

**O/585/22**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF THE REQUEST BY LIBRA ASSOCIATION FOR  
PROTECTION IN THE UK OF THE FOLLOWING INTERNATIONAL  
REGISTRATION WO0000001553828:**



**IN CLASSES 9, 35, 36, 42 AND 45**

**AND**

**IN THE MATTER OF OPPOSITION THERETO UNDER NO. 423958 BY  
LIQUIDPLANNER, INC.**

## **Background and Pleadings**

1. On 6 May 2020, Libra Association ('the Holder') applied to protect the trade mark, shown on the cover of this Decision, number WO0000001553828, by way of International Registration ('IR') designating the United Kingdom ('UK'). The Holder has claimed priority from its EUTM registration 018148804 from 7 November 2019. The instant application was published for opposition purposes in the *Trade Marks Journal* on 15 January 2021. Protection is sought in respect of the goods and services in classes 9, 35, 36, 42 and 45.<sup>1</sup>
2. On 15 February 2021, the application was opposed by LiquidPlanner, Inc. ('the Opponent') based on section 5(1), 5(2)(a) and 5(2)(b) of the Trade Marks Act 1994 ("the Act"). The Opposition is directed against all of the Holder's goods and services. The Opponent relies on the following earlier mark for all of its section 5 grounds:

UK00003466932



Filing date: 14 February 2020

Publication date: 28 February 2020

Date registration completed: 9 August 2020

Priority date: 21 August 2019

Priority country: United States of America

Trade Mark from which priority claimed: 88587894.

Registered in respect of the following goods and services:

*Class 9: Computer software; Computer application software; Recorded computer software; Downloadable computer software; Recorded*

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<sup>1</sup> The specification is lengthy and is, therefore, not reproduced in the main body of this Decision. The full specification is included in Appendix 1 to this Decision.

*computer software for managing projects, processes, work flow, and software projects; Downloadable computer application software for managing projects, processes, work flow, and software projects; Downloadable computer software for application and software integration; Interactive computer software; e-books; downloadable electronic books; Recorded computer application software for mobile phones, namely, software for managing projects, processes, work flow, and software projects; Recorded computer software for collaborative work among computer system users for collaborative editing and communication between computer system users; Downloadable computer application software for collaborative work among computer system users for collaborative editing and communication between computer system users; Recorded computer application software for mobile phones, namely, software for collaborative work among computer system users for collaborative editing and communication between computer system users; Recorded computer software for storing, cataloguing, organizing, and accessing digital content, information, data, text, files, and documents; Downloadable computer application software for storing, cataloguing, organizing, and accessing digital content, information, data, text, files, and documents; Recorded computer application software for mobile phones, namely, software for storing, cataloguing, organizing, and accessing digital content, information, data, text, files, and documents; Recorded computer software for project management; Downloadable computer application software for project management; Recorded computer application software for mobile phones, namely, software for project management; Computer software for use as an application programming interface (API); Data processing software; Web application and server software; Software for the collection, managing, editing, organizing, modifying, transmission, sharing, and storage of data and information; Software for the collection and distribution of data; Software for creating searchable databases of information and data; Software for developing, deploying, and managing software*

*applications, integrating software applications, data, and services; Recorded computer software for financial analysis, planning and management; Downloadable computer application software for financial analysis, planning and management; Recorded computer application software for mobile phones, namely, software for financial analysis, planning and management; Recorded computer software for monitoring, analyzing, managing, recording, and tracking financial, accounting, billing, pay rate, budgets, expenses and cost and profit information; Downloadable computer application software for monitoring, analyzing, managing, recording, and tracking financial, accounting, billing, pay rate, budgets, expenses and cost and profit information; Recorded computer application software for mobile phones, namely, software for monitoring, analyzing, managing, recording, and tracking financial, accounting, billing, pay rate, budgets, expenses and cost and profit information; Recorded computer software for providing analytics in the field of financial information, costs and profits, budgets, expenses, project performance, resource utilization and baseline trends; Downloadable computer application software for providing analytics in the field of financial information, costs and profits, budgets, expenses, project performance, resource utilization and baseline trends; Recorded computer application software for mobile phones, namely, software for providing analytics in the field of financial information, costs and profits, budgets, expenses, project performance, resource utilization and baseline trends; Recorded computer software for data and financial and accounting analytics, artificial intelligence, creating business intelligence dashboards and insights, data management, machine learning, modeling business history and current decisions and future choices, predicting accounting and financial variables, performing statistical calculations and analysis, and trending of accounting and financial and statistical variables; Downloadable computer application software for data and financial and accounting analytics, artificial intelligence, creating business intelligence dashboards and insights, data*

*management, machine learning, modeling business history and current decisions and future choices, predicting accounting and financial variables, performing statistical calculations and analysis, and trending of accounting and financial and statistical variables; Recorded computer application software for mobile phones, namely, software for data and financial and accounting analytics, artificial intelligence, creating business intelligence dashboards and insights, data management, machine learning, modeling business history and current decisions and future choices, predicting accounting and financial variables, performing statistical calculations and analysis, and trending of accounting and financial and statistical variables; Video recordings; Downloadable video recordings; Pre-recorded videos.*

*Class 42: Application service provider (ASP); providing temporary use of on-line non-downloadable software; SaaS<sup>2</sup>; PaaS<sup>3</sup>; Cloud-based software; Computer services for the analysis of data; Design and development of computer software; Development and testing of computing methods, algorithms and software; Software development, programming and implementation; Application service provider (ASP), namely, hosting computer software applications of others; Application service provider (ASP) featuring software for managing projects, processes, work flow, and software projects; providing temporary use of on-line non-downloadable software for managing projects, processes, work flow, and software projects; Application service provider (ASP) featuring software for collaborative work among computer system users for collaborative editing and communication between computer system users; providing temporary use of on-line non-downloadable software for collaborative work among computer system users for collaborative editing and communication between computer system users; Application service provider (ASP) featuring software for storing,*

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<sup>2</sup> SaaS is the provision of centrally-hosted software which is licensed on a subscription basis.

<sup>3</sup> PaaS is a cloud computing model where a third-party provider delivers hardware and software tools to users over the internet. It provides infrastructure e.g. servers, storage and networking, but also software development tools.

*cataloguing, organizing, and accessing digital content, information, data, text, files, and documents; providing temporary use of on-line non-downloadable software for storing, cataloguing, organizing, and accessing digital content, information, data, text, files, and documents; Application service provider (ASP) featuring project management software; providing temporary use of on-line non-downloadable project management software; Providing software for the collection, managing, editing, organizing, modifying, transmission, sharing, and storage of data and information; Providing software for the collection and distribution of data; Providing software creating searchable databases of information and data; Providing software developing, deploying, and managing software applications, integrating software applications, data, and services; Application service provider featuring application programming interface (API) software; Application service provider (ASP) featuring software for financial analysis, planning and management; providing temporary use of on-line non-downloadable software for financial analysis, planning and management; Application service provider (ASP) featuring software for monitoring, analyzing, managing, recording, and tracking financial, accounting, billing, pay rate, budgets, expenses and cost and profit information; providing temporary use of on-line non-downloadable software for monitoring, analyzing, managing, recording, and tracking financial, accounting, billing, pay rate, budgets, expenses and cost and profit information; Application service provider (ASP) featuring software for providing analytics in the field of financial information, costs and profits, budgets, expenses, project performance, resource utilization and baseline trends; providing temporary use of on-line non-downloadable software for providing analytics in the field of financial information, costs and profits, budgets, expenses, project performance, resource utilization and baseline trends; Application service provider (ASP) featuring software for data and financial and accounting analytics, artificial intelligence, creating business intelligence dashboards and insights, data management, machine learning, modeling business history and*

*current decisions and future choices, predicting accounting and financial variables, performing statistical calculations and analysis, and trending of accounting and financial and statistical variables; providing temporary use of on-line non-downloadable software for data and financial and accounting analytics, artificial intelligence, creating business intelligence dashboards and insights, data management, machine learning, modeling business history and current decisions and future choices, predicting accounting and financial variables, performing statistical calculations and analysis, and trending of accounting and financial and statistical variables; Computer project management services; hosting of digital content, information, data, text, files and documents for others; technical support services, namely, troubleshooting of computer software problems and web applications; IT consultancy, advisory and information services; Electronic storage of digital content, information, data, text, files, and documents for others; Services, namely, providing remote storage of user's electronic and digital files.*

3. The Opponent claims that:

- the Holder's IR is identical to the Opponent's earlier mark;
  - that the goods and services in respect of which UK protection is sought are identical or similar to the goods and services in respect of which the earlier mark is registered;
- and
- that there is therefore a likelihood of confusion between the respective marks under sections 5(1)(a), 5(2)(a) and 5(2)(b) of the Act.

4. The Holder filed a Defence and Counterstatement in which it denies the claims against it in their entirety.

5. The Holder has filed evidence, and the Opponent has filed written submissions and evidence in reply, during the evidence rounds. Written submissions in lieu of a hearing have been filed by the Holder only.

6. The Opponent is represented by Wiggins LLP; the Holder is represented by Lane IP Limited.

7. The following decision has been made after careful consideration of the papers before me.

### **Earlier mark**

8. The Opponent's registration UK00003466932 is an earlier mark because the date from which it claims priority (21 August 2019) fell before the priority date of the International Registration for which UK protection is sought (7 November 2019).

### **Section 6A of the Act – Proof of Use**

9. Section 6A of the Act provides that where the registration procedure of the earlier mark was completed more than 5 years prior to the application date of the applied-for mark, the Opponent may be required to prove use of the earlier mark.

10. In the instant case, Section 6A is not engaged because the registration date of the Opponent's mark (9 August 2020) fell less than five years prior to the priority date of the Holder's mark (7 November 2019).

### **Preliminary Issue**

11. The Opponent has included in its evidence<sup>4</sup> screenshots of the Holder's web pages and has claimed<sup>5</sup> that, to date, the Holder has not used the contested IR.

12. While this is noted, the Tribunal may only direct itself to the notional use<sup>6</sup> of the marks in relation to the goods and services in their respective specifications. In my assessment, I must therefore consider all of the possible circumstances in which the mark applied for *might* reasonably be used if it were registered. How the parties are currently using their marks is irrelevant to the Tribunal's assessment of whether there is a likelihood of confusion between the respective marks.

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<sup>4</sup> Exhibit TH1, pages 1-10.

<sup>5</sup> Witness Statement of Ted Hawkesford, paragraph [8].

<sup>6</sup> *Compass Publishing BV v Compass Logistics* [2004] R.P.C. 41 per Laddie J., at [22]



## **Evidence and submissions**

### Evidence filed by the Holder<sup>7</sup>

13. The Holder's evidence comes from Robert Snell, a Chartered Trade Mark Attorney and Associate, of the Holder's legal representative, Lane IP Limited. There are 3 Exhibits: RS1 – RS3. Mr Snell's Witness Statement focuses on: the definitions of the terms 'cryptocurrency' and 'financial analysis', provided by the website Investopedia; and a list of the 'primary functions' of 'project management software', provided by the website Techopedia.

### Evidence filed by the Opponent

14. The Opponent's evidence is by way of reply and comes from Ted Hawkes, Chief Executive Officer of the Opponent since February 2019. There is one Exhibit, TH1. Mr Hawkes' evidence focuses on: the definition of 'cryptocurrency' as provided by various online dictionaries and news websites; and various finance and media websites said to demonstrate that 'there are now many different types of cryptocurrency'.

### Written submissions

15. The Opponent filed written submissions during the evidence round. No hearing has been requested. Written submissions in lieu of a hearing have been filed by the Holder only. I shall not summarise the evidence and submissions in detail but can confirm that I have considered them and will refer to them where appropriate in my decision.

## **Decision**

### **Sections 5(1), (2)(a) and (b) of the Act**

16. Section 5(1) of the Act states:

'5(1) A trade mark shall not be registered if it is identical with an earlier trade mark and the goods or services for which the trade mark is applied for are identical with the goods or services for which the earlier trade mark is protected.'

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<sup>7</sup> The Holder's evidence is noted first because the Opponent's evidence has been filed by way of a reply.

17. Section 5(2) of the Act states:

'5(2) A trade mark shall not be registered if because—

(a) it is identical with an earlier trade mark and is to be registered for goods or services similar to those for which the earlier trade mark is protected, or

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected,

there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark.

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

#### Section 5(1) and 5(2)(a)

19. It is a prerequisite of both section 5(1) and section 5(2)(a) of the Act that the trade marks are identical.

20. In *S. A. Société LTJ Diffusion v. Sadas Vertbaudet SA*<sup>8</sup>, the Court of Justice of the European Union ('CJEU') held that:



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

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<sup>8</sup> Case C-291/00

## Comparison of the marks

21. The marks to be compared are:

Opponent's (earlier) mark	Applicant's (contested) mark
	

22. Both marks are figurative marks comprising three short vertical wavy lines running horizontally and in parallel. The depths of the peaks and troughs of the curved lines in the respective marks are highly similar. There is a minor variation between the marks in that the lines within the earlier mark are thicker and have rounded ends. In my view, this minor difference is so insignificant that it may go unnoticed by the average consumer. I therefore find that the marks are identical.

## Comparison of goods and services

23. Section 60A of the Act provides:

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

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

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

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

24. I must therefore be mindful of the fact that the appearance of respective goods and services in the same class is not a sufficient condition for similarity between those services, and neither are they to be found dissimilar simply because some services may fall in a different class.

25. I must also bear in mind the decision of the General Court ('GC') in *Gérard Meric v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-133/05:

"29. ... the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 *Institut für Lernsysteme v OHIM-Educational Services (ELS)* [2002] ECR II-4301, paragraph 53) or where the goods designated by the trade mark application are included in a more general category designated by the earlier mark".

26. The CJEU in *Canon*, Case C-39/97, stipulates that all relevant factors relating to a party's goods and services must be taken into account:

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

27. Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281<sup>9</sup>, identified the following factors for assessing similarity of the respective goods and services:

- (a) The respective uses of the respective goods or services;
- (b) The respective users of the respective goods or services;
- (c) The physical nature of the goods or acts of service;
- (d) The respective trade channels through which the goods or services reach the market;

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<sup>9</sup> *British Sugar Plc v James Robertson & Sons Ltd* [1996] R. P. C. 281, pp 296-297.

(e) In the case of self-serve consumer items, where in practice they are respectively found, or likely to be found, in supermarkets and, in particular, whether they are, or are likely to be, found on the same or different shelves;

(f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.

28. Goods or services will be found to be in a competitive relationship only where one is substitutable for the other.<sup>10</sup>

29. In *Kurt Hesse v OHIM*, Case C-50/15 P, the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods [or services]. In *Boston Scientific Ltd v OHIM*, Case T-325/06, the GC stated that “complementary” means:

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

30. On the matter of the goods and services comparison, the Opponent has incorporated into its written submissions the statements within Annexes 1 and 2 attached to its Statement of Grounds. These Annexes are lengthy and are therefore included by way of an Appendix to this Decision.

31. The Holder has submitted<sup>11</sup> that it ‘does not admit that any of the goods/services covered by the subject IR are identical or similar to any of the goods/services covered by the Opponent’s mark’.

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<sup>10</sup> *Lidl Stiftung & Co KG v EUIPO*, Case T-549/14.

<sup>11</sup> Holder’s written submissions in lieu of a hearing, paragraph [30].

## Class 9

32. The Holder's term *Software* is, in my view, synonymous with the Opponent's *Computer software*. These goods are therefore identical.

33. The Opponent's broad term *Computer software* will include the following of the Holder's terms, all being types of software:

*software for digital currency; software for use with cryptocurrency; software for use with virtual currency; software for use as an application programming interface (API); application programming interfaces (API) for use in building software applications<sup>12</sup>; software for the collection, managing, editing, organizing, modifying, transmission, sharing, and storage of data and information; software for management of digital currency payment and exchange transactions; software for managing portfolios of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software which facilitates the ability of users to view, analyze, record, store, monitor, manage, trade and exchange digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software for sending, receiving, accepting, buying, selling, storing, transmitting, trading and exchanging digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software for implementing and recording financial transactions; software for creating accounts and maintaining and managing information about financial transactions on distributed ledgers and peer-to-peer payment networks; software for use in financial trading; software for use in financial exchange; software for accessing financial information and market data and trends; software for settling financial transactions; software for providing authentication of parties to a financial transaction; software for maintaining ledgers for financial transactions; software for the management of cryptographic security of electronic transmissions across computer networks; software for encrypting and enabling secure transmission of digital information over the Internet; software for allowing users to calculate parameters related to*

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<sup>12</sup> Software intermediaries that allow two pieces of software to communicate with one another.

*financial transactions; distributed ledger software for processing financial transactions; software for electronic funds transfer; software for currency conversion; software for the collection and distribution of data; software for payment transactions; software for connecting computers to local databases and global computer networks; software for creating searchable databases of information and data; software for managing and validating digital currency, virtual currency, cryptocurrency, digital asset, blockchain asset, digitized asset, digital token, crypto token and utility token transactions; software for creating and managing smart contracts; software for managing payments and exchange transactions; software [...] for use as a digital currency wallet; software [...] for use as a virtual currency wallet; software [...] for use as a digital asset wallet; software [...] for use as a digital token wallet; software [...] for use as a crypto token wallet; software [...] for use as a utility token wallet; software for creating a decentralized and open source digital currency for use in blockchain-based transactions; software for creating a decentralized and open source virtual currency for use in blockchain-based transactions; software for creating a decentralized and open source cryptocurrency for use in blockchain-based transactions; software for creating a decentralized and open source digitized asset for use in blockchain-based transactions; software for creating a decentralized and open source digital token for use in blockchain-based transactions; software for users to buy and sell products by using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software platforms for facilitating transactions and payments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens or utility tokens that allow users to buy from, and sell products and services to others; computer application software for blockchain-based platforms, namely, software for digital exchanges for virtual items; software for creating, selling and managing blockchain-based tokens or AppCoins; software for use in an electronic financial platform; software for processing electronic payments and for transferring funds to and from others; software for transfers of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens between parties; blockchain platform software; software for use in the management and implementation of*

*digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token transactions; software for creating and managing a blockchain platform for use in managing digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token accounts; software for managing crypto currency and digital currency accounts; software for use in payments, purchases, and investments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software for the electronic transfer of funds to and from others; software for managing the conversion of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens into hard currency; software for developing, deploying, and managing software applications, and integrating software applications for digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token accounts; software for facilitating the use of a blockchain or distributed electronic ledger to execute and record financial transactions, namely, financial trades made with the use of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software [...] for electronically exchanging currency for digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software for use as an application programming interface (API) for the development, testing, and integration of blockchain software applications; software, namely, electronic financial platform that accommodates multiple types of payment and transactions in an integrated mobile phone, PDA, and web-based environment; software for creating tokens to be used to pay for products and services, and that may be traded or exchanged for cash value; software for use in securely managing the conversion of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens into hard currency; software for managing digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token payments, money transfers, and commodity transfers; software for facilitating money transfers, electronic funds transfers, commodity transfers, bill payment*



*remittance, and transferring funds between parties; software for use as an application program interface (API) software for use in computer hardware device identification; software for authenticating user access to computers and computer networks; software for use in facilitating secure transactions; software for accessing, reading, tracking, and using blockchain technology; software [...] hardware for managing identity information, access rights to information resources and applications and authentication functionality; software for network identification verification, authentication and management services for security purposes; authentication software for controlling access to and communications with computers and computer networks; software used in issuing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software used in auditing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens.*

These respective goods are therefore 'Merix' identical.

34. I now consider the Holder's *Block chains*<sup>13</sup>. Blockchain, as a type of shared database, is a piece of software. This term will therefore fall under the Opponent's broad term *Computer software*. These goods are therefore 'Merix' identical.

35. The Holder's *software development tools* are computer programs used to develop software. Computer programs are software. These goods are therefore 'Merix' identical to the Opponent's *Computer software*.

36. The Holder's *digital currency wallet* is an application that functions as a wallet for digital currency. It is therefore a type of software. Consequently, this term is 'Merix' identical with the Opponent's *Computer software*.

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<sup>13</sup> A blockchain is a digital ledger of transactions that is duplicated and distributed across a network of computer systems. The essential feature of blockchain is that it is a data record that cannot be corrupted; every computer in the blockchain network keeps a copy of the ledger, and all copies of the ledger are updated simultaneously.

37. The Holder's *electronic currency converters* are applications/pieces of software which calculate the exchange rate between currencies. These goods are therefore 'Meric' identical to the Opponent's *Computer software*.
38. The Holder's *distributed ledger platforms (software platforms)* are frameworks of software which provide the infrastructure for blockchains. These goods are therefore 'Meric' identical to the Opponent's *Computer software*.
39. *Security tokens* are a type of cryptocurrency and, therefore, software. These goods are therefore 'Meric' identical to the Opponent's *Computer software*.
40. I group together the following of the Holder's terms, all being hardware of one sort or another:

*Computer hardware; [...] hardware for use as a digital asset wallet; [...] hardware for use as a crypto token; [...] hardware for use as a utility token wallet; [...] hardware for electronically exchanging currency for digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; computer hardware for digital currency, virtual currency, cryptocurrency, digital and blockchain asset, and digitized asset mining; security token hardware; [...] hardware for managing identity information, access rights to information resources and applications and authentication functionality; encryption devices; [...] hardware for use as a digital currency wallet; [...] hardware for use as a virtual currency wallet.*

41. I compare these goods against the Opponent's *Computer software*. The purposes of the respective goods will overlap to the broad extent that both hardware and software are components of computers and other electronic devices. There will be user overlap; users of hardware will necessarily also be users of *computer software*, without which a device could not operate. The physical nature of the respective goods will be very different; hardware being physical items that can be touched or seen, as compared to software which is a non-physical entity. Trade channels will, in many cases, be shared; both hardware and software may be sold alongside each other by the same

undertaking. In some cases, there will be competition e.g. an average consumer might deliberate over whether to purchase a 'digital asset wallet' as a piece of hardware or in electronic format (i.e. as software). There will also be complementarity in many cases; e.g. *computer hardware* cannot function without software of some sort, and the average consumer may presume that both sets of goods originate from the same undertaking. I therefore find a medium level of similarity between the respective goods.

42. I do not find the Holder's *magnetically encoded credit cards and payment cards* to be similar to any of the Opponent's goods or services, and neither party has made any specific submissions on the matter of any similarity, or otherwise, between them. I therefore find these respective goods to be dissimilar.

#### Class 35

43. I group together the following of the Holder's services, all relating to advertising, marketing and promotion:

*Advertising, marketing and promotional services; market study and provision of information on market studies; business and advertising services; market intelligence services*

44. I compare these services against the Opponent's class 42 term *SaaS*<sup>14</sup>. The purpose of the Holder's services is to assist businesses with advertising, marketing and promotion and, therefore, ultimately, to help them to run profitably. *SaaS* entails the provision of software, hosted by the service provider by way of a 'cloud', which is licensed as a subscription. The Opponent has submitted that these respective services are similar, although it has not explained why. The specific purposes of the respective services therefore differ. In both cases, consumers will be predominantly business customers. There will be user overlap to the very broad extent that many businesses will engage both advertising/promotional/marketing services and subscribe to software (*SaaS*). Trade channel is, in my view, unlikely, but not impossible. I do not find the

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<sup>14</sup> Software as a service.

respective services to be in a competitive relationship. I do not find them to be complementary, either; although the Holder's services will often require software (including SaaS), I do not consider that the average consumer would presume that both services originate from the same undertaking. I find the respective services to be dissimilar. In my view, comparison with any other of the Opponent's goods and services will not yield any similarity.

45. I group together the following of the Holder's services, all relating to facilitating the exchange and sale of goods and services online:

*promoting the goods and services of others via computer and communication networks; commercial services facilitating the sale and exchange of third-party goods and services via computer and communication networks; promoting the exchange and sale of goods and services belonging to third parties via computer and communication networks; facilitating the sale of third-party goods and the provision of third-party services via computer and communication networks; providing online marketplaces for buyers and sellers of goods and services; providing online services for connecting sellers with buyers; providing a website featuring an online marketplace for selling and trading virtual goods with other users; providing an online sales space for the sale and negotiation of virtual goods with other users; arranging of trading transactions and negotiations online.*

46. I compare these services against the Opponent's *Computer software* in class 9.

In making comparisons against the broad term *computer software*, I bear in mind the recent decision of Thomas Mitcheson Q.C. sitting as the Appointed Person in the case of *MFS Africa*.<sup>15</sup> The specific purposes of the goods/services will differ. The Holder's services aim to facilitate the buying and selling of goods and services online, whereas the Opponent's goods, *software*, cover any set of instructions according to which a computer or other electronic device operates. Users will overlap; users of the Holder's services will also be end-users of the software developed to enable those services to be delivered. Trade channels will

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<sup>15</sup> BLO/531/22, paragraphs [18] – [20]. The AP considered the comparison of the term *computer software* against *financial services* and held that the end-users of the latter would or at least could also be users of the software developed to deliver those financial services. It was held that *computer software* could be used to support the provision of *financial services*. The respective terms were found to be complementary. The AP cited the example of a banking app (i.e. software) being provided by a bank providing financial services.

overlap somewhat; there may be instances where the provider of the services will deliver its services using software that is bespoke i.e. unique to the service-provider. I do not consider the respective services to be substitutable; the Holder's services entail providing the online facility for negotiation/buying/selling, whereas the software enables the service to be delivered. I find the respective services and goods to be complementary; *computer software* will be necessary for the delivery of the Holder's services and the average consumer may presume both to be provided by the same undertaking. I therefore find a low level of similarity between the respective services and goods.

47. I now consider the Holder's *business information*. The Opponent has submitted that these services are identical or similar to the Opponent's *Computer software* in class 9 and *SaaS* in class 42. I disagree. Although there may be some user overlap in the broad sense that consumers of the Holder's services, e.g. businesses, may also consume *SaaS* or *Computer software*, I consider the respective services/goods to be distinct in purpose. The Holder's services entail the mere provision of information, whereas the Opponent's terms relate to the infrastructure which enables computers and other electronic devices to operate. There is no competition or complementarity between the respective services/goods. I therefore find the respective services/goods to be dissimilar. In my view, the Holder's services are not similar to any other of the Opponent's goods or services.

48. I now compare the Holder's *business advice and information in the field of blockchain technology* against the Opponent's *Computer software*. The specific purposes of the respective services/goods will be different, the Holder's services concerning the provision of information and advice. In my view, the respective services/goods will have a low level of similarity for similar reasons provided above at [46]. I consider the services/goods to be complementary. To my mind, *computer software* will almost certainly be necessary and/or important to an undertaking providing business advice and information in relation to blockchain technology, a field focused specifically on what is, essentially, specialist software. I find that the average consumer would presume the provider of the Holder's services, as an expert in blockchain technology, i.e. a type of software, to also be

responsible for the software which facilitates delivery of the advice/information services in that field.

49. I group together the following of the Holder's terms, both being networking services for business:

*business networking services; networking services for investors to conduct business, namely, financial trades and exchange of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens*

50. The Opponent has submitted that these services are identical or similar to the Opponent's *Computer software* in class 9, and *SaaS* and *PaaS* in class 42. I first compare these services against the Opponent's *Computer software*. The purpose of the Holder's services will be to facilitate the forging of links, and provision of channels of communication, between businesses (or prospective businesses) and/or investors in order to conduct business/trade. This differs from the specific purposes of *SaaS*, *PaaS* or *Computer software*. There may be user overlap in the broad sense that consumers of the Holder's services, e.g. businesses, may also consume *SaaS*, *PaaS* or *Computer software*. There is no competition between the respective parties' services/goods. For similar reasons provided above at [46], I find the Holder's services to have a low level of similarity with the Opponent's *Computer software*. I do not consider comparison against any other terms within the Opponent's specification to yield any greater level of similarity.

51. I group together the Holder's *arranging and conducting special events for commercial, promotional or advertising purposes* and *arranging and conducting special events for business purposes*, both concerned with the arrangement of events. In my view, events can be in person or virtual. The Opponent has submitted that these services are similar or identical to its *Computer software* in class 9 or *SaaS* in class 42. However, I do not consider there to be any similarity between these services and any of the Opponent's goods or services. I accept that there will be some user overlap, but only in the very broad sense that many consumers of the Holder's services will also likely be users of *SaaS*, *PaaS* or *computer software*. I therefore find these respective services/goods to be

dissimilar.

Class 36

52. I group together the following of the Holder's terms, all falling under the umbrella of financial services:

*Financial services; financial affairs, namely, financial study and management, financial forecasting, financial portfolio management and financial analysis and consultation; financial services regarding digital currency; financial services regarding cryptocurrency; financial services regarding virtual currency; financial consultation in the field of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; investment management; management of digital asset investment portfolios.*

53. I compare these services against the Opponent's class 9 terms *Recorded computer software for financial analysis, planning and management* and *Downloadable computer application software for financial analysis, planning and management*. The purpose of the Holder's services is to assist businesses and individuals in financial matters by providing advice, information and expertise. Services such as insurance and investment would also be included, in addition to advisory services. The Opponent's goods, on the other hand, constitute the tools and infrastructure useful, and in many cases, essential, for managing financial affairs. The specific purposes of the respective services therefore diverge. There will be user overlap to the extent that consumers of both the Holder's services and the Opponent's goods will be, predominantly, businesses; although some consumers will be the general public (e.g. financial services would also be purchased by the general public). I do not find an overlap in trade channels; it would be unlikely for the same undertaking to offer both the Holder's services and the specialist software used in financial matters. I do not find the respective services and goods to be in competition. Although, in theory, one could purchase a suite of software to manage one's own financial affairs as an alternative to engaging financial services, in practice, these would not be considered as realistic alternatives because it would be vastly cheaper to engage financial services. I find complementarity between the services/goods: the Opponent's

goods are important, and often essential, for the delivery of the Holder's services, the average consumer would presume both to be offered by the same undertaking. I therefore find a low level of similarity between these respective services and goods.<sup>16</sup>

54. I group together the following of the Holder's terms, all being services which facilitate transactions:

*financial exchange; currency trading; financial transactions using digital currency, cryptocurrency and virtual currency; electronic wallet services in relation to digital currency; electronic banking services provided via a global computer network; payment management; digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token trading services; digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token processing services for others; carrying out cashless payment transactions; facilitating electronic money transfers; services, namely, providing virtual currency for use by members of an online community via a global computer network; issuance of tokens of value; management of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; financial services, namely, providing a financial exchange for the trading of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; cryptocurrency trading services; cryptocurrency exchange service; cryptocurrency payment processing; electronic payment services; electronic wallet services, electronic processing of payments; currency management services; currency transfer services; financial services, namely, providing electronic transfer of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing electronic processing and tracking of electronic funds transfers; foreign exchange transaction services; foreign exchange transaction services<sup>17</sup>; listing and trading of swaps and derivatives on digital currency, virtual*

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<sup>16</sup> Following BLO/531/22 MFS Africa, I could also find the Holder's services to

<sup>17</sup> This term appears twice in the specification applied for.



*currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; foreign exchange transaction services; clearing and reconciling financial transactions; electronic transfer of funds; electronic commercial trading services; electronic financial trading, namely, trading of the field of digitized assets; electronic financial transaction services in connection with financial instruments; payment services for electronic commerce of financial instruments; electronic commerce payment services; electronic wallet services; services provided via the Internet to conduct financial trading in the field of investments; online services for investors to conduct financial transactions, namely, financial services provided via the Internet regarding financial trades and exchange of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens.*

55. I compare these services against the Opponent's *Computer software* in class 9.

In my view, the specific purposes of the respective services/goods will differ, the Holder's services focused on facilitating transactions. Users of the Holder's services will comprise members of both the general and professional public intending to transact online. I do not consider the respective services to be substitutable. For similar reasons provided above at [46], I find the services/goods to be similar to a low degree, my comments on complementarity also being applicable here.

56. I group together the following of the Holder's services, all concerning the provision of financial information:

*financial information transmitted by electronic means; providing financial information in the nature of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token ratings; providing financial information in the fields of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token markets*

57. I compare these services against the Opponent's *Computer software* in class 9.

The purposes of the respective goods and services will differ; the Holder's

services intended to provide information whereas the Opponent's *Computer software* is what enables electronic devices or computers to function. Users will overlap; users of services which provide financial information will also be users of software. For similar reasons provided above at [46], I find the services/goods to be similar to a low degree, my comments on complementarity also being applicable here.

58. I now compare the Holder's term *financial information services in the field of financial news* against the Opponent's *Computer software*. Although there may be user overlap in the broad sense that consumers of the Holder's services may also consume *Computer software*, I consider the respective services/goods to be distinct in purpose. The Holder's services entail the mere provision of information in relation to financial news (which may be provided in hard copy publications as well as online) whereas the Opponent's terms relate to the infrastructure which enables computers and other electronic devices to operate. There is no competition or complementarity between the respective services/goods. I therefore find the respective services/goods to be dissimilar. In my view, the Holder's services are not similar to any other of the Opponent's goods or services.

59. I now consider the Holder's terms *brokerage* and *currency brokerage*. These services entail the buying and selling of, inter alia, foreign currency, on behalf of others. The Opponent has submitted that these services are similar or identical to its class 42 terms *Hosting of digital content, information, data, text, files and documents for others* and *PaaS*. I do not find any similarity between these respective services, nor do I find the Holder's services to be similar to any other terms within the Opponent's specification. I find the respective services to be dissimilar.

60. I now consider the Holder's term *custodial services for financial institutions and funds*. This service entail the holding of customers' assets for safekeeping to prevent them from being lost or stolen. I do not consider these services to be similar to any of the terms within the Opponent's specification. I therefore find this term to be dissimilar to the Opponent's goods/services.

Class 42

61. The terms *software as a service [SaaS]* and *platform as a service (PaaS)*; appear in both parties' specifications. These respective services are self-evidently identical.

62. In my view, the following of the Holder's terms will all fall under the Opponent's broader term SaaS<sup>18</sup>, because they entail the provision of types of software which could be provided by way of a centrally-hosted subscription service [my underlining]:

providing software enabling users to invest in digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing distributed ledger technology; providing software for managing portfolios of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token assets; providing software which facilitates the ability of users to view, analyze, record, store, monitor, manage, trade and exchange digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing software for sending, receiving, accepting, buying, selling, storing, transmitting, trading and exchanging digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing software for implementing and recording financial transactions, for creating accounts and maintaining and managing information about financial transactions on distributed public ledgers and peer-to-peer payment networks; providing software for processing electronic payments and for transferring funds to and from others; providing electronic financial platform software; providing software for use as an application programming interface (API) for the development, testing and integration of blockchain software applications; providing software for transfers of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens between parties; providing software for use in

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<sup>18</sup> SaaS entails the provision of software, hosted by the service provider by way of a 'cloud', which is licensed as a subscription.

*financial transactions; providing software for use in financial exchange; providing software for use in accessing financial information and market data and trends; providing software for settling financial transactions, for providing authentication of parties to a financial transaction, for maintaining ledgers for financial transactions; providing software for the management of cryptographic security of electronic transmissions across computer networks; providing software for use with digital currency; providing software for use with cryptocurrency; providing software for use with virtual currency; providing software for use with digital currency wallet and storage services; providing software for digital currency payment and exchange transactions; providing distributed ledger software for processing financial transactions; providing software for electronic funds transfer; providing software for currency conversion; providing software for data collection and distribution; providing software for payment transactions; providing software for connecting computers to local databases and global computer networks; providing software for creating searchable databases of information and data; providing software for managing and validating digital currency, virtual currency, cryptocurrency, digital asset, blockchain asset, digitized asset, digital token, crypto token and utility token transactions; providing software for creating and managing smart contracts; providing software for managing payment and exchange transactions; providing software for electronically exchanging currency for digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing software for enabling the electronic transfer of funds to and from others; providing software for creating a decentralized and open source digital currency for use in blockchain-based transactions; providing software for creating a decentralized and open source virtual currency for use in blockchain-based transactions; providing software for creating decentralized and open source cryptocurrency for use in blockchain-based transactions; providing software for creating decentralized and open source digitized assets for use in blockchain-based transactions; providing software for creating decentralized and open source digital tokens for use in blockchain-based transactions; providing software for encrypting and enabling secure transmission of digital information over the Internet, as well as over other modes of communication between computing devices; providing software for enabling users to calculate parameters related to*

*financial transactions; providing distributed ledger platform software for use in processing financial transactions; providing software for electronic funds transfer and currency conversion; providing software for use in securely managing the conversion of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens into hard currency; providing software for use as cryptocurrency wallets; providing software for democratically managing digital exchanges for virtual items through smart contracts; providing software for use in trading, clearing, transmitting, receiving, storing, confirmation, and financial trading risk management for exchange market transactions in the fields of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing software for use with blockchain technology; providing software for use in facilitating secure transactions; providing software for auditing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; ; providing software for collecting, transferring, receiving, tracking, storing and transferring peer-to-peer currency; providing software for users to buy and sell products by using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing software for accessing, reading, tracking, and using blockchain technology; providing software enabling users to develop, build and run distributed applications through an open-source peer-to-peer smart-contract and payment network platform; providing authentication software for controlling access to and communications with computers and computer networks; providing software for use in the exchange of virtual items; providing software for selling, trading and managing blockchain-based tokens or AppCoins; providing software for use in issuing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; ; providing software for managing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized asset, digital token, crypto token and utility token payments, money transfers, and commodity transfers; providing software for facilitating money transfers, electronic funds transfers, commodity transfers, bill payment remittance, and transferring funds between parties; electronic data storage; cloud*

*computing services providing software; providing electronic financial platform software*

These respective services are therefore 'Merit' identical.

63. The following of the Holder's terms will also fall under the Opponent's SaaS, by virtue of being specific types of SaaS:

*software as a service (SaaS) featuring computer software platforms for the selling and purchasing of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software as a service (SaaS) featuring computer software platforms for managing distributed storage computer systems based on blockchains and tokens; software as a service (SaaS) featuring software platforms for authenticating, facilitating, matching, processing, clearing, storing, receiving, tracking, transferring, and submitting trade data, exchanging of trading transaction details, and management of the overall trading life cycle; software as a service (SaaS) services featuring software for clearing, allocation, compliance, recordation and settlement of trading related to digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software as a service (SaaS) featuring software platforms for facilitating transactions and payments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens that allow users to buy from, and sell products and services to others; software as a service (SaaS) featuring computer software platforms for computer system and application development, deployment, and management; software as a service (SaaS) services featuring software for clearing, allocation, compliance, recordation and settlement of trading related to digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens.*

These respective services are therefore 'Merit' identical.

64. I group together the following of the Holder's terms, both of which include the storage of electronic material: *distributed and electronic storage of multimedia content, namely, data, documents, files, text, photos, images, graphics, music, audio, video and multimedia content; secure hosted management, storage and administration of passwords, credentials and identity information relating to persons, accounts and devices for security purposes.*

65. I compare these to the Opponent's SaaS. The specific purposes of the respective services will differ; the Holder's services focus on the storage of electronic material in general (the former term) or management/storage/administration of sensitive data (the latter term). The Opponent's SaaS, on the other hand, entail providing centrally-hosted software via subscription. Users will overlap somewhat; I consider users of the Holder's services to be businesses, and users of SaaS to be predominantly businesses. Trade channels will overlap somewhat; both SaaS and the specific storage/password management services might be offered by the same undertaking. There will be competition between the services; a consumer might deliberate over whether to subscribe to SaaS or, instead, to purchase one of the Holder's specific services. I therefore find the respective services to have a low level of similarity.

66. I now compare the Holder's *providing user authentication services by means of technology for electronic commerce transactions, digital currency payment and exchange transactions and electronic transfer of funds* against the Opponent's SaaS. The specific purposes of the services will diverge; the essential aim of the Holder's services being the provision of the technological means to authenticate user identities for the purposes of electronic/digital transactions, whereas the Opponent's services entail providing centrally-hosted software via subscription. Users will overlap somewhat; I consider users of the Holder's services to be businesses, and users of SaaS to be predominantly businesses. Trade channels will overlap somewhat; both SaaS and the specific authentication services might be offered by the same undertaking. For similar reasons given above at [65], the respective services will be in a competitive relationship. I therefore find the respective services to have a low level of similarity.

67. I consider that the following of the Holder's services will be included under the Opponent's *Cloud-based software* services, because all involve 'cloud-based' software:

*computer services, namely, providing a decentralized electronic file storage system and open source cloud storage platform; computer services, namely, providing secure and private encrypted cloud storage services; computer services, namely, providing an open source decentralized cloud storage platform; data encryption services featuring blockchain software technology and peer-to-peer protocols to provide secure, private and encrypted cloud storage; providing cloud-based computer network identification verification, authentication and management services for security purposes; providing cloud-based computer network identification verification, authentication and management services for security purposes*<sup>19</sup>.

These respective services are therefore 'Meric' identical.

68. The following of the Holder's services will fall under the Opponent's term *PaaS*, all being specific types of *PaaS*:

*platform as a service (PaaS) featuring computer software platforms for the selling and purchasing of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; platform as a service (PaaS) featuring computer software platforms for managing distributed storage computer systems based on blockchains and tokens; platform as a service (PaaS) featuring software platforms for authenticating, facilitating, matching, processing, clearing, storing, receiving, tracking, transferring, and submitting trade data, exchanging of trading transaction details, and management of the overall trading life cycle; platform as a service (PaaS) featuring software for clearing, allocation, compliance, recordation and settlement of trading related to digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; platform as a service (PaaS) featuring software platforms for facilitating transactions and payments using digital currency, virtual*

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<sup>19</sup> This term is duplicated in the Application.



*currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens that allow users to buy from, and sell products and services to others; platform as a service (PaaS) featuring computer software platforms for computer system and application development, deployment, and management.*

These respective services are therefore 'Merit' identical.

69. I group together the following of the Holder's terms, all being platforms specifically enabling blockchain as a currency to function (i.e. to enable the digital ledger of transactions to be recorded, duplicated and distributed across the network of systems on the blockchain): *computer services, namely, providing a decentralized electronic object storage platform for end-to-end block-chain powered and encrypted blockchain payments; providing blockchain-based software platforms and distributed computing software platforms for auditing and verifying digital information and codes.* I compare these terms against the Opponent's SaaS. The specific purposes of the services will differ. Users will overlap somewhat; I consider users of the Holder's services to be businesses, and users of SaaS to be predominantly businesses. Trade channels will overlap somewhat; both SaaS and the Holder's specific services might be offered by the same undertaking. There will be competition between the services; a consumer might deliberate over whether to subscribe to SaaS or, instead, to purchase one of the Holder's specific services. I therefore find the respective services to have a low level of similarity.

70. I group together the following of the Holder's services, all aimed at facilitating blockchain/digital transactions:  
*software platforms for decentralized blockchain style communication; software platforms for the tracking and support of data transactions; providing software platforms for facilitating transactions and payments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens, enabling users to buy from and sell products and services to others; providing digital exchanges*

71. I compare these terms against the Opponent's *PaaS*. The specific purposes of the respective services will differ; the Holder's services focus on facilitating digital transactions, whereas the Opponent's services entail providing a cloud computing model where a third-party provider delivers hardware and software tools to users over the internet. For similar reasons set out above at [69], I find the respective services to have a low level of similarity.

72. The Holder's term *Design and development of [...] software* is self-evidently identical to the Opponent's *Design and development of computer software*.

73. I group together the following of the Holder's terms, all involving the design, development and implementation of various types of software:  
*design, development and implementation of audit and security software for blockchain-based platforms; design, development and implementation of software for distributed computing platforms; design, development and implementation of software for blockchain; design, development and implementation of software solutions for digital currency security; design, development and implementation of software for digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; design, development, and implementation of software for third-party verification services for digital currency transactions, including but not limited to transactions involving bitcoin currency providing temporary use of non-downloadable software for use in collecting, transferring, receiving, tracking, storing and transferring bitcoin*

74. I compare these services against the Holder's *Design and development of computer software*. I find the 'design and development' aspect of these terms to cover services that will fall under the Opponent's term. These respective services are therefore 'Merit' identical.

75. I now consider the 'implementation' aspect of the terms enumerated at [73]. I compare these against the Opponent's *Software development, programming and implementation*. I find that the Holder's services, to the extent that they fall under

the 'implementation' aspect of the Holder's term, to be 'Merit' identical with the Opponent's services.

76. I group together the following of the Holder's services, all concerning the design and development of websites:

*design, development [...] of a website offering an online marketplace for the sale and trading of virtual products with other; design, development [...] of a website featuring financial information relating to digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token payments; design, development [...] of a website featuring information on the development of law regarding respect of privacy, security, distributed ledger and blockchain technologies, as well as data governance.*

77. I compare these services against the Opponent's *Design and development of computer software*. The respective services will overlap to the broad extent that both concern 'design and development' in the field of information technology. However, their specific purposes will diverge in respect of the item being designed and developed, i.e. websites (which are not themselves software) in the case of the Holder's services, and software in the case of the Opponent's services. There will be user overlap to the extent that consumers of services focused on design and development of software might also be consumers of services which focus on design and development of websites. The nature of the services will, to my mind, be similar. Trade channels will be shared; some providers of software development and design services will, in my view, also offer website development and design services. I do not consider the respective services to be substitutable. There will therefore be no competition between them. However, I find them to be complementary; design and development of software may, in some instances, be important in relation to the design and development of websites, and the average consumer may presume both to originate from the same undertaking. I therefore find the respective services to be similar to at least a medium degree.

78. The Holder's broad term *information technology services* encompasses several of the Opponent's class 42 terms<sup>20</sup>, e.g. *Providing software for the collection, managing, editing, organizing, modifying, transmission, sharing, and storage of data and information*. These respective services are therefore 'Merit' identical.

79. I group together the following of the Holder's services, both involving the provision of a web portal to information in the field of virtual currencies and the like: *providing a web portal featuring blogs and non-downloadable publications in the nature of articles, columns, and informational guides in the fields of virtual currencies, digital and blockchain assets and market and trading trends; providing a web portal enabling users to access information in the field of virtual currencies, digital and blockchain assets*.

80. The Opponent has submitted that these services should be compared to *hosting of digital content, information, data, text, files and documents for others*. The respective services will overlap in purpose only to the broad extent that both involve the provision of online/digital spaces for material to be accessed by others. The specific purposes, however, are different. In my view, the Holder's services are intended to provide sources of information, in the field of virtual currencies etc, for the general public. The Opponent's services, however, provide electronic repositories for use predominantly by businesses. An example of the Opponent's services might be the provision of a 'data room'.<sup>21</sup> In my view, users and trade channels are unlikely to overlap (although it would not be impossible). I do not consider the respective services to be substitutable, nor do I find them to be complementary. I therefore find the respective services to be dissimilar.

81. I find that the Holder's term *computer services, namely, providing electronic peer-to-peer data storage distributed across unused customer electronic storage resources* will fall under the Opponent's *Electronic storage of digital content, information, data, text, files, and documents for others*. These respective services are therefore 'Merit' identical.

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<sup>20</sup> It is unnecessary to list all of the Opponent's services which will be encompassed by the Holder's *information technology services*; it will suffice to find identity/similarity with just one of them.

<sup>21</sup> An online space for storing data to which parties will have access using a password.

82. I group together the following of the Holder's terms, all involving the hosting of websites:

*[...] hosting of a website offering an online marketplace for the sale and trading of virtual products with other users; [...] hosting of a website featuring financial information relating to digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token payments; [...] hosting of a website featuring information on the development of law regarding respect of privacy, security, distributed ledger and blockchain technologies, as well as data governance.*

83. I compare these services against the Opponent's *hosting of digital content, information, data, text, files and documents for others*. I consider that websites, and the information contained on them, constitute 'digital content'. The Holder's services will therefore, to my mind, be encompassed by the Opponent's broader term. I therefore find the respective services to be 'Merit' identical. If I am wrong about that, then they are highly similar.

84. I now compare the Holder's *data mining* against the Opponent's *Computer services for the analysis of data*. I understand that *data mining* is the process of uncovering patterns and other valuable information from large data sets. To my mind, this is a process of data analysis. I therefore consider *data mining* to comprise a service 'for the analysis of data'. The respective services are therefore 'Merit' identical. If I am wrong about that, then the services will be highly similar.

85. I now consider the Holder's *technical consultancy services related to digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token transactions*. I consider this service to be encompassed by the Opponent's term *IT consultancy, advisory and information services*. The services are therefore 'Merit' identical. If I am wrong about that, then they will be highly similar.

86. I now compare the Holder's *Blockchain-as-a-service (BaaS)* against the Opponent's *PaaS*. I understand 'blockchain as a service' to be the creation and

management of cloud-based networks for companies in the business of building blockchain applications.<sup>22</sup> 'Platform as a service', as noted earlier, is a cloud computing model where a third-party provider delivers hardware and software tools to users over the internet. I therefore consider the purposes of the respective services to be highly similar. Users will overlap somewhat; consumers of *Blockchain-as-a-service (BaaS)* may also use PaaS. Trade channels will overlap somewhat; the two sets of services will, in my view, sometimes be provided by the same undertaking. The natures of the services will coincide. I consider the services to be in competition in some instances; blockchain as a service could, to my mind, be delivered in the form of 'platform as a service'. I do not find complementarity between the two. I find the respective services to be highly similar.

87. I now consider the Holder's term *Design and development of computers [...]*. I compare these services against the Opponent's *Design and development of computer software*. The purposes of the services will overlap to the broad extent that both provide design and development in the field of information technology. However, the specific purposes differ; the Holder's services concern design and development of computers (physical items), while the Opponent's services relate to software (non-physical items). There may be user overlap; consumers of design and development services in relation to computers might also engage software design and development services. Trade channels will also overlap. I do not find the respective services to be competitive. I do not find complementarity either. Neither service is necessary or important for the other; the design and development of computers is a discrete service from the design and development of software. I therefore find the respective services to have a medium level of similarity.

88. I now consider the Holder's *provision of information technology services for software*. I compare this term against the Opponent's *Software development, programming and implementation*. In my view, the Opponent's services will be

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<sup>22</sup> [Blockchain-as-a-Service \(BaaS\) Definition \(investopedia.com\)](https://www.investopedia.com/terms/b/blockchain-as-a-service-definition/), accessed 17 June 2022 at 10:27.

fully encompassed by the Holder's term. I therefore find the services to be 'Merit' identical.

89. I now consider the Holder's *computer services, namely, creating an on-line virtual environment for the selling and purchasing of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens*. I compare this against the Opponent's *hosting of digital content, information, data, text, files and documents for others*. I consider that the Holder's service, i.e. the creation of an online virtual environment, could entail the Opponent's service to the extent that the virtual space is hosted. However, I recognise that this will not always be the case. The purposes of the respective services will overlap to the extent that both provide an online facility for others to access digital material. Users will overlap in some cases; the Opponent's services, as a broad term, could relate to '*the selling and purchasing of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens*'. The services will therefore be in a competitive relationship. I do not find complementarity. I find the respective services to be similar to a medium degree.

#### Class 45

90. I group together the following of the Holder's services, all concerning the authentication or verification of data:

*Authentication of personal identification information; user identity verification services (personal background investigations); user verification services (security services); identification verification services (security services); authentication of personal identification information (identity verification services).*

91. I compare these terms against the Opponent's SaaS (software as a service) in class 42. The specific purposes of the respective services will diverge; the Holder's offering involves the act of authentication/verification at its core, whereas the Opponent's services comprise the provision of centrally-hosted software by way of subscription. Users may overlap. I consider trade channel unlikely, although not impossible. I do not consider the services to be competitive. I do not find complementarity, either; although the providers of the Holder's services

might engage SaaS to provide the software infrastructure to enable delivery of their services, I think it unlikely that the average consumer would presume both services to originate from the same undertaking. I find the respective services to be dissimilar.

92. I group together the following of the Holder's services, all relating to online social networking concerning investments:

*online social networking services; online networking services for individuals and investors with an interest in the field of investments; online social networking services for investors with an interest in the field of financial trades and exchange of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens.*

93. I compare these services against the Opponent's *Computer software* in class 9.

For similar reasons provided above at [46], I find the respective services/goods to be similar to a low degree. In my view, there will be complementarity, particularly in instances where the provider of the networking services will provide an App for users of its services.

94. I now consider the Holder's terms *provision of legal information on the development of law regarding respect of privacy, security, distributed ledger and blockchain technologies, as well as data governance; and legal advice on regulatory compliance in the field of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token applications*. Both terms comprise legal services typically supplied by law firms. I do not consider these services to have any similarity with any of the Opponent's specification, and neither party has addressed this term in its submissions. These services are therefore dissimilar to the Opponent's services.

#### Outcome under section 5(1) of the Act

95. I have found the following of the Holder's goods and services to be identical to the Opponent's goods/services:



Class 9: *Software; software for digital currency; software for use with cryptocurrency; software for use with virtual currency; software for use as an application programming interface (API); application programming interfaces (API) for use in building software applications; software for the collection, managing, editing, organizing, modifying, transmission, sharing, and storage of data and information; software for management of digital currency payment and exchange transactions; software for managing portfolios of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software which facilitates the ability of users to view, analyze, record, store, monitor, manage, trade and exchange digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software for sending, receiving, accepting, buying, selling, storing, transmitting, trading and exchanging digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software for implementing and recording financial transactions; software for creating accounts and maintaining and managing information about financial transactions on distributed ledgers and peer-to-peer payment networks; software for use in financial trading; software for use in financial exchange; software for accessing financial information and market data and trends; software for settling financial transactions; software for providing authentication of parties to a financial transaction; software for maintaining ledgers for financial transactions; software for the management of cryptographic security of electronic transmissions across computer networks; software for encrypting and enabling secure transmission of digital information over the Internet; software for allowing users to calculate parameters related to financial transactions; distributed ledger software for processing financial*

*transactions; software for electronic funds transfer; software for currency conversion; software for the collection and distribution of data; software for payment transactions; software for connecting computers to local databases and global computer networks; software for creating searchable databases of information and data; software for managing and validating digital currency, virtual currency, cryptocurrency, digital asset, blockchain asset, digitized asset, digital token, crypto token and utility token transactions; software for creating and managing smart contracts; software for managing payments and exchange transactions; software [...] for use as a digital currency wallet; software [...] for use as a virtual currency wallet; software [...] for use as a digital asset wallet; software [...] for use as a digital token wallet; software [...] for use as a crypto token wallet; software [...] for use as a utility token wallet; software for creating a decentralized and open source digital currency for use in blockchain-based transactions; software for creating a decentralized and open source virtual currency for use in blockchain-based transactions; software for creating a decentralized and open source cryptocurrency for use in blockchain-based transactions; software for creating a decentralized and open source digitized asset for use in blockchain-based transactions; software for creating a decentralized and open source digital token for use in blockchain-based transactions; software for users to buy and sell products by using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software platforms for facilitating transactions and payments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens or utility tokens that allow users to buy from, and sell products and services to others; computer application software for blockchain-based platforms, namely, software for digital exchanges for virtual items; software for*

*creating, selling and managing blockchain-based tokens or AppCoins; software for use in an electronic financial platform; software for processing electronic payments and for transferring funds to and from others; software for transfers of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens between parties; blockchain platform software; software for use in the management and implementation of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token transactions; software for creating and managing a blockchain platform for use in managing digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token accounts; software for managing crypto currency and digital currency accounts; software for use in payments, purchases, and investments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software for the electronic transfer of funds to and from others; software for managing the conversion of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens into hard currency; software for developing, deploying, and managing software applications, and integrating software applications for digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token accounts; software for facilitating the use of a blockchain or distributed electronic ledger to execute and record financial transactions, namely, financial trades made with the use of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software [...] for electronically exchanging currency for digital currency, virtual currency, cryptocurrency,*

*digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software for use as an application programming interface (API) for the development, testing, and integration of blockchain software applications; software, namely, electronic financial platform that accommodates multiple types of payment and transactions in an integrated mobile phone, PDA, and web-based environment; software for creating tokens to be used to pay for products and services, and that may be traded or exchanged for cash value; software for use in securely managing the conversion of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens into hard currency; software for managing digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token payments, money transfers, and commodity transfers; software for facilitating money transfers, electronic funds transfers, commodity transfers, bill payment remittance, and transferring funds between parties; software for use as an application program interface (API) software for use in computer hardware device identification; software for authenticating user access to computers and computer networks; software for use in facilitating secure transactions; software for accessing, reading, tracking, and using blockchain technology; software [...] hardware for managing identity information, access rights to information resources and applications and authentication functionality; software for network identification verification, authentication and management services for security purposes; authentication software for controlling access to and communications with computers and computer networks; software used in issuing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software used in auditing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets,*

*digital tokens, crypto tokens and utility tokens; Block chains; software development tools; digital currency wallet; electronic currency converters; distributed ledger platforms (software platforms); Security tokens.*

Class 42: *software as a service [SaaS]; platform as a service (PaaS); providing software enabling users to invest in digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing distributed ledger technology; providing software for managing portfolios of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token assets; providing software which facilitates the ability of users to view, analyze, record, store, monitor, manage, trade and exchange digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing software for sending, receiving, accepting, buying, selling, storing, transmitting, trading and exchanging digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing software for implementing and recording financial transactions, for creating accounts and maintaining and managing information about financial transactions on distributed public ledgers and peer-to-peer payment networks; providing software for processing electronic payments and for transferring funds to and from others; providing electronic financial platform software; providing software for use as an application programming interface (API) for the development, testing and integration of blockchain software applications; providing software for transfers of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens between parties; providing software for use in financial*

*transactions; providing software for use in financial exchange; providing software for use in accessing financial information and market data and trends; providing software for settling financial transactions, for providing authentication of parties to a financial transaction, for maintaining ledgers for financial transactions; providing software for the management of cryptographic security of electronic transmissions across computer networks; providing software for use with digital currency; providing software for use with cryptocurrency; providing software for use with virtual currency; providing software for use with digital currency wallet and storage services; providing software for digital currency payment and exchange transactions; providing distributed ledger software for processing financial transactions; providing software for electronic funds transfer; providing software for currency conversion; providing software for data collection and distribution; providing software for payment transactions; providing software for connecting computers to local databases and global computer networks; providing software for creating searchable databases of information and data; providing software for managing and validating digital currency, virtual currency, cryptocurrency, digital asset, blockchain asset, digitized asset, digital token, crypto token and utility token transactions; providing software for creating and managing smart contracts; providing software for managing payment and exchange transactions; providing software for electronically exchanging currency for digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing software for enabling the electronic transfer of funds to and from others; providing software for creating a decentralized and open source digital currency for use in blockchain-based transactions; providing software for creating a decentralized and open source virtual currency for use in blockchain-based transactions; providing software for creating decentralized and open source*

*cryptocurrency for use in blockchain-based transactions; providing software for creating decentralized and open source digitized assets for use in blockchain-based transactions; providing software for creating decentralized and open source digital tokens for use in blockchain-based transactions; providing software for encrypting and enabling secure transmission of digital information over the Internet, as well as over other modes of communication between computing devices; providing software for enabling users to calculate parameters related to financial transactions; providing distributed ledger platform software for use in processing financial transactions; providing software for electronic funds transfer and currency conversion; providing software for use in securely managing the conversion of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens into hard currency; providing software for use as cryptocurrency wallets; providing software for democratically managing digital exchanges for virtual items through smart contracts; providing software for use in trading, clearing, transmitting, receiving, storing, confirmation, and financial trading risk management for exchange market transactions in the fields of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing software for use with blockchain technology; providing software for use in facilitating secure transactions; providing software for auditing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; ; providing software for collecting, transferring, receiving, tracking, storing and transferring peer-to-peer currency; providing software for users to buy and sell products by using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing software for accessing, reading,*

*tracking, and using blockchain technology; providing software enabling users to develop, build and run distributed applications through an open-source peer-to-peer smart-contract and payment network platform; providing authentication software for controlling access to and communications with computers and computer networks; providing software for use in the exchange of virtual items; providing software for selling, trading and managing blockchain-based tokens or AppCoins; providing software for use in issuing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing software for managing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized asset, digital token, crypto token and utility token payments, money transfers, and commodity transfers; providing software for facilitating money transfers, electronic funds transfers, commodity transfers, bill payment remittance, and transferring funds between parties; electronic data storage; cloud computing services providing software; providing electronic financial platform software; software as a service (SaaS) featuring computer software platforms for the selling and purchasing of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software as a service (SaaS) featuring computer software platforms for managing distributed storage computer systems based on blockchains and tokens; software as a service (SaaS) featuring software platforms for authenticating, facilitating, matching, processing, clearing, storing, receiving, tracking, transferring, and submitting trade data, exchanging of trading transaction details, and management of the overall trading life cycle; software as a service (SaaS) services featuring software for clearing, allocation, compliance, recordation and settlement of trading related to digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens,*



*crypto tokens and utility tokens; software as a service (SaaS) featuring software platforms for facilitating transactions and payments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens that allow users to buy from, and sell products and services to others; software as a service (SaaS) featuring computer software platforms for computer system and application development, deployment, and management; software as a service (SaaS) services featuring software for clearing, allocation, compliance, recordation and settlement of trading related to digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; computer services, namely, providing a decentralized electronic file storage system and open source cloud storage platform; computer services, namely, providing secure and private encrypted cloud storage services; computer services, namely, providing an open source decentralized cloud storage platform; data encryption services featuring blockchain software technology and peer-to-peer protocols to provide secure, private and encrypted cloud storage; providing cloud-based computer network identification verification, authentication and management services for security purposes; providing cloud-based computer network identification verification, authentication and management services for security purposes; platform as a service (PaaS) featuring computer software platforms for the selling and purchasing of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; platform as a service (PaaS) featuring computer software platforms for managing distributed storage computer systems based on blockchains and tokens; platform as a service (PaaS) featuring software platforms for authenticating, facilitating, matching, processing, clearing, storing, receiving, tracking, transferring, and submitting trade data,*

*exchanging of trading transaction details, and management of the overall trading life cycle; platform as a service (PaaS) featuring software for clearing, allocation, compliance, recordation and settlement of trading related to digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; platform as a service (PaaS) featuring software platforms for facilitating transactions and payments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens that allow users to buy from, and sell products and services to others; platform as a service (PaaS) featuring computer software platforms for computer system and application development, deployment, and management; design, development and implementation of audit and security software for blockchain-based platforms; design, development and implementation of software for distributed computing platforms; design, development and implementation of software for blockchain; design, development and implementation of software solutions for digital currency security; design, development and implementation of software for digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; design, development, and implementation of software for third-party verification services for digital currency transactions, including but not limited to transactions involving bitcoin currency providing temporary use of non-downloadable software for use in collecting, transferring, receiving, tracking, storing and transferring bitcoin; Software development, programming and implementation; information technology services; computer services, namely, providing electronic peer-to-peer data storage distributed across unused customer electronic storage resources; [...] hosting of a website offering an online marketplace for the sale and trading of virtual products with other users; [...] hosting of a website featuring*

*financial information relating to digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token payments; [...] hosting of a website featuring information on the development of law regarding respect of privacy, security, distributed ledger and blockchain technologies, as well as data governance; data mining; technical consultancy services related to digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token transactions; provision of information technology services for software.*

96. Given that I have found the parties' respective marks to be identical, the Opposition under section 5(1) of the Act succeeds in respect of the goods and services enumerated in the table above at [95].

5(2)(a) of the Act

97. I now consider the Opposition under section 5(2)(a) of the Act.

98. The following principles are derived from the decisions of the Court of Justice of the European Union<sup>23</sup> ("CJEU") in *Sabel BV v Puma AG*, Case C-251/95; *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97; *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97; *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98; *Matratzen Concord GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*, Case C-3/03; *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH*, Case C120/04; *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P; and *Bimbo SA v OHIM*, Case C-591/12P.

The principles:

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<sup>23</sup> Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 requires tribunals to apply EU-derived national law in accordance with EU law as it stood at the end of the transition period. The provisions of the Trade Marks Act relied on in these proceedings are derived from an EU Directive. This is why this decision continues to make reference to the trade mark case-law of EU courts.

(a) The likelihood of confusion must be appreciated globally, taking account of all relevant factors;

(b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them they have kept in their mind, and whose attention varies according to the category of goods or services in question;

(c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;

(d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;

(e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;

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

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

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

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

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

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

99. I have found the following of the Holder's goods and services to have some level of similarity with the Opponent's goods/services:

*A high level of similarity:*

Class 42: *Blockchain-as-a-service (BaaS)*

*A medium level of similarity:*

Class 9: *Computer hardware; [...] hardware for use as a digital asset wallet; [...] hardware for use as a crypto token; [...] hardware for use as a utility token wallet; [...] hardware for electronically exchanging currency for digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; computer hardware for digital currency, virtual currency, cryptocurrency, digital and blockchain asset, and digitized asset mining; security token hardware; [...] hardware for managing identity information, access rights to information resources and applications and authentication functionality; encryption devices; [...] hardware for use as a digital currency wallet; [...] hardware for use as a virtual currency wallet.*

Class 42:

*design, development [...] of a website offering an online marketplace for the sale and trading of virtual products with other; design, development [...] of a website featuring financial information relating to digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto*

*token and utility token payments; design, development [...] of a website featuring information on the development of law regarding respect of privacy, security, distributed ledger and blockchain technologies, as well as data governance; Design and development of computers [...]; computer services, namely, creating an on-line virtual environment for the selling and purchasing of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens.*

*A low level of similarity:*

*Class 35: promoting the goods and services of others via computer and communication networks; commercial services facilitating the sale and exchange of third-party goods and services via computer and communication networks; promoting the exchange and sale of goods and services belonging to third parties via computer and communication networks; facilitating the sale of third-party goods and the provision of third-party services via computer and communication networks; providing online marketplaces for buyers and sellers of goods and services; providing online services for connecting sellers with buyers; providing a website featuring an online marketplace for selling and trading virtual goods with other users; providing an online sales space for the sale and negotiation of virtual goods with other users; arranging of trading transactions and negotiations online; business advice and information in the field of blockchain technology; business networking services; networking services for investors to conduct business, namely, financial trades and exchange of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens*

*Class 36: Financial services; financial affairs, namely, financial study and management, financial forecasting, financial portfolio management and financial analysis and consultation; financial services regarding digital currency; financial services regarding cryptocurrency; financial services regarding virtual currency; financial consultation in the field of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; investment management; management of digital asset investment portfolios; financial exchange; currency trading; financial*

*transactions using digital currency, cryptocurrency and virtual currency; electronic wallet services in relation to digital currency; electronic banking services provided via a global computer network; payment management; digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token trading services; digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token processing services for others; carrying out cashless payment transactions; facilitating electronic money transfers; services, namely, providing virtual currency for use by members of an online community via a global computer network; issuance of tokens of value; management of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; financial services, namely, providing a financial exchange for the trading of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; cryptocurrency trading services; cryptocurrency exchange service; cryptocurrency payment processing; electronic payment services; electronic wallet services, electronic processing of payments; currency management services; currency transfer services; financial services, namely, providing electronic transfer of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing electronic processing and tracking of electronic funds transfers; foreign exchange transaction services; foreign exchange transaction services<sup>24</sup>; listing and trading of swaps and derivatives on digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; foreign exchange transaction services; clearing and reconciling financial transactions; electronic transfer of funds; electronic commercial trading services; electronic financial trading, namely, trading of the field of digitized assets; electronic financial transaction services in connection with financial instruments; payment services for electronic commerce of financial instruments; electronic commerce payment services; electronic wallet services; services provided via the Internet to conduct financial trading in the field of investments; online services for investors to*

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<sup>24</sup> This term appears twice in the specification applied for.

*conduct financial transactions, namely, financial services provided via the Internet regarding financial trades and exchange of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; financial information transmitted by electronic means; providing financial information in the nature of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token ratings; providing financial information in the fields of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token markets*

*Class 42: distributed and electronic storage of multimedia content, namely, data, documents, files, text, photos, images, graphics, music, audio, video and multimedia content; secure hosted management, storage and administration of passwords, credentials and identity information relating to persons, accounts and devices for security purposes; providing user authentication services by means of technology for electronic commerce transactions, digital currency payment and exchange transactions and electronic transfer of funds; computer services, namely, providing a decentralized electronic object storage platform for end-to-end block-chain powered and encrypted blockchain payments; providing blockchain-based software platforms and distributed computing software platforms for auditing and verifying digital information and codes; software platforms for decentralized blockchain style communication; software platforms for the tracking and support of data transactions; providing software platforms for facilitating transactions and payments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens, enabling users to buy from and sell products and services to others; providing digital exchanges*

*Class 45: online social networking services; online networking services for individuals and investors with an interest in the field of investments; online social networking services for investors with an interest in the field of financial trades and exchange of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens.*



## Average consumer and the purchasing act

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

101. In *Hearst Holdings Inc*<sup>25</sup> Birss J. (as he then was) described the average consumer thus:

“60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The word “average” denotes that the person is typical. The term “average” does not denote some form of numerical mean, mode or median.”

102. I first consider the parties' class 9 goods. The average consumer will be both the general and professional public. The level of attention paid during the purchasing act will depend on the particular goods purchased. Many of the Holder's terms concern specialist software for use in relation to finance/investment which, in my view, will be purchased by businesses in the field of finance or investment, or individual investors. The Opponent's class 9 terms are, on the whole, broader and more general, albeit a small number are specialised e.g. in the field of finance. The goods will be sold in physical shops and online. The purchasing act will be primarily visual, the goods being purchased after viewing product information online, in print media or on the goods themselves in physical shops. There may also be an aural aspect to the purchasing act where goods are purchased after seeking advice from retail staff or after word-of-mouth recommendations. The more specialised goods will, to my

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<sup>25</sup> *Hearst Holdings Inc Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch).

mind, be purchased with a higher level of attention than the goods under the broader more general terms. The Opponent's goods relating to mobile phone technology, for instance, will be purchased with no more than a medium level of attention. Factors influencing the purchasing process will include, *inter alia*, compatibility with existing hardware and/or software, and business needs.

103. I now consider the class 35 services. These services relate, broadly, to the provision/management/administration of online spaces designed to facilitate transactions and networking in relation to transactions. The average consumer will comprise members of both the general and professional public seeking to transact business or buy and sell goods and/or services. In my view, the purchasing act will be primarily visual in nature, the average consumer likely to have encountered the service provider on a website or directory of services. I consider that the nature of these services i.e. concerned with business/commerce/transactions is such that the average person would be fairly prudent when considering whether to engage/subscribe to the services. I find that a medium-high level of attention would be paid when purchasing these services.

104. I now consider the class 36 services. These services all relate to finance/investment, with several relating specifically to cryptocurrency/digital assets. The average consumer will be professionals in the field of investment and finance or individual investors. My comments above, in relation to the purchasing act, also apply here. I consider that the nature of these services i.e. often concerned with financial risk, is such that consumers would be prudent when considering their purchases. I find that a high level of attention would be paid when purchasing these services.

105. I now consider the class 42 services. The relevant services relate, broadly, to design/development/creation/management/administration of online facilities connected with finance/investment, particularly cryptocurrency/digital assets. In my view, these services will almost always be purchased by professionals in the relevant fields. The purchasing act will be primarily visual, the consumer likely having first encountered the service provider online. The aural aspect will be

important; I would expect purchasers to discuss their business needs with the service provider before concluding a transaction. I find that the average consumer would pay a high level of attention during the purchasing act.

106. I now consider the class 45 services. These services relate to online social networking services, both general and specifically related to investment and finance in the field of digital/virtual/crypto currency and assets. The average consumer of these services will be professional and individuals seeking to invest/trade in these sorts of assets. My comments above at [103] in relation to the purchasing act also apply here. I consider that the nature of these services i.e. concerned with financial risk, is such that consumers would be prudent when considering their purchases. I find that a high level of attention would be paid when purchasing these services.

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

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

“22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-0000, paragraph 49).

23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark

has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).

108. Registered trade marks possess varying degrees of inherent distinctive character from the very low, because they are suggestive of, or allude to, a characteristic of the goods or services, to those with high inherent distinctive character, such as invented words which have no allusive qualities.

109. The earlier mark is a figurative mark devoid of text. In my view, it is neither descriptive of, nor does it allude to, any of the goods and services with which the Holder's goods/services have been found to be similar or identical. I find that the earlier mark has a high level of inherent distinctive character.

110. In my view, the evidence available to me does not succeed in demonstrating that the Opponent's mark has an enhanced level of inherent distinctive character. The Opponent has not adduced material to demonstrate: the market share held by the marks; the geographical spread of sales in the UK; marketing spend or annual turnover figures. The totality of evidence available is not sufficient for the Tribunal to find that the level of distinctiveness of the mark can be raised above the finding that I have made for the mark's inherent distinctive character, that of a high degree.

#### The outcome under 5(2)(a) of the Act

##### **Likelihood of confusion**

111. There are two types of confusion that I may find. The first type is 'direct confusion', which occurs when the average consumer mistakes one mark for another. The second type is 'indirect confusion', where the average consumer notices the differences between the marks but, due to the similarities between the

common elements, they presume that the goods or services originate from the same or an economically-related undertaking.<sup>26</sup>

112. I have found the respective parties' marks to be identical. I have found the goods and services, enumerated above at [99], to be similar to a degree that is somewhere between low and high, and I have found the Opponent's mark to be highly distinctive. I have found that the average consumer will pay a level of attention between medium and high.

113. Taking account of these factors, I find that the average consumer, paying even a high level of attention, would confuse the marks. The identity of the marks and the similarity of the goods and services would, in my view, lead the average consumer to mistake one mark for the other. There is a likelihood of direct confusion.

#### **Conclusions under sections 5(1), 5(2)(a) and 5(2)(b)**

114. The Opposition under section 5(1) succeeds in respect of the goods and services set out above at [95].

115. The Opposition under section 5(2)(a) succeeds in respect of the goods and services set out above at [99].

116. The Opposition under sections 5(1) and 5(2)(a) fails in respect of the following goods and services, because I have found them to be dissimilar to the Opponent's goods/services:

Class 9: *magnetically encoded credit cards; payment cards*

Class 35: *Advertising, marketing and promotional services; market study and provision of information on market studies; business and advertising services; market intelligence services; business information; arranging and conducting special events for commercial, promotional or advertising purposes; arranging and*

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<sup>26</sup> L. A. Sugar Limited v Back Beat Inc, BL O/375/10

*conducting special events for business purposes*

Class 36: *financial information services in the field of financial news; brokerage; currency brokerage; custodial services for financial institutions and funds*

Class 42: *providing a web portal featuring blogs and non-downloadable publications in the nature of articles, columns, and informational guides in the fields of virtual currencies, digital and blockchain assets and market and trading trends; providing a web portal enabling users to access information in the field of virtual currencies, digital and blockchain assets*

Class 45: *Authentication of personal identification information; user identity verification services (personal background investigations); user verification services (security services); identification verification services (security services); authentication of personal identification information (identity verification services); provision of legal information on the development of law regarding respect of privacy, security, distributed ledger and blockchain technologies, as well as data governance; legal advice on regulatory compliance in the field of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token applications.*

117. In case I am incorrect in my assessment that the parties' marks are identical, I will briefly consider the position under section 5(2)(b) of the Act. I find that the respective marks are highly visually similar and conceptually identical. I have found the respective goods and services to be similar to between a low and high degree. Based on these factors, I find that the average consumer, even when paying a high level of attention, would confuse the marks. There is a likelihood of direct confusion. The Opposition also succeeds under section 5(2)(b) of the Act in respect of the goods and services set out above at [99].

## Final Remarks

118. The Opponent has had partial success under sections 5(1), 5(2)(a) and 5(2)(b).

119. The Application has been refused in respect of the goods and services enumerated at [95] and [99] above.

120. The Application may proceed to registration in respect of the goods and services set out above at [116] only.

## COSTS

121. The Opponent has been successful in respect of roughly 90% of its Opposition and is entitled to contribution towards its costs, based upon the published scale<sup>27</sup>. I award the Opponent the sum of £1,260 calculated as follows:

Preparation of statement and consideration of the Holder's statement:	£500
Official fee for 5(1) and (2) only:	£100
Written Submissions in lieu of hearing:	£300
Preparation of evidence:	£500
Sub-total:	£1,400
Less 10% (£140) to take account of the Holder's success:	£1,260
<b>Total:</b>	<b>£1, 260</b>

122. I therefore order Libra Association to pay to LiquidPlanner, Inc. the sum of £1,260. This sum is to be paid within twenty-one days of the expiry of the appeal

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<sup>27</sup> Tribunal Practice Notice 2/2016

period or within twenty-one days of the final determination of this case if any appeal against this decision is unsuccessful.

**Dated this 8th day of July 2022**

**N. R. Morris**

**For the Registrar,**

**the Comptroller-General**



**Appendix 1 – The goods and services in respect of which the Holder requests protection:**

<p>Class 9:</p>	<p><i>Software; computer hardware; block chains; software for digital currency; software for use with cryptocurrency; software for use with virtual currency; digital currency wallet; software development tools; software for use as an application programming interface (API); application programming interfaces (API) for use in building software applications; software for the collection, managing, editing, organizing, modifying, transmission, sharing, and storage of data and information; software for management of digital currency payment and exchange transactions; software for managing portfolios of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; distributed ledger platforms (software platforms); software which facilitates the ability of users to view, analyze, record, store, monitor, manage, trade and exchange digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software for sending, receiving, accepting, buying, selling, storing, transmitting, trading and exchanging digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software for implementing and recording financial transactions; software for creating accounts and maintaining and managing information about financial transactions on distributed ledgers and peer-to-peer payment networks; software for use in financial trading; software for use in financial exchange; software for accessing financial information and market data and trends; software for settling financial transactions; software for providing authentication of parties to a financial transaction; software for maintaining ledgers for financial transactions; software for the management of cryptographic security of electronic</i></p>
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*transmissions across computer networks; software for encrypting and enabling secure transmission of digital information over the Internet; software for allowing users to calculate parameters related to financial transactions; distributed ledger software for processing financial transactions; software for electronic funds transfer; software for currency conversion; software for the collection and distribution of data; software for payment transactions; software for connecting computers to local databases and global computer networks; software for creating searchable databases of information and data; software for managing and validating digital currency, virtual currency, cryptocurrency, digital asset, blockchain asset, digitized asset, digital token, crypto token and utility token transactions; software for creating and managing smart contracts; software for managing payments and exchange transactions; software and hardware for use as a digital currency wallet; software and hardware for use as a virtual currency wallet; software and hardware for use as a digital asset wallet; software and hardware for use as a digital token wallet; software and hardware for use as a crypto token wallet; software and hardware for use as a utility token wallet; software for creating a decentralized and open source digital currency for use in blockchain-based transactions; software for creating a decentralized and open source virtual currency for use in blockchain-based transactions; software for creating a decentralized and open source cryptocurrency for use in blockchain-based transactions; software for creating a decentralized and open source digitized asset for use in blockchain-based transactions; software for creating a decentralized and open source digital token for use in blockchain-based transactions; software for users to buy and sell products by using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software platforms*

*for facilitating transactions and payments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens or utility tokens that allow users to buy from, and sell products and services to others; computer application software for blockchain-based platforms, namely, software for digital exchanges for virtual items; software for creating, selling and managing blockchain-based tokens or AppCoins; software for use in an electronic financial platform; software for processing electronic payments and for transferring funds to and from others; software for transfers of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens between parties; blockchain platform software; software for use in the management and implementation of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token transactions; software for creating and managing a blockchain platform for use in managing digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token accounts; software for managing crypto currency and digital currency accounts; software for use in payments, purchases, and investments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software for the electronic transfer of funds to and from others; software for managing the conversion of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens into hard currency; software for developing, deploying, and managing software applications, and integrating software applications for digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token accounts; software for facilitating the use*

*of a blockchain or distributed electronic ledger to execute and record financial transactions, namely, financial trades made with the use of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software and hardware for electronically exchanging currency for digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software for use as an application programming interface (API) for the development, testing, and integration of blockchain software applications; computer hardware for digital currency, virtual currency, cryptocurrency, digital and blockchain asset, and digitized asset mining; security token hardware; electronic currency converters; software, namely, electronic financial platform that accommodates multiple types of payment and transactions in an integrated mobile phone, PDA, and web-based environment; software for creating tokens to be used to pay for products and services, and that may be traded or exchanged for cash value; software for use in securely managing the conversion of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens into hard currency; software for managing digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token payments, money transfers, and commodity transfers; software for facilitating money transfers, electronic funds transfers, commodity transfers, bill payment remittance, and transferring funds between parties; software for use as an application program interface (API) software for use in computer hardware device identification; software for authenticating user access to computers and computer networks; software for use in facilitating secure transactions; software for accessing, reading, tracking, and using blockchain technology; software and*

	<p><i>hardware for managing identity information, access rights to information resources and applications and authentication functionality; software for network identification verification, authentication and management services for security purposes; authentication software for controlling access to and communications with computers and computer networks; magnetically encoded credit cards and payment cards; encryption devices; security tokens; software used in issuing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software used in auditing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens.</i></p>
<p>Class 35:</p>	<p><i>Advertising, marketing and promotional services; business information; market study and provision of information on market studies; promoting the goods and services of others via computer and communication networks; business and advertising services; market intelligence services; commercial services facilitating the sale and exchange of third-party goods and services via computer and communication networks; promoting the exchange and sale of goods and services belonging to third parties via computer and communication networks; facilitating the sale of third-party goods and the provision of third-party services via computer and communication networks; providing online marketplaces for buyers and sellers of goods and services; providing online services for connecting sellers with buyers; providing a website featuring an online marketplace for selling and trading virtual goods with other users; providing an online sales space for the sale and negotiation of virtual goods with other users; arranging of trading transactions and negotiations online; arranging and conducting special events for commercial, promotional or advertising purposes; arranging and conducting special events for business purposes; business advice and</i></p>

	<p><i>information in the field of blockchain technology; business networking services; networking services for investors to conduct business, namely, financial trades and exchange of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens.</i></p>
<p>Class 36:</p>	<p><i>Financial services; financial exchange; financial affairs, namely, financial study and management, financial forecasting, financial portfolio management and financial analysis and consultation; financial information transmitted by electronic means; brokerage; currency trading; financial services regarding digital currency; financial services regarding cryptocurrency; financial services regarding virtual currency; financial transactions using digital currency, cryptocurrency and virtual currency; electronic wallet services in relation to digital currency; electronic banking services provided via a global computer network; currency brokerage; payment management; digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token trading services; digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token processing services for others; carrying out cashless payment transactions; facilitating electronic money transfers; providing financial information in the nature of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token ratings; providing financial information in the fields of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token markets; financial information services in the field of financial news; financial services, namely, providing virtual currency for use by members of an online community via a global computer network; issuance of tokens of value; management of digital</i></p>



*currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; financial services, namely, providing a financial exchange for the trading of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; cryptocurrency trading services; cryptocurrency exchange service; cryptocurrency payment processing; electronic payment services; electronic wallet services, electronic processing of payments; currency management services; currency transfer services; financial services, namely, providing electronic transfer of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; financial consultation in the field of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing electronic processing and tracking of electronic funds transfers; foreign exchange transaction services; investment management; foreign exchange transaction services; management of digital asset investment portfolios; custodial services for financial institutions and funds; listing and trading of swaps and derivatives on digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; foreign exchange transaction services; clearing and reconciling financial transactions; electronic transfer of funds; financial information; electronic commercial trading services; electronic financial trading, namely, trading of the field of digitized assets; providing on-demand and real-time financial information in the field of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; financial information regarding digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset,*

	<p><i>digital token, crypto token and utility token payments by means of a website; information services in the fields of investment and finance provided via computer networks and global communication networks; electronic financial transaction services in connection with financial instruments; payment services for electronic commerce of financial instruments; electronic commerce payment services; electronic wallet services; services provided via the Internet to conduct financial trading in the field of investments; online services for investors to conduct financial transactions, namely, financial services provided via the Internet regarding financial trades and exchange of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens.</i></p>
<p>Class 42:</p>	<p><i>Design and development of computers and software; information technology services; provision of information technology services for software; software as a service [SaaS]; platform as a service (PaaS); cloud computing services providing software; providing software enabling users to invest in digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing distributed ledger technology; providing software for managing portfolios of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token assets; providing software which facilitates the ability of users to view, analyze, record, store, monitor, manage, trade and exchange digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing software for sending, receiving, accepting, buying, selling, storing, transmitting, trading and exchanging digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing software for implementing and recording financial transactions,</i></p>



*for creating accounts and maintaining and managing information about financial transactions on distributed public ledgers and peer-to-peer payment networks; providing software for processing electronic payments and for transferring funds to and from others; providing electronic financial platform software; providing software for use as an application programming interface (API) for the development, testing and integration of blockchain software applications; providing software for transfers of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens between parties; providing software for use in financial transactions; providing software for use in financial exchange; providing software for use in accessing financial information and market data and trends; providing software for settling financial transactions, for providing authentication of parties to a financial transaction, for maintaining ledgers for financial transactions; providing software for the management of cryptographic security of electronic transmissions across computer networks; providing software for use with digital currency; providing software for use with cryptocurrency; providing software for use with virtual currency; providing software for use with digital currency wallet and storage services; providing software for digital currency payment and exchange transactions; providing distributed ledger software for processing financial transactions; providing software for electronic funds transfer; providing software for currency conversion; providing software for data collection and distribution; providing software for payment transactions; providing software for connecting computers to local databases and global computer networks; providing software for creating searchable databases of information and data; providing software for managing and validating digital currency, virtual currency, cryptocurrency, digital asset, blockchain asset, digitized asset, digital token, crypto*

*token and utility token transactions; providing software for creating and managing smart contracts; providing software for managing payment and exchange transactions; providing software for electronically exchanging currency for digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing software for enabling the electronic transfer of funds to and from others; providing software for creating a decentralized and open source digital currency for use in blockchain-based transactions; providing software for creating a decentralized and open source virtual currency for use in blockchain-based transactions; providing software for creating decentralized and open source cryptocurrency for use in blockchain-based transactions; providing software for creating decentralized and open source digitized assets for use in blockchain-based transactions; providing software for creating decentralized and open source digital tokens for use in blockchain-based transactions; providing software for encrypting and enabling secure transmission of digital information over the Internet, as well as over other modes of communication between computing devices; providing software for enabling users to calculate parameters related to financial transactions; providing distributed ledger platform software for use in processing financial transactions; providing software for electronic funds transfer and currency conversion; providing software for use in securely managing the conversion of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens into hard currency; providing a web portal featuring blogs and non-downloadable publications in the nature of articles, columns, and informational guides in the fields of virtual currencies, digital and blockchain assets and market and trading trends; providing a web portal enabling users to access information in the field of*

*virtual currencies, digital and blockchain assets; platform as a service (PaaS) featuring computer software platforms for the selling and purchasing of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software as a service (SaaS) featuring computer software platforms for the selling and purchasing of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; computer services, namely, creating an on-line virtual environment for the selling and purchasing of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; platform as a service (PaaS) featuring computer software platforms for managing distributed storage computer systems based on blockchains and tokens; software as a service (SaaS) featuring computer software platforms for managing distributed storage computer systems based on blockchains and tokens; computer services, namely, providing a decentralized electronic file storage system and open source cloud storage platform; computer services, namely, providing a decentralized electronic object storage platform for end-to-end block-chain powered and encrypted blockchain payments; computer services, namely, providing secure and private encrypted cloud storage services; computer services, namely, providing electronic peer-to-peer data storage distributed across unused customer electronic storage resources; computer services, namely, providing an open source decentralized cloud storage platform; data encryption services featuring blockchain software technology and peer-to-peer protocols to provide secure, private and encrypted cloud storage; distributed and electronic storage of multimedia content, namely, data, documents, files, text, photos, images, graphics, music, audio, video and multimedia content; providing software*

*for use as cryptocurrency wallets; providing software for democratically managing digital exchanges for virtual items through smart contracts; data mining; providing software for use in trading, clearing, transmitting, receiving, storing, confirmation, and financial trading risk management for exchange market transactions in the fields of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; platform as a service (PaaS) featuring software platforms for authenticating, facilitating, matching, processing, clearing, storing, receiving, tracking, transferring, and submitting trade data, exchanging of trading transaction details, and management of the overall trading life cycle; software as a service (SaaS) featuring software platforms for authenticating, facilitating, matching, processing, clearing, storing, receiving, tracking, transferring, and submitting trade data, exchanging of trading transaction details, and management of the overall trading life cycle; providing software for use with blockchain technology; software as a service (SaaS) services featuring software for clearing, allocation, compliance, recordation and settlement of trading related to digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; platform as a service (PaaS) featuring software for clearing, allocation, compliance, recordation and settlement of trading related to digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; platform as a service (PaaS) featuring software platforms for facilitating transactions and payments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens that allow users to buy from, and sell products and services to others; software as a service (SaaS) featuring software platforms for facilitating transactions and payments*

*using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens that allow users to buy from, and sell products and services to others; providing blockchain-based software platforms and distributed computing software platforms for auditing and verifying digital information and codes; design, development and implementation of audit and security software for blockchain-based platforms; providing software for use in facilitating secure transactions; providing software for auditing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software platforms for decentralized blockchain style communication; software platforms for the tracking and support of data transactions; design, development and implementation of software for distributed computing platforms; design, development and implementation of software for blockchain; design, development and implementation of software solutions for digital currency security; design, development and implementation of software for digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; design, development, and implementation of software for third-party verification services for digital currency transactions, including but not limited to transactions involving bitcoin currency; providing temporary use of non-downloadable software for use in collecting, transferring, receiving, tracking, storing and transferring bitcoin; providing software for collecting, transferring, receiving, tracking, storing and transferring peer-to-peer currency; providing software for users to buy and sell products by using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing software platforms for facilitating transactions and payments using digital currency, virtual*

*currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens, enabling users to buy from and sell products and services to others; providing software for accessing, reading, tracking, and using blockchain technology; technical consultancy services related to digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token transactions; platform as a service (PaaS) featuring computer software platforms for computer system and application development, deployment, and management; software as a service (SaaS) featuring computer software platforms for computer system and application development, deployment, and management; providing software enabling users to develop, build and run distributed applications through an open-source peer-to-peer smart-contract and payment network platform; providing cloud-based computer network identification verification, authentication and management services for security purposes; secure hosted management, storage and administration of passwords, credentials and identity information relating to persons, accounts and devices for security purposes; providing authentication software for controlling access to and communications with computers and computer networks; providing software for use in the exchange of virtual items; providing software for selling, trading and managing blockchain-based tokens or AppCoins; providing digital exchanges; providing software for use in issuing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; providing cloud-based network identification verification, authentication and management services for security purposes; providing software for managing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized asset, digital token, crypto token and utility token payments, money transfers, and*



	<p><i>commodity transfers; providing software for facilitating money transfers, electronic funds transfers, commodity transfers, bill payment remittance, and transferring funds between parties; electronic data storage; design, development and hosting of a website offering an online marketplace for the sale and trading of virtual products with other users; Blockchain-as-a-service (BaaS); design, development and hosting of a website featuring financial information relating to digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token payments; design, development and hosting of a website featuring information on the development of law regarding respect of privacy, security, distributed ledger and blockchain technologies, as well as data governance; providing user authentication services by means of technology for electronic commerce transactions, digital currency payment and exchange transactions and electronic transfer of funds.</i></p>
<p><b>Class 45:</b></p>	<p><i>Authentication of personal identification information; online social networking services; online networking services for individuals and investors with an interest in the field of investments; user identity verification services (personal background investigations); user verification services (security services); identification verification services (security services); provision of legal information on the development of law regarding respect of privacy, security, distributed ledger and blockchain technologies, as well as data governance; legal advice on regulatory compliance in the field of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token applications; online social networking services for investors with an interest in the field of financial trades and exchange of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</i></p>

	<i>authentication of personal identification information (identity verification services).</i>
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## Appendix 2

### ANNEX 1 – Identical goods and services

The table below shows a side-by-side comparison of the goods and services in Classes 9, and 42 covered by the Contested Application and the identical goods and services protected by LiquidPlanner, Inc.'s Earlier Registration.

Goods/services in the Contested Application	Goods/services identical in the Earlier Registration
<b>Class 9 in the Contested Application:</b>	<b>Goods/services identical in the Earlier Registration</b>
Software	Computer software (Class 9); Computer application software (Class 9); Recorded computer software (Class 9); Downloadable computer software (Class 9); Computer software for use as an application programming interface (API) (Class 9); Downloadable computer software for application and software integration (Class 9); Interactive computer software (Class 9);
blockchain	Computer software (Class 9);
software development tools	Computer software (Class 9);
software for use with digital currency;  software for use with cryptocurrency;  software for use with virtual currency;  software for the collection, managing, editing, organizing, modifying, transmission, sharing, and storage of data and information;  software for digital currency payment and exchange transactions;  software for use in managing portfolios of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;  software which facilitates the ability of users to view, analyze, record, store, monitor, manage, trade and exchange digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;	Computer software (Class 9);

<b>Class 9 in the Contested Application:</b>	<b>Goods/services identical in the Earlier Registration</b>
<p>software for sending, receiving, accepting, buying, selling, storing, transmitting, trading and exchanging digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software for implementing and recording financial transactions;</p> <p>software for creating accounts and maintaining and managing information about financial transactions on distributed ledgers and peer to peer payment networks;</p> <p>software for use in financial trading; software for use in financial exchange;</p> <p>software for accessing financial information and market data and trends;</p> <p>software for settling financial transactions; software for providing authentication of parties to a financial transaction;</p> <p>software for maintaining ledgers for financial transactions; software for the management of cryptographic security of electronic transmissions across computer networks;</p> <p>software for encrypting and enabling secure transmission of digital information over the Internet;</p> <p>software for allowing users to calculate parameters related to financial transactions; distributed ledger software for use in processing financial transactions;</p> <p>software for electronic funds transfer;</p> <p>software for currency conversion;</p> <p>software for the collection and distribution of data;</p> <p>software for payment transactions;</p>	

<b>Class 9 in the Contested Application:</b>	<b>Goods/services identical in the Earlier Registration</b>
<p>software for connecting computers to local databases and global computer networks;</p> <p>software for creating searchable databases of information and data;</p> <p>software for managing and validating digital currency, virtual currency, cryptocurrency, digital asset, blockchain asset, digitized asset, digital token, crypto token and utility token transactions;</p> <p>software for creating and managing smart contracts; software for managing payment and exchange transactions;</p> <p>software... for use as a digital currency wallet;</p> <p>software... for use as a virtual currency wallet;</p> <p>software... for use as a digital asset wallet;</p> <p>software... for use as a digital token wallet;</p> <p>software... for use as a crypto token wallet;</p> <p>software... for use as a utility token wallet;</p> <p>software for creating a decentralized and open source digital currency for use in blockchain-based transactions;</p> <p>software for creating a decentralized and open source virtual currency for use in blockchain-based transactions;</p> <p>software for creating a decentralized and open source cryptocurrency for use in blockchain-based transactions;</p> <p>software for creating a decentralized and open source digitized asset for use in blockchain-based transactions;</p> <p>software for creating a decentralized and open source digital token for use in blockchain-based transactions;</p>	

<b>Class 9 in the Contested Application:</b>	<b>Goods/services identical in the Earlier Registration</b>
<p>software for users to buy and sell products by using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software used in issuing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software used in auditing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software for processing electronic payments and for transferring funds to and from others;</p> <p>software for transfers of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens between parties;</p> <p>software for creating, selling and managing blockchain-based tokens or appcoins;</p> <p>software for use in the management and implementation of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token transactions;</p> <p>software for managing crypto currency and digital currency accounts;</p> <p>software for use in payments, purchases, and investments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software for use in enabling the electronic transfer of funds to and from others;</p> <p>software for use in managing the conversion of digital currency, virtual currency, cryptocurrency, digital and blockchain assets,</p>	

<b>Class 9 in the Contested Application:</b>	<b>Goods/services identical in the Earlier Registration</b>
<p>digitized assets, digital tokens, crypto tokens and utility tokens into hard currency;</p> <p>software for developing, deploying, and managing software applications, and integrating software applications for digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token accounts;</p> <p>software for use in facilitating the use of a blockchain or distributed electronic ledger to execute and record financial transactions, namely, financial trades made with the use of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software... for use in electronically exchanging currency for digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software for creating tokens to be used to pay for products and services, and that may be traded or exchanged for cash value;</p> <p>software for use in securely managing the conversion of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens into hard currency;</p> <p>software for managing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized asset, digital token, crypto token and utility token payments, money transfers, and commodity transfers;</p> <p>software for facilitating money transfers, electronic funds transfers, commodity transfers, bill payment remittance, and transferring funds between parties;</p> <p>software for use in authenticating user access to computers and computer networks;</p>	

Class 9 in the Contested Application:	Goods/services identical in the Earlier Registration
<p>software for use in facilitating secure transactions;</p> <p>software for use in accessing, reading, tracking, and using blockchain technology;</p> <p>software... for managing identity information, access rights to information resources and applications and authentication functionality;</p> <p>software for network identification verification, authentication and management services for security purposes;</p> <p>authentication software for controlling access to and communications with computers and computer networks;</p> <p>software used in issuing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software used in auditing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p>	
<p>computer application software for blockchain-based platforms, namely, software for digital exchanges for virtual items;</p> <p>distributed ledger platform software; software for use in an electronic financial platform;</p> <p>blockchain platform software;</p> <p>software for creating and managing a blockchain platform for use in managing digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token accounts;</p> <p>software, namely, electronic financial platform that accommodates multiple types of payment and transactions in an integrated mobile phone, PDA, and web-based environment;</p>	<p>Computer software (Class 9);</p>

<b>Class 9 in the Contested Application:</b>	<b>Goods/services identical in the Earlier Registration</b>
providing electronic financial platform software;	
software platforms for facilitating transactions and payments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens or utility tokens that allow users to buy from, and sell products and services to others;	Computer software (Class 9);
software for use as an application programming interface (API);  software for use as an application programming interface (API) for the development, testing, and integration of blockchain software applications;  software for use as an application program interface (API) software for use in computer hardware device identification;	Computer software for use as an application programming interface (API) (Class 9); Computer software (Class 9);
application programming interface (API) for use in building software applications;	Computer software for use as an application programming interface (API) (Class 9); Computer software (Class 9);
digital currency wallet	Computer software (Class 9);
blockchain-based tokens or appcoins	Computer software (Class 9);
encryption devices;	Computer software (Class 9);
security tokens;	Computer software (Class 9);

<b>Class 42 in the Contested Application:</b>	<b>Goods/services identical in the Earlier Registration</b>
design and development of computer software	Design and development of computer software (Class 42); Computer software (Class 9);
computer services	Computer services for the analysis of data (Class 42);
application service provider (ASP) services	Application service provider (ASP) (Class 42);
software as a service (SaaS) services	SaaS (Class 42);

<b>Class 42 in the Contested Application:</b>	<b>Goods/services identical in the Earlier Registration</b>
	Computer software (Class 9);
platform as a service (PaaS) services	PaaS (Class 42); Computer software (Class 9);
providing cloud computing software;	Cloud-based software (Class 42); Computer software (Class 9);
providing distributed ledger technology;	SaaS (Class 42); PaaS (Class 42); Computer software (Class 9);
<p>providing software enabling users to invest in digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>providing software for use in managing portfolios of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token assets;</p> <p>providing software which facilitates the ability of users to view, analyze, record, store, monitor, manage, trade and exchange digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>providing software for sending, receiving, accepting, buying, selling, storing, transmitting, trading and exchanging digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>providing software for implementing and recording financial transactions, for creating accounts and maintaining and managing information about financial transactions on distributed public ledgers and peer to peer payment networks;</p>	SaaS (Class 42); Computer software (Class 9);



<b>Class 42 in the Contested Application:</b>	<b>Goods/services identical in the Earlier Registration</b>
<p>providing software for processing electronic payments and for transferring funds to and from others;</p> <p>providing electronic financial platform software;</p> <p>providing software for use as an application programming interface (API) for the development, testing, and integration of blockchain software applications;</p> <p>providing software for transfers of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens between parties;</p> <p>providing software for use in financial trading;</p> <p>providing software for use in financial exchange;</p> <p>providing software for use in accessing financial information and market data and trends;</p> <p>providing software for settling financial transactions, for providing authentication of parties to a financial transaction, for maintaining ledgers for financial transactions;</p> <p>providing software for the management of cryptographic security of electronic transmissions across computer networks;</p> <p>providing software for use with digital currency;</p> <p>providing software for use with cryptocurrency; providing software for use with virtual currency;</p> <p>providing software for use with digital currency wallet and storage services;</p> <p>providing software for digital currency payment and exchange transactions;</p> <p>providing distributed ledger software for use in processing financial transactions;</p>	

<b>Class 42 in the Contested Application:</b>	<b>Goods/services identical in the Earlier Registration</b>
<p>providing software for electronic funds transfer;</p> <p>providing software for currency conversion; providing software for the collection and distribution of data;</p> <p>providing software for payment transactions;</p> <p>providing software for connecting computers to local databases and global computer networks;</p> <p>providing software for creating searchable databases of information and data;</p> <p>providing software for managing and validating digital currency, virtual currency, cryptocurrency, digital asset, blockchain asset, digitized asset, digital token, crypto token and utility token transactions;</p> <p>providing software for creating and managing smart contracts; providing software for managing payment and exchange transactions;</p> <p>providing software for electronically exchanging currency for digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>providing software for use in enabling the electronic transfer of funds to and from others;</p> <p>providing software for creating a decentralized and open source digital currency for use in blockchain-based transactions;</p> <p>providing software for creating a decentralized and open source virtual currency for use in blockchain-based transactions;</p> <p>providing software for creating a decentralized and open source cryptocurrency for use in blockchain-based transactions;</p>	

<b>Class 42 in the Contested Application:</b>	<b>Goods/services identical in the Earlier Registration</b>
<p>providing software for creating a decentralized and open source digitized asset for use in blockchain-based transactions;</p> <p>providing software for creating a decentralized and open source digital token for use in blockchain-based transactions;</p> <p>providing software for encrypting and enabling secure transmission of digital information over the Internet, as well as over other modes of communication between computing devices;</p> <p>providing software for allowing users to calculate parameters related to financial transactions;</p> <p>providing distributed ledger platform software for use in processing financial transactions;</p> <p>providing software for electronic funds transfer and currency conversion;</p> <p>providing software for use in securely managing the conversion of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens into hard currency;</p> <p>providing software for use as a cryptocurrency wallet;</p> <p>providing software for democratically managing digital exchanges for virtual items through smart contracts;</p> <p>providing software for use in trading, clearing, transmitting, receiving, storing, confirmation, and financial trading risk management for exchange market transactions in the fields of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>providing software for use with blockchain technology;</p>	

<b>Class 42 in the Contested Application:</b>	<b>Goods/services identical in the Earlier Registration</b>
<p>providing software for auditing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>providing software for use in collecting, transferring, receiving, tracking, storing and transferring peer-to-peer currency;</p> <p>providing software for users to buy and sell products by using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>providing software for use in accessing, reading, tracking, and using blockchain technology;</p> <p>providing software enabling users to develop, build and run distributed applications through an open-source peer-to-peer smart-contract and payment network platform;</p> <p>providing authentication software for controlling access to and communications with computers and computer networks;</p> <p>providing software for use in the exchange of virtual items;</p> <p>providing software for selling, trading and managing blockchain-based tokens or appcoins; providing a digital exchange;</p> <p>providing software for use in issuing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>providing software for managing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized asset, digital token, crypto token and utility token payments, money transfers, and commodity transfers;</p> <p>providing software for facilitating money transfers, electronic funds transfers,</p>	

<b>Class 42 in the Contested Application:</b>	<b>Goods/services identical in the Earlier Registration</b>
commodity transfers, bill payment remittance, and transferring funds between parties;	
providing temporary use of non-downloadable software for use in collecting, transferring, receiving, tracking, storing and transferring bitcoin;	Providing temporary use of on-line non-downloadable software (Class 42); SaaS (Class 42); Computer software (Class 9);
<p>providing blockchain-based software platforms and distributed computing software platforms for auditing and verifying digital information and codes;</p> <p>software platforms for decentralized blockchain style communication;</p> <p>software platforms for the tracking and support of data transactions;</p> <p>providing software platforms for facilitating transactions and payments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens or utility tokens that allow users to buy from, and sell products and services to others;</p>	PaaS (Class 42); Computer software (Class 9);
<p>providing a web portal featuring blogs and non-downloadable publications in the nature of articles, columns, and informational guides in the fields of virtual currencies, digital and blockchain assets and market and trading trends;</p> <p>providing a web portal for users to access information in the field of virtual currencies, digital and blockchain assets;</p>	PaaS (Class 42); Hosting of digital content, information, data, text, files and documents for others (Class 42);
<p>platform as a service (PaaS) featuring computer software platforms for the selling and purchasing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>platform as a service (PaaS) featuring computer software platforms for managing blockchain and token driven, distributed storage computer systems;</p>	PaaS (Class 42);

Class 42 in the Contested Application:	Goods/services identical in the Earlier Registration
<p>platform as a service (PaaS) featuring software platforms for authenticating, facilitating, matching, processing, clearing, storing, receiving, tracking, transferring, and submitting trade data, exchanging of trading transaction details, and management of the overall trading lifecycle;</p> <p>platform as a service (PaaS) services featuring software for clearing, allocation, compliance, recordation and settlement of trading related to digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>platform as a service (PaaS) featuring software platforms for facilitating transactions and payments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens that allow users to buy from, and sell products and services to others;</p> <p>platform as a service (PaaS) featuring computer software platforms for computer system and application development, deployment, and management</p>	
<p>software as a service (SaaS) featuring computer software platforms for the selling and purchasing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software as a service (SaaS) featuring computer software platforms for managing blockchain and token driven, distributed storage computer systems;</p> <p>software as a service (SaaS) featuring software platforms for authenticating, facilitating, matching, processing, clearing, storing, receiving, tracking, transferring, and submitting trade data, exchanging of trading transaction</p>	SaaS (Class 42);

<b>Class 42 in the Contested Application:</b>	<b>Goods/services identical in the Earlier Registration</b>
<p>details, and management of the overall trading lifecycle;</p> <p>software as a service (SaaS) services featuring software for clearing, allocation, compliance, recordation and settlement of trading related to digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software as a service (SaaS) featuring software platforms for facilitating transactions and payments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens that allow users to buy from, and sell products and services to others;</p> <p>software as a service (SaaS) featuring computer software platforms for computer system and application development, deployment, and management;</p>	
<p>computer services, namely, providing a decentralized electronic file storage system and open source cloud storage platform;</p> <p>computer services, namely, providing a decentralized electronic object storage platform for end-to-end encrypted and powered by blockchain and blockchain payments;</p> <p>computer services, namely, providing secure, private encrypted cloud storage services;</p> <p>computer services, namely, providing electronic peer-to-peer data storage distributed across unused customer electronic storage resources;</p> <p>computer services, namely, providing open source decentralized cloud storage platform;</p> <p>computer services, namely, creating an on-line virtual environment for the selling and purchasing of digital currency, virtual currency, cryptocurrency, digital and blockchain assets,</p>	<p>Computer services for the analysis of data (Class 42);</p>

<b>Class 42 in the Contested Application:</b>	<b>Goods/services identical in the Earlier Registration</b>
digitized assets, digital tokens, crypto tokens and utility tokens;	
data encryption services featuring blockchain software technology and peer-to-peer protocols to provide secure, private, and encrypted cloud storage;	SaaS (Class 42);
distributed, electronic storage of electronic media, namely, data, documents, files, text, photos, images, graphics, music, audio, video, and multimedia content;	Electronic storage of digital content, information, data, text, files, and documents for others (Class 42); Services, namely, providing remote storage of user's electronic and digital files (Class 42); Hosting of digital content, information, data, text, files and documents for others (Class 42).
secure hosted management, storage and administration of passwords, credentials and identity information relating to persons, accounts and devices for security purposes;	Electronic storage of digital content, information, data, text, files, and documents for others (Class 42); Services, namely, providing remote storage of user's electronic and digital files (Class 42); Hosting of digital content, information, data, text, files and documents for others (Class 42).
data mining;	Electronic storage of digital content, information, data, text, files, and documents for others (Class 42); Services, namely, providing remote storage of user's electronic and digital files (Class 42); Hosting of digital content, information, data, text, files and documents for others (Class 42). SaaS (Class 42); Computer software (Class 9);
<p>design, development and implementation of audit and security software for blockchain-based platforms;</p> <p>design, development, and implementation of software for blockchain;</p> <p>design, development, and implementation of software solutions for digital currency security;</p> <p>design, development, and implementation of software for digital currency, virtual currency, cryptocurrency, digital and blockchain asset,</p>	Design and development of computer software (Class 42);



<b>Class 42 in the Contested Application:</b>	<b>Goods/services identical in the Earlier Registration</b>
<p>digitized asset, digital token, crypto token and utility token wallets;</p> <p>design, development, and implementation of software for third-party verification services for digital currency transactions, including but not limited to transactions involving bitcoin currency;</p> <p>design, development, and implementation of software for distributed computing platforms;</p>	
<p>technical consultancy services related to digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token transactions;</p>	<p>Technical support services, namely, troubleshooting of computer software problems and web applications (Class 42); IT consultancy, advisory and information services (Class 42);</p>
<p>providing cloud-based computer network identification verification, authentication and management services for security purposes;</p>	<p>SaaS (Class 42);</p>
<p>electronic data storage services.</p>	<p>SaaS (Class 42);  Electronic storage of digital content, information, data, text, files, and documents for others (Class 42);  Services, namely, providing remote storage of user's electronic and digital files (Class 42);</p>

**ANNEX 2 – Identical or Similar goods and services (Sections 5(2)(a) and/or 5(2)(b))**

The table below shows a side-by-side comparison of the goods and services in Classes 9, 35, 36, 42 and 45 covered by the Contested Application and the identical or similar goods and services protected by LiquidPlanner, Inc.'s Earlier Registration.

Goods/services in the Contested Application	Goods/services identical or similar in the Earlier Registration
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Class 9 in Contested Application	Identical / Similar goods or services in Earlier Registration:
Software	Computer software (Class 9); Computer application software (Class 9); Recorded computer software (Class 9); Downloadable computer software (Class 9); Computer software for use as an application programming interface (API) (Class 9); Downloadable computer software for application and software integration (Class 9); Interactive computer software (Class 9);
blockchain	Computer software (Class 9); Data processing software (Class 9); SaaS (Class 42);
software development tools	Computer software (Class 9);
software for use with digital currency; software for use with cryptocurrency; software for use with virtual currency; software for the collection, managing, editing, organizing, modifying, transmission, sharing, and storage of data and information; software for digital currency payment and exchange transactions; software for use in managing portfolios of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; software which facilitates the ability of users to view, analyze, record, store, monitor, manage, trade and exchange digital currency, virtual currency, cryptocurrency, digital and blockchain	Computer software (Class 9);

Class 9 in Contested Application	Identical / Similar goods or services in Earlier Registration:
<p>assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software for sending, receiving, accepting, buying, selling, storing, transmitting, trading and exchanging digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software for implementing and recording financial transactions;</p> <p>software for creating accounts and maintaining and managing information about financial transactions on distributed ledgers and peer to peer payment networks;</p> <p>software for use in financial trading; software for use in financial exchange;</p> <p>software for accessing financial information and market data and trends;</p> <p>software for settling financial transactions;</p> <p>software for providing authentication of parties to a financial transaction;</p> <p>software for maintaining ledgers for financial transactions;</p> <p>software for the management of cryptographic security of electronic transmissions across computer networks;</p> <p>software for encrypting and enabling secure transmission of digital information over the Internet;</p> <p>software for allowing users to calculate parameters related to financial transactions;</p> <p>distributed ledger software for use in processing financial transactions;</p> <p>software for electronic funds transfer;</p> <p>software for currency conversion;</p>	

Class 9 in Contested Application	Identical / Similar goods or services in Earlier Registration:
<p>software for the collection and distribution of data;</p> <p>software for payment transactions;</p> <p>software for connecting computers to local databases and global computer networks;</p> <p>software for creating searchable databases of information and data;</p> <p>software for managing and validating digital currency, virtual currency, cryptocurrency, digital asset, blockchain asset, digitized asset, digital token, crypto token and utility token transactions; software for creating and managing smart contracts;</p> <p>software for managing payment and exchange transactions;</p> <p>software... for use as a digital currency wallet;</p> <p>software... for use as a virtual currency wallet;</p> <p>software... for use as a digital asset wallet;</p> <p>software... for use as a digital token wallet;</p> <p>software... for use as a crypto token wallet;</p> <p>software... for use as a utility token wallet;</p> <p>software for creating a decentralized and open source digital currency for use in blockchain-based transactions;</p> <p>software for creating a decentralized and open source virtual currency for use in blockchain-based transactions;</p> <p>software for creating a decentralized and open source cryptocurrency for use in blockchain-based transactions;</p> <p>software for creating a decentralized and open source digitized asset for use in blockchain-based transactions;</p>	

<b>Class 9 in Contested Application</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
<p>software for creating a decentralized and open source digital token for use in blockchain-based transactions;</p> <p>software for users to buy and sell products by using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software used in issuing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software used in auditing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software for processing electronic payments and for transferring funds to and from others;</p> <p>software for transfers of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens between parties;</p> <p>software for creating, selling and managing blockchain-based tokens or appcoins;</p> <p>software for use in the management and implementation of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token transactions;</p> <p>software for managing crypto currency and digital currency accounts;</p> <p>software for use in payments, purchases, and investments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software for use in enabling the electronic transfer of funds to and from others;</p>	

Class 9 in Contested Application	Identical / Similar goods or services in Earlier Registration:
<p>software for use in managing the conversion of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens into hard currency;</p> <p>software for developing, deploying, and managing software applications, and integrating software applications for digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token accounts;</p> <p>software for use in facilitating the use of a blockchain or distributed electronic ledger to execute and record financial transactions, namely, financial trades made with the use of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software... for use in electronically exchanging currency for digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software for creating tokens to be used to pay for products and services, and that may be traded or exchanged for cash value;</p> <p>software for use in securely managing the conversion of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens into hard currency;</p> <p>software for managing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized asset, digital token, crypto token and utility token payments, money transfers, and commodity transfers;</p> <p>software for facilitating money transfers, electronic funds transfers, commodity</p>	

<b>Class 9 in Contested Application</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
<p>transfers, bill payment remittance, and transferring funds between parties;</p> <p>software for use in authenticating user access to computers and computer networks;</p> <p>software for use in facilitating secure transactions;</p> <p>software for use in accessing, reading, tracking, and using blockchain technology;</p> <p>software... for managing identity information, access rights to information resources and applications and authentication functionality;</p> <p>software for network identification verification, authentication and management services for security purposes;</p> <p>authentication software for controlling access to and communications with computers and computer networks;</p> <p>software used in issuing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software used in auditing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p>	
<p>computer application software for blockchain-based platforms, namely, software for digital exchanges for virtual items;</p> <p>distributed ledger platform software;</p> <p>software for use in an electronic financial platform; blockchain platform software;</p> <p>software for creating and managing a blockchain platform for use in managing digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token accounts;</p>	<p>Computer software (Class 9);</p>

Class 9 in Contested Application	Identical / Similar goods or services in Earlier Registration:
<p>software, namely, electronic financial platform that accommodates multiple types of payment and transactions in an integrated mobile phone, PDA, and web-based environment;</p> <p>providing electronic financial platform software;</p>	
<p>software platforms for facilitating transactions and payments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens or utility tokens that allow users to buy from, and sell products and services to others;</p>	<p>Computer software (Class 9); PaaS (Class 42); SaaS (Class 42);</p>
<p>software for use as an application programming interface (API);</p> <p>software for use as an application programming interface (API) for the development, testing, and integration of blockchain software applications;</p> <p>software for use as an application program interface (API) software for use in computer hardware device identification;</p>	<p>Computer software for use as an application programming interface (API) (Class 9); Computer software (Class 9); Application service provider (ASP) (Class 42);</p>
<p>application programming interface (API) for use in building software applications;</p>	<p>Computer software for use as an application programming interface (API) (Class 9); Computer software (Class 9);</p>
<p>magnetically encoded credit cards and payment cards</p>	<p>Computer software (Class 9); SaaS (Class 42);</p>
<p>digital currency wallet</p>	<p>Computer software (Class 9);</p>
<p>blockchain-based tokens or appcoins</p>	<p>Computer software (Class 9);</p>
<p>encryption devices;</p>	<p>Computer software (Class 9);</p>
<p>security tokens;</p>	<p>Computer software (Class 9);</p>
<p>computer hardware;</p> <p>hardware for use as a digital currency wallet;</p> <p>hardware for use as a virtual currency wallet;</p>	<p>Computer software (Class 9);</p>



<b>Class 9 in Contested Application</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
<p>hardware for use as a digital asset wallet;</p> <p>hardware for use as a digital token wallet;</p> <p>hardware for use as a crypto token wallet;</p> <p>hardware for use as a utility token wallet;</p> <p>hardware for use in electronically exchanging currency for digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>computer hardware for digital currency, virtual currency, cryptocurrency, digital and blockchain asset, and digitized asset mining;</p> <p>security token hardware;</p> <p>hardware for managing identity information, access rights to information resources and applications and authentication functionality;</p>	
<p>electronic currency converters;</p>	<p>Computer software (Class 9);</p>

<b>Class 35 in Contested Application:</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
<p>facilitating the exchange and sale of services and products of third parties via computer and communication networks;</p> <p>providing online marketplaces for sellers of goods and/or services;</p> <p>providing online facilities for connecting sellers with buyers;</p>	<p>SaaS (Class 42);</p> <p>PaaS (Class 42)</p> <p>Web application and server software (Class 42);</p> <p>Hosting of digital content, information, data, text, files and documents for others (Class 42);</p>
<p>providing a website featuring an online marketplace for selling and trading virtual goods with other users;</p>	<p>SaaS (Class 42);</p> <p>Web application and server software (Class 42);</p> <p>Hosting of digital content, information, data, text, files and documents for others (Class 42);</p>
<p>arranging of trading transactions online;</p>	<p>SaaS (Class 42);</p> <p>Data processing software (Class 9)</p>

<b>Class 35 in Contested Application:</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
blockchain as a service, namely, business advice and information in the field of blockchain technology;	Computer software (Class 9); SaaS (Class 42);
Marketing, advertising and promotion services;  business information;  provision of market research and information services;  promoting the goods and services of others via computer and communication networks;  business and advertising services;  market intelligence services;	Computer software (Class 9); SaaS (Class 42);
arranging and conducting special events for commercial, promotional or advertising purposes;  arranging and conducting special events for business purposes;	Computer software (Class 9); SaaS (Class 42);
networking services to conduct business;  networking service for investors to conduct business, namely, financial trades and exchange of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens.	Computer software (Class 9); SaaS (Class 42); PaaS (Class 42);

<b>Class 36 in Contested Application:</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
Financial services	Recorded computer software for financial analysis, planning and management (Class 9); Downloadable computer application software for financial analysis, planning and management (Class 9); Downloadable computer application software for providing analytics in the field of financial information, costs and profits, budgets, expenses, project performance, resource utilization and baseline trends (Class 9); Recorded computer application software for mobile phones, namely, software for providing

<b>Class 36 in Contested Application:</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
	<p>analytics in the field of financial information, costs and profits, budgets, expenses, project performance, resource utilization and baseline trends (Class 9);</p> <p>Downloadable computer application software for data and financial and accounting analytics, artificial intelligence, creating business intelligence dashboards and insights, data management, machine learning, modeling business history and current decisions and future choices, predicting accounting and financial variables, performing statistical calculations and analysis, and trending of accounting and financial and statistical variables (Class 9)</p>
digital currency services;	Computer software (Class 9); SaaS (Class 42)
cryptocurrency services;	Computer software (Class 9); SaaS (Class 42)
virtual currency services;	Computer software (Class 9); SaaS (Class 42)
electronic wallet services in relation to digital currency;	Computer software (Class 9); SaaS (Class 42)
electronic banking services via a global computer network;	Computer software (Class 9); SaaS (Class 42)
<p>payment processing services;</p> <p>electronic commerce payment services;</p> <p>cryptocurrency payment processing;</p> <p>electronic payment services;</p> <p>processing electronic payments through electronic wallet services;</p>	<p>Computer software (Class 9); SaaS (Class 42); Data processing software (Class 9);</p>
digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token trading services;	<p>Computer software (Class 9); SaaS (Class 42); Data processing software (Class 9);</p>
digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token processing services for others;	<p>Computer software (Class 9); SaaS (Class 42); Data processing software (Class 9);</p>

Class 36 in Contested Application:	Identical / Similar goods or services in Earlier Registration:
<p>facilitating transfers of electronic cash equivalents;</p> <p>electronic funds transfer;</p> <p>financial services, namely, providing electronic transfer of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p>	<p>Computer software (Class 9); SaaS (Class 42); Data processing software (Class 9);</p>
<p>financial services, namely, providing virtual currency services for use by members of an online community via a global computer network</p>	<p>Computer software (Class 9); SaaS (Class 42); Data processing software (Class 9);</p>
<p>financial services, namely management of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>financial services, namely, providing a financial exchange for the trading of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p>	<p>Computer software (Class 9); SaaS (Class 42); Data processing software (Class 9);</p>
<p>cryptocurrency exchange services;</p>	<p>Computer software (Class 9); SaaS (Class 42); Data processing software (Class 9);</p>
<p>electronic financial trading services;</p> <p>electronic financial trading, namely, trading of the field of digitized assets;</p> <p>cryptocurrency trading services;</p> <p>electronic trading of financial instruments;</p> <p>on-line services to conduct financial trading in the field of investments;</p> <p>online service for investors to conduct financial trading, namely, financial trades and exchange of digital currency, virtual currency,</p>	<p>Computer software (Class 9); SaaS (Class 42); Data processing software (Class 9);</p>

<b>Class 36 in Contested Application:</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens.	
<p>providing on-demand and real-time financial information about digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>providing information in the fields of investment and finance over computer networks and global communication network;</p> <p>financial information provided by electronic means;</p>	<p>Computer software (Class 9); SaaS (Class 42); Data processing software (Class 9);</p>
providing a website featuring financial information regarding digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token payments;	<p>Computer software (Class 9); SaaS (Class 42); Data processing software (Class 9); Web application and server software (Class 42); Hosting of digital content, information, data, text, files and documents for others (Class 42);</p>
electronic wallet services;	<p>Computer software (Class 9); SaaS (Class 42); Data processing software (Class 9);</p>
providing electronic processing and tracking of electronic funds transfers;	<p>Computer software (Class 9); SaaS (Class 42); Data processing software (Class 9);</p>
digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token processing services for others;	<p>Computer software (Class 9); SaaS (Class 42); PaaS (Class 42);</p>
issuance of tokens of value;	<p>Computer software (Class 9); SaaS (Class 42); PaaS (Class 42);</p>
management of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;	<p>Computer software (Class 9); SaaS (Class 42); PaaS (Class 42);</p>
financial exchange;	<p>Computer software (Class 9); SaaS (Class 42);</p>

<b>Class 36 in Contested Application:</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
<p>financial affairs, namely, financial management, financial planning, financial forecasting, financial portfolio management and financial analysis and consultation;</p> <p>brokerage services;</p> <p>currency dealing services;</p> <p>currency trading;</p> <p>currency management services;</p> <p>currency transfer services;</p> <p>currency exchange services;</p> <p>money exchange services;</p> <p>monetary exchange;</p> <p>exchanging money;</p>	<p>Hosting of digital content, information, data, text, files and documents for others (Class 42); PaaS (Class 42);</p>
<p>providing financial information in the nature of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token ratings;</p> <p>providing financial information in the fields of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token markets;</p> <p>financial information services;</p> <p>news reporting services in the field of financial news;</p>	<p>Computer software (Class 9); SaaS (Class 42); Hosting of digital content, information, data, text, files and documents for others (Class 42);</p>
<p>financial consultation in the field of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>clearing and reconciling financial transactions;</p>	<p>Computer software (Class 9); SaaS (Class 42); Hosting of digital content, information, data, text, files and documents for others (Class 42);</p>
<p>investment management services;</p>	<p>Computer software (Class 9); SaaS (Class 42);</p>

<b>Class 36 in Contested Application:</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
management of digital asset investment portfolios;	Hosting of digital content, information, data, text, files and documents for others (Class 42);
custodial services for financial institutions and funds;	Computer software (Class 9); SaaS (Class 42);
listing and trading of swaps and derivatives on digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;	Computer software (Class 9); SaaS (Class 42); Hosting of digital content, information, data, text, files and documents for others (Class 42);

<b>Class 42 in Contested Application:</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
design and development of computer hardware and software	Design and development of computer software (Class 42); Computer software (Class 9);
computer services	Computer services for the analysis of data (Class 42);
application service provider (ASP) services	Application service provider (ASP) (Class 42);
software as a service (SaaS) services	SaaS (Class 42); Computer software (Class 9);
platform as a service (PaaS) services	PaaS (Class 42); Computer software (Class 9);
providing cloud computing software;	Cloud-based software (Class 42); Computer software (Class 9);
providing distributed ledger technology;	SaaS (Class 42); PaaS (Class 42);
providing software enabling users to invest in digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;	SaaS (Class 42); Computer software (Class 9);
providing software for use in managing portfolios of digital currency, virtual currency, cryptocurrency, digital and blockchain asset,	

<b>Class 42 in Contested Application:</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
<p>digitized asset, digital token, crypto token and utility token assets;</p> <p>providing software which facilitates the ability of users to view, analyze, record, store, monitor, manage, trade and exchange digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>providing software for sending, receiving, accepting, buying, selling, storing, transmitting, trading and exchanging digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>providing software for implementing and recording financial transactions, for creating accounts and maintaining and managing information about financial transactions on distributed public ledgers and peer to peer payment networks;</p> <p>providing software for processing electronic payments and for transferring funds to and from others;</p> <p>providing electronic financial platform software;</p> <p>providing software for use as an application programming interface (API) for the development, testing, and integration of blockchain software applications;</p> <p>providing software for transfers of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens between parties;</p> <p>providing software for use in financial trading; providing software for use in financial exchange;</p> <p>providing software for use in accessing financial information and market data and trends;</p>	



<b>Class 42 in Contested Application:</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
<p>providing software for settling financial transactions, for providing authentication of parties to a financial transaction, for maintaining ledgers for financial transactions;</p> <p>providing software for the management of cryptographic security of electronic transmissions across computer networks;</p> <p>providing software for use with digital currency;</p> <p>providing software for use with cryptocurrency;</p> <p>providing software for use with virtual currency;</p> <p>providing software for use with digital currency wallet and storage services;</p> <p>providing software for digital currency payment and exchange transactions;</p> <p>providing distributed ledger software for use in processing financial transactions;</p> <p>providing software for electronic funds transfer;</p> <p>providing software for currency conversion; providing software for the collection and distribution of data;</p> <p>providing software for payment transactions;</p> <p>providing software for connecting computers to local databases and global computer networks;</p> <p>providing software for creating searchable databases of information and data;</p> <p>providing software for managing and validating digital currency, virtual currency, cryptocurrency, digital asset, blockchain asset, digitized asset, digital token, crypto token and utility token transactions;</p> <p>providing software for creating and managing smart contracts; providing software for managing payment and exchange transactions;</p>	

<b>Class 42 in Contested Application:</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
<p>providing software for electronically exchanging currency for digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>providing software for use in enabling the electronic transfer of funds to and from others;</p> <p>providing software for creating a decentralized and open source digital currency for use in blockchain-based transactions;</p> <p>providing software for creating a decentralized and open source virtual currency for use in blockchain-based transactions;</p> <p>providing software for creating a decentralized and open source cryptocurrency for use in blockchain-based transactions;</p> <p>providing software for creating a decentralized and open source digitized asset for use in blockchain-based transactions;</p> <p>providing software for creating a decentralized and open source digital token for use in blockchain-based transactions;</p> <p>providing software for encrypting and enabling secure transmission of digital information over the Internet, as well as over other modes of communication between computing devices;</p> <p>providing software for allowing users to calculate parameters related to financial transactions;</p> <p>providing distributed ledger platform software for use in processing financial transactions; providing software for electronic funds transfer and currency conversion;</p> <p>providing software for use in securely managing the conversion of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens into hard currency;</p>	

<b>Class 42 in Contested Application:</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
<p>providing software for use as a cryptocurrency wallet;</p> <p>providing software for democratically managing digital exchanges for virtual items through smart contracts;</p> <p>providing software for use in trading, clearing, transmitting, receiving, storing, confirmation, and financial trading risk management for exchange market transactions in the fields of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>providing software for use with blockchain technology;</p> <p>providing software for auditing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>providing software for use in collecting, transferring, receiving, tracking, storing and transferring peer-to-peer currency;</p> <p>providing software for users to buy and sell products by using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>providing software for use in accessing, reading, tracking, and using blockchain technology;</p> <p>providing software enabling users to develop, build and run distributed applications through an open-source peer-to-peer smart-contract and payment network platform;</p> <p>providing authentication software for controlling access to and communications with computers and computer networks;</p>	

<b>Class 42 in Contested Application:</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
<p>providing software for use in the exchange of virtual items;</p> <p>providing software for selling, trading and managing blockchain-based tokens or appcoins;</p> <p>providing a digital exchange;</p> <p>providing software for use in issuing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>providing software for managing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized asset, digital token, crypto token and utility token payments, money transfers, and commodity transfers;</p> <p>providing software for facilitating money transfers, electronic funds transfers, commodity transfers, bill payment remittance, and transferring funds between parties;</p>	
<p>providing temporary use of non-downloadable software for use in collecting, transferring, receiving, tracking, storing and transferring bitcoin;</p>	<p>Providing temporary use of on-line non-downloadable software (Class 42); SaaS (Class 42); Computer software (Class 9);</p>
<p>providing blockchain-based software platforms and distributed computing software platforms for auditing and verifying digital information and codes;</p> <p>software platforms for decentralized blockchain style communication;</p> <p>software platforms for the tracking and support of data transactions;</p> <p>providing software platforms for facilitating transactions and payments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens or utility tokens that allow users to buy from, and sell products and services to others;</p>	<p>PaaS (Class 42); Computer software (Class 9);</p>

<b>Class 42 in Contested Application:</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
<p>providing a web portal featuring blogs and non-downloadable publications in the nature of articles, columns, and informational guides in the fields of virtual currencies, digital and blockchain assets and market and trading trends; providing a web portal for users to access information in the field of virtual currencies, digital and blockchain assets;</p>	<p>PaaS (Class 42);          Hosting of digital content, information, data, text, files and documents for others (Class 42);</p>
<p>platform as a service (PaaS) featuring computer software platforms for the selling and purchasing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>platform as a service (PaaS) featuring computer software platforms for managing blockchain and token driven, distributed storage computer systems;</p> <p>platform as a service (PaaS) featuring software platforms for authenticating, facilitating, matching, processing, clearing, storing, receiving, tracking, transferring, and submitting trade data, exchanging of trading transaction details, and management of the overall trading lifecycle;</p> <p>platform as a service (PaaS) services featuring software for clearing, allocation, compliance, recordation and settlement of trading related to digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>platform as a service (PaaS) featuring software platforms for facilitating transactions and payments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens that allow users to buy from, and sell products and services to others;</p> <p>platform as a service (PaaS) featuring computer software platforms for computer system and</p>	<p>PaaS (Class 42);</p>

<b>Class 42 in Contested Application:</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
application development, deployment, and management	
<p>software as a service (SaaS) featuring computer software platforms for the selling and purchasing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software as a service (SaaS) featuring computer software platforms for managing blockchain and token driven, distributed storage computer systems;</p> <p>software as a service (SaaS) featuring software platforms for authenticating, facilitating, matching, processing, clearing, storing, receiving, tracking, transferring, and submitting trade data, exchanging of trading transaction details, and management of the overall trading lifecycle;</p> <p>software as a service (SaaS) services featuring software for clearing, allocation, compliance, recordation and settlement of trading related to digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p> <p>software as a service (SaaS) featuring software platforms for facilitating transactions and payments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens that allow users to buy from, and sell products and services to others;</p> <p>software as a service (SaaS) featuring computer software platforms for computer system and application development, deployment, and management;</p>	SaaS (Class 42);
computer services, namely, providing a decentralized electronic file storage system and open source cloud storage platform;	Computer services for the analysis of data (Class 42); Design and development of computer software (Class 42);

Class 42 in Contested Application:	Identical / Similar goods or services in Earlier Registration:
<p>computer services, namely, providing a decentralized electronic object storage platform for end-to-end encrypted and powered by blockchain and blockchain payments;</p> <p>computer services, namely, providing secure, private encrypted cloud storage services;</p> <p>computer services, namely, providing electronic peer-to-peer data storage distributed across unused customer electronic storage resources; computer services, namely, providing open source decentralized cloud storage platform;</p> <p>computer services, namely, creating an on-line virtual environment for the selling and purchasing of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens;</p>	
<p>data encryption services featuring blockchain software technology and peer-to-peer protocols to provide secure, private, and encrypted cloud storage;</p>	<p>PaaS (Class 42); SaaS (Class 42); Electronic storage of digital content, information, data, text, files, and documents for others (Class 42);</p>
<p>distributed, electronic storage of electronic media, namely, data, documents, files, text, photos, images, graphics, music, audio, video, and multimedia content;</p>	<p>Electronic storage of digital content, information, data, text, files, and documents for others (Class 42); Services, namely, providing remote storage of user's electronic and digital files (Class 42); Hosting of digital content, information, data, text, files and documents for others (Class 42). Recorded computer software for storing, cataloguing, organizing, and accessing digital content, information, data, text, files, and documents; Downloadable computer application software for storing, cataloguing, organizing, and accessing digital content, information, data, text, files, and documents (Class 9); Recorded computer application software for mobile phones, namely, software for storing, cataloguing, organizing, and accessing digital content, information, data, text, files, and documents (Class 9);</p>

<b>Class 42 in Contested Application:</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
<p>secure hosted management, storage and administration of passwords, credentials and identity information relating to persons, accounts and devices for security purposes;</p>	<p>Electronic storage of digital content, information, data, text, files, and documents for others (Class 42);  Services, namely, providing remote storage of user's electronic and digital files (Class 42);  Hosting of digital content, information, data, text, files and documents for others (Class 42).</p>
<p>data mining;</p>	<p>Electronic storage of digital content, information, data, text, files, and documents for others (Class 42);  Services, namely, providing remote storage of user's electronic and digital files (Class 42);  Hosting of digital content, information, data, text, files and documents for others (Class 42).  SaaS (Class 42);  Computer software (Class 9);  Data processing software (Class 42);  Software for the collection, managing, editing, organizing, modifying, transmission, sharing, and storage of data and information (Class 42);  Software for the collection and distribution of data; Software for creating searchable databases of information and data (Class 42);  Providing software for the collection and distribution of data (Class 42);  Providing software creating searchable databases of information and data (Class 42);</p>
<p>design, development and implementation of audit and security software for blockchain-based platforms;</p> <p>design, development, and implementation of software for blockchain;</p> <p>design, development, and implementation of software solutions for digital currency security;</p> <p>design, development, and implementation of software for digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token wallets;</p> <p>design, development, and implementation of software for third-party verification services for digital currency transactions, including but not</p>	<p>Design and development of computer software (Class 42);  PaaS (Class 42);  SaaS (Class 42);</p>



<b>Class 42 in Contested Application:</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
limited to transactions involving bitcoin currency;  design, development, and implementation of software for distributed computing platforms;	
technical consultancy services related to digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token transactions;	technical support services, namely, troubleshooting of computer software problems and web applications (Class 42); IT consultancy, advisory and information services (Class 42);
providing cloud-based computer network identification verification, authentication and management services for security purposes;	SaaS (Class 42); PaaS (Class 42); Cloud-based software (Class 42)
electronic data storage services.	SaaS (Class 42); Electronic storage of digital content, information, data, text, files, and documents for others (Class 42); Services, namely, providing remote storage of user's electronic and digital files (Class 42);

<b>Class 45 in Opposed Application:</b>	<b>Identical / Similar goods or services in Earlier Registration:</b>
Authentication services;  Provision of user authentication services;	SaaS (Class 42); PaaS (Class 42);
Online social networking services;  On-line social networking services for individuals and investors with an interest in fields of investments;  Online social networking service for investors with an interest in the field of financial trades and exchange of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; provision of user authentication services.	SaaS (Class 42); PaaS (Class 42); Hosting of digital content, information, data, text, files and documents for others (Class 42).
User verification services;  Identification verification services;	SaaS (Class 42); PaaS (Class 42);

<p>Providing a website featuring information on the development of privacy, security, blockchain and distributed ledger technologies and data governance law;</p>	<p>SaaS (Class 42);  PaaS (Class 42);  Data processing software (Class 42);  Web application and server software (Class 42);  Hosting of digital content, information, data, text, files and documents for others (Class 42);</p>
<p>regulatory compliance consultancy in the field of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token applications;</p>	<p>Computer software (Class 9);  SaaS (Class 42);</p>