

O/844/21

**TRADE MARKS ACT 1994  
SUPPLEMENTARY DECISION**

**IN THE MATTER OF  
TRADE MARK APPLICATION NO. 3528118  
BY JING LIU  
TO REGISTER:**

**golivetrade  
GOLIVETRADE  
(SERIES OF TWO)**

**AS A TRADE MARK IN CLASSES  
9, 35, 36, 38, 39, 41, 42, 43, AND 45**

**AND**

**IN THE MATTER OF OPPOSITION THERETO  
UNDER NO. 600001572  
BY BORDEAUX INDEX LIMITED**

## Background

1. It has been drawn to my attention that my decision BL O/693/21 dated 22 September 2021 contained administrative errors in paragraphs 88, 111 and 112. I will deal with the errors in the order in which they appear. Paragraph 88 of my decision read:

“88. As some degree of similarity between the goods and services is necessary to engage the test for likelihood of confusion,<sup>1</sup> the opposition must fail in respect of the following goods and services in the applicant’s specification that I have found to be dissimilar to the opponent’s goods and services:

**Class 9:** *Photographic cameras for the instant production of pictures; Apparatus for broadcasting sound, data or images; Broadcasting equipment; Data Carriers.*

**Class 38:** *Audio and video broadcasting services provided via the Internet; Data broadcasting services; Internet broadcasting services; Broadcasting of audiovisual and multimedia content via the Internet; Broadcasting services relating to Internet protocol TV; Transmission of digital audio and video broadcasts over a global computer network; Data transmission and data broadcasting; Video broadcasting; Wireless broadcasting; Interactive broadcasting and communications services; Music broadcasting; Information services relating to broadcasting; Transmission of data, audio, video and multimedia files, including downloadable files and files streamed over a global computer network; Transmission of sound, picture and data signals; Network transmission of sounds, images, signals and data; Electrical data transmission over a global remote data processing network, including the internet; Wireless transfer of data via digital mobile telephony; Wireless transfer of data via the Internet; Wireless transfer of data via wireless application protocols; Communication services between data banks; Data bank interconnection services; Provision of communication facilities for the interchange of data by electronic means; Data communication by electronic means; Transmission of*

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<sup>1</sup> eSure Insurance v Direct Line Insurance [2008] ETMR 77 CA  
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*information by data communications for assisting decision making; Data communication services.*

**Class 39:** *Courier services; Courier services [merchandise]; Courier services for cargo; Courier services for goods; Courier services for merchandise; Courier services for the delivery of goods; Courier services for the delivery of parcels; Courier services for the delivery packages; Courier services for the transportation of cargo; Travel agency services for arranging travel; Travel agency services for business travel; Travel agents services for arranging travel; Agency services for arranging travel; Arranging of business travel; Computerised reservation services for travel; Organising of foreign travel; Planning and booking of travel and transport, via electronic means; Providing information about travel, via the Internet; Providing information relating to travel and transport, via electronic means; Travel arrangement and reservation services; Travel consultancy and information services; Travel reservation and booking services.*

**Class 41:** *Provision of education on-line from a computer database or via the internet or extranets; Information relating to computer gaming entertainment provided online from a computer database or a global communication network; Information relating to entertainment, provided on-line from a computer database or the internet; Provision of information relating to entertainment online from a computer database of the Internet; Information relating to education, provided on-line from a computer database or the internet;\_Electronic game services and competitions provided by means of the internet; On-line game services; Online game services through mobile devices; Providing interactive multi-player computer games via the internet and electronic communication networks; Games services provided via computer networks and global communication networks; Virtual reality game services provided on-line from a computer network; Entertainment services provided on-line from a computer database or the internet; Providing online entertainment in the nature of game shows; Game services provided by means of communications by computer terminals or mobile telephone; Provision of games by means of a computer based system; Training courses relating to computer software; Training in business skills; Training in communication techniques; Adult training; Business training; Computer based*

*training; Conducting training seminars for clients; Education, teaching and training; Provision of online training; Training services relating to logistics; Education and instruction; Education and instruction services; Education examination; Adult education services; Education and training consultancy; Organising of business training; Arranging and conducting of games; Organisation of quizzes, games and competitions; Computer and video game amusement services; Video game entertainment services; Game shows.*

**Class 42:** *Decoding of data; Encryption, decryption [...] of information, messages and data; Data decryption services; [...], data coding services; Data encryption and decoding services; Data encryption services; Cloud seeding; Access Control as a Service (AcaaS); Consumer product design; Industrial design services; Industrial development services; Industrial process development; Infrastructure as a Service [IaaS]; Installation of Access Control as a Service (AcaaS) software; Interior and exterior design services; Product design and development; Provision of information relating to industrial design; Provision of on-line support services for computer program users; Quality assurance services; Quality control and authentication services; Providing quality assurance services; Product safety testing services; Product quality control testing; Consumer product safety testing; Consumer product safety testing and consultation; Testing, analysis and evaluation of the goods and services of others for the purpose of certification; Inspection of goods for quality control; Industrial testing; Quantum computing services; Data warehousing; Data mining.*

**Class 43:** *Electronic information services relating to hotels; Providing online information relating to hotel reservations; Information, advice and reservation services for the provision of food and drink; Information relating to hotels; Provision of information relating to the booking of accommodation; Provision of information relating to the preparation of food and drink; Accommodation bureau services [hotels, boarding houses]; Accommodation bureaux [hotels, boarding houses]; Hotels, hostels and boarding houses, holiday and tourist accommodation; Arranging of hotel accommodation; Booking agency services for hotel accommodation; Making hotel reservations for others; Hotel accommodation reservation services; Hotel reservation services; Hotel*

*reservation services provided via the Internet; Hotel room booking services; Travel agency services for reserving hotel accommodation (twice); Travel agency services for making hotel reservations; Providing room reservation and hotel reservation services; Hotel services for preferred customers; Provision of conference, exhibition and meeting facilities.*

**Class 45:** *Company registration services; Identity validation services; Identity verification; Domain name advisory services; Domain name registration services; Registration of domain names for identification of users on a global computer network; Trademark agent services; Trademark watch services; Advisory services relating to intellectual property licensing; Advisory services relating to intellectual property protection; Advisory services relating to intellectual property rights; Consultancy relating to intellectual property management; Consultancy relating to the licensing of intellectual property; Consultancy relating to the management of intellectual property and copyright; Consultancy relating to the protection of geographical indications; Intellectual property agency services; Licensing of intellectual property rights; Management and exploitation of copyright and industrial property rights by licensing for others; Consultancy relating to the protection of industrial designs; Information services relating to manufacturing standards; Information services relating to safety; Information services relating to trading standards; Online social networking services; Online social networking services accessible by means of downloadable mobile applications; Internet based matchmaking services.”*

2. The above summary of dissimilar goods and services did not include “online community management services” in class 35 and “authentication of information messages and data”, “data authentication via blockchain (twice)”, “authentication services (control) of data transmitted via telecommunications”, “certification services of data transmitted via telecommunications” and “certification of data via blockchain” in class 42. All of these being services that I found dissimilar. As a result, paragraph 88 of my decision should read:

“88. As some degree of similarity between the goods and services is necessary to engage the test for likelihood of confusion,<sup>2</sup> the opposition must fail in respect of the following goods and services in the applicant’s specification that I have found to be dissimilar to the opponent’s goods and services:

**Class 9:** *Photographic cameras for the instant production of pictures; Apparatus for broadcasting sound, data or images; Broadcasting equipment; Data Carriers.*

**Class 35:** *Online community management services.*

**Class 38:** *Audio and video broadcasting services provided via the Internet; Data broadcasting services; Internet broadcasting services; Broadcasting of audiovisual and multimedia content via the Internet; Broadcasting services relating to Internet protocol TV; Transmission of digital audio and video broadcasts over a global computer network; Data transmission and data broadcasting; Video broadcasting; Wireless broadcasting; Interactive broadcasting and communications services; Music broadcasting; Information services relating to broadcasting; Transmission of data, audio, video and multimedia files, including downloadable files and files streamed over a global computer network; Transmission of sound, picture and data signals; Network transmission of sounds, images, signals and data; Electrical data transmission over a global remote data processing network, including the internet; Wireless transfer of data via digital mobile telephony; Wireless transfer of data via the Internet; Wireless transfer of data via wireless application protocols; Communication services between data banks; Data bank interconnection services; Provision of communication facilities for the interchange of data by electronic means; Data communication by electronic means; Transmission of information by data communications for assisting decision making; Data communication services.*

**Class 39:** *Courier services; Courier services [merchandise]; Courier services for cargo; Courier services for goods; Courier services for merchandise; Courier*

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<sup>2</sup> eSure Insurance v Direct Line Insurance [2008] ETMR 77 CA  
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*services for the delivery of goods; Courier services for the delivery of parcels; Courier services for the delivery packages; Courier services for the transportation of cargo; Travel agency services for arranging travel; Travel agency services for business travel; Travel agents services for arranging travel; Agency services for arranging travel; Arranging of business travel; Computerised reservation services for travel; Organising of foreign travel; Planning and booking of travel and transport, via electronic means; Providing information about travel, via the Internet; Providing information relating to travel and transport, via electronic means; Travel arrangement and reservation services; Travel consultancy and information services; Travel reservation and booking services.*

**Class 41:** *Provision of education on-line from a computer database or via the internet or extranets; Information relating to computer gaming entertainment provided online from a computer database or a global communication network; Information relating to entertainment, provided on-line from a computer database or the internet; Provision of information relating to entertainment online from a computer database of the Internet; Information relating to education, provided on-line from a computer database or the internet; Electronic game services and competitions provided by means of the internet; On-line game services; Online game services through mobile devices; Providing interactive multi-player computer games via the internet and electronic communication networks; Games services provided via computer networks and global communication networks; Virtual reality game services provided on-line from a computer network; Entertainment services provided on-line from a computer database or the internet; Providing online entertainment in the nature of game shows; Game services provided by means of communications by computer terminals or mobile telephone; Provision of games by means of a computer based system; Training courses relating to computer software; Training in business skills; Training in communication techniques; Adult training; Business training; Computer based training; Conducting training seminars for clients; Education, teaching and training; Provision of online training; Training services relating to logistics; Education and instruction; Education and instruction services; Education examination; Adult education services; Education and training consultancy; Organising of business training; Arranging and conducting of games;*

*Organisation of quizzes, games and competitions; Computer and video game amusement services; Video game entertainment services; Game shows.*

**Class 42:** *Decoding of data; Encryption, decryption, authentication of information, messages and data; Data decryption services;[...], data coding services; Data encryption and decoding services; Data encryption services; Cloud seeding; Access Control as a Service (AcaaS); Consumer product design; Industrial design services; Industrial development services; Industrial process development; Infrastructure as a Service [IaaS]; Installation of Access Control as a Service (AcaaS) software; Interior and exterior design services; Product design and development; Provision of information relating to industrial design; Provision of on-line support services for computer program users; Quality assurance services; Quality control and authentication services; Providing quality assurance services; Product safety testing services; Product quality control testing; Consumer product safety testing; Consumer product safety testing and consultation; Testing, analysis and evaluation of the goods and services of others for the purpose of certification; Inspection of goods for quality control; Industrial testing; Quantum computing services; Data warehousing; Data mining; Data authentication via blockchain (twice); Authentication services (control) of data transmitted via telecommunications; Certification services of data transmitted via telecommunications; Certification of data via blockchain.*

**Class 43:** *Electronic information services relating to hotels; Providing online information relating to hotel reservations; Information, advice and reservation services for the provision of food and drink; Information relating to hotels; Provision of information relating to the booking of accommodation; Provision of information relating to the preparation of food and drink; Accommodation bureau services [hotels, boarding houses];Accommodation bureaux [hotels, boarding houses]; Hotels, hostels and boarding houses, holiday and tourist accommodation; Arranging of hotel accommodation; Booking agency services for hotel accommodation; Making hotel reservations for others; Hotel accommodation reservation services; Hotel reservation services; Hotel reservation services provided via the Internet; Hotel room booking services; Travel agency services for reserving hotel accommodation (twice); Travel agency*

*services for making hotel reservations; Providing room reservation and hotel reservation services; Hotel services for preferred customers; Provision of conference, exhibition and meeting facilities.*

**Class 45:** *Company registration services; Identity validation services; Identity verification; Domain name advisory services; Domain name registration services; Registration of domain names for identification of users on a global computer network; Trademark agent services; Trademark watch services; Advisory services relating to intellectual property licensing; Advisory services relating to intellectual property protection; Advisory services relating to intellectual property rights; Consultancy relating to intellectual property management; Consultancy relating to the licensing of intellectual property; Consultancy relating to the management of intellectual property and copyright; Consultancy relating to the protection of geographical indications; Intellectual property agency services; Licensing of intellectual property rights; Management and exploitation of copyright and industrial property rights by licensing for others; Consultancy relating to the protection of industrial designs; Information services relating to manufacturing standards; Information services relating to safety; Information services relating to trading standards; Online social networking services; Online social networking services accessible by means of downloadable mobile applications; Internet based matchmaking services.”*

3. The errors in paragraph 88 of my decision carried over to the outcome section wherein I summarized goods and services that were refused and those that were allowed to proceed to registration. This was dealt with at paragraphs 111 and 112 of my decision, which read:

**“Outcome**

111. The opposition has succeeded for the following goods and services which will be refused:

**Class 9:** *Software downloadable from the internet; Software for operating an online shop; Software for the processing of business transactions; Software*

*for processing electronic payments to and from others; Software and applications for mobile devices; Software for mobile phones; Software for smartphones; Data engines; Data banks; Data communications apparatus; Data terminals; Data networks; Data conversion apparatus; Data encoding apparatus; Data encryption apparatus; Games software; Software for Smart Contracts; Software for accessing information on a global computer network; Software for monitoring, analysing, controlling and running physical world operations; Software for online messaging; Software for processing images, graphics, audio, video and text; Software for renting advertising space on websites; Software for the integration of artificial intelligence and machine learning in the field of Big Data; Software for use in advertising; Artificial intelligence and machine learning software; Communication software; Communication, networking and social networking software; Communications processing computer software; Data communications software; Unified communications software; Computer software for advertising (twice); Instant messaging software; Downloadable instant messaging software; Application software for social networking services via internet; Data and file management and database software; Data processing software; Software for the analysis of business data; Training software; Education software; Educational mobile applications.*

**Class 35:** *Auction and reverse auction services; Auctioneering; Auctioneering provided on the internet; Auctioneering services; Auctioning via telecommunication networks; Telephone and television auctions; carrying out auction sales; Bidding quotation; On-line auction bidding for others; Provision of an online marketplace for buyers and sellers of goods and services; Analysis of business data; Providing trade information; Collection of commercial information; Collection of data; Compilation and provision of trade and business price and statistical information; Compilation of business data; Advertising agencies; Advertising agency services; Advertising space (Rental of -); Advertising space (Rental of -) on the internet; Audio-visual displays for advertising purposes (Preparation or presentation of -); Consultancy relating to advertising; Customer club services, for commercial, promotional and/or advertising purposes; Customer loyalty services for commercial, promotional and/or advertising*

*purposes(twice); Production of video recordings for advertising purposes; Production of visual advertising matter; Providing user rankings for commercial or advertising purposes; Providing user ratings for commercial or advertising purposes; Providing user reviews for commercial or advertising purposes; Brand creation services; Brand evaluation services; Promoting the goods and services of others over the Internet; Provision of advertising space by electronic means and global information networks; Organisation of exhibitions or trade fairs for commercial or advertising purposes; Conducting, arranging and organizing trade shows and trade fairs for commercial and advertising purposes; Demonstration [for promotional/advertising purposes] (twice); Business process management; Business record keeping services; Business records keeping; Interim business management; Data processing for businesses; Data processing for the collection of data for business purposes; Conference call transcription services; Customer relationship management; Business organisation; Business planning services for enterprises; Compilation and systematisation of information in databanks; Compilation and systemization of written communications and data; Data collection [for others]; Data collection services; Data compilation for others; Data management; Data management services; Data processing; Administration of membership schemes; Online community management services; Cost analysis; Cost assessment services; Cost price analysis; Goods or services price quotations; Export and import agencies; Import and export services; Export-import agency services; Economic forecasting analysis for business purposes; Business networking; Business networking services; Business consultancy services relating to manufacturing; Business consultancy services relating to product development; Advisory services relating to business planning; Business organisation advice; Benchmarking (evaluation of business organisation practices); Business intelligence services; Business introduction services; Compilation of business directories; Compilation of online business directories; Compilation of registers relating to exporters; Compilation of registers relating to importers; The bringing together, for the benefit of others, of a variety of insurance services, enabling consumers to conveniently compare and purchase those services.*

**Class 36:** *Trade finance services; Finance services; Provision of commercial finance; Provision of equipment finance; Provision of finance; Provision of finance for business ventures; Finance (Provision of -); Provision of finance for enterprises; Finance (Raising of -); Provision of trade finance; Provision of finance for trade credit; Insurance (Arranging of -); Arranging insurance; Insurance agency and brokerage; Brokerage agency relating to ship insurance; Insurance underwriting in the field of professional liability insurance; Insurance underwriting services; Insurance underwriting; Insurance underwriting and appraisals and assessment for insurance purposes; Insurance advisory services; Insurance; Insurance services; Insurance services relating to sea cargo; Insurance for businesses; Extended guarantee insurance; Extended warranty insurance; Insurance guarantees; Commodities insurance; Providing insurance information; Providing online information about insurance from a computer database or the Internet; Computerised information services relating to insurance; Providing insurance premium quotations; Provision of insurance information.*

**Class 38:** *Providing access to electronic communications networks and electronic databases; Provision of telecommunication access and links to computer databases and the internet (twice); Providing instant messaging services; Chat room services for social networking; Forums [chat rooms] for social networking; Providing on-line chat rooms for social networking; Communication of data by means of telecommunications; Electronic transmission of instant messages and data; Transmission of messages, data and content via the Internet and other computer and communications networks; E-mail data services; Instant electronic messaging services; Instant messaging services; Provision of access to an electronic marketplace [portal] on computer networks; Transmission of messages, data and content via the Internet and other communications networks; Data streaming; Data streaming services; ; Provision of telecommunication access [...](twice).*

**Class 42:** *Computerised data storage; Computerised data storage services; Authentication of information, messages and data; Authentication services (control) of data transmitted via telecommunications; Data authentication via*

*blockchain(twice); Cloud computing; Cloud computing services; Cloud storage services for electronic data; Data storage via blockchain; Certification services of data transmitted via telecommunications; Certification of data via blockchain; Data duplication and conversion services[...]; Data migration services; Database development services; Application service provider [ASP], namely, hosting computer software applications of others; Web hosting; Web hosting services; Blockchain as a Service [BaaS];\_\_Creating, maintaining and hosting the websites of others; Design, creation and programming of web pages; Design, creation, hosting and maintenance of websites for others; Web site design and creation services; Internet web site design services; Data back-up services; Enterprise content management; Installing web pages on the internet for others; Platform as a Service [PaaS];Platform as a service [PaaS] featuring software platforms for transmission of images, audio-visual content, video content and messages; Software as a service [SaaS]; Software as a service [SaaS] services featuring software for machine learning, deep learning and deep neural networks; Hosting of communication platforms on the internet; Hosting of digital content, namely, on-line journals and blogs; Hosting of memory space on the Internet for storing digital photographs; Hosting of podcasts; Hosting of videocasts; Hosting services, software as a service, and rental of software.*

112. The opposition has failed in relation to the following goods and services which will proceed to registration:

**Class 9:** *Photographic cameras for the instant production of pictures; Apparatus for broadcasting sound, data or images; Broadcasting equipment; Data Carriers.*

**Class 38:** *Audio and video broadcasting services provided via the Internet; Data broadcasting services; Internet broadcasting services; Broadcasting of audiovisual and multimedia content via the Internet; Broadcasting services relating to Internet protocol TV; Transmission of digital audio and video broadcasts over a global computer network; Data transmission and data broadcasting; Video broadcasting; Wireless broadcasting; Interactive broadcasting and communications services; Music broadcasting; Information services relating to broadcasting; Communication services between data banks;*

*Data bank interconnection services; Provision of communication facilities for the interchange of data by electronic means; Data communication by electronic means; Transmission of information by data communications for assisting decision making; Data communication services; Wireless transfer of data via digital mobile telephony; Wireless transfer of data via the Internet; Wireless transfer of data via wireless application protocols; Transmission of data, audio, video and multimedia files, including downloadable files and files streamed over a global computer network; Transmission of sound, picture and data signals; Network transmission of sounds, images, signals and data; Electrical data transmission over a global remote data processing network, including the internet.*

**Class 39:** *Courier services; Courier services [merchandise]; Courier services for cargo; Courier services for goods; Courier services for merchandise; Courier services for the delivery of goods; Courier services for the delivery of parcels; Courier services for the delivery packages; Courier services for the transportation of cargo; Travel agency services for arranging travel; Travel agency services for business travel; Travel agents services for arranging travel; Agency services for arranging travel; Arranging of business travel; Computerised reservation services for travel; Organising of foreign travel; Planning and booking of travel and transport, via electronic means; Providing information about travel, via the Internet; Providing information relating to travel and transport, via electronic means; Travel arrangement and reservation services; Travel consultancy and information services; Travel reservation and booking services.*

**Class 41:** *Provision of education on-line from a computer database or via the internet or extranets; Information relating to computer gaming entertainment provided online from a computer database or a global communication network; Information relating to entertainment, provided on-line from a computer database or the internet; Provision of information relating to entertainment online from a computer database of the Internet; Information relating to education, provided on-line from a computer database or the internet; Electronic game services and competitions provided by means of the internet; On-line game services; Online*

*game services through mobile devices; Providing interactive multi-player computer games via the internet and electronic communication networks; Games services provided via computer networks and global communication networks; Virtual reality game services provided on-line from a computer network; Entertainment services provided on-line from a computer database or the internet; Providing online entertainment in the nature of game shows; Game services provided by means of communications by computer terminals or mobile telephone; Provision of games by means of a computer based system; Training courses relating to computer software; Training in business skills; Training in communication techniques; Adult training; Business training; Computer based training; Conducting training seminars for clients; Education, teaching and training; Provision of online training; Training services relating to logistics; Education and instruction; Education and instruction services; Education examination; Adult education services; Education and training consultancy; Organising of business training; Arranging and conducting of games; Organisation of quizzes, games and competitions; Computer and video game amusement services; Video game entertainment services; Game shows.*

**Class 42:** *Decoding of data; Encryption, decryption and [...] of information, messages and data; Data decryption services:[...], data coding services; Data encryption and decoding services; Data encryption services; Cloud seeding; Access Control as a Service (AcaaS); Consumer product design; Industrial design services; Industrial development services; Industrial process development; Infrastructure as a Service [IaaS]; Installation of Access Control as a Service (AcaaS) software; Interior and exterior design services; Product design and development; Provision of information relating to industrial design; Provision of on-line support services for computer program users; Quality assurance services; Quality control and authentication services; Providing quality assurance services; Product safety testing services; Product quality control testing; Consumer product safety testing; Consumer product safety testing and consultation; Testing, analysis and evaluation of the goods and services of others for the purpose of certification; Inspection of goods for quality control; Industrial testing; Quantum computing services; Data warehousing; Data mining.*

**Class 43:** *Electronic information services relating to hotels; Providing online information relating to hotel reservations; Information, advice and reservation services for the provision of food and drink; Information relating to hotels; Provision of information relating to the booking of accommodation; Provision of information relating to the preparation of food and drink; Accommodation bureau services [hotels, boarding houses]; Accommodation bureaux [hotels, boarding houses]; Hotels, hostels and boarding houses, holiday and tourist accommodation; Arranging of hotel accommodation; Booking agency services for hotel accommodation; Making hotel reservations for others; Hotel accommodation reservation services; Hotel reservation services; Hotel reservation services provided via the Internet; Hotel room booking services; Travel agency services for reserving hotel accommodation(twice); Travel agency services for making hotel reservations; Providing room reservation and hotel reservation services; Hotel services for preferred customers; Provision of conference, exhibition and meeting facilities.*

**Class 45:** *Company registration services; Identity validation services; Identity verification; Domain name advisory services; Domain name registration services; Registration of domain names for identification of users on a global computer network; Trademark agent services; Trademark watch services; Advisory services relating to intellectual property licensing; Advisory services relating to intellectual property protection; Advisory services relating to intellectual property rights; Consultancy relating to intellectual property management; Consultancy relating to the licensing of intellectual property; Consultancy relating to the management of intellectual property and copyright; Consultancy relating to the protection of geographical indications; Intellectual property agency services; Licensing of intellectual property rights; Management and exploitation of copyright and industrial property rights by licensing for others; Consultancy relating to the protection of industrial designs; Information services relating to manufacturing standards; Information services relating to safety; Information services relating to trading standards; Online social networking services; Online social networking services accessible by means of downloadable mobile applications; Internet based matchmaking services.”*

4. Instead, to reflect the correct findings of similarities between the goods and services, paragraphs 111 and 112 should read as follows:

**“Outcome**

111. The opposition has succeeded for the following goods and services which will be refused:

**Class 9:** *Software downloadable from the internet; Software for operating an online shop; Software for the processing of business transactions; Software for processing electronic payments to and from others; Software and applications for mobile devices; Software for mobile phones; Software for smartphones; Data engines; Data banks; Data communications apparatus; Data terminals; Data networks; Data conversion apparatus; Data encoding apparatus; Data encryption apparatus; Games software; Software for Smart Contracts; Software for accessing information on a global computer network; Software for monitoring, analysing, controlling and running physical world operations; Software for online messaging; Software for processing images, graphics, audio, video and text; Software for renting advertising space on websites; Software for the integration of artificial intelligence and machine learning in the field of Big Data; Software for use in advertising; Artificial intelligence and machine learning software; Communication software; Communication, networking and social networking software; Communications processing computer software; Data communications software; Unified communications software; Computer software for advertising (twice); Instant messaging software; Downloadable instant messaging software; Application software for social networking services via internet; Data and file management and database software; Data processing software; Software for the analysis of business data; Training software; Education software; Educational mobile applications.*

**Class 35:** *Auction and reverse auction services; Auctioneering; Auctioneering provided on the internet; Auctioneering services; Auctioning via telecommunication networks; Telephone and television auctions; carrying out*

*auction sales; Bidding quotation; On-line auction bidding for others; Provision of an online marketplace for buyers and sellers of goods and services; Analysis of business data; Providing trade information; Collection of commercial information; Collection of data; Compilation and provision of trade and business price and statistical information; Compilation of business data; Advertising agencies; Advertising agency services; Advertising space (Rental of -);Advertising space (Rental of -) on the internet; Audio-visual displays for advertising purposes (Preparation or presentation of -);Consultancy relating to advertising; Customer club services, for commercial, promotional and/or advertising purposes; Customer loyalty services for commercial, promotional and/or advertising purposes(twice); Production of video recordings for advertising purposes; Production of visual advertising matter; Providing user rankings for commercial or advertising purposes; Providing user ratings for commercial or advertising purposes; Providing user reviews for commercial or advertising purposes; Brand creation services; Brand evaluation services; Promoting the goods and services of others over the Internet; Provision of advertising space by electronic means and global information networks; Organisation of exhibitions or trade fairs for commercial or advertising purposes; Conducting, arranging and organizing trade shows and trade fairs for commercial and advertising purposes; Demonstration [for promotional/advertising purposes] (twice); Business process management; Business record keeping services; Business records keeping; Interim business management; Data processing for businesses; Data processing for the collection of data for business purposes; Conference call transcription services; Customer relationship management; Business organisation; Business planning services for enterprises; Compilation and systematisation of information in databanks; Compilation and systemization of written communications and data; Data collection [for others]; Data collection services; Data compilation for others; Data management; Data management services; Data processing; Administration of membership schemes; Cost analysis; Cost assessment services; Cost price analysis; Goods or services price quotations; Export and import agencies; Import and export services; Export-import agency services; Economic forecasting analysis for business purposes; Business networking; Business networking services; Business consultancy services relating to manufacturing; Business consultancy services relating to product development;*

*Advisory services relating to business planning; Business organisation advice; Benchmarking (evaluation of business organisation practices); Business intelligence services; Business introduction services; Compilation of business directories; Compilation of online business directories; Compilation of registers relating to exporters; Compilation of registers relating to importers; The bringing together, for the benefit of others, of a variety of insurance services, enabling consumers to conveniently compare and purchase those services.*

**Class 36:** *Trade finance services; Finance services; Provision of commercial finance; Provision of equipment finance; Provision of finance; Provision of finance for business ventures; Finance (Provision of -); Provision of finance for enterprises; Finance (Raising of -); Provision of trade finance; Provision of finance for trade credit; Insurance (Arranging of -); Arranging insurance; Insurance agency and brokerage; Brokerage agency relating to ship insurance; Insurance underwriting in the field of professional liability insurance; Insurance underwriting services; Insurance underwriting; Insurance underwriting and appraisals and assessment for insurance purposes; Insurance advisory services; Insurance; Insurance services; Insurance services relating to sea cargo; Insurance for businesses; Extended guarantee insurance; Extended warranty insurance; Insurance guarantees; Commodities insurance; Providing insurance information; Providing online information about insurance from a computer database or the Internet; Computerised information services relating to insurance; Providing insurance premium quotations; Provision of insurance information.*

**Class 38:** *Providing access to electronic communications networks and electronic databases; Provision of telecommunication access and links to computer databases and the internet (twice); Providing instant messaging services; Chat room services for social networking; Forums [chat rooms] for social networking; Providing on-line chat rooms for social networking; Communication of data by means of telecommunications; Electronic transmission of instant messages and data; Transmission of messages, data and content via the Internet and other computer and communications networks; E-mail data services; Instant electronic messaging services; Instant messaging*

*services; Provision of access to an electronic marketplace [portal] on computer networks; Transmission of messages, data and content via the Internet and other communications networks; Data streaming; Data streaming services.*

**Class 42:** *Computerised data storage; Computerised data storage services; Cloud computing; Cloud computing services; Cloud storage services for electronic data; Data storage via blockchain; Data duplication and conversion services[...]; Data migration services; Database development services; Application service provider [ASP], namely, hosting computer software applications of others; Web hosting; Web hosting services; Blockchain as a Service [BaaS]; Creating, maintaining and hosting the websites of others; Design, creation and programming of web pages; Design, creation, hosting and maintenance of websites for others; Web site design and creation services; Internet web site design services; Data back-up services; Enterprise content management; Installing web pages on the internet for others; Platform as a Service [PaaS]; Platform as a service [PaaS] featuring software platforms for transmission of images, audio-visual content, video content and messages; Software as a service [SaaS]; Software as a service [SaaS] services featuring software for machine learning, deep learning and deep neural networks; Hosting of communication platforms on the internet; Hosting of digital content, namely, on-line journals and blogs; Hosting of memory space on the Internet for storing digital photographs; Hosting of podcasts; Hosting of videocasts; Hosting services, software as a service, and rental of software.*

112. The opposition has failed in relation to the following goods and services which will proceed to registration:

**Class 9:** *Photographic cameras for the instant production of pictures; Apparatus for broadcasting sound, data or images; Broadcasting equipment; Data Carriers.*

**Class 35:** *Online community management services.*

**Class 38:** *Audio and video broadcasting services provided via the Internet; Data broadcasting services; Internet broadcasting services; Broadcasting of*

*audiovisual and multimedia content via the Internet; Broadcasting services relating to Internet protocol TV; Transmission of digital audio and video broadcasts over a global computer network; Data transmission and data broadcasting; Video broadcasting; Wireless broadcasting; Interactive broadcasting and communications services; Music broadcasting; Information services relating to broadcasting; Transmission of data, audio, video and multimedia files, including downloadable files and files streamed over a global computer network; Transmission of sound, picture and data signals; Network transmission of sounds, images, signals and data; Electrical data transmission over a global remote data processing network, including the internet; Wireless transfer of data via digital mobile telephony; Wireless transfer of data via the Internet; Wireless transfer of data via wireless application protocols; Communication services between data banks; Data bank interconnection services; Provision of communication facilities for the interchange of data by electronic means; Data communication by electronic means; Transmission of information by data communications for assisting decision making; Data communication services.*

**Class 39:** *Courier services; Courier services [merchandise]; Courier services for cargo; Courier services for goods; Courier services for merchandise; Courier services for the delivery of goods; Courier services for the delivery of parcels; Courier services for the delivery packages; Courier services for the transportation of cargo; Travel agency services for arranging travel; Travel agency services for business travel; Travel agents services for arranging travel; Agency services for arranging travel; Arranging of business travel; Computerised reservation services for travel; Organising of foreign travel; Planning and booking of travel and transport, via electronic means; Providing information about travel, via the Internet; Providing information relating to travel and transport, via electronic means; Travel arrangement and reservation services; Travel consultancy and information services; Travel reservation and booking services.*

**Class 41:** *Provision of education on-line from a computer database or via the internet or extranets; Information relating to computer gaming entertainment*

*provided online from a computer database or a global communication network; Information relating to entertainment, provided on-line from a computer database or the internet; Provision of information relating to entertainment online from a computer database of the Internet; Information relating to education, provided on-line from a computer database or the internet; Electronic game services and competitions provided by means of the internet; On-line game services; Online game services through mobile devices; Providing interactive multi-player computer games via the internet and electronic communication networks; Games services provided via computer networks and global communication networks; Virtual reality game services provided on-line from a computer network; Entertainment services provided on-line from a computer database or the internet; Providing online entertainment in the nature of game shows; Game services provided by means of communications by computer terminals or mobile telephone; Provision of games by means of a computer based system; Training courses relating to computer software; Training in business skills; Training in communication techniques; Adult training; Business training; Computer based training; Conducting training seminars for clients; Education, teaching and training; Provision of online training; Training services relating to logistics; Education and instruction; Education and instruction services; Education examination; Adult education services; Education and training consultancy; Organising of business training; Arranging and conducting of games; Organisation of quizzes, games and competitions; Computer and video game amusement services; Video game entertainment services; Game shows.*

**Class 42:** *Decoding of data; Encryption, decryption and authentication of information, messages and data; Data decryption services;[...], data coding services; Data encryption and decoding services; Data encryption services; Cloud seeding; Access Control as a Service (AcaaS); Consumer product design; Industrial design services; Industrial development services; Industrial process development; Infrastructure as a Service [IaaS]; Installation of Access Control as a Service (AcaaS) software; Interior and exterior design services; Product design and development; Provision of information relating to industrial design; Provision of on-line support services for computer program users; Quality assurance services; Quality control and authentication services; Providing quality*

*assurance services; Product safety testing services; Product quality control testing; Consumer product safety testing; Consumer product safety testing and consultation; Testing, analysis and evaluation of the goods and services of others for the purpose of certification; Inspection of goods for quality control; Industrial testing; Quantum computing services; Data warehousing; Data mining; Data authentication via blockchain (twice); Authentication services (control) of data transmitted via telecommunications; Certification services of data transmitted via telecommunications; Certification of data via blockchain.*

**Class 43:** *Electronic information services relating to hotels; Providing online information relating to hotel reservations; Information, advice and reservation services for the provision of food and drink; Information relating to hotels; Provision of information relating to the booking of accommodation; Provision of information relating to the preparation of food and drink; Accommodation bureau services [hotels, boarding houses]; Accommodation bureaux [hotels, boarding houses]; Hotels, hostels and boarding houses, holiday and tourist accommodation; Arranging of hotel accommodation; Booking agency services for hotel accommodation; Making hotel reservations for others; Hotel accommodation reservation services; Hotel reservation services; Hotel reservation services provided via the Internet; Hotel room booking services; Travel agency services for reserving hotel accommodation (twice); Travel agency services for making hotel reservations; Providing room reservation and hotel reservation services; Hotel services for preferred customers; Provision of conference, exhibition and meeting facilities.*

**Class 45:** *Company registration services; Identity validation services; Identity verification; Domain name advisory services; Domain name registration services; Registration of domain names for identification of users on a global computer network; Trademark agent services; Trademark watch services; Advisory services relating to intellectual property licensing; Advisory services relating to intellectual property protection; Advisory services relating to intellectual property rights; Consultancy relating to intellectual property management; Consultancy relating to the licensing of intellectual property; Consultancy relating to the management of intellectual property and copyright;*

*Consultancy relating to the protection of geographical indications; Intellectual property agency services; Licensing of intellectual property rights; Management and exploitation of copyright and industrial property rights by licensing for others; Consultancy relating to the protection of industrial designs; Information services relating to manufacturing standards; Information services relating to safety; Information services relating to trading standards; Online social networking services; Online social networking services accessible by means of downloadable mobile applications; Internet based matchmaking services.”*

5. These errors are plainly an irregularity in procedure and capable of being corrected under Rule 74 of the Trade Marks Rules 2008. Consequently, I give the parties notice that paragraphs 88, 111 and 112 of the decision will be amended as stated above and apply as though they had appeared in the original version of the decision.

6. The appeal period in respect of these proceedings begins from the date of this supplementary decision.

**Dated this 16<sup>th</sup> day of November 2021**

**A Klass**

**For the registrar,**

**the Comptroller-General**