

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION No. 2214271
BY LOGICA PLC
TO REGISTER A SERIES OF TRADE MARKS
IN CLASSES 9, 16, 35, 36, 37, 38, 41 AND 42**

**AND IN THE MATTER OF AN APPEAL
BY THE APPLICANT
TO THE APPOINTED PERSON
AGAINST THE DECISION OF MR. A. J. PIKE
DATED 28 FEBRUARY 2002**

DECISION

Introductory

1. This appeal concerns the registration of series of trade marks under section 41(1)(c) of the Trade Marks Act 1994 (TMA) and rule 21 of the Trade Marks Rules 2000 (TMR). A “series of trade marks” is stated for this purpose by section 41(2) of the TMA to be:

“... a number of trade marks which resemble each other as to their material particulars and differ only as to matters of a non-distinctive character not substantially affecting the identity of the trade mark.”

2. Section 41(1)(c) and (2) have a lengthy history in UK domestic trade marks law. Provision for the registration of a series of trade marks was first contained in section 66 of the Patents, Designs and Trade Marks Act 1883, as amended and carried forward into the 1905 and 1938 Trade Marks Acts. The immediate predecessor of section 41(1)(c) and (2) of the TMA was section 21(2) of the Trade Marks 1938, which said:

“Where a person claiming to be the proprietor of several trade marks, in respect of the same goods or description of goods, which, while resembling each other in the material particulars thereof, yet differ in respect of -

- (a) statements of the goods in relation to which they are respectively used or proposed to be used; or
- (b) statements of number, price, quality or names of places; or
- (c) other matter of a non-distinctive character which does not substantially affect the identity of the trade mark; or
- (d) colour;

seeks to register those trade marks, they may be registered as a series in one registration.”

The old law treated the trade marks within a series as associated trade marks (see, e.g., section 23(4) of the 1938 Act) but the practice of association was discontinued in the TMA (White Paper, *Reform of Trade Marks Law*, DTI, September 1990, Cm 1203, para. 4.44 – 4.45).

3. The original reason for series registration was to enable proprietors to secure protection for label marks abroad (*Report of the Herschell Committee*, 1888, C-5350, Minutes of Evidence, paras. 1113, 1116 – 1121, and 2051 – 2052). That reason has long since disappeared not least because the London Act of the Paris Convention introduced the following revision in 1934 (at Article 6*quinquies*C(2)):

“No trademark shall be refused in the other countries of the Union for the sole reason that it differs from the mark protected in the country of origin only in respect of elements that do not alter its distinctive character and do not affect its identity in the form in which it has been registered in the said country of origin.”

4. Despite this, the continued appropriateness of series registration seems to have been assumed by the Goschen Report of 1934 (Cmnd 4568), the Mathys Report of 1974 (Cmnd 5601) and more recently the White Paper of 1990. I have been unable to discover in the formal documentation any reason for the inclusion of series registration in the TMA. The Registrar informs me that to the best of her knowledge, no other EC Member State apart from the UK and Ireland recognises the concept of the registration of series of trade marks in their harmonised trade mark laws.
5. In *ELLE Trade Marks* [1997] FSR 529, Lloyd J. cautioned against construing a provision derived from Council Directive 89/104/EEC (“the Directive”) in the light of sections in the TMA which are home grown. However, the reverse is not necessarily true. The Directive does not attempt a full-scale approximation of the trade mark laws of the Member States (recital 3, Preamble). But home grown provisions in the latter cannot be interpreted in a manner that is incompatible with, or defeats the intentions behind, the Directive’s substantive law framework.
6. I have found it useful in determining the boundaries of series registration to consider also section 46(2) of the TMA, which provides in so far as relevant that for the purposes of the use requirements set out in 46(1):

“... use of a trade mark includes use in a form differing in elements which do not alter the distinctive character of the mark in the form in which it was registered ...”.

Section 46(2) implements art. 10(2)(a) of the Directive. Article 10(2)(a) in turn derives from art. 5C(2) of the Paris Convention, which like art. 6*quinquies*C(2) was added in 1934 by the London Act.

7. It seems that there is little English case law directly on the point. The Registrar informed me that the words “not substantially affecting the identity” (of the trade mark) appeared in other sections of the old law, including alteration of a registered trade mark, and I have considered the case law relating to that. I believe that the provisions relating to amendment and alteration under the new law may also be relevant. Sections 39(2) and 44(2) do not come from the Directive but are closely modelled on arts. 44(2) and 48(2) of Council Regulation (EC) 40/94 on the Community trade mark (CTMR). In severely restricting the circumstances in which amendment or alteration can take place, they reflect the desire for legal certainty in a trade mark that pervades the harmonised trade marks law (see, e.g., *Ralf Sieckmann v. Deutsches Patent- und Markenamt*, Case C-273/00, 12 December 2002, (ECJ)). Sections 39(2) and 44(2) of the TMA state respectively:

s. 39(2)

“In other respects [i.e. withdrawing the application or restricting the specification], an application may be amended, at the request of the applicant, only by correcting –

- (a) the name or address of the applicant,
- (b) errors of wording or of copying, or
- (c) obvious mistakes,

and then only where the correction does not substantially affect the identity of the trade mark or extend the goods or services covered by the application.”

s. 44(2)

“Nevertheless [i.e. a registered trade mark cannot be altered], the registrar may, at the request of the proprietor, allow the alteration of a registered trade mark where the mark includes the proprietor’s name or address and the alteration is limited to alteration of that name or address and does not substantially affect the identity of the mark”.

8. Finally, I have had the benefit of the parties’ written submissions on Australian case law relating to series registration under section 39(1) of the Australian Trade Marks Act 1955 (now section 51(1) Australian Trade Marks Act 1995). The Australian provisions on series registration are in substantially the same terms as section 21(2) of the 1938 Act set out in paragraph 2 above. The Australian case law was uncovered in later researches and sent by me to the parties after the hearing of the appeal with invitations to comment.

The application

9. The application in suit was filed by Logica plc (“the Applicant”) on 12 November 1999 and accorded number 2214271. The Applicant requested the registration of 308 trade marks as a series in Classes 9, 16, 35, 36, 37, 38, 41 and 42. The first mark listed in the representation was the word LOGICA alone. The remaining 307 marks consisted of the word LOGICA and a number of different domain name suffixes. The marks are attached at Annex A and the specifications of goods and services at Annex B.

10. From Annex A, it will be seen that the majority of marks comprising LOGICA and a domain name suffix are presented as a mixture. For the purposes of his decision, the Hearing Officer divided the 308 marks into six categories. Since no one has objected, I gratefully adopt the Hearing Officer's categorisation (paras. 13 – 19):

“13 The first category consists of the word LOGICA. The second category consists of the word LOGICA with the addition of the following domains: COM, NET, ORG, and EDU. The third category consists of the word LOGICA with the addition of two different letters. The fourth and fifth category consist of the word LOGICA together with the letters CO or COM which are themselves followed by two different letters. The sixth category consists of the word LOGICA together with two separate combinations of two different letters.

14 The first mark is the word LOGICA which does not form a domain name.

15 The marks which fall in the second category consist of the word LOGICA in combination with the letters COM, NET, ORG and EDU. All of these marks are intended to represent domain names. In these marks the top level domains denote different types of organisations. The letters COM indicate that it is the Internet address of a commercial enterprise, the letters NET are used to indicate the address of an Internet Service Provider, the letters ORG denote a charitable or non-profit-making organisation and the letters EDU denote an educational establishment.

16 The third category consists of the word LOGICA with the addition of two different letters. At the hearing Mr. Olsen [of Field Fisher Waterhouse, Solicitors, the Applicant's representative] advised me that all of these two letter combinations denote a different country, the two letter combination being an abbreviation approved by the World Intellectual Property Organisation (WIPO) for the purposes of identifying particular countries.

17 The fourth and fifth category of marks again consist of the word LOGICA in combination with the letters CO and COM which are themselves followed by two different letters. The two letter combinations in these marks are again intended to denote different countries with the letters CO and COM denoting that the domain name is the Internet address of commercial organisations.

18 The sixth category consists of the word LOGICA together with two separate combinations of two different letters. I have not been advised of the significance of these particular combinations.

19 It must be noted that in all but the first mark, all of the additional elements are separated from the word LOGICA by a “dot” character.”

11. From the papers on appeal, I gather that the two, two letter combinations included in the Hearing Officer's sixth category may represent US state domain registrations.
12. The Trade Marks Examiner objected to the application inter alia on the ground that the marks did not form a series within the meaning of section 41(2) of the TMA. (The other objections were subsequently waived.) After a round of submissions, the Examiner maintained the objection in the following terms (letter 5th July 2000):

“I have considered your submission regarding the series objection. However it is Registry practice not to accept different domain name suffixes as a series as they can alter the impression given by the mark. This is analogous to marks with **PLC** and **Limited** suffixes. Therefore the objection is maintained.”

13. The Applicant requested a hearing, which was arranged for 26 January 2001 (jointly with another series application for 253 marks being handled by the same representative). By letter of 19 January 2001, the Hearing Officer drew the Applicant's attention to the Registrar's practice on series registrations set out in PAC 14/00. He stated:

“In my view it is clear that in both applications the marks cannot be accepted as a series of marks as they do not meet the requirements of Section 41(2) of the Act. The reasons for this are set out in the enclosed PAC. In order for the hearing to be successful and a decision reached it is imperative that the applicants address this issue prior to the hearing. I must therefore ask you to submit your proposals to overcome the objection under Section 41(2) prior to the hearing. I am requesting you to deal with [the] issue now because the applications, as they stand, constitute an abuse of process.”

14. As to section 41(2) of the TMA, PAC 14/00 states:

“The addition of non-distinctive features which identify the mark as also being a web-site address usually has a substantial effect on the identity of the mark as compared to the same word(s) without the features which identify it as a web-site address. So, for example, the Registrar will not accept FAIRWIND and FAIRWIND.COM as a series. The same applies to the addition of “plc” or “limited” to words which otherwise do not appear also to be a corporate name. Each case must be considered on its own merits, but it is likely that an application for a series of marks consisting of the same word(s) with and without Internet address features will attract a series objection.

The registrar may, however, accept marks with similar identities but which vary in non-distinctive features, such [as] FAIRWIND.COM and FAIRWIND.CO.UK as a series. However, this will not be possible where the variation in the domain name suffix substantially affects the identity of the marks. For example, “.org” means a non-

profit-making organisation, “.edu” means an educational institution and “.gov” means a non-military government organisation.”

15. The earlier part of PAC 14/00 gives guidance on how the Registrar examines domain name trade marks for the existence of the absolute grounds for refusal of registration in section 3(1) of the TMA:

“Elements of the domain name such as “.com” or “.co.uk” are considered to be totally non-distinctive, much in the same way as “Ltd” and “Plc”. As a general rule, one should consider whether the remainder of the mark is descriptive or non-distinctive; if so, there is likely to be an objection under Section 3(1)(b) of the Act.

There may be exceptions. The Registrar has accepted the mark CAN AND WILL.COM whilst refusing the mark CAN AND WILL on the basis that the latter is merely a slogan which describes an approach to conducting business (at the time of writing, an appeal is pending), whereas the addition of “.COM” was considered to give the mark as a whole a trade mark character. Even though it is now common to see .COM added to names or descriptions of goods/services, it was considered unnatural to add .COM to a slogan. Doing so created a distinctive totality.”

CAN AND WILL was allowed on appeal (SRIS O/052/01) but that does not detract from the point being made in PAC 14/00, which is that domain name suffixes may contribute to the distinctive character of a mark overall.

16. At the hearing on 26 January 2001, the s. 41(2) objection was maintained. The Hearing Officer’s note goes on to record:

“Mr. Olsen indicated that he may file for division prior to any appeal. Whilst in principle this is acceptable, any application for division must meet the requirements of Rule 21(2) and Section 41(2). This makes it clear that any request for division of a series of marks can only be accepted if the resulting divided applications meet the requirements of section 41(2). It will not be possible to simply divide off LOGICA and LOGICA.COM so that the appeal may be based on those marks only.

3 months allowed for agent to consider the matter further.”

The Hearing Officer’s decision

17. The Hearing Officer issued his written decision on 28 February 2002. It is common ground that the operative part of that decision is contained in the penultimate four paragraphs. Having acknowledged the two-letter international coding system for identifying different countries, Mr. Pike says (at paras. 21 – 24):

“ 21 Many of the suffixes contained within these marks may be well known to a substantial number of the relevant public but others may not be so well known. To a person who is aware of the meaning of -.COM.MX it will convey a different message to -.NET, -.ORG or -.GU.US. However, to those (probably greater number of) persons who do not know what -.COM.MX means, it will suggest itself as an arbitrary addition to the word LOGICA and hence add to the distinctive character of that sign alone. Other marks may, for different reasons, impart different messages to different members of the relevant public. On encountering marks such as LOGICA.CO.HU, LOGICA.CO or LOGICA.CO.CK those with a knowledge of domain names may interpret these marks differently from those without such knowledge. Some members of the relevant public may interpret the letters CO as denoting an Internet address of a commercial organisation whereas others may identify it as a two letter code for Columbia. Others with little or no knowledge of domain names may see the letters CO simply as two ordinary letters from the alphabet and place no interpretation on them other than they are an arbitrary addition to the word LOGICA and simply enhance the distinctive character of that sign.

22 In my view the suffixes contained within these marks substantially affect the identity of the marks.

23 Given the differences between the marks applied for and the fact that they contain codes relating to different types of activities, to different types of organisations and to what may be different countries, the meaning of which would not be apparent to the average consumer, I am satisfied that the marks contained within this application differ as to their material particulars in such a way that they do not satisfy the requirements of section 41(2) of the Act.

24 In this decision I have considered all of the documents filed by the applicants and all of the arguments submitted to me in relation to this application and, for the reasons given, it is refused under the terms of Section 37(4) of the Act in that it fails to qualify under Section 41(2) of the Act.”

The appeal

18. On 27 March 2002, the Applicant gave notice to appeal to an Appointed Person under section 76 of the TMA contending that Application No. 2214271 should have been accepted pursuant to section 41(1)(c) and (2) of the TMA as a series of 308 trade marks or “such other number as is deemed appropriate”.
19. On 29 October 2002, the Applicant filed amended grounds for appeal seeking at paragraph 10 to rely on further evidence comprising:
 - (a) Witness statement of Tasneem Rehana Haq dated 25 October 2002 exhibiting an e-mail survey of 100 UK residents.

- (b) Witness statement of Adrian Chua dated 23 October 2002.
- (c) Witness statement of Ross Biggar dated 24 October 2002.

A fourth witness statement of Fu Wah Poon dated 28 October 2000 was submitted on 5 November 2002.

- 20. By letter of 20 November 2002, the Registrar objected to the Applicant's request to admit further evidence on certain grounds that I shall come to later in this decision. If the Applicant pursued the application, the Registrar reserved her right to ask for her costs incurred in defending that application and, if appropriate, dealing with the late evidence at the appeal hearing.
- 21. The Registrar's letter of 20 November 2002 prompted a challenge on the part of the Applicant to the Registrar's entitlement to appear before the Appointed Person on an ex parte appeal like the present. That challenge was contained in a letter from the Applicant's representatives, Field Fisher Waterhouse to The Treasury Solicitor dated 16 December 2002 and taken up in Counsel for the Applicant's skeleton argument on appeal.
- 22. Accordingly, before hearing the main appeal, I heard two preliminary issues:
 - (a) The application by the Applicant to admit fresh evidence on appeal.
 - (b) The challenge by the Applicant to the Registrar's entitlement to appear and to be awarded or ordered to pay costs on an ex parte appeal.

After a thorough examination of the papers and after hearing the arguments of the Applicant and the Registrar, I decided both preliminary issues against the Applicant for reasons, which I detail below. Otherwise, I permitted the amendments to the statement of grounds of appeal since they amounted to little more than argument/clarification of the original grounds and the Registrar took no objection.

- 23. At the hearing before me on 22 January 2003, the Applicant was represented by Mr. Mark Engelman of Counsel. Mr. Allan James, Principal Hearing Officer, appeared on behalf of the Registrar. Due to the practical importance of the issues, I was fortunate to receive skeleton arguments from both Mr. Engelman and Mr. James.

The application to introduce further evidence

- 24. The principles governing the discretion of the Appointed Person or the High Court to admit fresh evidence in trade mark appeals were considered by Lawrence Collins J. in *LABEL ROUGE Trade Mark* [2003] FSR 13. The *Ladd v. Marshall* criteria ([1954] 1 WLR 1489 at 1491, per Denning LJ) are central to the exercise of that discretion although as matters to be taken into account rather than so-called rules. Other circumstances such as those mentioned by Laddie J in *Hunt-Wesson Inc.'s Trade Mark Application* [1996] RPC 233 might also be relevant. Mr. James accepted that since the appeal was

by way of rehearing a more flexible approach might be adopted towards the application. However, I was reminded of the words of Laddie J. in *Dualit Ltd v. Rowlett Catering Appliances Ltd* [1999] FSR 865 at 870 echoed recently by Jacob J. in *Saab AB v. Saab Textiles Ltd*, 3 February 2003. Proceedings before the Registrar are not to be regarded as a “dry run”. The function of the Registrar is to examine applications and an applicant must put before her the materials on which it seeks to rely in support of its application.

25. The Applicant’s further evidence was submitted 21 months after the date of the hearing before Mr. Pike. Almost three years had elapsed since the series objection was first raised against the application on 6 December 1999. The Applicant offered no explanation for the late filing of the evidence until the Registrar objected to the delay in her letter of 20 November 2002. Then, on 21 January 2003 (i.e. the day before the appeal hearing) the Applicant sought to address the delay in a second witness statement by Tasneem Rehana Haq. Briefly put, the Applicant argues that it could not have obtained the evidence with reasonable diligence for the hearing below because it was not appreciated until the Applicant received the written decision of Mr. Pike dated 28 February 2002 that how the public would perceive the domain name suffixes, was “the key question” to registrability of the Applicant’s 308 trade marks as a series. Ms. Haq appends to her statement the Hearing Officer’s note of the hearing, which, she says, gives no indication of that question. I specifically asked Mr. Engelman at the hearing before me whether the Applicant alleged that the reasons on which the Hearing Officer based his written decision differed from those given by him at the oral hearing. Mr. Engelman emphatically denied any such allegation on the part of the Applicant.
26. Whilst Mr. James acknowledges that the public perception point might not have been spelt out as such, he says that it was implicit in the objection taken under section 41(2), from the correspondence with the Examiner and the Hearing Officer, from PAC 14/00 and, more generally, from the way in which the Registrar is required under the TMA to examine the trade mark applied for on absolute grounds and particularly distinctive character (see, e.g., *Lloyd Schufabrik Meyer & Co. GmbH v. Klijsen Handel BV*, Case C-342/97 [1999] ECR I-3819, *Windsurfing Chiemsee Produktions- und Vertriebs GmbH (WSC) v. Boots- und Segelzubehör Walter Huber*, Cases C-108/97 and C-109/97 [1999] ECR I-2779 (ECJ)). I am with Mr. James on the delay issue. I note that in her first witness statement, Ms. Haq gives the following account of events leading up to the hearing below:

“The Trade Marks Registry objected to this application upon the basis that the 308 marks do not form a “series” within the meaning of section 41(2) of the Trade Marks Act 1994. The domain name suffixes to be found in the marks, which comprise the application, were not considered by the Trade Marks registry to be generic appendices but materially distinctive elements to be found in the particulars of each mark. The public would perceive the individual marks of the application as distinctive trade marks in their own right. A colleague of mine in the Trade Mark & Brand Protection Group, Mr. John Olsen,

attended a hearing on behalf of Logica on 26 January 2001 at which the conclusion of the Trade Marks Registry was contested ...”.

Moreover, in her second witness statement Ms. Taq continues:

“Counsel, Mr. Mark Engleman [sic] was appointed on 22 July 2002 and as the Appellant’s representatives, we met with Mr. Engleman on 2 August 2002 to discuss the issues relating to the Appeal. With our meeting with counsel, it was felt that evidence by way of a survey and third party witness statements would be essential to show that the general public in the United Kingdom would recognise the various domain suffixes to be domain names. This evidence we felt, were crucial and needed to be admitted into the proceedings and the Appellant had only recently approved the budget to proceed with the collation of this evidence ...”.

27. Mr. James’ main objection to the fresh evidence was its materiality to the outcome of the appeal. The evidence consisted of a survey of one hundred respondents carried out on the e-mail by the Applicant’s representatives. The respondents were divided into four groups of 25. Each group was allocated one of the following marks in the series applied for:

- (i) LOGICA.COM.BH
- (ii) LOGICA.CO.YU
- (iii) LOGICA.GU.US
- (iv) LOGICA.TD

Regarding that one mark, each group member was asked: “What are your first thoughts on the expression given below? Please fill in your answer in the space below”. 51 e-mail responses were received, 34 of which were said to identify their expression as a domain name or web site belonging to a particular company. Accordingly, the Applicant claims:

“Hence the results of the survey shows that when a cross section of people in the United Kingdom are surveyed the majority, namely 67%, identify the domain name suffix as an elements [sic] denoting a website address, and hence a generic and non-distinctive addition to a distinctive mark contrary to the conclusion of A.J. Pike.” (Witness statement of Tasneem Rehana Haq dated 25 October 2002)

28. Mr. Engelman’s perception of the significance of the fresh evidence hinges to a not inconsiderable extent on the interpretation he places on section 41(2) of the TMA. He submits that section 41(2) contains two and, not as Mr. James advocates, three conditions. First, the marks in the series must resemble each other as to their material particulars and second, they must differ only as to matters of a non-distinctive character not substantially affecting the identity of the mark. In his view, the second condition is tautologous or broadens the scope of what is allowable as a series within the meaning of section 41(2). It is therefore sufficient for the Applicant to show that the public is aware of the

various domain name suffixes as country codes or as generic additions to the LOGICA mark.

29. For reasons stated in my decision in the appeal, I reject Mr. Engelman's interpretation of section 41(2) of the TMA. Qualification for series registration in this case is not merely governed by whether the differences in the marks would be regarded as domain name additions but also whether the second to the 307th trade mark, each considered separately, can be said not substantially to affect the identity of the first trade mark. That issue was addressed by the Hearing Officer particularly at paragraph 21 of his decision but not by the survey evidence, which is now sought to be introduced.
30. Other criticisms of the survey include:
 - (a) Being conducted by e-mail, it anticipates the desired responses.
 - (b) No indication is given of how the 100 respondents were selected or whether they were representative.
 - (c) A number of respondents including those who gave witness statements appear to be information technology related.
 - (d) The results of the survey are inaccurately represented in the witness statement of Tasneem Rehana Haq of 25 October 2002. In fact, the results of the survey confirm the impressions of the Hearing Officer stated at paragraphs 21 – 24 of his decision.
31. Mr. James identified some errors/duplication of respondents, which, he says, casts doubt on the credibility of the fresh evidence. Nevertheless, they appear to me insufficient to justify rejection of the fresh evidence on the ground that it is such as not to be believed.
32. Mr. Engelman argued that it was in the public interest that the fresh evidence should be admitted because there are other similar series applications, which have been put on hold pending the outcome of this appeal. Since I have determined that the fresh evidence, if given, would be unlikely to have an important influence on the result of this appeal, I fail to see how Mr. Engelman's public interest argument advances his case. To conclude on the application to introduce fresh evidence, the Applicant has failed to satisfy on two out of three of the *Ladd v. Marshall* criteria. Nor has it convinced me that any other circumstances are relevant. The Applicant's application is denied.

The Registrar's entitlement on an ex parte appeal

33. Mr. Engelman's challenge to the Registrar's position on an ex parte appeal is based on section 74(1) of the TMA, which provides:

"In proceedings before the court involving an application for –

 - (a) the revocation of the registration of a trade mark,
 - (b) a declaration of the invalidity of the registration of a trade mark, or

(c) the rectification of the register,

the registrar is entitled to appear and be heard, and shall appear if so directed by the court.”

34. Mr. Engelman says that since section 74(1) deals only with proceedings before the court and with the applications mentioned therein, the Registrar has no entitlement under the TMA to appear before the Appointed Person or indeed the court in an ex parte appeal and, in particular, to argue her case as an adversary and to be awarded or ordered to pay costs in respect of the appeal. Mr. Engelman referred me to *CORGI Trade Mark* [1999] RPC 549, concerning an appeal to Mr. Geoffrey Hobbs QC sitting as the Appointed Person from a decision of the Registrar in an inter partes application for a declaration of invalidity under section 47(1) of the TMA. Mr. Hobbs held that since the TMA does no more than identify particular circumstances in which the Registrar is entitled to appear as of right, he could and should permit the Registrar to be heard in the exercise his inherent jurisdiction to regulate the conduct of proceedings before him. Mr. Hobbs added that in the present circumstances (i.e. an inter partes appeal) the Registrar was not there to act as an adversary to the applicant. Mr. Engelman made clear that he did not object to the Registrar’s presence pursuant to the Appointed Person’s inherent jurisdiction. What he questioned was the Registrar’s role in this appeal. Mr. Engelman additionally referred me to three inter partes appeals to the court on opposition under the old law (*Oxon Italia Spa’s Trade Mark Application* [1984] FSR 408, *Thornhill (George) and Co. Ltd’s Application* [1963] RPC 13 and *Hunt-Wesson Inc.’s Trade Mark Application* [1996] RPC 233). However, these appeals were in so far as relevant purely concerned with the best practice for obtaining the Registrar’s observations on further evidence sought to be adduced on appeal. The Registrar in any event had the right to be heard in inter partes appeals to the court on opposition by virtue of section 18(7) of the 1938 Act.
35. I believe Mr. James is correct in observing that the Applicant’s objections on this score are misconceived. Section 74(1) of the TMA makes special provision for the Registrar to appear before the court in revocation, invalidation and rectification proceedings because those are instances where the court and the Registrar have concurrent jurisdiction. Such provision is unnecessary for ex parte appeals whether before the court or the Appointed Person because the Registrar is a party to those proceedings and ipso facto has the right to appear. The case law is replete with examples and Mr. James directed my attention, in particular, to *Yakult Honsha KK’s Trade Mark Application* [2001] RPC 756 (Ch D) and *Ghazilian’s Trade Mark Application* [2002] RPC 628 (Appointed Person). In *Yakult*, the Registrar was successful and received an award of costs. In proceedings before the Appointed Person the Registrar generally expects neither to receive nor to pay costs. However, in *S. M. Jaleel & Co.’s Trade Mark Application* [2000] RPC 471, Mr. Geoffrey Hobbs QC sitting as the Appointed Person said:

“In advance of the hearing before me the Registrar gave notice of intention to seek an award of costs if the appeal was unsuccessful. I

was told at the hearing that this was prompted by a concern that the usual practice (of making no order for costs on appeals to the Appointed Person in ex parte proceedings) was encouraging appeals to the Appointed Person in cases where the prospects of success would be regarded as too small to be worth pursuing at the risk of an adverse order for costs if the appeal failed. In the event, the Registrar did not press for an award of costs against the unsuccessful appellant in the present case. I will therefore confine myself to the observation that there is no reason why unreasonableness in connection with an appeal to the Appointed Person from a decision of the Registrar in ex parte proceedings should not result in the making of an order for costs against the party who has acted unreasonably.”

I reject the Applicant’s challenge to the Registrar’s right to appear before me as a party to this ex parte appeal.

The series objection – section 41(2) TMA

36. Argument centred on whether section 41(2) contains two criteria or three. Mr. Engelman claimed the former, which meant that to constitute a series all the Applicant had to show was that the domain name suffixes attached to all but the first mark in the series were or would be regarded as exactly that, i.e., non-distinctive additions. He devoted much energy and attention to documents such as IETF Standard RFC 1591 *Domain Name System Structure and Delegation*, 1994, confirming the use as top-level domain names of generic TLDs (EDU, COM, NET, ORG etc.) and two letter country codes from ISO 3166. However, neither the Hearing Officer nor Mr. James on appeal have done anything other than acknowledge the existence of top level domain names whether g – or cc – TLDs. Irrespective of the number of conditions in section 41(2), Mr. Engelman did not in my view adequately address the issue whether LOGICA and any other of the 307 marks in the claimed series resembled each other in their material particulars since the former comprises a word and not a domain name.
37. Mr. James identified three conditions in section 41(2), the overriding condition being that the identity of the trade mark must not substantially be affected. The Hearing Officer correctly held that that the domain name suffixes substantially affected the identity of the trade mark because:
 - (a) the first mark was not based on a domain name;
 - (b) the presence of little known address components such as .TD would prevent the public from seeing the mark as a whole as being based on a domain name or at least leave the public unsure about the conceptual significance of the trade mark;
 - (c) as regards the better known domain address components like .CO, .COM, .ORG and .NET, the different meaning of those terms when incorporated within domain names altered the message conveyed by the mark as a whole to the public.

38. I agree with Mr. James that section 41(2) contains three conditions and not two but prefer to describe them according to their positive and negative aspects. First, on the positive side, section 41(2) requires the trade marks for which series registration is sought to resemble each other in their material particulars. Second and third, the negative aspects are that any difference in the trade marks must not comprise matter, which when considered:
- (a) as a separate element of the trade mark would be regarded as having distinctive character; and
 - (b) in the context of the trade mark as a whole, substantially affects the identity of the trade mark.
39. In determining that interpretation of section 41(1), I have found the following factors influential:
- (i) It is inconsistent with the scheme of the TMA and the Directive to accord section 41(2) a wider ambit than section 46(2), the latter providing that use of a trade mark in a form differing in elements which do not alter the distinctive character of the mark in the form in which it was registered suffices to maintain the registration on the Register. In *BUD and BUDWEISER BUDBRÄU Trade Marks* [2002] RPC 747, Mr. Simon Thorley QC sitting as Deputy High Court Judge held that section 46(2) was of narrow scope and the same was true despite the different language of sections 39 (amendment), 41 (series) and 44 (alteration). That aspect of Mr. Thorley’s judgment was not dissented from on appeal (*Anheuser-Busch Inc v. Budejovicky Budvar Narodni Podnik* [2002] EWCA Civ 1534, 29 October 2002 (CA)). In *Kabushiki Kaisha Fernandes v. OHIM*, Case T-39/01, 12 December 2002, the Court of First Instance of the European Communities observed that use in the company name would not constitute use of HIWATT for the purposes of the CTMR. (The equivalent to section 46(2) TMA in the CTMR is art. 15(2)(a).) Under the old law, it was held that use of “Orient Express Trading Company Limited” did not save ORIENT EXPRESS (*ORIENT EXPRESS Trade Mark* [1996] RPC 25). Section 30(1) of the 1938 Act provided that use of the trade mark with additions or alterations not substantially affecting its identity counted as use of the registered trade mark. The addition of the words “Trading Company Limited” would substantially affect the identity of the mark ORIENT EXPRESS.
 - (ii) The harmonised trade marks law contemplates that a trade mark may consist of a substantially though not exclusively descriptive content (*Procter & Gamble v. OHIM (BABY-DRY)*, Case C-383/99P [2001] ECR I-6251 (ECJ), *West (trading as Eastenders) v. Fuller Smith & Turner plc* [2003] EWCA Civ 48, 31 January 2003 (CA)). Whilst it is permissible to have regard to the separate elements making up a mark when assessing distinctive character, what is important is how the relevant public perceives the mark as a whole (*Sabel BV v. Puma AG*, Case C-251/95 [1997] ECR I-6191 (ECJ)).

- (iii) An application for a series of trade marks is treated as a single application and, if accepted, results in a single registration (section 41(3) TMA, rule 21(1) TMR). The TMA speaks variously of “a trade mark”, “a registered trade mark” and “the registration of a trade mark”. Section 41(2) itself refers to “the identity of the trade mark”. There is a growing body of authority under the Directive, which recognises that certainty in the form of a registered trade mark is essential to the effective operation of the trade mark system. Recently in *Sieckmann*, supra., the Court of Justice of the European Communities stated (at para. 53):

“In order to fulfil its role as a registered trade mark a sign must always be perceived unambiguously and in the same way so that the mark is guaranteed as an indication of origin.”

- (iv) That requirement for legal certainty in the trade mark is policed through sections 39(2) and 44(1) – (2) of the TMA, which circumscribe the amendments or alterations that can be made before and after a trade mark is registered. It is contemplated by the wording of those sections that a change in the name or address of the owner included in the trade mark might substantially affect the identity of the trade mark.
- (v) Again following from (iii) – the UK is a member of the Madrid System for the International Registration of Marks, which is based on the need for a basic application or registration of the trade mark in the country of origin (Agreement art. 1(2), Protocol art. 2(1)). The Madrid System does not recognise series registrations. Yet the UK Trade Marks Registrar is required to certify that the mark for which international registration is sought is the same as the “home” mark.

Not substantially affecting the identity of the trade mark

40. Turning to the meaning of “not substantially affecting the identity of the trade mark”, I believe it would be hard to improve on Jacob J.’s observation in *Neutrogena Corporation v. Golden Limited* [1996] RPC 473, at 488 – 489 regarding, in effect, the identical phrase in section 30(1) of the Trade Marks Act 1938:

“‘Not substantially affecting its identity’ means what it says, both in this section and in other sections of the Act (e.g. section 35). An alteration which affects the way a mark is or may be pronounced, or its visual impact or the idea conveyed by the mark cannot satisfy the test.”

Mr. James referred me to *PELICAN Trade Mark* [1978] RPC 424 where D. W. Falconer QC in the Board of Trade expressed similar sentiments in relation to section 35 of the 1938 Act.

41. Neither Mr. Engelman nor Mr. James referred me to any authority specifically on section 41(1)(c) and (2) of the TMA or its predecessors under the old law.

Section 41(2) of the TMA was applied in *Dualit Ltd's Trade Mark Application* [1999] RPC 890 (affirming [1999] RPC 304). The toaster shapes in that case were held not to constitute a series but since they were in any event devoid of any distinctive character for section 3(1)(b), it was unnecessary for section 41(2) to receive extended consideration.

42. Section 21(2) of the Trade Marks Act 1938 found almost its exact counterpart in section 39(1) of the Australian Trade Marks Act 1955. In *Re Lynson Australia Pty Ltd* (1987) 9 IPR 350 at 351 – 352, Chief Assistant Registrar S. Farquhar had to construe the meaning of the stipulation in section 39(1)(c) of the 1955 Act (section 21(2)(c) 1938 Act) that the marks should differ only in matter not substantially affecting their identity:

“Briefly, and only in general terms, the variation between members of a series must be such that no additional element or dimension is contributed thereby to the overall identity of the marks; the “idea” of the mark must remain the same. If the marks consist of a word, then that word must be the only element in the identity of each member of the series. The typescript may be varied, but only between known, conventional scripts, not fanciful get-up. The spelling may be varied, but only if the pronunciation and meaning remain unaffected. The separation of one word into two, or the running together of two words would be governed by the same considerations; the sound and meaning must remain the same. The appearance of the word or words must also be taken into account when the spelling or physical arrangement of the letter is varied. Minor changes (such as “pelican” and “pelikan” or “fastfoto” and “fast-foto”), will be acceptable where more extensive ones will not (eg “tablet” and “tablett” or “tab-let”, “ta-blet” and “tabl-et”).

It is obvious that the addition of a device element to a word mark would, in almost all cases, constitute a substantial alteration to its identity, the only exception being the simplest of conventional embellishments, contributing nothing of distinction to the mark as a whole.

Similarly, the statements or representations referred to by s 39(1)(a) and (b) [section 21(2)(a) – (b) 1938 Act] must be such that they do not contribute to the function that the mark has in distinguishing the proprietor’s goods from those of other traders. They must be clearly and unambiguously separate from those features of the mark by which it, and the goods or services which it identifies, will be known. It is of no assistance that the additional matter is disclaimed, since disclaimed matter may still contribute to the overall identity or “idea” of the mark.”

Section 39(1) of the Australian Trade Marks Act 1955 has now become section 51(1) of the Australian Trade Marks Act 1995 and *Lynson* was applied in relation to section 51(1) in *Effem Foods Pty Ltd* [1999] ATMO 80, 9 August 1999 (Registry).

43. Mr. Engelman suggested that I should follow “Examination Guide No. 2-99, September 29, 1999, ‘Marks Composed, in Whole or in Part, of Domain Names’” issued by the US Patent and Trademark Office, which at one point he appeared to be elevating to international treaty status. I believe it sufficient to observe: (a) the document contains guidelines only that cannot be determinative of my decision; (b) the US knows no concept of series registration; (c) the text that might be considered most helpful to Mr. Engelman (and there are non-helpful passages in the Guide) concerns material alterations to the drawing of an individual trade mark under US trade marks law.

The application in suit

44. I believe the correct approach is to take the first mark in the application and to compare each of the other trade marks with that trade mark. The first mark in the claimed series is the word LOGICA. All of the remaining 307 trade marks comprise the word LOGICA and a domain name suffix. The application therefore falls at the first hurdle in that the marks do not resemble each other as to their material particulars. Furthermore, even though the suffix might be regarded as a non-distinctive element, when the marks are viewed overall the difference substantially affects the identity of the trade mark LOGICA. That, of course, is sufficient to confirm the Hearing Officer’s decision.
45. Nevertheless, the Hearing Officer went on to contemplate either deletion of the first mark LOGICA, or division off into a separate application of LOGICA.COM plus 306 marks or a number of smaller divisional applications. In each case, the marks in the application or divisional application(s) must still have constituted a series (rule 21(2) TMR). Here the Hearing Officer held that in relation to the marks comprising LOGICA and a gTLD, for example, LOGICA.EDU would convey a different idea than LOGICA.COM to the relevant public when both marks were viewed overall. Regarding the marks containing ccTLDs, the Hearing Officer determined that these would either lead to doubt in the minds of the public as to the significance of the trade mark as a whole or, again, would cause the mark to convey a different message. I agree. Whether the difference comprised a g- or cc- TLD, which when considered as a separate element might be regarded as non-distinctive for the goods or services concerned, that difference sufficed to substantially affect the identity of the trade mark overall. I would only add with regard to ccTLDs that the trade in domain names addresses such as .TV, .WS, .NI and .AG does not depend on their significance to the public as country codes.

800-FLOWERS Trade Mark

46. I requested the parties in advance of the hearing to be prepared to address me on the issue of the allocation of the domain names in question in the light of the Court of Appeal decision in *800-FLOWERS Trade Mark* [2002] FSR 191. Mr. Engelman chose to argue the quite different point of the foreseeability of public recognition of the use of country codes as domain name suffixes at the date of the application in suit. Foreseeability is not an issue in this case. Section 41 of the TMA and rule 21 of the TMR make clear that the

requirements of section 41(2) must be satisfied at the date the series of trade mark is applied for.

47. Mr. James submitted that the non-allocation of a domain name to an applicant for a domain name trade mark could not lead to an objection under section 3(3)(b) of the TMA because that absolute ground for refusal was limited to defects inherent to the mark itself. Lack of associated rights in the domain name was irrelevant to registrability although it might lead to subsequent revocation under section 46(1)(d). Section 3(3)(b) provides:

“A trade mark shall not be registered if it is –

- (b) of such a nature as to deceive the public (for instance as to the nature, quality or geographical origin of the goods or service).”

48. In *800-FLOWERS Trade Mark*, supra., the Court of Appeal considered it inevitable that a mark consisting of an encoded telephone number, which had not been allocated to the applicant, was likely to deceive the public and must be refused registration under section 11 of the Trade Marks Act 1938. The Court of Appeal stressed that the potential for deception arose not from the allocation of the telephone number elsewhere but from the non-allocation of the number to the applicant. The message conveyed by the mark was misleading because the owner of the mark did not in fact have the telephone number. As I understand the Court of Appeal’s judgment, the defect was inherent to mark itself.

49. Mr. Engelman confirmed that the Applicant does not own some of the domain names in the claimed series. Indeed, the Applicant could not have been allocated, for example, LOGICA.EDU because the .EDU gTLD is reserved for degree granting colleges/universities. Since the Registrar has confirmed that she is not pursuing a section 3(3)(b) objection and the application in any event fails to comply with section 41(2), I do not need to decide the point. However, I observe that although section 3(3)(b) is undoubtedly of narrower scope than section 11 of the 1938 Act (in that the latter encompassed relative objections), the instances of inherent deception listed in section 3(3)(b) are not necessarily exclusive.

Division

50. Rule 21(2) – (4) of the TMR states:

“(2) At any time before preparations of publication of the application have been completed by the Office, the applicant under paragraph (1) above may request on Form TM12 the division of the application into separate applications in respect of one or more marks in that series and the registrar shall, if she is satisfied that the division requested conforms with section 41(2), divide the application accordingly.

(3) At any time the applicant for registration of a series of trade marks or the proprietor of a registered series of trade marks may request the deletion of a mark in that series, and the registrar shall delete the mark accordingly.

(4) The division of an application into one or more applications under paragraph (2) above shall be subject to the payment of a divisional fee and such application and class fees as are appropriate.”

51. The statement of grounds of appeal indicated (albeit in rather obscure terms) that if I was minded not to accept the application as it stood for a series of 308 marks, the Applicant would wish to avail itself of division/deletion pursuant to Rule 21. Since no preparations for advertisement of the application have commenced, it would appear that these options remained available to the Applicant on appeal (*Dualit Ltd's Trade Mark Application* [1999] RPC 890 per Lloyd J. at paras. 55 – 57). Mr. James suggested that because the Registrar had refused the application pursuant to section 37(4) of the TMA, there remained no “application” from which the Applicant could delete or divide. In *POINT FOUR Trade Mark*, SRIS O/373/02, 30 August 2002, I held that by virtue of the Registrar’s de facto practice, the lodging of notice of appeal against a decision of the Registrar suspends the effect of that decision pending appeal. I, therefore, reject Mr. James’ suggestion.
52. Nevertheless, it seems to me that despite having ample opportunities both during examination and on appeal, the Applicant has put forward no sensible proposals for deletion and division under Rule 21. The statement of grounds in their original and amended forms in effect requested the Appointed Person to perform the exercise. The Applicant’s skeleton argument on appeal put forward the following (at para. 11.3):

“Section 41 of the Act provides for the registration of series marks and section 41(3)(a) permits rules to be made for the division of a series. Rule 21(2) of the trade Marks Rules 2000 permits the appellant to seek an application that the Mark is divided into the following series:

- (i) The mark Logica.co.uk, Logica.net, Logica.org, Logica.Edu, Logica.com and the Logica Plc.x.us where x is the State code for the individual states and dependent territories of the USA.
- (ii) All variations of the mark other than those listed in (i) above in the application be separated and excised from the application.
- (iii) Any acceptable division into series as the Appointed Person may deem fit for registration.”

I asked Mr. Engelman at the hearing to clarify, in particular, paragraph (i) above. He was unable to do so and seemed to me to advance a different scheme (equally unclear). In those circumstances I believe I have no option but to confirm the Hearing Officer’s decision that Application No. 2214271

for LOGICA and 307 other marks does not constitute a series of trade marks for section 41(1)(c) and (2) of the TMA and dismiss the appeal.

Costs

54. At the hearing of the appeal, Mr. James did not pursue any request for costs, which was possibly due to the late hour at which the hearing terminated. The Registrar's letter of 20 November 2002 indicated that any such request would relate only to the application to introduce fresh evidence, which, of course, turned out to be unsuccessful. I propose, therefore, to follow the normal practice of making no order for costs in relation to the appeal but to award the Registrar a contribution towards her costs in relation to the unsuccessful application to admit further evidence on appeal.

Conclusion

55. In the result the two preliminary applications and the appeal fail. The Applicant is ordered to pay to the Registrar within seven days the sum of £400 towards her costs of the application to admit further evidence on appeal.

Professor Ruth Annand, 5 March 2003

Mr. Mark Engelman instructed by Field Fisher Waterhouse appeared as Counsel on behalf of the Applicant.

Mr. Allan James, Principal Hearing Officer, appeared on behalf of the Registrar.

ANNEX A

LOGICA

LOGICA.COM

LOGICA.NET

LOGICA.ORG

LOGICA.CA

LOGICA.CL

LOGICA.COM.MX

LOGICA.COM.VE

LOGICA.CZ

LOGICA.CO.HU

LOGICA.FR

LOGICA.DE

LOGICA.TO

LOGICA.COM.TR

LOGICA.CO.UK

LOGICA.NZ

LOGICA.AL

LOGICA.DZ

LOGICA.AS

LOGICA.AD

LOGICA.AO

LOGICA.COM.AI

LOGICA.AQ

LOGICA.AG

LOGICA.COM.AR

LOGICA.AM

LOGICA.AW

LOGICA.AC

LOGICA.AT

LOGICA.COM.BB

LOGICA.COM.BH

LOGICA.COM.BN

LOGICA.COM.BR

LOGICA.COM.BS

LOGICA.BY

LOGICA.BE

LOGICA.BZ

LOGICA.BJ

LOGICA.BM

LOGICA.BT

LOGICA.BA

LOGICA.BW

LOGICA.VG

LOGICA.BG

LOGICA.BF

LOGICA.BI

LOGICA.COM.KH

LOGICA.CM

LOGICA.CV

LOGICA.KY

LOGICA.CF

LOGICA.COM.CN

LOGICA.CX

LOGICA.CO

LOGICA.CD

LOGICA.CG
LOGICA.CO.CK
LOGICA.CR
LOGICA.HR
LOGICA.CU
LOGICA.COM.CY
LOGICA.CZ
LOGICA.DK
LOGICA.DJ
LOGICA.COM.DM
LOGICA.COM.DO
LOGICA.TP
LOGICA.COM.EC
LOGICA.COM.EG
LOGICA.SV
LOGICA.GQ
LOGICA.ER
LOGICA.CO.EE
LOGICA.FK
LOGICA.FO

LOGICA.COM.FJ

LOGICA.FI

LOGICA.GF

LOGICA.PF

LOGICA.TF

LOGICA.GM

LOGICA.COM.GE

LOGICA.COM.GH

LOGICA.GI

LOGICA.COM.GI

LOGICA.COM.GR

LOGICA.GL

LOGICA.GD

LOGICA.COM.GD

LOGICA.GP

LOGICA.COM.GU

LOGICA.COM.GT

LOGICA.CO.GG

LOGICA.GN

LOGICA.GW

LOGICA.GY
LOGICA.COM.GY
LOGICA.HT
LOGICA.HM
LOGICA.HN
LOGICA.COM.HK
LOGICA.CO.HU
LOGICA.IS
LOGICA.IN
LOGICA.CO.ID
LOGICA.CO.IR
LOGICA.IQ
LOGICA.IE
LOGICA.IM
LOGICA.CO.IM
LOGICA.CO.IL
LOGICA.IT
LOGICA.CI
LOGICA.COM.JM
LOGICA.CO.JP

LOGICA.CO.JE
LOGICA.COM.JO
LOGICA.KZ
LOGICA.CO.KE
LOGICA.KI
LOGICA.KW
LOGICA.KG
LOGICA.COM.LA
LOGICA.LV
LOGICA.COM.LV
LOGICA.COM.LB
LOGICA.LS
LOGICA.COM.LY
LOGICA.LI
LOGICA.LT
LOGICA.LU
LOGICA.COM.MO
LOGICA.MK
LOGICA.MG
LOGICA.MW

LOGICA.COM.MY

LOGICA.COM.MV

LOGICA.ML

LOGICA.COM.MT

LOGICA.MH

LOGICA.MQ

LOGICA.MR

LOGICA.CO.MU

LOGICA.COM.MX

LOGICA.FM

LOGICA.MD

LOGICA.MC

LOGICA.MS

LOGICA.CO.MA

LOGICA.CO.MZ

LOGICA.MM

LOGICA.COM.NA

LOGICA.COM.NP

LOGICA.NL

LOGICA.AN

LOGICA.NC
LOGICA.COM.NI
LOGICA.NE
LOGICA.COM.NG
LOGICA.NU
LOGICA.COM.NF
LOGICA.CO.MP
LOGICA.NO
LOGICA.COM.OM
LOGICA.PK
LOGICA.COM.PA
LOGICA.PG
LOGICA.COM.PY
LOGICA.COM.PE
LOGICA.PH
LOGICA.COM.PN
LOGICA.PL
LOGICA.COM.PL
LOGICA.PT
LOGICA.COM.PR

LOGICA.QA
LOGICA.CO.KR
LOGICA.RE
LOGICA.RO
LOGICA.RU
LOGICA.COM.RU
LOGICA.RW
LOGICA.SM
LOGICA.ST
LOGICA.COM.SA
LOGICA.SN
LOGICA.COM.SC
LOGICA.COM.SL
LOGICA.COM.SQ
LOGICA.SK
LOGICA.SI
LOGICA.SB
LOGICA.CO.ZA
LOGICA.TM.ZA
LOGICA.GS

LOGICA.ES
LOGICA.LK
LOGICA.SH
LOGICA.KN
LOGICA.LC
LOGICA.VC
LOGICA.SR
LOGICA.SZ
LOGICA.SE
LOGICA.CH
LOGICA.COM.SY
LOGICA.COM.TW
LOGICA.TJ
LOGICA.CO.TZ
LOGICA.CO.TH
LOGICA.TG
LOGICA.CO.TT
LOGICA.TN
LOGICA.TM
LOGICA.TC

LOGICA.TV
LOGICA.CO.UG
LOGICA.COM.UA
LOGICA.COM.AE
LOGICA.CO.VI
LOGICA.COM.UY
LOGICA.CO.UZ
LOGICA.VU
LOGICA.COM.VE
LOGICA.VN
LOGICA.WS
LOGICA.COM.YE
LOGICA.CO.YU
LOGICA.ZR
LOGICA.ZM
LOGICA.ZW
LOGICA.AF
LOGICA.PW
LOGICA.BD
LOGICA.BV

LOGICA.TD

LOGICA.KM

LOGICA.ET

LOGICA.GA

LOGICA.KP

LOGICA.YT

LOGICA.FX

LOGICA.MN

LOGICA.NR

LOGICA.SO

LOGICA.PM

LOGICA.SD

LOGICA.SJ

LOGICA.TK

LOGICA.UM

LOGICA.WF

LOGICA.EH

LOGICA.EDU

LOGICA.AL.US

LOGICA.AK.US

LOGICA.AZ.US

LOGICA.AR.US

LOGICA.CA.US

LOGICA.CZ.US

LOGICA.CO.US

LOGICA.CT.US

LOGICA.DE.US

LOGICA.DC.US

LOGICA.FL.US

LOGICA.GA.US

LOGICA.GU.US

LOGICA.HI.US

LOGICA.ID.US

LOGICA.IL.US

LOGICA.IN.US

LOGICA.IA.US

LOGICA.KS.US

LOGICA.KY.US

LOGICA.LA.US

LOGICA.ME.US

LOGICA.MD.US

LOGICA.MA.US

LOGICA.MI.US

LOGICA.MN.US

LOGICA.MS.US

LOGICA.MO.US

LOGICA.MT.US

LOGICA.NE.US

LOGICA.NV.US

LOGICA.NH.US

LOGICA.NJ.US

LOGICA.NM.US

LOGICA.NY.US
LOGICA.NC.US
LOGICA.ND.US
LOGICA.OH.US
LOGICA.OK.US
LOGICA.OR.US
LOGICA.PA.US
LOGICA.PR.US
LOGICA.RI.US
LOGICA.SC.US
LOGICA.SD.US
LOGICA.TN.US
LOGICA.TX.US
LOGICA.UT.US
LOGICA.VT.US
LOGICA.VA.US
LOGICA.VI.US
LOGICA.WA.US
LOGICA.WV.US
LOGICA.WI.US
LOGICA.WY.US

ANNEX B

Class 9

Scientific apparatus and instruments; software, computer software, software products, software operating systems and computer programs; computers, computer hardware, computer firmware, microcomputers; computer peripheral devices, printers, terminals, monitors, visual display units, keyboards; mobile communication equipment including handsets; apparatus, products, programs and software for word, data and image processing, information collection, management, presentation and control, databases, database management, voice recognition; speaker verification, telecommunication, datacommunication, radio, television, video and teleconferencing, satellite communication and control, cards and smart cards, cryptography, electronic coding and decoding, network communication and management, messaging, electronic financial transactions, parts and fittings for the aforesaid goods.

Class 16

Paper, cardboard and goods made from cardboard, not included in other classes; printed matter including directories, advertisements and instruction and information manuals and handbooks; stationery; instructional and teaching material (except apparatus).

Class 35

Advertising; business management; business administration; office functions.

Class 36

Banking services; insurance; financial affairs; monetary affairs; real estate affairs.

Class 37

Maintenance repair and installation of: computers, microcomputers, hardware, software and software products; computer peripheral devices, terminals, monitors, visual display units, keyboards, mobile communications equipment including handsets; apparatus, instruments, equipment and systems for electronic data processing, electronic office operation and management, communications, telecommunications, and satellite operation, management and control.

Class 38

Telecommunications and communications services; telecommunications and communications services by radio, television, teletext and other electronic, audio, oral or visual means of communication; transmission of data and of information; transmission of data and information by satellite, laser beam, fibre optic, radiophonic, telephonic or electronic means; consultancy services in relation to all the aforesaid items.

Class 41

Training services in respect of information technology, telecoms, financial services, energy and utilities, industry, distribution and transport and the public sector; computer training services; arranging and conducting conferences; information services relating to the aforesaid.

Class 42

Scientific and industrial research; computer programming; consultancy services relating to computer programming, hardware, software and computer system design, specification and selection and electronic communication; editing and updating services for hardware, software and computer systems; computer services relating to research, leasing, time-sharing, dataprocessing, database management, facilities management and outsourcing.