services [audience rating

determination]; online media monitoring services for advertising, marketing, and promotional purposes; information, advisory and consultancy services relating to the aforesaid services; All of the above-mentioned services not in relation to retail services of soft gel capsules, liquid products, hard gel capsules, an tablets.

**Class 42:** Scientific and technological services and research and design relating thereto; Industrial analysis and research services; Design and development of computer hardware and software; hosting of websites; hosting of digital content on the internet; hosting of digital content, namely on-line journals and blogs; design, creation, hosting and maintenance of internet sites for third parties; application service provider [ASP], namely, hosting computer software applications of others; hosting the web sites of others on a computer server for a global computer network; creation and maintenance of web sites for others and hosting the web sites of others; design and development of software for processing and distribution of multimedia contents; design and development of software for compression and decompression of multimedia contents; design and development of software for processing and distribution of multimedia contents; development of software and hardware for data and multimedia content conversion from and to different protocols; design of software and hardware for data and multimedia content conversion from and to different protocols; computerised analysis of data; technical data analysis services; Design services relating to books and periodicals; computer programming in the fields of multi-media and electronic publishing; hosting platforms on the Internet for educational purposes; hosting web portals for educational purposes; online media monitoring services for software and website design and development purposes; online media monitoring services in relation to social media research; information, advisory and consultancy services relating to the aforesaid services.

**Class 45:** Legal services; Security services for the protection of property and individuals; on-line social networking services; computer licensing; computer software licensing; consultancy services relating to the legal aspects of franchising; copyright management; copyright protection; intellectual property licensing services; legal research; Licensing of computer games; licensing of computer programs; licensing of computer software; licensing of software; licensing of patents; licensing of technology; licensing services; management of authors' copyright; registration of domain names for identification of users on a global computer network; registration of domain names; identification verification services; online media monitoring services for security purposes; online media monitoring services in relation to online social networking; information, advisory and consultancy services relating to the aforesaid services.

