

O/773/21

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO. WO1505724
BY THE EDISON COMPANIES, LLC
TO REGISTER THE TRADE MARK:**

EDISON

IN CLASSES 35 & 36

AND

**IN THE MATTER OF OPPOSITION THERETO
UNDER NO. 420511
BY EDISON S.p.A**

Background and pleadings

1. On 8 July 2019, The Edison Companies, LLC (“the applicant”) applied to register the trade mark shown on the cover page of this decision in the UK. The application was published for opposition purposes on the 20 March 2020. The applicant seeks registration for the following services:

Class 35: Business accelerator services

Class 36: Mutual fund investment fund investment consultation; management of a capital investment fund; private equity fund investment services; hedge fund investment services; financial services, namely, investment advice, investment management, investment consultation and investment of funds for others, including private and public equity and debt investment services; incubation services, namely, providing financing to freelancers, start-ups, existing businesses and non-profits incubator services, namely, providing, facilitating and arranging for financing, equity capital investment and debt investment and providing strategic financial advisory services to emerging and start-up companies and entrepreneurs; investment services, namely, venture capital funding services to emerging and start-up companies.

2. The application was opposed by Edison S.p.A (“the opponent”) on 10 June 2020. The opposition is based upon section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The opponent relies on the following trade marks:

EUTM015710353



Filing date: 1 August 2016

Registration date: 21 February 2017

Relying on all goods and services set out below in Annex 1.

EUTM16378788



Filing date: 17 February 2017

Registration date: 22 June 2020

Relying on the services registered in classes 35 and 36, namely:

Class 35: Import-export agencies in the field of energy; Management support and consultancy in the energy sector.

Class 36: Insurance; Financial affairs; Monetary affairs; Real estate affairs in relation to industrial installations; all the above except for philanthropic services and charitable fund-raising services.

EUTM16970048



Filing date: 17 July 2017

Relying on the services registered in classes 35 and 36, namely:

Class 35: Import-export agencies in the field of energy; Management support and consultancy in the energy sector; Retail services in relation the following goods: Goods for the production and distribution of gas, fuels and water; Online

wholesale services in relation the following goods: Goods for the production and distribution of gas, fuels and water; Retail services in relation the following goods: Home automation goods, camcorders, Alarm systems and surveillance systems, Computer software for remote monitoring of apparatus, Systems for remote monitoring of equipment and sensors; Online wholesale services in relation the following goods: Home automation goods, camcorders, Alarm systems and surveillance systems, Computer software for remote monitoring of apparatus, Systems for remote monitoring of equipment, and sensors; Auctioneering not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Business investigations not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Business research not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Business information and consultancy for consumers not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Economic forecasting; Import-export agencies not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Marketing not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Market research not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; News clipping services; Opinion polling; Arranging of exhibitions for commercial or advertising purposes not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Presentation of goods on communication media of all kinds for retailing purposes not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Price comparison not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Personnel selection using psychological testing; Public relations services; Rental of advertising space on communications media of all kinds not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Rental of photocopying machines; Rental of vending machines; Sponsorship search; Telemarketing not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Outdoor advertising; Updating of

advertising material; Business administration; Marketing analysis not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Classified advertising; Business assistance not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Procurement of contracts for others relating to the sale of goods not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Procurement for others [purchasing of goods and services for other businesses] not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Conducting of trade fairs not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Marketing consultancy not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Book-keeping; Dissemination of advertising via online communications networks not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Providing and rental of advertising spaces, including business management, including outdoors, not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Dissemination of promotional, marketing and advertising materials not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Dissemination of advertising for others via online communications networks not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Distribution of goods for advertising purposes not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Invoicing; Providing commercial information to consumers; Business management not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Rental of signs for advertising purposes; Rental of advertising materials not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Arranging, conducting and supervision of loyalty schemes not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Arranging of trade fairs for promotional purposes not relating to electric and electronic components, supplies and materials and lighting apparatus and

fittings; Procuring of contracts for others not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Production of television advertisements not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Production of teleshopping programmes not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Production of advertising films; Sales promotion for others; Promoting and conducting trade shows; Advertising not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Public relations services; Sponsorship search not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Market research not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Business administration not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Consultancy on franchise exploitation not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Commercial intermediation not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Merchandising; Online ordering not relating to electric and electronic components, supplies and materials and lighting apparatus and fittings; Developing and coordinating volunteer projects for charitable organisations; Wholesaling and retailing of foodstuffs, sanitary preparations for personal use and for things, alcoholic and non-alcoholic beverages, printed matter, newspapers, books, games and playthings, hardware products, furnishings, camping articles, sporting articles; Wholesaling and retailing of luggage, DIY products, gardening articles, household articles, electronic goods, electrodomestic appliances, textile goods, clothing and footwear, fuels, lubricating oils, car and motorcycle accessories, spare parts for cars and motorcycles.

Class 36: Insurance; Financial affairs; Monetary affairs; Real estate affairs in relation to industrial installations; Deposit of valuables; Financial advice; Financial information; Financial sponsorship; Insurance consultancy; Insurance

information; Organization of collections; Safe deposit services; all the above except for philanthropic services and charitable fund-raising services.

3. Although the UK has left the EU, as the opposition was filed before the end of the Transition Period, under the transitional provisions of the Trade Marks (Amendment etc.) (EU Exit) Regulations 2019, I am obliged to decide the opposition on the basis of the law as it existed before the end of the Transition Period.

4. On 3 February 2021 the Tribunal allowed the marks 16378788 and 16970048 to be added as additional grounds of opposition in these proceedings as per Tribunal Practice Notice 4/2000.

5. The opponent claims that the contested mark is a single word which is the sole, dominant and distinctive element. They state that the distinctiveness of the earlier marks lies in the word 'EDISON'.

6. In relation to mark 15710353, the opponent claims that the 'graphical monogram' and 'FONDAZIONE' are minor points of visual difference and that mark is therefore similar to the contested mark to at least a medium to high degree. In respect of marks 16378788 and 16970048, the opponent states that these marks have subtle stylised elements creating minor elements of visual distinction and that the dominant and distinctive elements are reproduced exactly and therefore they claim the marks to be similar to a very high degree.

7. The opponent states that 'FONDAZIONE' creates a minor point of aural distinction and more weight should be given to the distinctive element of the respective signs, namely EDISON. They state that marks 16378788 and 16970048 are identical to the contested mark and 15710353 is similar to at least a medium-high degree.

8. The opponent argues that the word element 'EDISON' is a surname with no attributed meaning and marks 16378788 and 16970048 are conceptually identical. They also state that mark 15710353 is conceptually similar to a very high degree due to greater weight being given to the 'EDISON' element.

9. Regarding the goods and services, the opponent comments that the applicant's class 35 'Business accelerator services' are to support early stage and start-up businesses through investment, short term mentoring and training and that these are

encompassed by and therefore identical or highly similar to the opponent's class 35 services.

10. The opponent claims that the average consumer will recall the earlier marks and upon seeing the contested mark, will assume that the services are being offered by the opponent or an economically linked undertaking.

11. The applicant denies the claims made by the opponent and states that there would not be a likelihood of confusion on the part of the public, including a likelihood of association.

12. The applicant is represented by Carpmaels & Ransford LLP and the opponent is represented by Haseltine Lake Kempner LLP.

13. The opponent provided written submissions which I have summarised briefly above. Neither party requested a hearing and neither party submitted submissions in lieu. This decision is therefore taken following careful perusal of the papers.

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

Preliminary Issues

15. The opponent's mark 16970048 is currently subject to ongoing opposition proceedings at the EUIPO. For the sake of procedural economy, I will focus my comparison initially on the opponent's 15710353 and 16378788 marks. I will deal with the opponent's other mark later in my decision if required.

Decision

Section 5(2)(b)

16. Section 5(2)(b) reads as follows:

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

(a)...

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

17. An earlier trade mark is defined in section 6 of the Act, the relevant parts of which state:

“6(1) In this Act an “earlier trade mark” means –

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

(2) References in this Act to an earlier trade mark include a trade mark in respect of which an application for registration has been made and which, if registered, would be an earlier trade mark by virtue of subsection (1)(a) or (b) subject to its being so registered.”

18. The trade marks upon which the opponent relies qualify as earlier trade marks because they were applied for at an earlier date than the holder’s marks pursuant to section 6 of the Act. The opponent’s marks are not subject to the proof of use requirements pursuant to section 6A of the Act. This is because they had not been registered for more than 5 years at the filing date of the applications in issue. The opponent can, therefore, rely upon all of the goods and services which it has identified.

Section 5(2)(b) case law

19. 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 trade mark may be dominated by one or more of its components;

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

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

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

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

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

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

Comparison of Goods and Services

20. Section 60A of the Act provides:

“(1) For the purpose of this Act goods and services-

(a) are not to be regarded as being similar to each other on the ground that they appear in the same class under the Nice Classification.

(b) are not to be regarded as being dissimilar from each other on the ground that they appear in different classes under the Nice Classification.

(2) In subsection (1), the “Nice Classification” means the system of classification under the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, which was last amended on 28 September 1975.”

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

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

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

- (a) The respective uses of the respective goods or services;
- (b) The respective users of the respective goods or services;
- (c) The physical nature of the goods or acts of service;
- (d) The respective trade channels through which the goods or services reach the market;
- (e) In the case of self-serve consumer items, where in practice they are respectively found or likely to be, found in supermarkets and in particular whether they are, or are likely to be, found on the same or different shelves;
- (f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.

23. In *Gérard Meric v Office for Harmonisation in the Internal Market* ('Merici'), Case T-133/05, the General Court ("the GC") stated that:

“29. In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 Institut für Lernsysteme

v OHIM- Educational Services (ELS) [2002] ECR II-4301, paragraph 53) or where the goods designated by the trade mark application are included in a more general category designated by the earlier mark”.

24. For the purposes of considering the issue of similarity of goods and services, it is permissible to consider groups of terms collectively where they are sufficiently comparable to be assessed in essentially the same way and for the same reasons (see *Separode Trade Mark* (BL O/399/10) and *BVBA Management, Training en Consultancy v. Benelux-Merkenbureau* [2007] ETMR 35 at paragraphs 30 to 38).

25. In *Kurt Hesse v OHIM*, Case C-50/15 P, the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-325/06, the General Court stated that “complementary” means:

“...there is a close connection between them, in the sense that one is indispensable or important for the use of the other in such a way that customers may think that the responsibility for those goods lies with the same undertaking”.

26. In *Sanco SA v OHIM*, Case T-249/11, the GC indicated that goods and services may be regarded as ‘complementary’ and therefore similar to a degree in circumstances where the nature and purpose of the respective goods and services are very different, i.e. chicken against transport services for chickens. The purpose of examining whether there is a complementary relationship between goods/services is to assess whether the relevant public are liable to believe that responsibility for the goods/services lies with the same undertaking or with economically connected undertakings.

27. The competing goods and services are set out below in Annex 2.

28. Firstly, I will consider the applicant’s class 35 services: Business accelerator services. I consider that this would involve advice and consultancy being provided to

businesses in order to improve e.g. their performance or growth. Within the class 35 services that the opponent has registered under mark 15710353, I consider that the following services: Business organisation and management consultancy; Business consulting; Business consultancy and advisory services; Business networking services; would likely encompass the contested 'Business accelerator services' and are therefore identical under the *Meric* principle. I consider that an accelerator service is likely to offer advice on business organisations, and more general advice in order to improve a business and may also provide networking opportunities in order to promote growth.

29. If I am found to be wrong that the above services are identical under *Meric*, then I would still consider them to be similar to a high degree. They will share the same purpose, user (i.e. businesses) and uses, and their nature will also be very similar and they will share trade channels.

30. Next I will consider the applicant's class 36 services: Mutual fund investment fund investment consultation; management of a capital investment fund; private equity fund investment services; hedge fund investment services; financial services, namely, investment advice, investment management, investment consultation and investment of funds for others, including private and public equity and debt investment services; incubation services, namely, providing financing to freelancers, start-ups, existing businesses and non-profits incubator services, namely, providing, facilitating and arranging for financing, equity capital investment and debt investment and providing strategic financial advisory services to emerging and start-up companies and entrepreneurs; investment services, namely, venture capital funding services to emerging and start-up companies.

31. The opponent's 16378788 mark is registered in class 36 for "Financial affairs; Monetary affairs; all the above except for philanthropic services and charitable fund-raising services". I consider that these services are fairly wide and would encompass the class 36 services of the applicant. The contested class 36 services are investment based, financing and funding. The opponent has 'financial affairs' and as finance

means relating to or involving money¹ (as does monetary²), and investment is the activity of investing money³ I consider these to be identical under the *Meric* principles or, if I am wrong in that conclusion, they are similar to a very high degree when taking account of the factors outlined in *Treat*.

Average consumer and the purchasing act

32. 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.

33. 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.”

34. The Class 35 services in question are aimed towards businesses and professionals being their average consumer; however, I do not discount that they could also be available to members of the general public. The costs of these services are likely to vary however, they would likely be technical/specialist in nature and therefore I believe could range between medium and high cost. I would consider that these services will be purchased relatively infrequently. The average consumer will need to

¹ <https://www.collinsdictionary.com/dictionary/english/financial>

² <https://www.collinsdictionary.com/dictionary/english/monetary>

³ <https://www.collinsdictionary.com/dictionary/english/investment>

take into consideration the cost and suitability of these services in accordance with their needs. I therefore consider that the average consumer would pay a higher than average level of attention during the purchasing process.

35. In relation to the class 36 services, the average consumer will include members of the public and professionals/businesses. The services cover a fairly broad spectrum in the area of finance, investments and funding. Some of the services are more specialist than others, however, given they all relate to finance/monetary considerations and that for the most part the purchases will be fairly infrequent and have varying costs I believe that the average consumer will be paying a higher than average level of attention. There are usually risks involved in investing and financial affairs which leads me to believe this.

36. All of the above services are likely to be selected from specialist retailers, websites, advertisements and signs on a physical property. I therefore believe that visual considerations will dominate the selection process. However, I do not discount the possibility that there could be aural considerations from word of mouth recommendations or advice from a sales assistant.

Comparison of the marks

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

38. It would be wrong, therefore, to artificially dissect the trade 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.

39. The respective trade marks are shown below:

Earlier marks	Contested mark
<p data-bbox="204 779 459 813">EUTM015710353</p> 	<p data-bbox="1007 1111 1190 1155">EDISON</p>
<p data-bbox="204 1249 443 1283">EUTM16378788</p> 	

40. The contested mark consists solely of the word ‘EDISON’ and the overall impression therefore lies in that word.

41. The earlier mark 15710353 has the word elements ‘FONDAZIONE EDISON’ in uppercase and standard font. Above these words is a black circle device which appears to contain the initials ‘FE’ in lower case cursive script. The device element could be said to be showcasing the initials of the words ‘FONDAZIONE EDISON’. The

word elements 'FONDAZIONE EDISON' in the mark, in my opinion these two words hang together as a unitary term, can be said to be co-dominant as they are roughly the same size as the figurative element and both elements can be said to be distinctive. The overall impression in the earlier mark lies in the mark as a whole.

42. The second earlier mark 16378788 consists of the word 'EDISON' in a standard font on a green background. Due to the simple nature of the stylisation, the overall impression lies in the word itself.

43. I remind myself of the comments of Mr Iain Purvis QC, sitting as the Appointed Person in *Groupement Des Cartes Bancaires v China Construction Bank Corporation* case BL O/281/14 who found that:

“It is well established that a ‘word mark’ protects the word itself, not simply the word presented in the particular font or capitalization which appears in the Register of Trade Marks.....A word may therefore be presented in a different way (for example a different font, capitals as opposed to small letters, or handwriting as opposed to print) from that which appears in the Register whilst remaining ‘identical’ to the registered mark.”

44. I therefore acknowledge that the applicant mark may be presented in any font, sizing or combination of upper and lower-case fonts. When considering notional and fair use, it is also true that the applicant's mark may be used in the same or a similar colour to that shown in the opponent's marks.

45. In terms of a visual comparison, the earlier mark 15710353 entirely encompasses the applicant's mark. However, there is the additional word 'FONDAZIONE' and the circle device which are differences between the marks. I therefore find the marks to be visually similar to no more than a medium degree.

46. The word EDISON in earlier mark 16378788 and the applicant's mark are spelt identically. Given the comments from Mr Purvis above, it is possible that the applicant could present its word mark in a manner identical to that of the earlier 16378788 mark.

47. In *S.A. Société LTJ Diffusion v. Sadas Vertbaudet SA*, Case C-291/00, the Court of Justice of the European Union held that:

“54... a sign is identical with the trade mark where it reproduces, without any modification or addition, all the elements constituting the trade mark or where, viewed as a whole, it contains differences so insignificant that they may go unnoticed by an average consumer.”

48. Considering the above case law, I find that the green background of the earlier mark is not something that would be particularly significant to the average consumer and, when considering notional and fair use of the contested mark, I therefore find these marks to be visually identical. If I am found to be wrong in this assessment, I find that these marks are at least visually similar to a high degree.

49. Aurally, the opponent’s mark 15710353 consists of two verbal elements ‘FONDAZIONE EDISON’ and the letters ‘FE’ should they be recognised as such. The first word, ‘FONDAZIONE’ is a word from a foreign language and so the UK average consumer may attempt to pronounce it as FON-DA-ZEE-OWN. The second word will likely be pronounced ED-I-SUN, as will the applicant’s mark. I consider that the letters ‘FE’ are unlikely to be articulated by the average consumer. Given the applicant’s mark is once again wholly encompassed within the 15710353 mark but that it will be spoken second, I find the marks to be verbally similar to no more than a medium degree. Whilst I find it unlikely that the average consumer will articulate the letters ‘FE’ within the figurative element of the earlier mark, there is a possibility that a minority will do so. For that part of the relevant public, these marks can be said to be aurally similar to a low degree.

50. The opponent’s 16378788 mark will be articulated in precisely the same way as the applicant’s mark and therefore they are aurally identical.

51. Conceptually, for the opponent’s 16378788 mark and the applicant’s mark, the word ‘EDISON’ is most likely to be perceived as a surname. A small part of the relevant public might think of Sir Thomas Edison for example. These marks are therefore conceptually identical.

52. For the earlier mark 15710353, as above, the word 'EDISON' may be perceived to be a surname. The average consumer might consider that 'FONDAZIONE' means 'foundation' in English. The words 'FONDAZIONE EDISON' do not appear to be suggestive or descriptive of the services the earlier mark is registered for and so may be said to be fanciful. If the average consumer perceives the word 'EDISON' to be a surname, the earlier mark may convey the concept of a foundation created by a person with the surname EDISON, or in their honour. For the average consumer that does not perceive the word 'FONDAZIONE' to be a foreign word likely to be translated as 'Foundation' in English, that element will convey no message at all. The circle device element may be perceived to contain the letters 'FE'. For the consumer that perceives that as being the case, it is likely that the letters will simply be considered as the initial letters of the verbal elements 'FONDAZIONE EDISON' in the mark. The figurative element, whether containing the letters 'FE' or not, can be said to be free of any particular conceptual message. Due to the shared element 'EDISON' these marks can be said to be conceptually similar to either a high degree, or at least a medium degree where the element 'FONDAZIONE' is perceived to be the word 'Foundation' and subsequently linked to the name of a person called 'Edison'.

Distinctive character of the earlier marks

53. 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).”

54. The opponent did not file any evidence and has made no claim of an enhanced level of distinctiveness in its earlier marks. I must therefore consider the position based on the inherent distinctiveness of the marks.

55. The opponents have stated in their submissions that the earlier marks do not have an inherent concept or direct link to the services for which they are registered and are not descriptive or allusive of those services. They therefore claim the marks should have “at least a normal level of distinctiveness”.

56. The word element ‘EDISON’ which is found in both of the earlier marks in question will likely be perceived as a surname. I do not believe this to be an overly common surname and it does not describe or suggest the goods and services in question. The word ‘FONDAZIONE’ in 15710353 will be perceived as either a foreign word with no obvious meaning or a word that may translate to the English word ‘Foundation’. The circle device element in 15710353 can be said to have some level of distinctiveness as well.

57. I therefore find the earlier EUTM 16378788, to be inherently distinctive to a medium degree. I also find the earlier EUTM 15710353 to be inherently distinctive and, with the addition of the figurative element and the non-English word, this mark can be said to be inherently distinctive to at least a medium degree.

Likelihood of Confusion

58. There are two types of confusion that I must consider. Firstly, direct confusion i.e. where one mark is mistaken for the other. The second is indirect confusion which is where the consumer appreciates that the marks are different, but the similarities between the marks lead the consumer to believe that the respective goods or services originate from the same or a related source.

59. In *L.A. Sugar Limited v By Back Beat Inc*, Case BL O/375/10, Mr Iain Purvis Q.C., as the Appointed Person, explained that:

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

60. In relation to the opponent’s 16378788 mark I have come to the conclusions above that the marks at issue are visually identical or similar to a high degree; and aurally and conceptually identical. The average consumer would be paying between a higher than average degree of attention. The services at issue have been found to be identical under the *Meric* principles or similar to a high degree. The earlier mark is inherently distinctive to a medium degree.

61. I find that the average consumer will mistake one of these marks for the other and consequently there is a direct likelihood of confusion between these marks in respect of the contested class 36 services.

62. In relation to the opponent's 15710353 mark, I have found it to be visually similar to the applicant's mark to no more than a medium degree; aurally similar to no more than a medium degree or, for the consumer which articulates the letters 'FE' aurally similar to a low degree, and conceptually similar to either a high degree or at least a medium degree, I found the inherent distinctive character to be at least a medium degree. I found the attention paid by the average consumer to be high. Given this high level of attention and the differences between the marks, I find that there will be no direct confusion. I believe the average consumer will recall the differences, the extra word and the device, and will therefore be unlikely to mistake one mark for the other.

63. I must therefore consider the possibility of indirect confusion in relation to the 15710353 mark. Again, I take guidance from Mr Purvis in *L.A. Sugar Limited* where he stated:

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

- (a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right ("26 RED TESCO" would no doubt be such a case).
- (b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as "LITE", "EXPRESS", "WORLDWIDE", "MINI" etc.).
- (c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension ("FAT FACE" to "BRAT FACE" for example)".

64. These examples are not exhaustive but provide helpful focus.

65. I also consider in *Whyte and Mackay Ltd v Origin Wine UK Ltd and Another* [2015] EWHC 1271 (Ch), Arnold J. (as he then was) considered the impact of the CJEU's judgment in *Bimbo*, Case C-591/12P, on the court's earlier judgment in *Medion v Thomson*. The judge said:

“18 The judgment in *Bimbo* confirms that the principle established in *Medion v Thomson* is not confined to the situation where the composite trade mark for which registration is sought contains an element which is identical to an earlier trade mark, but extends to the situation where the composite mark contains an element which is similar to the earlier mark. More importantly for present purposes, it also confirms three other points.

19 The first is that the assessment of likelihood of confusion must be made by considering and comparing the respective marks — visually, aurally and conceptually — as a whole. In *Medion v Thomson* and subsequent case law, the Court of Justice has recognised that there are situations in which the average consumer, while perceiving a composite mark as a whole, will also perceive that it consists of two (or more) signs one (or more) of which has a distinctive significance which is independent of the significance of the whole, and thus may be confused as a result of the identity or similarity of that sign to the earlier mark.

20 The second point is that this principle can only apply in circumstances where the average consumer would perceive the relevant part of the composite mark to have distinctive significance independently of the whole. It does not apply where the average consumer would perceive the composite mark as a unit having a different meaning to the meanings of the separate components. That includes the situation where the meaning of one of the components is qualified by another component, as with a surname and a first name (e.g. BECKER and BARBARA BECKER).

21 The third point is that, even where an element of the composite mark which is identical or similar to the earlier trade mark has an independent distinctive role, it does not automatically follow that there is a likelihood of confusion. It remains necessary for the competent authority to carry out a global assessment taking into account all relevant factors.”

66. From my conclusions regarding the overall impression of EUTM 15710353, I consider that the earlier mark has two main elements, the circle device containing what may be perceived to be the letters ‘FE’, and the words ‘FONDAZIONE EDISON’. I found previously that the words ‘FONDAZIONE EDISON’ hang together and constitute a distinctive unitary term, and therefore I believe that this element has independent distinctive significance within the mark.

67. In *Harman International Industries, Inc v OHIM*, Case C-51/09P, the CJEU found that:

“Although it is possible that, in a part of the European Union, surnames have, as a general rule, a more distinctive character than forenames, it is appropriate, however, to take account of factors specific to the case and, in particular, the fact that the surname concerned is unusual or, on the contrary, very common, which is likely to have an effect on that distinctive character. That is true of the surname ‘Becker’ which the Board of Appeal noted is common”.

68. In view of the above, I consider that the shared element ‘EDISON’, which is likely to be considered as a not particularly common surname with a medium degree of inherent distinctive character, will assist the average consumer in seeing a link between the two undertakings. The addition of ‘FONDAZIONE’ which might be viewed as a foreign translation of ‘foundation’ does not significantly affect the distinctive significance of the word EDISON as it may be perceived as a foundation relating to someone with the surname ‘EDISON’ and for those consumers that do not attribute a meaning to ‘FONDAZIONE’ and rather just view it as a foreign language word, they will focus on the ‘EDISON’ part of the mark because of its meaning as a surname. In addition to this, I have found the services to be either identical or highly similar. And this increases the likelihood of confusion. I therefore believe that the average

consumer will note the differences between the marks but still assume that these identical services are being offered by the same or an economically linked undertaking. I find there is a likelihood of indirect confusion in respect of these marks and the contested class 35 services.

Conclusion

69. The opposition succeeds in its entirety under Section 5(2)(b). Subject to appeal, the contested application will be refused for all of the services applied for.

70. As the opposition has been entirely successful following an assessment of the earlier marks 15710353 and 16378788, there is no need for me to consider the third earlier mark relied upon, namely EUTM16970048.

Costs

71. The opponent has been successful and is entitled to a contribution towards its costs. Award of costs in proceedings are based upon the scale as set out in Tribunal Practice Notice 2 of 2016. The award of costs is calculated as follows:

Official fee	£100
Preparing a Statement of grounds and considering the Counter Statement	£200
Preparing written submissions	£500
Total	£800

72. I therefore order The Edison Companies, LLC to pay Edison S.p.A the sum of £800. The above sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

Dated this 15th day of October 2021

**L Nicholas
For the Registrar**

Annex 1

Class 4: Electrical energy, Petroleum, Fuel, Hydrocarbon fuels, Fuel gas, Propane gas, Natural gas, Gas for lighting, Coal, Fuels derived from tar, Fuel, Kerosene, Naphtha, Diesel fuels, Additives for fuels, Benzene, Benzol, Coking coal, Cutting fluids, Ethanol, Diesel oil, Lanolin, Industrial oils and greases; Lubricants; Dust absorbing wetting and binding compositions; Fuels (including motor spirit) and illuminates; Candles, wicks (lighting).

Class 9: Audio compact discs, Video compact discs, DVDs, Electric installations for the remote control of industrial operations; Heat regulating apparatus; Hydrometers; Ignition (Electric apparatus for remote -); Water level indicators; Integrated circuits; Magnets; Central processing units; Programs for computers; Temperature controlling apparatus; Electronic personal organisers.

Class 16: Day planners; Tickets; Pads [stationery]; Note pads; Calendars; Headed notepaper; Geographical maps; Folders for papers; Posters; Picture postcards; Catalogues; Coupons; Address labels; Printed tables; Paperweights; Newspapers; Guide books; Books; Manuals [handbooks]; Roadmaps; Printed instructional materials; Pencils; Monographs; Pamphlets; Brush pens; Fountain pens; Printed periodicals; Printed publications; Writing or drawing books; drawing rulers; Printed art reproductions; House organs; Legal journals; Magazines [periodicals]; Magazines (publication); journals; Conical paper bags; Paper gift boxes; Art prints; Color prints; Notebooks; Stamps [seals]; Flyers.

Class 35: Import-export agencies in the field of energy; Management support and consultancy in the energy sector; Rental of advertising time on communication media; Administration of business affairs; Cost price analysis; Business management analysis; Analysis of advertising response; Market research; Market analysis studies; Economic analysis and forecasting; Statistical analysis and reporting; Classified advertising; Compiling and analysing data and information relating to business management; management of business exhibitions; Conducting of marketing studies; Conducting studies in the field of public relations; Commercial consultancy and information;

Business organisation and management consultancy; Advice relating to marketing; Personnel consultancy services; Consultancy and assistance provided to businesses in relation to advertising; Market segmentation consultation; Consultancy relating to advertising and In relation to business management; Compilation of statistics; Provision of advertising space; Providing marketing reports; Rental and making advertising space available for others, Including outdoors; Office functions; Market research; Business information; Consumers (Commercial information and advice for -) [consumer advice shop]; Business enquiries and business investigations; Provision of information relating to marketing; Marketing services; Organisation, Implementation and supervision of incentive and Loyalty schemes; Exhibitions for commercial or advertising purposes; Organisation of events, exhibitions, trade fairs and shows for commercial, promotional or advertising purposes; Organisation of promotional events; Organisation of trade fairs for advertising purposes; Organisation of trade fairs for commercial purposes; Organisation of trade fairs for commercial or advertising purposes; Arranging of subscriptions to the publications of others; Arranging of auctions; Arranging and conducting of exhibitions and shows for business purposes; Arranging auctions on the Internet; Arranging and conducting of advertising events; Arranging and conducting of promotional and marketing events; Arranging and conducting trade shows; Organisation and management of auctions; Organisation and conducting of exhibitions and trade fairs for commercial or advertising purposes; Organisation and Auctioning and reverse auctioning via computers and telecommunication networks; Arranging and conducting of auctions and reverse auctions via mobile phones; organization and management of commercial fairs; Organisation and management of customer loyalty programs; Arranging and conducting of trade fairs, events and exhibitions for business or promotional purposes; Efficiency experts; Organisation of business meetings; Planning of marketing strategies; Preparation of reports relating to market analysis; Preparation of commercial statistics; Economic forecasting; Procuring of contracts for others; Production of television advertising commercials; Production of radio and television commercials; Production of advertising films; Production and distribution of radio and television adverts; Promoting the goods and services of others on the Internet; Promoting the goods and services of

others via advertising on Internet websites; Promotion of goods and services, for others, via a global computer network; Promotion of financing and actuarial services, for others; promotion and management business trade shows; Tests to determine job skills; Tests to assess job skills; Tests to assess professional skills; Publication of publicity material and texts; Online publication of advertising matter; Advertising; The bringing together, for the benefit of others, of a variety of goods (excluding the transport thereof), enabling customers to conveniently view and purchase those goods; Compilation of data in computer databases; Business inquiries; Conducting of market research; Writing of publicity texts; Public relations services; Sponsorship search; Professional business research; Data search in computer files for others; Consumer research; Conducting of marketing studies; Marketing studies; Business research and investigations; Business research; Arranging newspaper subscriptions for others; Arranging subscriptions to telecommunication services for others; Media buying services; Market analysis; Marketing assistance services; Assistance and consultancy in the field of business management for companies in the energy sector; Online auctioneering; Personnel agency services; Price comparison services; Energy price comparison; Business consulting; Business consultancy and advisory services; Business consultancy and advisory services; Merchandising; Business networking services; Online ordering; Planning of advertising; Advertising research; Word processing; Administration of business affairs; Administration of consumer loyalty programs; Cost price analysis; Cost benefit analysis; commercial data analysis; Market research; Market analysis studies; Economic analysis and forecasting; Statistical analysis and reporting; Industrial management assistance; Commercial or industrial management assistance; Product merchandising; Compilation of statistical information; Compilation of business statistics and commercial information; Compilation of statistics for commercial or business purposes; Compiling and analysing data and information relating to business management; Compilation and systematisation of information in databanks; management of business exhibitions; Conducting of marketing studies; Business organisation and management consultancy; Advice relating to marketing; Advice relating to business risk management; Market segmentation consultation; Dissemination of advertisements; Dissemination of advertising,

marketing and publicity materials; Demonstration of goods for promotional purposes; Compilation of statistics; Computer text processing; Computerised file management; Market research; Business information; Business investigation; Rental of advertisement space and advertising material; Rental of advertising space on-line; Organisation, Implementation and supervision of incentive and Loyalty schemes; Organisation of exhibitions and events for commercial or advertising purposes; Organisation of exhibitions and trade fairs for commercial and advertising purposes; Exhibitions for commercial or advertising purposes; Organisation of events, exhibitions, trade fairs and shows for commercial, promotional or advertising purposes; Organisation of promotional events; Organisation of trade fairs for advertising purposes; Strategic business planning; Preparing economic reports; Preparation of reports relating to market analysis; Preparation of commercial statistics; Economic forecasting; promotion and management business trade shows; Online promotion of computer networks and websites; Promotion, advertising and marketing of websites; Tests to assess professional skills; Advertising; Online advertising; Conducting of market research; Personnel recruitment; Sponsorship search; Consumer research; Conducting of marketing studies; Marketing studies; News clipping services; Data processing; Retailing or wholesaling of printed matter; Computerized on-line ordering services; Promotional services; Promotional, marketing, advertising and publicity services; Opinion polling; Word processing; Arranging of competitions for advertising purposes.

Class 36: Providing educational scholarships; Research services relating to finance; Studies (Insurance -); Economic research services; Research services relating to finance; Insurance research; Financial sponsorship of sporting activities; Financial sponsorship of entertainment activities; Fundraising and sponsorship; Financial advice; Real estate consultancy; Insurance consultancy; Philanthropic services concerning monetary donations; Providing student loans; investment of funds for charitable purposes; all the above except for philanthropic services and charitable fund-raising services.

Class 37: Construction, repair and installation of industrial installations for generation and distribution of electrical energy; Construction, repair and

installation of industrial installations for extraction, refinement and distribution of fuel; Construction, repair and installation of industrial installations for generation and distribution of water.

Class 39: Distribution of energy; Distribution of electricity, gas and fuels; Distribution and supply of water; Transport services; Transport of refuse; Warehouse and storage services; Storage and warehousing of electricity, gas, fuel and water; Storage of waste; Rental of energy installations to others; Rental of energy networks and lines to others; Rental of water distribution installations; Rental of networks and conduits for gas, fuel and water; Rental of networks, lines and conduits for electricity; Rental of storage units.

Class 40: Energy production; Generation and production of electricity; Production and generation of gas, fuel, motor fuel, petroleum and hydrocarbons; Treatment of gas, fuels, motor fuels, petroleum, hydrocarbons, refuse and water; Refinement of gas, fuel, motor fuel, petroleum and hydrocarbons; Environmental reclamation and soil reclamation; Decontamination; Waste and water treatment; Treatment of materials for the generation of electricity, natural gas and motor fuel; Rental of equipment for treatment of gas, fuel, petroleum, refuse and water; Rental of power generation installations.

Class 41: Academies [education]; Cultural activities; Training; Educational and recreational activities provided alongside cruises and excursions; Recreational and cultural activities; Sporting and recreational activities; Sporting activities; Sporting and cultural activities; Conducting of training courses in relation to technology and innovation; Conducting of instructional, educational and training courses for young people and adults; Reference libraries for consulting literary and documental archives; conducting of instructional lecturers; Conducting of educational courses; Conducting of study groups (training); Conducting workshops (training); Dissemination of educational material; Direction of radio or television programmes; Distribution of motion pictures; Radio entertainment; Television entertainment; Music publishing services; Publication of printed matter containing images, other than for advertising purposes; Publication of printed matter and texts, other than publicity texts; Education; Advanced

training; Continuous training; Providing of training for adults; Staff development training; Vocational skills training; Provision of non-downloadable films and television programs via pay television; Provision of non-downloadable films and television programs via pay-per-view television channels; Providing of cinema facilities; Providing of installations for theatres and cinemas; Providing information in the field of music; Providing on-line music, not downloadable; Providing of multimedia entertainment programs by means of television, broadband networks, wireless systems and online services; Providing of non-downloadable electronic publications from a global computer network or the internet; Providing non-electronic publications; Providing of non-downloadable magazines on topics of general interest online; Providing of training and education in relation to theatrical, musical, television, radio and cinematographic shows; Provision of online training; Providing of radio and television entertainment; Providing online entertainment in the nature of game shows; Providing online entertainment in the nature of game tournaments; Providing of entertainment in the form of live musical performances or recorded music; Providing golf facilities and Leisure services; Providing on-line videos, not downloadable; Providing of information online relating to education, providing of training, entertainment, sporting and cultural activities; Providing on-line electronic publications, not downloadable; Providing online electronic publications in the field of music, not downloadable; Entertainment information; Information relating to entertainment and education, provided online from a computer database on the internet; Education information; Recreation information; Gymnastic instruction; Musical education services; Language tuition; Education relating to music; Broadcast and television entertainment; Further education; Mastering of recordings; Providing sports facilities; Microfilming; Production of television and radio programs; Production of television and radio programs; Rental of magnetic audio cassettes, recorded; Rental of DVDs; Film and video rental; Rental of newspapers and magazines; Rental of books; Hire of printed matter; Rental of television programmes; Rental of printed publications; Organisation of training; Arranging of sporting and cultural activities; Organization of balls; Organisation of awards ceremonies and gala evenings for recreational purposes; Organisation of competitions or other sporting and cultural events for charitable purposes; Organisation of

competitions and award ceremonies; Organisation of sports competitions; Arranging of competitions via the Internet; Organisation of competitions (education or entertainment); Organisation of competitions [education or entertainment]; Organisation of live musical performances; Organisation of cinematographic, cultural and sporting events, and live music; Organising of presentations for cultural purposes; Organisation of educational events; Organisation of recreational, educational, sporting and cultural events; Operating of lotteries; Organisation of shows for cultural purposes; Organisation of shows for training purposes; Organisation of shows, congresses, seminars and conferences for cultural and recreational purposes; Organisation of exhibitions, colloquiums and conferences for cultural or educational purposes; Organisation of youth training schemes; Arranging of cinema showings; Arranging of symposiums and workshops (providing of training); Arranging of entertainment; Organisation of shows and concerts; Arranging and conducting conferences and seminars; Arranging, organising and conducting of colloquiums; Arranging and conducting of in-person educational forums; Arranging and conducting of shows for entertainment purposes; Arranging and conducting of concerts; Arranging and conducting of conferences; Arranging and conducting of congresses; Arranging and conducting of colloquiums; Arranging and conducting of seminars; Arranging and conducting of symposiums; Arranging and conducting of cultural and recreational activities; Organisation and conducting of colloquiums, conferences, congresses, seminars, symposiums and workshops (training); Organisation and conducting of colloquiums, conferences and congresses; Arranging and conducting of conferences, congresses and symposiums; Arranging and conducting of conferences, conventions and exhibitions for cultural and educational purposes; Arranging and conducting of conferences, congresses, seminars, symposiums; Organisation and conducting of conferences, Conferences, expositions, Conducting classes, Lectures, seminars and workshops (training); Arranging and conducting of conferences and congresses; Organising and Conducting lectures and Organisation of shows for cultural purposes and Educational; Arranging and conducting of training courses; Arranging and conducting of educational courses; Arranging and conducting of classes; Organisation and conducting of meetings in relation

to education; Arranging and conducting of congresses, conferences, seminars and symposiums; Arranging and conducting of seminars and workshops; Arranging, conducting and organisation of conferences; Arranging, conducting and organisation of congresses; Arranging, conducting and organisation of seminars; Arranging, conducting and organisation of symposiums; Organisation, production and presentation of events for educational, cultural or entertainment purposes; Organisation, production and presentation of live performances and shows; Vocational guidance and professional training; Production of televised content; Presentation and rental of audio and visual recordings; Publishing of books and other publications; Lending libraries and loan of periodicals; Production of cinematographic films; Production of television films; Production of films in studios; Production of music; Production of television features; Production of radio, television and audio programs; Production of shows; Production and management of radio and music events in the form of live radio and television programmes; The production and distribution of television programs; Production and distribution of radio and television programmes; Production and rental of films, videos, radio and television programmes; Showing of films; Publication of year books; Publication of audio books; Publication of newsletters; Publication of publicity brochures; Publication of calendars; Publication of catalogues; Publication of booklets; Publication of books; Publication of books and magazines; Publication of periodicals and books in electronic form; Publication of books, periodicals, magazines, newspapers and information newsletters; Publication of books, magazines and other texts, not for advertising purposes; Publication of books, magazines and newspapers on the Internet; Publication of manuals; Publication of training manuals; Publication of multimedia material online; Publication of printed matter for recreational and educational purposes; Publication of publications, Also in electronic form, Other than for advertising purposes; Publication of printed matter, other than publicity texts; Publication of printed matter in electronic form; Publication of printed matter in electronic form on the Internet; Publication of printed matter, other than publicity texts, in electronic form; Publishing of educational matter; Publication of publications; Publication of magazines; Publication of periodicals, catalogues and prospectuses; Publication of prospectuses; Newspaper publication; Publication

of reviews; Publication of printed indexes; publication of magazines and books in electronic form; Publication of magazines in electronic form; Publishing of magazines in electronic form on the Internet; Publication of consumer magazines; Publication of scientific information journals; Publishing of journals; Publication of description sheets; Publication of texts, other than publicity texts; Publication and editing of books, newspapers and periodicals; publication and editing of books, newspapers and magazines; Publication of printed matter, books, newspapers and periodicals, other than for advertising purposes; Online electronic publication on a wide variety of subjects; Publication of electronic books and journals on-line; Multimedia publishing of books; Multimedia publishing of printed matter; Multimedia publishing of magazines, journals and newspapers; Online publication of electronic books; Online publication of electronic books and periodicals; Online publishing of electronic books and periodicals; Electronic desktop publishing; Performances (Presentation of live -); Conducting of educational events; Conducting of entertainment events; Conducting of recreational, cultural and educational events, and recreational and cultural activities; Conducting of film festivals; Writing of texts; Photographic reporting; Screenplay writing; Library services; Library services; Mobile library services; Ticket agency services [entertainment]; Provision of club entertainment services; Clubs for gymnastics and physical activity; Recreational and health clubs; Sports club services; Consultancy and information relating to the preparation, arranging and conducting of concerts; Consultancy and information in relation to preparing, arranging and conducting of conferences; Consultancy and information in relation to preparing, arranging and conducting of conferences; Consultancy and information relating to the preparation, organisation and conducting of seminars; Consultancy in relation to education and training; Consultancy relating to academic matters; Consultancy services relating to training; Consultancy in relation to economic training; News reporters services; Entertainment; Electronic desktop publishing; Academic education; Business education; Education and providing of training; Education and providing of training relating to games; Theater production; music video production services; Amusement arcade services; Videogame arcades; Recreational and leisure services; Publishing services;

Interpretation and translation services; Education and instruction relating to arts and crafts; Educational and recreational services; Providing museum facilities.

Class 42: Updating of computer software; Product design analysis; Computer system analysis; Analysis and evaluation of goods and services with respect to possible future applications; Analysis for oil research; Scientific analysis; Technological analysis of energy and electricity requirements of others; Electronic data storage; Compilation of computer programs; Configuring computer hardware using software; Configuration of computer networks by software; Configuration of software for computers; Consultancy in the field of energy-saving; Computer software consultancy; Consultancy in relation to energy efficiency; Consultancy in the field of industrial research; Consultancy relating to technical and scientific analysis; Consultancy relating to technical and scientific measurements; Consultancy relating to technical and scientific monitoring; Consultancy in relation to scientific research and Industrial; Technical consultancy in relation to energy saving methods; Technological consultancy in the field of geology; Technological consultancy in the fields of energy production and use; Technological consultancy in the field of generation of energy from alternative sources; Oil-well testing; Industrial design; Preparation of technical drawings; Design of mechanical components; Hosting of databases; Hosting of blogs on the web; Hosting of computerised data, files, applications and information; Hosting of customised web pages; Hosting of e-commerce platforms on the internet; Hosting of web portals; Hosting memory space on the internet; Oil-field surveys; Exploration of oilfields; Gas exploration; Oil exploration; Providing of information in matters relating to technological research; Providing information in the field of product development; Providing online information about industrial analysis and research services; Providing of IT programs designed in accordance with the specifications of others; Inspection of oilfields; Maintenance of websites; Computer rental; Rental of computer programs; Rental of application software; Surveying; Preparation of reports relating to technical research; Preparation of scientific reports; Preparation of reports relating to scientific research; Design of mechanical, electromechanical and optoelectronic apparatus and instruments; Homepage design; Design of homepages and web sites; Design of machines, apparatus

and instruments; Computer software design; Design of instruments; Web site design and creation services; Technical design and planning of pipelines for gas, water and waste water; Design and writing of computer software; Design and development of systems for data input, output, processing, display and storage; Software design and development; Design and development of computer software for logistics; Construction drafting; Engineering design; Technical research projects and studies; Computer programming; Exploration of gas and oil; Geophysical exploration for the oil, gas and mining industries; Geological prospecting; Tests of raw materials; Testing product safety; Software testing; Agricultural research; Biochemistry research services; Oil prospecting; Product research and development; Industrial research; Geological engineering research; Research in connection with computer hardware; Research in relation to environmental safeguarding and protection; Research in the field of communications technology; Medical research; Research in the field of climate change; Research in the field of mechanical engineering; Scientific and industrial research; Scientific research in relation to photovoltaic technology and solar collectors; Research relating to technology; Scientific research and analysis; Geological research; Hydrological research; Research in the field of environmental protection; Mechanical research; Research in relation to materials science and electric engineering; Scientific research; Technical research; Marine, aerial and land surveys; Scientific surveys; Architectural services for the design of industrial buildings; Analysis and verification relating to electrical engineering equipment; Industrial analysis and research services; Industrial analysis services; Analysis for oil prospecting; Technical analysis; Engineering consultancy; Consultation services relating to interior design; Engineering drawing; Mining exploration and mineral exploration services; Civil engineering; Electronic engineering; Engineering services in the field of motive power; Engineering services relating to energy supply systems; Engineering services relating to gas transport and supply systems; Engineering services in the field of environmental technology; Engineering services in the field of building technology; Engineering services in the field of energy technology; Electrical and mechanical engineering services; Engineering services for the gas industry; Technical measuring; Technical design services relating to electricity plants; Technical design in relation to

refrigerating devices and installations; Technical design services relating to heating installations; Technical design services relating to water supply installations; Research and development services in relation to solar cells and production of electricity; Technical testing and quality control; Science and technology services; Technological services and research and design relating thereto; Scientific and technological services and research and design relating thereto; Geological exploitation; Experimentation, analysis and evaluation of the services of others for certification purposes; Technical project studies in the field of carbon offsetting; Technical project studies; Product development; Software development; Evaluation of product design; evaluation of product development; Energy auditing; Testing of equipment in the field of electrical engineering; Product quality control testing.

Annex 2

Opponent's Goods & Services	Applicant's Goods & Services
<p>EUTM015710353</p> <p>Class 4: Electrical energy, Petroleum, Fuel, Hydrocarbon fuels, Fuel gas, Propane gas, Natural gas, Gas for lighting, Coal, Fuels derived from tar, Fuel, Kerosene, Naphtha, Diesel fuels, Additives for fuels, Benzene, Benzol, Coking coal, Cutting fluids, Ethanol, Diesel oil, Lanolin, Industrial oils and greases; Lubricants; Dust absorbing wetting and binding compositions; Fuels (including motor spirit) and illuminates; Candles, wicks (lighting).</p> <p>Class 9: Audio compact discs, Video compact discs, DVDs, Electric installations for the remote control of industrial operations; Heat regulating apparatus; Hydrometers; Ignition (Electric apparatus for remote -); Water level indicators; Integrated circuits; Magnets; Central processing units; Programs for computers; Temperature controlling apparatus; Electronic personal organisers.</p> <p>Class 16: Day planners; Tickets; Pads [stationery]; Note pads; Calendars; Headed notepaper; Geographical maps; Folders for papers; Posters; Picture postcards; Catalogues; Coupons; Address labels; Printed tables; Paperweights; Newspapers; Guide books; Books; Manuals [handbooks]; Roadmaps; Printed instructional materials; Pencils; Monographs; Pamphlets; Brush pens; Fountain pens; Printed periodicals; Printed publications; Writing or drawing books; drawing rulers; Printed art reproductions; House organs; Legal journals; Magazines [periodicals]; Magazines (publication); journals;</p>	<p>Class 35: Business accelerator services</p> <p>Class 36: Mutual fund investment fund investment consultation; management of a capital investment fund; private equity fund investment services; hedge fund investment services; financial services, namely, investment advice, investment management, investment consultation and investment of funds for others, including private and public equity and debt investment services; incubation services, namely, providing financing to freelancers, start-ups, existing businesses and non-profits incubator services, namely, providing, facilitating and arranging for financing, equity capital investment and debt investment and providing strategic financial advisory services to emerging and start-up companies and entrepreneurs; investment services, namely, venture capital funding services to emerging and start-up companies.</p>

Conical paper bags; Paper gift boxes; Art prints; Color prints; Notebooks; Stamps [seals]; Flyers.

Class 35: Import-export agencies in the field of energy; Management support and consultancy in the energy sector; Rental of advertising time on communication media; Administration of business affairs; Cost price analysis; Business management analysis; Analysis of advertising response; Market research; Market analysis studies; Economic analysis and forecasting; Statistical analysis and reporting; Classified advertising; Compiling and analysing data and information relating to business management; management of business exhibitions; Conducting of marketing studies; Conducting studies in the field of public relations; Commercial consultancy and information; Business organisation and management consultancy; Advice relating to marketing; Personnel consultancy services; Consultancy and assistance provided to businesses in relation to advertising; Market segmentation consultation; Consultancy relating to advertising and In relation to business management; Compilation of statistics; Provision of advertising space; Providing marketing reports; Rental and making advertising space available for others, including outdoors; Office functions; Market research; Business information; Consumers (Commercial information and advice for -) [consumer advice shop]; Business enquiries and business investigations; Provision of information relating to marketing; Marketing services; Organisation, Implementation and supervision of incentive and Loyalty schemes; Exhibitions for commercial or advertising purposes; Organisation of events, exhibitions, trade fairs and shows for commercial, promotional or advertising purposes; Organisation of promotional events; Organisation of trade fairs for advertising purposes;

Organisation of trade fairs for commercial purposes; Organisation of trade fairs for commercial or advertising purposes; Arranging of subscriptions to the publications of others; Arranging of auctions; Arranging and conducting of exhibitions and shows for business purposes; Arranging auctions on the Internet; Arranging and conducting of advertising events; Arranging and conducting of promotional and marketing events; Arranging and conducting trade shows; Organisation and management of auctions; Organisation and conducting of exhibitions and trade fairs for commercial or advertising purposes; Organisation and Auctioning and reverse auctioning via computers and telecommunication networks; Arranging and conducting of auctions and reverse auctions via mobile phones; organization and management of commercial fairs; Organisation and management of customer loyalty programs; Arranging and conducting of trade fairs, events and exhibitions for business or promotional purposes; Efficiency experts; Organisation of business meetings; Planning of marketing strategies; Preparation of reports relating to market analysis; Preparation of commercial statistics; Economic forecasting; Procuring of contracts for others; Production of television advertising commercials; Production of radio and television commercials; Production of advertising films; Production and distribution of radio and television adverts; Promoting the goods and services of others on the Internet; Promoting the goods and services of others via advertising on Internet websites; Promotion of goods and services, for others, via a global computer network; Promotion of financing and actuarial services, for others; promotion and management business trade shows; Tests to determine job skills; Tests to assess job skills; Tests to assess professional skills;

Publication of publicity material and texts; Online publication of advertising matter; Advertising; The bringing together, for the benefit of others, of a variety of goods (excluding the transport thereof), enabling customers to conveniently view and purchase those goods; Compilation of data in computer databases; Business inquiries; Conducting of market research; Writing of publicity texts; Public relations services; Sponsorship search; Professional business research; Data search in computer files for others; Consumer research; Conducting of marketing studies; Marketing studies; Business research and investigations; Business research; Arranging newspaper subscriptions for others; Arranging subscriptions to telecommunication services for others; Media buying services; Market analysis; Marketing assistance services; Assistance and consultancy in the field of business management for companies in the energy sector; Online auctioneering; Personnel agency services; Price comparison services; Energy price comparison; Business consulting; Business consultancy and advisory services; Business consultancy and advisory services; Merchandising; Business networking services; Online ordering; Planning of advertising; Advertising research; Word processing; Administration of business affairs; Administration of consumer loyalty programs; Cost price analysis; Cost benefit analysis; commercial data analysis; Market research; Market analysis studies; Economic analysis and forecasting; Statistical analysis and reporting; Industrial management assistance; Commercial or industrial management assistance; Product merchandising; Compilation of statistical information; Compilation of business statistics and commercial information; Compilation of statistics for commercial or business purposes; Compiling and

analysing data and information relating to business management; Compilation and systematisation of information in databanks; management of business exhibitions; Conducting of marketing studies; Business organisation and management consultancy; Advice relating to marketing; Advice relating to business risk management; Market segmentation consultation; Dissemination of advertisements; Dissemination of advertising, marketing and publicity materials; Demonstration of goods for promotional purposes; Compilation of statistics; Computer text processing; Computerised file management; Market research; Business information; Business investigation; Rental of advertisement space and advertising material; Rental of advertising space on-line; Organisation, Implementation and supervision of incentive and Loyalty schemes; Organisation of exhibitions and events for commercial or advertising purposes; Organisation of exhibitions and trade fairs for commercial and advertising purposes; Exhibitions for commercial or advertising purposes; Organisation of events, exhibitions, trade fairs and shows for commercial, promotional or advertising purposes; Organisation of promotional events; Organisation of trade fairs for advertising purposes; Strategic business planning; Preparing economic reports; Preparation of reports relating to market analysis; Preparation of commercial statistics; Economic forecasting; promotion and management business trade shows; Online promotion of computer networks and websites; Promotion, advertising and marketing of websites; Tests to assess professional skills; Advertising; Online advertising; Conducting of market research; Personnel recruitment; Sponsorship search; Consumer research; Conducting of marketing studies; Marketing studies; News clipping services; Data processing; Retailing or wholesaling of

printed matter; Computerized on-line ordering services; Promotional services; Promotional, marketing, advertising and publicity services; Opinion polling; Word processing; Arranging of competitions for advertising purposes.

Class 36: Providing educational scholarships; Research services relating to finance; Studies (Insurance -); Economic research services; Research services relating to finance; Insurance research; Financial sponsorship of sporting activities; Financial sponsorship of entertainment activities; Fundraising and sponsorship; Financial advice; Real estate consultancy; Insurance consultancy; Philanthropic services concerning monetary donations; Providing student loans; investment of funds for charitable purposes; all the above except for philanthropic services and charitable fund-raising services.

Class 37: Construction, repair and installation of industrial installations for generation and distribution of electrical energy; Construction, repair and installation of industrial installations for extraction, refinement and distribution of fuel; Construction, repair and installation of industrial installations for generation and distribution of water.

Class 39: Distribution of energy; Distribution of electricity, gas and fuels; Distribution and supply of water; Transport services; Transport of refuse; Warehouse and storage services; Storage and warehousing of electricity, gas, fuel and water; Storage of waste; Rental of energy installations to others; Rental of energy networks and lines to others; Rental of water distribution installations; Rental of networks and conduits for gas, fuel and water; Rental of networks, lines and conduits for electricity; Rental of storage units.

Class 40: Energy production; Generation and production of electricity; Production

and generation of gas, fuel, motor fuel, petroleum and hydrocarbons; Treatment of gas, fuels, motor fuels, petroleum, hydrocarbons, refuse and water; Refinement of gas, fuel, motor fuel, petroleum and hydrocarbons; Environmental reclamation and soil reclamation; Decontamination; Waste and water treatment; Treatment of materials for the generation of electricity, natural gas and motor fuel; Rental of equipment for treatment of gas, fuel, petroleum, refuse and water; Rental of power generation installations.

Class 41: Academies [education]; Cultural activities; Training; Educational and recreational activities provided alongside cruises and excursions; Recreational and cultural activities; Sporting and recreational activities; Sporting activities; Sporting and cultural activities; Conducting of training courses in relation to technology and innovation; Conducting of instructional, educational and training courses for young people and adults; Reference libraries for consulting literary and documental archives; conducting of instructional lecturers; Conducting of educational courses; Conducting of study groups (training); Conducting workshops (training); Dissemination of educational material; Direction of radio or television programmes; Distribution of motion pictures; Radio entertainment; Television entertainment; Music publishing services; Publication of printed matter containing images, other than for advertising purposes; Publication of printed matter and texts, other than publicity texts; Education; Advanced training; Continuous training; Providing of training for adults; Staff development training; Vocational skills training; Provision of non-downloadable films and television programs via pay television; Provision of non-downloadable films and television programs via pay-per-view television

channels; Providing of cinema facilities; Providing of installations for theatres and cinemas; Providing information in the field of music; Providing on-line music, not downloadable; Providing of multimedia entertainment programs by means of television, broadband networks, wireless systems and online services; Providing of non-downloadable electronic publications from a global computer network or the internet; Providing non-electronic publications; Providing of non-downloadable magazines on topics of general interest online; Providing of training and education in relation to theatrical, musical, television, radio and cinematographic shows; Provision of online training; Providing of radio and television entertainment; Providing online entertainment in the nature of game shows; Providing online entertainment in the nature of game tournaments; Providing of entertainment in the form of live musical performances or recorded music; Providing golf facilities and Leisure services; Providing on-line videos, not downloadable; Providing of information online relating to education, providing of training, entertainment, sporting and cultural activities; Providing on-line electronic publications, not downloadable; Providing online electronic publications in the field of music, not downloadable; Entertainment information; Information relating to entertainment and education, provided online from a computer database on the internet; Education information; Recreation information; Gymnastic instruction; Musical education services; Language tuition; Education relating to music; Broadcast and television entertainment; Further education; Mastering of recordings; Providing sports facilities; Microfilming; Production of television and radio programs; Production of television and radio programs; Rental of magnetic audio

cassettes, recorded; Rental of DVDs; Film and video rental; Rental of newspapers and magazines; Rental of books; Hire of printed matter; Rental of television programmes; Rental of printed publications; Organisation of training; Arranging of sporting and cultural activities; Organization of balls; Organisation of awards ceremonies and gala evenings for recreational purposes; Organisation of competitions or other sporting and cultural events for charitable purposes; Organisation of competitions and award ceremonies; Organisation of sports competitions; Arranging of competitions via the Internet; Organisation of competitions (education or entertainmernt); Organisation of competitions [education or entertainment]; Organisation of live musical performances; Organisation of cinematographic, cultural and sporting events, and live music; Organising of presentations for cultural purposes; Organisation of educational events; Organisation of recreational, educational, sporting and cultural events; Operating of lotteries; Organisation of shows for cultural purposes; Organisation of shows for training purposes; Organisation of shows, congresses, seminars and conferences for cultural and recreational purposes; Organisation of exhibitions, colloquiums and conferences for cultural or educational purposes; Organisation of youth training schemes; Arranging of cinema showings; Arranging of symposiums and workshops (providing of training); Arranging of entertainment; Organisation of shows and concerts; Arranging and conducting conferences and seminars; Arranging, organising and conducting of colloquiums; Arranging and conducting of in-person educational forums; Arranging and conducting of shows for entertainment purposes; Arranging and conducting of concerts; Arranging and conducting of conferences; Arranging and conducting

of congresses; Arranging and conducting of colloquiums; Arranging and conducting of seminars; Arranging and conducting of symposiums; Arranging and conducting of cultural and recreational activities; Organisation and conducting of colloquiums, conferences, congresses, seminars, symposiums and workshops (training); Organisation and conducting of colloquiums, conferences and congresses; Arranging and conducting of conferences, congresses and symposiums; Arranging and conducting of conferences, conventions and exhibitions for cultural and educational purposes; Arranging and conducting of conferences, congresses, seminars, symposiums; Organisation and conducting of conferences, Conferences, expositions, Conducting classes, Lectures, seminars and workshops (training); Arranging and conducting of conferences and congresses; Organising and Conducting lectures and Organisation of shows for cultural purposes and Educational; Arranging and conducting of training courses; Arranging and conducting of educational courses; Arranging and conducting of classes; Organisation and conducting of meetings in relation to education; Arranging and conducting of congresses, conferences, seminars and symposiums; Arranging and conducting of seminars and workshops; Arranging, conducting and organisation of conferences; Arranging, conducting and organisation of congresses; Arranging, conducting and organisation of seminars; Arranging, conducting and organisation of symposiums; Organisation, production and presentation of events for educational, cultural or entertainment purposes; Organisation, production and presentation of live performances and shows; Vocational guidance and professional training; Production of televised content; Presentation and rental of audio and visual recordings;

Publishing of books and other publications; Lending libraries and loan of periodicals; Production of cinematographic films; Production of television films; Production of films in studios; Production of music; Production of television features; Production of radio, television and audio programs; Production of shows; Production and management of radio and music events in the form of live radio and television programmes; The production and distribution of television programs; Production and distribution of radio and television programmes; Production and rental of films, videos, radio and television programmes; Showing of films; Publication of year books; Publication of audio books; Publication of newsletters; Publication of publicity brochures; Publication of calendars; Publication of catalogues; Publication of booklets; Publication of books; Publication of books and magazines; Publication of periodicals and books in electronic form; Publication of books, periodicals, magazines, newspapers and information newsletters; Publication of books, magazines and other texts, not for advertising purposes; Publication of books, magazines and newspapers on the Internet; Publication of manuals; Publication of training manuals; Publication of multimedia material online; Publication of printed matter for recreational and educational purposes; Publication of publications, Also in electronic form, Other than for advertising purposes; Publication of printed matter, other than publicity texts; Publication of printed matter in electronic form; Publication of printed matter in electronic form on the Internet; Publication of printed matter, other than publicity texts, in electronic form; Publishing of educational matter; Publication of publications; Publication of magazines; Publication of periodicals, catalogues and prospectuses; Publication of prospectuses; Newspaper

publication; Publication of reviews; Publication of printed indexes; publication of magazines and books in electronic form; Publication of magazines in electronic form; Publishing of magazines in electronic form on the Internet; Publication of consumer magazines; Publication of scientific information journals; Publishing of journals; Publication of description sheets; Publication of texts, other than publicity texts; Publication and editing of books, newspapers and periodicals; publication and editing of books, newspapers and magazines; Publication of printed matter, books, newspapers and periodicals, other than for advertising purposes; Online electronic publication on a wide variety of subjects; Publication of electronic books and journals on-line; Multimedia publishing of books; Multimedia publishing of printed matter; Multimedia publishing of magazines, journals and newspapers; Online publication of electronic books; Online publication of electronic books and periodicals; Online publishing of electronic books and periodicals; Electronic desktop publishing; Performances (Presentation of live -); Conducting of educational events; Conducting of entertainment events; Conducting of recreational, cultural and educational events, and recreational and cultural activities; Conducting of film festivals; Writing of texts; Photographic reporting; Screenplay writing; Library services; Library services; Mobile library services; Ticket agency services [entertainment]; Provision of club entertainment services; Clubs for gymnastics and physical activity; Recreational and health clubs; Sports club services; Consultancy and information relating to the preparation, arranging and conducting of concerts; Consultancy and information in relation to preparing, arranging and conducting of conferences; Consultancy and information in relation to preparing,

arranging and conducting of conferences; Consultancy and information relating to the preparation, organisation and conducting of seminars; Consultancy in relation to education and training; Consultancy relating to academic matters; Consultancy services relating to training; Consultancy in relation to economic training; News reporters services; Entertainment; Electronic desktop publishing; Academic education; Business education; Education and providing of training; Education and providing of training relating to games; Theater production; music video production services; Amusement arcade services; Videogame arcades; Recreational and leisure services; Publishing services; Interpretation and translation services; Education and instruction relating to arts and crafts; Educational and recreational services; Providing museum facilities.

Class 42: Updating of computer software; Product design analysis; Computer system analysis; Analysis and evaluation of goods and services with respect to possible future applications; Analysis for oil research; Scientific analysis; Technological analysis of energy and electricity requirements of others; Electronic data storage; Compilation of computer programs; Configuring computer hardware using software; Configuration of computer networks by software; Configuration of software for computers; Consultancy in the field of energy-saving; Computer software consultancy; Consultancy in relation to energy efficiency; Consultancy in the field of industrial research; Consultancy relating to technical and scientific analysis; Consultancy relating to technical and scientific measurements; Consultancy relating to technical and scientific monitoring; Consultancy in relation to scientific research and Industrial;

Technical consultancy in relation to energy saving methods; Technological consultancy in the field of geology; Technological consultancy in the fields of energy production and use; Technological consultancy in the field of generation of energy from alternative sources; Oil-well testing; Industrial design; Preparation of technical drawings; Design of mechanical components; Hosting of databases; Hosting of blogs on the web; Hosting of computerised data, files, applications and information; Hosting of customised web pages; Hosting of e-commerce platforms on the internet; Hosting of web portals; Hosting memory space on the internet; Oil-field surveys; Exploration of oilfields; Gas exploration; Oil exploration; Providing of information in matters relating to technological research; Providing information in the field of product development; Providing online information about industrial analysis and research services; Providing of IT programs designed in accordance with the specifications of others; Inspection of oilfields; Maintenance of websites; Computer rental; Rental of computer programs; Rental of application software; Surveying; Preparation of reports relating to technical research; Preparation of scientific reports; Preparation of reports relating to scientific research; Design of mechanical, electromechanical and optoelectronic apparatus and instruments; Homepage design; Design of homepages and web sites; Design of machines, apparatus and instruments; Computer software design; Design of instruments; Web site design and creation services; Technical design and planning of pipelines for gas, water and waste water; Design and writing of computer software; Design and development of systems for data input, output, processing, display and storage; Software design and development; Design and development of computer

software for logistics; Construction drafting; Engineering design; Technical research projects and studies; Computer programming; Exploration of gas and oil; Geophysical exploration for the oil, gas and mining industries; Geological prospecting; Tests of raw materials; Testing product safety; Software testing; Agricultural research; Biochemistry research services; Oil prospecting; Product research and development; Industrial research; Geological engineering research; Research in connection with computer hardware; Research in relation to environmental safeguarding and protection; Research in the field of communications technology; Medical research; Research in the field of climate change; Research in the field of mechanical engineering; Scientific and industrial research; Scientific research in relation to photovoltaic technology and solar collectors; Research relating to technology; Scientific research and analysis; Geological research; Hydrological research; Research in the field of environmental protection; Mechanical research; Research in relation to materials science and electric engineering; Scientific research; Technical research; Marine, aerial and land surveys; Scientific surveys; Architectural services for the design of industrial buildings; Analysis and verification relating to electrical engineering equipment; Industrial analysis and research services; Industrial analysis services; Analysis for oil prospecting; Technical analysis; Engineering consultancy; Consultation services relating to interior design; Engineering drawing; Mining exploration and mineral exploration services; Civil engineering; Electronic engineering; Engineering services in the field of motive power; Engineering services relating to energy supply systems; Engineering services relating to gas transport and supply systems;

Engineering services in the field of environmental technology; Engineering services in the field of building technology; Engineering services in the field of energy technology; Electrical and mechanical engineering services; Engineering services for the gas industry; Technical measuring; Technical design services relating to electricity plants; Technical design in relation to refrigerating devices and installations; Technical design services relating to heating installations; Technical design services relating to water supply installations; Research and development services in relation to solar cells and production of electricity; Technical testing and quality control; Science and technology services; Technological services and research and design relating thereto; Scientific and technological services and research and design relating thereto; Geological exploitation; Experimentation, analysis and evaluation of the services of others for certification purposes; Technical project studies in the field of carbon offsetting; Technical project studies; Product development; Software development; Evaluation of product design; evaluation of product development; Energy auditing; Testing of equipment in the field of electrical engineering; Product quality control testing.

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Class 35: Import-export agencies in the field of energy; Management support and consultancy in the energy sector.

Class 36: Insurance; Financial affairs; Monetary affairs; Real estate affairs in relation to industrial installations; all the above except for philanthropic services and charitable fund-raising services.