

o/0026/23

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. UK00003688639

BY LENOVO (BEIJING) LIMITED

TO REGISTER THE TRADE MARK:

LENOVO REFRESH

IN CLASS 37

AND

IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 430343

BY O2 WORLDWIDE LIMITED

BACKGROUND AND PLEADINGS

1. On 29 September 2020, Lenovo (Beijing) Limited (“the applicant”) applied to register the trade mark shown on the cover page of this decision in the European Union. The applicant subsequently applied for the same mark in the UK on 1 September 2021. In accordance with Article 59 of the Withdrawal Agreement between the UK and the European Union, by filing an application for the EU mark in the UK within nine months of the end of the transition period, the applicant is entitled to rely on the priority date of the EU mark in UK proceedings. Therefore, the date of the application in these proceedings is considered to be 29 September 2020.

2. The applicant’s mark is applied for in respect of the following services:

Class 37 Computer refurbishment services.

3. The application was opposed by O2 Worldwide Limited (“the opponent”) on 19 January 2022. The opposition is based upon section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The opponent relies upon the following trade mark:

REFRESH

UK registration no. 3309488;

Filing date 9 May 2018; Registration date 12 October 2018.

4. The opponent relies upon its class 9 goods, and class 35 services, as set out in the Annex to this decision. The opponent claims that there is a likelihood of confusion because of the similarity of the marks and the identity/similarity of the goods and services.

5. The applicant filed a counterstatement denying the claims made.

6. The opponent is represented by Stobbs and the applicant is represented by D Young & Co LLP. A hearing was neither requested nor considered necessary,

however, the opponent filed submissions in lieu. This decision is taken following a careful perusal of the papers.

7. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 requires tribunals to apply EU-derived national law in accordance with EU law as it stood at the end of the transition period. The provisions of the Act relied 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.

DECISION

8. 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.”

9. The earlier mark had not completed its registration process more than five years before the relevant date (the priority date of the mark in issue). Accordingly, the use provisions at s.6A of the Act do not apply. The opponent may rely on all of the goods and services it has identified without demonstrating that it has used the mark.

Section 5(2)(b) case law

10. 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

11. I note that in its submissions in lieu, the opponent states that “it is quite clear that all the goods and services applied for in the application are very similar to those covered by the earlier mark”.

12. However, the opponent has highlighted specifically, the following goods and services, in bold, which they claim are identical and very similar:

Opponent’s goods and services	Applicant’s goods
<u>Class 9</u> [...] cash registers, calculating machines, data processing equipment, computers; computer software ; fire-extinguishing apparatus; apparatus for the transmission of sound	<u>Class 37</u> Computer refurbishment services.

<p>and image; telecommunications apparatus; mobile telecommunications apparatus; mobile telecommunications handsets; digital telecommunication apparatus and instruments; digital tablets; tablet computers; computer hardware; computer application software; computer software downloadable from the internet; [...]</p> <p><u>Class 35</u></p> <p>[...] retail services and online services connected with the sale of [...] data processing equipment, computers, [...] computer hardware [...]</p>	
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13. When making the comparison, all relevant factors relating to the goods and services in the specifications should be taken into account. 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 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.”

14. Guidance on this issue has come from Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, where he identified the factors for assessing similarity as:

(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

15. The General Court (“GC”) confirmed in *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T-133/05, that, even if goods (although it equally applies to services) are not worded identically, they can still be considered identical if the goods specified in the contested trade mark application are included in a more general category covered by a term under the earlier mark (or vice versa).

16. In *YouView TV Ltd v Total Ltd*, [2012] EWHC 3158 (Ch), Floyd J. (as he then was) stated that:

“... Trade mark registrations should not be allowed such a liberal interpretation that their limits become fuzzy and imprecise: see the observations of the CJEU in Case C-307/10 *The Chartered Institute of Patent Attorneys (Trademarks) (IP TRANSLATOR)* [2012] ETMR 42 at [47]-[49]. Nevertheless the principle should not be taken too far. Treat was decided the way it was because the ordinary and natural, or core, meaning of ‘dessert sauce’ did not include jam, or because the ordinary and natural description of jam was not ‘a dessert sauce’. Each involved a straining of the relevant language, which is incorrect. Where words or phrases in their ordinary and natural meaning are apt to cover the category

of goods in question, there is equally no justification for straining the language unnaturally so as to produce a narrow meaning which does not cover the goods in question.”

17. The opponent submits that the above goods and services would be “offered by the same undertaking and have the same nature and purpose” as well as being complementary.

18. The applicant’s computer refurbishment services cover the fixing and repairing computers, as well as the purchase of broken computer goods, which are then repaired and then re-sold to the public. Therefore, there may be, to some extent, an overlap in nature with the opponent’s “retail services and online services connected with the sale of [...] computers” as the fixed computer goods are also sold as part of a retail service. I consider that there would be an overlap in trade channels because the same undertaking would provide both the retail of computers and computer refurbishment services. I also consider that there would be an overlap in user. However, I do not consider that the goods and services are in competition nor complementary. Therefore, taking all of the above into account, I consider that the services are similar to between a low and medium degree.

The average consumer and the nature of the purchasing act

19. As the case law above indicates, it is necessary for me to determine who the average consumer is for the respective parties’ services. I must then determine the manner in which the services are likely to be selected by the average consumer. 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 (as he then was) 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 word “average” denotes that the person is typical. The term “average” does not denote some form of numerical mean, mode or median.”

20. The average consumer for the services will be members of the general public and business users. The cost of purchase is likely to vary, but is not likely to be at the very highest end of the scale. The frequency of the purchase is also likely to vary, although it is unlikely to be particularly regular. The average consumer will take various factors into consideration such as the ease of use, reliability, cost and the suitability of the services for the user’s particular needs. Consequently, I consider that a medium degree of attention will be paid during the purchasing process.

21. The refurbishment services are likely to be purchased from an IT/computer specialist undertaking, or their online equivalent. The retail services connected with the sale of computers are likely to be selected from general retail outlets and their online equivalent. Alternatively, the services may be purchased following perusal of advertisements or inspection of a business directory. Consequently, visual considerations are likely to dominate the selection process.

22. However, I do not discount that there may be an aural component to the purchase of the services given that advice may be sought from technical sales staff, or a recommendation may have been given through word-of-mouth.

Comparison of the trade marks

23. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a trade 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 trade marks must be assessed by reference to the overall impressions created by the trade marks, bearing in mind their distinctive and dominant components. The CJEU stated, at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

“... it is necessary to ascertain, in each individual case, the overall impression made on the target public by the sign for which registration is sought, by means of, inter alia, an analysis of the components of a sign and of their relative weight in the perception of the target public, and then, in the light of that overall impression and all factors relevant to the circumstances of the case, to assess the likelihood of confusion.”

24. 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.

25. The respective trade marks are shown below:

Opponent's trade mark	Applicant's trade mark
REFRESH	LENOVO REFRESH

36. The opponent's mark consists of the word REFRESH. There are no other elements to contribute to the overall impression which lies in the word itself.

27. The applicant's mark consists of the words LENOVO REFRESH. I consider that the two words play independent distinctive roles, with the word LENOVO being the most dominant and distinctive element within the mark, and therefore, playing a greater role in the overall impression. I consider that, for the reasons I will come to discuss in the conceptual comparison, that the descriptive nature of the word REFRESH means that it will play a lesser role in the overall impression of the mark.

28. Visually, the marks coincide in the word REFRESH. However, as established above, this word plays a lesser role within the applicant's mark. I also note that the applicant's mark starts with the word LENOVO. I bear in mind that the consumer tends

to pay more attention to the beginning of marks.¹ Consequently, I consider that the marks are visually similar to below a medium degree.

29. Aurally, the opponent's mark will be pronounced as RE-FRESH. The applicant's mark will be pronounced as LEN-OH-VO RE-FRESH. Consequently, the beginnings of the marks differ aurally. I also note that the marks differ in length, with the opponent's mark only 2 syllables long, and the applicant's 5 syllables long. However, as the marks overlap in the pronunciation of REFRESH, the marks are aurally similar to below a medium degree.

30. Conceptually, the opponent's mark will be recognised as the ordinary dictionary word; REFRESH. I note that in Collins Dictionary, it states that "if you refresh something old or dull, you make it as good as it was when it was new."² I consider that this definition would also be applied to the second word, REFRESH, in the applicant's mark. However, I consider that this definition is descriptive of the applicant's services, which refurbishes computers, and therefore fixes them to make them "as good as new". I also note that at the beginning of the applicant's mark, it starts with the word LENOVO. I consider that this word would be recognised, by the average consumer, as an invented word with no conceptual meaning. Consequently, I consider that the marks are conceptually similar to below a medium degree.

Distinctive character of the earlier trade mark

31. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97 the CJEU stated that:

"22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other

¹ *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02

² <https://www.collinsdictionary.com/dictionary/english/refresh> accessed 22 December 2022

undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-2779, 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 promotion of the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).”

32. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctiveness of a mark can be enhanced by virtue of the use that has been made of it.

33. I note that in its submissions in lieu, the opponent submits that “in relation to the services applied for by the Applicant, REFRESH is a highly distinctive mark. This is due to the fact that REFRESH has no immediate recognised meaning”. However, for the purposes of this assessment, I only look at the distinctiveness of the earlier mark, not of the applicant’s mark.

34. The opponent’s mark is simply composed of the word REFRESH. For the services the opponent relies upon for these proceedings, (retail services and online services connected with the sale of [...] computers) it is not allusive nor descriptive of them. However, it is an ordinary dictionary word which will be assigned the above meaning. Therefore, I consider that the opponent’s mark is inherently distinctive to a medium degree.

Likelihood of confusion

35. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the services down to the responsible undertakings being the same or related. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective services and vice versa. It is necessary for me to keep in mind the distinctive character of the earlier mark, the average consumer for the services and the nature of the purchasing process. In doing so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

36. The following factors must be considered to determine if a likelihood of confusion can be established:

- The opponent's mark consists of the word REFRESH. There are no other elements to contribute to the overall impression which lies in the word itself.
- The applicant's mark consists of the words LENOVO REFRESH. I consider that the two words play independent distinctive roles, with the word LENOVO being the most dominant and distinctive element within the mark, and therefore, playing a greater role, with the word REFRESH playing a lesser role.
- I have found the marks to be visually, aurally and conceptually similar to below a medium degree.
- I have found the opponent's mark to be inherently distinctive to a medium degree.
- I have identified the average consumer to be members of the general public and business users who will select the services primarily by visual means, although I do not discount an aural component.

- I have concluded that a medium degree of attention will be paid during the purchasing process for the services.
- I have found the parties' services to be similar to between a low and medium degree.

37. In *Ancco, Inc. V OHIM*, Case T-385/09, the GC considered an appeal against OHIM's decision that there was no likelihood of confusion between ANN TAYLOR LOFT and LOFT (both for clothing and leather goods) and found that:

"48. In the present case, in the light of the global impression created by the signs at issue, their similarity was considered to be weak. Notwithstanding the identity of the goods at issue, the Court finds that, having regard to the existence of a weak similarity between the signs at issue, the target public, accustomed to the same clothing company using sub-brands that derive from the principal mark, **will not be able to establish a connection between the signs ANN TAYLOR LOFT and LOFT, since the earlier mark does not include the 'ann taylor' element, which is, as noted in paragraph 37 above (see also paragraph 43 above), the most distinctive element in the mark applied for.** (emphasis added)

49. Moreover, even if it were accepted that the 'loft' element retained an independent, distinctive role in the mark applied for, the existence of a likelihood of confusion between the signs at issue could not for that reason be automatically deduced from that independent, distinctive role in that mark.

50. Indeed, the likelihood of confusion cannot be determined in the abstract, but must be assessed in the context of an overall analysis that takes into consideration, in particular, all of the relevant factors of the particular case (*SABEL*, paragraph 18 above, paragraph 22; see, also, Case C-120/04 *Medion* [2005] ECR I-8551, paragraph 37), such as the nature of the goods and services at issue, marketing methods, whether the public's level of attention is higher or lower and the habits of that public in the sector concerned. The examination of the factors relevant to this case, set out in paragraphs 45 to 48 above, do not

reveal, prima facie, the existence of a likelihood of confusion between the signs at issue.”

38. As highlighted by paragraph 36 above, I consider that the words LENOVO and REFRESH in the applicant’s mark play independent distinctive roles, with the word LENOVO being the most dominant and distinctive element within the mark, and therefore, playing a greater role in the overall impression. This is on the basis that the word LENOVO is an invented word with no conceptual meaning. I also note that the word REFRESH in the applicant’s mark is descriptive of the applicant’s computer refurbishment services, which would fix computers to make them “as good as new”. Consequently, and as highlighted by the case law above, since the opponent’s mark does not include the LENOVO element, which is the most distinctive element in the mark applied for, I do not consider that there would be a likelihood of direct confusion. As established above, the beginning of marks tend to make more of an impact than the ends. I, therefore, do not consider that the average consumer would overlook the word LENOVO in the applicant’s mark, especially as this creates a clear conceptual hook in which to differentiate the marks. Taking the above into account, I do not consider there to be a likelihood of direct confusion.

39. It now falls to me to consider the likelihood of indirect confusion. Indirect confusion was described in the following terms by Iain Purvis Q.C., sitting as the Appointed Person, in *L.A. Sugar Limited v By Back Beat Inc*, Case BL-O/375/10:

“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.”

40. In *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207, Arnold LJ referred to the comments of James Mellor QC (as he then was), sitting as the Appointed Person in *Cheeky Italian Ltd v Sutaria* (O/219/16), where he said at [16] that “a finding of a likelihood of indirect confusion is not a consolation prize for those who fail to establish a likelihood of direct confusion”. Arnold LJ agreed, pointing out that there must be a “proper basis” for concluding that there is a likelihood of indirect confusion where there is no likelihood of direct confusion.

41. I note that in its submissions in lieu, the opponent submits that there is more likely to be a likelihood of indirect confusion in this instance, which falls within the first category that Mr Iain Pervis Q.C. describes in *LA Sugar*, which is:

“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 other elements of the later mark are quite distinctive in their own right”.

42. The opponent submits that the distinctive element of the applicant’s mark is the word REFRESH, and therefore, as the applicant’s and opponent’s services are similar, a likelihood of indirect confusion arises. However, as established above, I do not consider that this is the case.

43. I consider that having noticed that the competing trade marks are different, I see no reason why the average consumer would assume that they came from the same or economically linked undertakings. I do not consider that the average consumer would think that the applicant’s trade mark was connected with the opponent and vice versa on the basis that they both contain the words REFRESH, especially as it is descriptive of the applicant’s computer refurbishment services which would fix computers to make them “as good as new”. The distinctive and dominant element of the applicant’s mark lies in the word LENOVO, which is not replicated in the opponent’s

mark. Therefore the marks are clearly not natural variants or brand extensions of each other. Consequently, I consider there is no likelihood of indirect confusion.

44. For the sake of completeness, I bear in mind the comments of *Whyte and Mackay Ltd v Origin Wine UK Ltd and Another* [2015] EWHC 1271 (Ch), where 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*. Although the words LENOVO and REFRESH do not form a unit, in that the two words together creates a new meaning, I do not consider that the average consumer would perceive the applicant's mark as consisting of two signs which have "distinctive significance which is independent of the significance of the whole". As highlighted above, the word REFRESH is descriptive of the applicant's computer refurbishment services, and therefore, the average consumer would not consider it as a sign to indicate origin of the applicant's services. Therefore, I do not consider that *Medion* applies in these circumstances.

CONCLUSION

45. The opposition is unsuccessful, and the application may proceed to registration.

COSTS

46. The applicant has been successful and is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 2/2016. In the circumstances, I award the applicant the sum of **£200** as a contribution towards the costs of the proceedings. The sum is calculated as follows:

Considering the Notice of opposition and preparing a Counterstatement	£200
Total	£200

47. I therefore order O2 Worldwide Limited to pay Lenovo (Beijing) Limited the sum of £200. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

Dated this 11th day of January 2023

L FAYTER

For the Registrar

ANNEX

The opponent's mark

Class 9

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus; apparatus for the transmission of sound and image; telecommunications apparatus; mobile telecommunication apparatus; mobile telecommunications handsets; digital telecommunication apparatus and instruments; digital tablets; tablet computers; computer hardware; computer application software; computer software downloadable from the Internet; recorded computer software; software applications; mobile software applications, downloadable applications for multimedia devices; computer games; computer game software; computer software applications, downloadable; computer games programs; PDAs (Personal Digital Assistants); pocket PCs; mobile telephones; selfie sticks [hand-held monopods]; smart rings; smartphones; smartwatches; laptop computers; telecommunications network apparatus; drivers software for telecommunications networks and for telecommunications apparatus; protective clothing; protective helmets; televisions; headphones; global positioning system [GPS] apparatus; satellite navigation devices; computer software recorded onto CD Rom; SD-Cards (secure digital cards); glasses; spectacle glasses; sunglasses; protective glasses and cases therefor; contact lenses; cameras; camera lenses; MP3 players; audio tapes, audio cassettes; audio discs; audio-video tapes; audio-video cassettes; audio-video discs; video tapes; video cassettes; video discs; CDs, DVDs; downloadable electronic publications; downloadable image files; downloadable music files; mouse mats; magnets; mobile telephone covers; mobile telephone cases; hands free kits for phones; magnetic cards; encoded cards; mobile phone application software; software for telecommunication; software for the processing of financial transactions; electronic notice boards; electric batteries; battery chargers; security

alarms; security cameras; security warning apparatus; security control apparatus; security surveillance apparatus; computer software for security purposes; computer software for insurance purposes; SIM cards; interactive touch screen terminals; aerials; alarms; electric cables; chemistry apparatus and instruments; recorded computer operating programs; computer peripheral devices; data processing apparatus; diagnostic apparatus, not for medical purposes; distance measuring apparatus; distance recording apparatus; downloadable ring tones for mobile phones; electronic tags for goods; eyepieces; goggles for sports; magnetic identity cards; intercommunication apparatus; loudspeakers; magnetic data media; mathematical instruments; modems; electric monitoring apparatus; television apparatus; testing apparatus not for medical purposes; telecommunication transmitters; mobile device management apparatus; software for mobile device management; middleware for management of software functions on electronic devices; computer virus software; computer antivirus software privacy protection software; parts and fittings for all the aforesaid goods.

Class 35

Advertising; business management; business administration; office functions; organisation, operation and supervision of loyalty and incentive schemes; retail services and online retail services connected with the sale of scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, apparatus for recording, transmission or reproduction of sound or images; retail services and online retail services connected with the sale of magnetic data carriers, recording discs, compact discs, DVDs and other digital recording media, mechanisms for coin-operated apparatus, cash registers, calculating machines, data processing equipment, computers, computer software, fire-extinguishing apparatus, apparatus for the transmission of sound and image, telecommunications apparatus, mobile telecommunication apparatus, mobile telecommunications handsets; retail services and online retail services connected with the sale of digital telecommunication apparatus and instruments, digital tablets, computer hardware, computer application software, computer software downloadable from the Internet, recorded computer software, software applications, mobile software

applications, downloadable applications for multimedia devices, computer games, computer game software, computer games programs, PDAs (Personal Digital Assistants); retail services and online retail services connected with the sale of pocket PCs, mobile telephones, laptop computers, telecommunications network apparatus, drivers software for telecommunications networks and for telecommunications apparatus, protective clothing, protective helmets, televisions, headphones, global positioning system [GPS] apparatus, satellite navigation devices, computer software recorded onto CD Rom, SD-Cards (secure digital cards), glasses, spectacle glasses, sunglasses; retail services and online retail services connected with the sale of protective glasses and cases therefor, contact lenses, cameras, camera lenses, MP3 players, audio tapes, audio cassettes, audio discs, audio-video tapes, audio-video cassettes, audio-video discs, video tapes, video cassettes, video discs, CDs, DVDs, downloadable electronic publications, downloadable image files, downloadable music files, mouse mats, magnets, mobile telephone covers, mobile telephone cases; retail services and online retail services connected with the sale of hands free kits for phones, magnetic cards, encoded cards, mobile phone application software, software for telecommunication, software for the processing of financial transactions, electronic notice boards, electric batteries, battery chargers, security alarms, security cameras, security warning apparatus, security control apparatus, security surveillance apparatus, computer software for security purposes; retail services and online retail services connected with the sale of computer software for insurance purposes, SIM cards, aerials, alarms, electric cables, chemistry apparatus and instruments, recorded computer operating programs, computer peripheral devices, data processing apparatus, diagnostic apparatus, not for medical purposes, distance measuring apparatus, distance recording apparatus, downloadable ring tones for mobile phones, electronic tags for goods; retail services and online retail services connected with the sale of electronic tags for goods, eyepieces, goggles for sports, magnetic identity cards, intercommunication apparatus, loudspeakers, magnetic data media, mathematical instruments, modems, electric monitoring apparatus, television apparatus, testing apparatus not for medical purposes, telecommunication transmitters, paper, cardboard, printed matter, photographs, stationery; retail services and online retail services connected with the sale of office requisites, instructional and teaching material, packaging material, educational equipment, writing implements, writing instruments, writing materials, books, catalogues, cards, instruction manuals,

magazines, mail order catalogues, newspapers, pamphlets, periodical publications, calendars, diaries, labels, maps, printed publications, postcards, posters, printed tariffs, printed forms; retail services and online retail services connected with the clothing, footwear, headgear, household or kitchen utensils and containers, cookware, tableware, food cooking equipment, cutlery, cleaning articles, gardening articles, jewellery, horological and chronometric instruments, musical instruments, apparatus for lighting, textiles, household textile articles, furniture, furnishing, bags, luggage, toiletries, cosmetics, pharmaceutical preparations, cleaning preparations; retail services and online retail services connected with the sale of bags, luggage, games and playthings, gymnastic articles, sporting articles, sporting equipment, meat, fish, poultry, game, food, foodstuffs, confectionery, desserts, baked goods, delicatessen products, fruit, flowers, coffee, tea, cocoa, sugar, rice, beers, mineral waters, aerated waters and other non-alcoholic drinks, alcoholic beverages, matches, tobacco; retail services and online retail services relating to interactive touch screen terminals, selfie sticks [hand-held monopods], smart rings, smartphones, smartwatches, automobile accessories, automobile parts, vehicles, fuels, building materials, metal hardware, electronic components, recorded content; business management of retail outlets; arranging subscriptions to telecommunications for others; compilation and systemisation of information into computer databases; compilation of statistics; cost price analysis; arranging of competitions for advertising purposes; recruitment services; employment recruitment; employment consultancy; employment agencies; providing employment information; employment agencies; providing employment information in connection with youth programme schemes; commercial administration of the licensing of the goods and services of others; commercial information and advice for consumers [consumer advice shop]; opinion polling; personnel recruitment; price comparison services; procurement services for others [purchasing goods and services for other businesses]; rental of advertising space; rental of advertising time on communication media; sales promotion for others; sponsorship search; negotiation of business contracts for others; information and advisory services relating to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services relating to the aforesaid services provided over a telecommunications network.