

TRADE MARKS ORDINANCE (Cap. 559)

APPLICATION NO.: 300422720AD

- A. NEW TV
- B. New TV
- C. New tv
- D. new tv

MARK:

CLASS: 9, 38, 41 and 42

APPLICANT: PCCW-HKT DataCom Services Limited

STATEMENT OF REASONS FOR DECISION

Background

1. On 19 May 2005, PCCW-HKT DataCom Services Limited (“the applicant”) applied, pursuant to the provisions of the Trade Marks Ordinance (Cap. 559) (“the

- A. NEW TV
- B. New TV
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Ordinance”), to register the mark in Classes 9, 16, 35, 38, 41 and 42.

2. At the examination stage, objection was taken under section 11(1)(b) of the Ordinance in respect of Classes 9, 38, 41 and 42 as the mark merely conveys the message that the applied for goods and services under these classes relate to a new type of television or a new kind of television service (which may or may not be used through a computer system) and is considered to be devoid of any distinctive character in respect of those goods and services.
3. On 23 November 2005, the applicant requested a registrability hearing. The hearing took place before me on 6 June 2006 at which Ms. Karen Law of Messrs. So Keung Yip & Sin appeared on behalf of the applicant. I reserved my decision at the conclusion of the hearing.
4. Before the expiry of the prescribed period under rule 14(2)(c) of the Trade Marks Rules, the applicant filed Forms T3 and T5A to divide and amend the application.

As a result, the application can proceed to registration in respect of Classes 16 and 35. I therefore only have to consider the application in respect of the remaining goods and services, as amended, in Classes 9, 38, 41 and 42 (now reproduced at Annex I to this decision).

5. The applicant did not file any evidence of use of the mark. I therefore have only the prima facie case to consider.

Trade Marks Ordinance

6. The meaning of a “trade mark” is defined in section 3(1) of the Ordinance which provides:

“(1) In this Ordinance, a “trade mark” means any sign which is capable of distinguishing the goods or services of one undertaking from those of other undertakings and which is capable of being represented graphically.”

7. The absolute grounds for refusal of an application for registration are contained in section 11 of the Ordinance. Section 11(1) provides:

“(1) Subject to subsection (2), the following shall not be registered-

- (a) signs which do not satisfy the requirements of section 3(1) (meaning of “trade mark”);
- (b) trade marks which are devoid of any distinctive character;

...”

The applicant’s submissions

8. Ms. Law’s main submissions are as follows: -

- (a) There is a presumption of registrability under section 3(1) of the Ordinance and the mark is capable of distinguishing the applicant’s goods and services from those of other traders as it “indicates a connection” in the course of trade between the goods and services applied for and the applicant (*Millington and Fox* (1838 3 My & Cr 338)).
- (b) The unusual juxtaposition and combination of the mark render it resistant to

natural descriptive uses (*Mark Foy's Limited v Davies Coop and Co Ltd* ("TUB HAPPY") (1956) 95 CLR 190). The mark is not apt to describe the applied for goods and services and at best, merely alludes to or points in the direction of the type of goods and services.

- (c) The mark is fanciful and its meaning is totally arbitrary when applied to the goods and services applied for. It is not a term used in the common parlance of the average consumers for those goods and services.
- (d) The mark is not capable of being used by other traders to designate a characteristic of their goods and services and other legitimate traders would unlikely adopt a mark resembling the mark for ordinary descriptive purposes. The average consumers will be capable of recognizing the mark as the applicant's mark.
- (e) The mark may only be descriptive in relation to some but not the majority of the goods and services applied for.
- (f) The Registrar has accepted various marks which are no more distinctive than the mark.

Decision

9. In this application, there is no objection under section 11(1)(a) of the Ordinance. The objection is under section 11(1)(b) of the Ordinance which is an independent ground of objection.

Section 11(1)(b) of the Ordinance

10. Section 11(1)(b) precludes from registration signs which are devoid of any distinctive character.
11. The test for distinctiveness was laid down by Mr. Justice Jacob in *British Sugar Plc v James Robertson and Sons Ltd* [1996] RPC 281 at page 306:

“What does *devoid of any distinctive character* mean? I think the phrase requires consideration of the mark on its own, assuming no use. Is it the sort of word (or other sign) which cannot do the job of distinguishing without first educating the public that it is a trade mark?”

12. In “*Cycling IS ...*” *Trade Mark Applications* [2002] RPC 37, Mr. Geoffrey Hobbs as the Appointed Person, stated that the test of registrability under section 11(1)(b) resides in

the question:

“Whether the perceptions and recollections that the sign in issue would trigger in the mind of the average consumer of the specified goods or services are likely to be origin-specific or origin-neutral.”

13. The approach of assessing distinctiveness was further discussed in *Nestle SA’s Trade Mark Application (Have a Break)* [2004] FSR 2:

“The distinctiveness to be considered is that which identifies a product as originating from a particular undertaking. Such distinctiveness is to be considered by reference to goods of the class for which registration is sought and consumers of those goods. In relation to the consumers of those goods the court is required to consider the presumed expectations of reasonably well informed, and circumspect consumers.”

14. It is also well established that in assessing a mark, the mark must be considered in its entirety. In view of the above legal principles, I must consider whether the combination of the words in the mark would be capable of identifying the goods and services as originating from a particular undertaking, and therefore distinguishing them from those of other undertakings. The question must be considered in respect of the goods and services for which the applicant seeks registration and by reference to the presumed perception of a consumer who is reasonably well-informed and reasonably observant and circumvent.
15. In this application, the applied for goods and services cover a wide range of goods and services, in mainly the computer, telecommunication and entertainment fields. I consider that the consumers of these types of goods and services would include the general public.
16. The mark consists of a series of four marks, each of which comprises the plain English words “NEW” and the letters “TV” in different combinations of capital and small letters.
17. The word “NEW” means “recently made or brought into being; of a kind never before existing; novel; up-to-date; fashionable” (Collins English Dictionary - Millennium Edition).
18. The letters “TV” are the abbreviation for television (Collins English Dictionary, Third Edition Updated 1994; www.askoxford.com and www.acronymfinder.com). The

definitions of “television” include “the system or process of producing on a distant screen a series of transient visible images, usually with an accompanying sound signal; a device designed to receive and convert incoming electrical signals into a series of visible images on a screen together with accompanying sound; the content, etc., of television programmes” (Collins English Dictionary - Millennium Edition).

19. Traditionally, television contents are transmitted at fixed schedule to homes by radio waves or cables and received/displayed on cathode ray tube (CRT) television sets. Owing to advancements in technology, there have been introduced in the market new kinds of television systems, services, apparatus and contents.

20. Nowadays, people may log on designated web pages to access and receive different kinds of television contents of his choice, such as news, television series, movies, music videos, fashion or educational contents, at his preferred schedule and location via computers or other telecommunication apparatus. Television that comes in this form is commonly known as “Internet Television” or “IPTV”, i.e. Internet Protocol Television. A viewer only requires an internet connection and an internet enabled apparatus such as a personal computer, iPod, HDTV connected to a computer or even a 3G mobile phone to watch television. Further, some television services commonly known as “Interactive Television Services” may even allow a viewer to interact with television contents, such as choosing camera angles or plot endings, or voting at a public opinion poll, by returning information to the service providers via telephone, mobile text messages or internet.

21. The mark is made up of two words (a compound word mark). In relation to a compound word mark, the Court of First Instance of the European Communities in para. 29 of *Robert Bosch GmbH v Office de l’harmonisation dans le marche interieur (marques, dessins et modeles) (OHMI) (“Kit Pro”)* [2002] ECR II-4881 stated: -

“Next, the fact that a compound trade mark consists only of components devoid of distinctive character as regards the goods or services concerned is evidence which generally justifies the conclusion that that trade mark, considered as a whole, is also devoid of distinctive character in relation to those goods or services. Such a conclusion can be dismissed only if concrete evidence, such as, for example, the way in which the various components are combined, indicates that the compound trade mark, considered as a whole, is greater than the sum of its parts.”

22. In *Eurohypo AG v Office for Harmonisation in the Internal Market (Trade Marks and*

Designs) (“*EUROHYPO*”) (*Case R829/2002-4*), the Court of First Instance of the European Communities also stated in para. 54: -

“It is clear from the case-law that a mark consisting of a word composed of elements, each of which is descriptive of characteristics of the goods or services in respect of which registration is sought, is itself descriptive of the characteristics of those goods or services unless there is a perceptible difference between the word and the mere sum of its parts: that assumes either that because of the unusual nature of the combination in relation to the goods or services the word creates an impression which is sufficiently far removed from that produced by the mere combination of meanings lent by the elements of which it is composed, with the result that the word is more than the sum of its parts, or that the word has become part of everyday language and has acquired its own meaning, with the result that it is now independent of its elements. In the latter case, it is then necessary to ascertain whether a word which has acquired its own meaning is not itself descriptive for the purposes of the same provision.”

23. The mark is a mere configuration of the adjective “NEW” and the noun “TV” without any stylization or additional device. First, the adjective “NEW” is a sign which may serve to designate that the applied for goods or services are novel or up-to-date. It is a characteristic which is generally desired by the relevant consumers. The adjective is likely to be commonly used in trade for promoting similar goods or services. Therefore, the word is devoid of any distinctive character in relation to the applied for goods and services.
24. Second, as regards the component “TV”, when used in relation to the applied for goods in Class 9, namely, electronic, computer or telecommunication apparatus, it indicates that those apparatus relate to or would facilitate the provision or enjoyment of television. When applied to telecommunication services in Class 38, the component “TV” refers to the nature of those services, i.e. they relate to or would facilitate the provision or transmission of television. In the context of education and entertainment services in Class 41, the word “TV” indicates that the contents of those services are relating to television or those services can be available as contents of television programmes. With respect to computer related services in Class 42, the word “TV” denotes that those services relate to or would facilitate the provision or transmission of television. Therefore, the component “TV” is also devoid of any distinctive character as regards the applied for goods and services.

25. The mark “NEW TV” as a whole conveys an immediately comprehensible meaning of new or contemporary kinds of television systems, services, apparatus, as well as contents of TV programmes that are new. When used in relation to the applied for goods or services, namely, electronic, computer or telecommunication apparatus in Class 9, telecommunication services in Class 38 and computer related services in Class 42, the mark as a whole is likely to convey to consumers the message that the goods or services relate to or would facilitate the provision or enjoyment of new kinds of television such as Internet TV or Interactive TV services. When applied to education and entertainment services in Class 41, the mark gives the message that the contents of those services are relating to new kinds of television or those services can be available as contents of new kinds of television programmes.
26. The mark is accordingly descriptive of the applied for goods and services. The message conveyed is direct on first impression without the need to institute a search for the meaning or to go through a process of analysis and reasoning. There is sufficiently direct and concrete association between the mark and the majority of the applied for goods and services from the point of view of the relevant class of consumers.
27. Ms. Law submits that there is an unusual combination and juxtaposition of the words “NEW” and “TV” so that the mark is not apt to describe the applied for goods and services. She has also submitted that the mark is not capable of being used by other traders to describe their own goods and services.
28. I cannot agree with Ms. Law’s submissions. I do not find anything unusual about the way the words in the mark are composed or anything distinctive in the combination of the words “NEW” and “TV”. The mark is made up of components descriptive of the applied for goods and services and there is no perceptible difference between the mark and the mere sum of its parts.
29. Nor is the mark a syntactically unusual juxtaposition of familiar words. The mark “New TV” is a straightforward juxtaposition of an adjective and a noun. The structure of the mark does not diverge from English word composition rules but rather complies with them. Therefore, it will not be perceived as unusual by the consumer concerned. The mere juxtaposition of the words “NEW” and “TV” in a usual and customary way, in the absence of any additional character, does not confer distinctiveness on the mark. The descriptive meaning of the mark has not been displaced by its combination or juxtaposition.

30. The words “NEW” and “TV”, despite the different combinations of capital and small letters in the series, are written in plain font without any stylization in the mark. Nothing fanciful has emerged from the presentation of those letters. There is nothing about the mark that might beyond its obvious meaning, enable the relevant public to memorize the mark easily and instantly as a distinctive trade mark for the goods and services designated. The mark as a whole lacks the minimum degree of distinctive character required for the mark to indicate its commercial origin to the public.
31. I find the mark is apt and equally applicable for promoting similar goods and services by other traders. The perceptions and recollections that the mark would trigger in a consumer’s mind are likely to be origin neutral. Without being first educated that the mark is intended to be used as a trade mark, the relevant consumer is likely to perceive the mark as a descriptive designation, as opposed to a badge of trade origin.
32. For the reasons stated above, I find that save in respect of the goods and services set out in Annex II, the mark is devoid of any distinctive character under section 11(1)(b) of the Ordinance in respect of the goods and services applied for.
33. I do not consider the mark to be devoid of any distinctive character under section 11(1)(b) in respect of the goods and services set out at Annex II to this decision, as those goods and services have no direct relation to new or contemporary kinds of television.

Reference to other registered marks on the register

34. Ms. Law refers to various registered marks and submits that they are no more distinctive than the mark. I have considered the registered marks and I find they are less descriptive and more distinctive than the mark, as their references to the goods or services or their characteristics are not as direct.
35. In any event, it is well established that each case must be considered on its own merits and not by reference to other registered marks. In *British Sugar Plc v James Robertson & Sons Ltd* [1996] RPC 281 at 305, Jacob J said that “It has long been held under the old Act that comparison with other marks on the register is in principle irrelevant when considering a particular mark tendered for registration, see *e.g. MADAME Trade Mark* and the same must be true under the 1994 Act. I disregard the state of the register evidence.”

36. I therefore find that the reference of other registered marks do not assist the applicant.

Conclusion

37. I have considered all the documents filed by the applicant together with all the oral and written submissions made in respect of the application. For the reasons stated above, I find that the mark is devoid of any distinctive character and is objectionable under section 11(1)(b) of the Ordinance in respect of the applied for goods and services in Classes 9, 38, 41 and 42, save and except those goods and services set out at Annex II to this decision.

38. The application is accordingly refused under section 42(4)(b) of the Ordinance, save and except those goods and services set out at Annex II to this decision.

39. The application could, however, proceed to publication provided that the applicant files, on or before **2 February 2007**, an amendment on Form T5A to amend the specification by restricting the goods and services to those set out at Annex II to this decision. If the applicant fails to do so on or before the above date, it shall be deemed to have abandoned the application.

Connie Law
for Registrar of Trade Marks

2 January 2007

Annex I

Class 9

“Voice mail system; telephone dialling apparatus by vocal synthesizer; answering machine; telephone answering apparatus; automatic answering apparatus for communications apparatus; computer programs; computer software supplied on the Internet; on-line electronic publications (downloadable from the Internet or a computer network or a computer database); computers, computer hardware and software, computer peripherals; scientific, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision) and teaching apparatus and instruments; apparatus and instruments for recording, receiving, transmitting and/or reproducing data, information, pictures, images, and/or sound, none of the aforesaid including television sets and television related products; telephones, pagers, mobile phones, facsimile machines; magnetic data carriers, recording discs, none of the aforesaid featuring musical performances; automatic vending machines and mechanisms for coin-operated apparatus; video tapes, audio cassettes, compact discs, floppy discs, CD ROMS and DVD ROMS, none of the aforesaid featuring musical performances; data processing equipment; computer software for browsing and/or searching of data, or enabling browsing and/or searching on a computer network or the Internet; cards, wires, discs and semiconductor devices carrying computer programs; telecommunications apparatus, instruments, networks and circuitry; cables, cable installations, optical fibres, optical communication apparatus and circuitry, all for telecommunication purposes; electronic and computer apparatus and instruments for debiting and/or crediting financial accounts and/or for paying for goods or services; machine-readable debit and/or credit and/or charge cards; electronic and computer apparatus, instruments and software for communicating with computer networks and the world-wide web; computer software for connecting computer network users to design pages and sites on the world wide web; computer hardware and software for database management; computer hardware and software for decompressing digital media; radio, MP3 (moving picture experts group-1 audio layer 3) players; computer software for event scheduling and for managing, viewing and editing address books and personal and professional contact information; mouse pads; integrated circuits; data storage programs; servers; and parts and fittings for all the aforesaid goods; none of the aforementioned goods being electronic transmission recordings featuring musical performances; all included in Class 9 ”.

Class 38

“Telecommunication services; provision of telecommunication access and links to computer database and to the Internet; electronic communication services; interactive telecommunications services; telecommunication of information (web pages), computer programs and data; providing telecommunications connections to the Internet or data bases; telecommunication gateway services; computer network communication services; provision of telecommunication access to world-wide web facilities and structures; communication by computer terminals, communication by fibre optic networks, computer aided transmission of messages and images, facsimile transmission, message sending, paging services, rental of modems, data communication services by electronic means; telephone services, telegraph services, telex services; telegraphic-wire services; wire services; satellite communication services; electronic mail services; rental of telecommunication equipment; electronic message sending, receiving and forwarding services; collection, transmission and delivery of data by electronic means; collection, transmission and delivery of mail messages by electronic and computer means; electronic messaging, conferencing and order-transmission services; communication services between computers; communication by electronic bulletin board that enables users to perform a real-time interactive talk between a computer terminal and an electronic bulletin board containing still picture and moving picture information and voice information such as characters; music broadcasting; transmission of music, films, interactive programmes, videos, electronic computer games; preparation of reports in relation to the foregoing services; provision of telecommunication facilities for interactive discussion and conversation; telecommunication services provided by means of pre-paid telephone cards; telephone services relating to credit card authorization; providing access to digital music web sites on the Internet; providing telecommunication access to MP3 (Moving Picture Experts Group-1 audio layer 3) web sites on the Internet; delivery of digital music by telecommunications; operating search engines; computerized consultation of telephone directories; transmission of information relating to on-line shopping and general retail services; news services for communication media; consultancy, information and advisory services in relation to the aforesaid services; all included in Class 38.”

Class 41

“Publication of texts, books and journals (others than publicity texts); publication of diagrams, images and photographs; education, training and instruction services relating to

telecommunications, computers, computer programs, web site design, e-commerce, business management and advertising; design of educational courses, examinations and qualifications; consultancy services relating to the designing of training courses; electronic games services provided by means of the Internet; provision of information relating to education, training, entertainment, recreation, sporting, social and cultural activities; providing on-line electronic publications (not downloadable); arranging, organizing, hosting and conducting singing competitions; arranging, organizing, hosting and conducting concerts; arranging, organizing, hosting and conducting events and competitions for education or entertainment purposes; entertainment ticket agency services; information relating to entertainment or education, provided online from a computer database or the Internet; providing digital music (not downloadable) from the Internet; providing digital music (not downloadable) from MP3 (Moving Picture Experts Group-1 audio layer 3) Internet web sites; operating chat rooms; music entertainment services; rental of sound recordings; provision of club recreation, sporting and gymnasium facilities; band performances; club entertainment, discotheque, fashion show and night club services; club services relating to entertainment, education and cultural services; organizing of sporting and cultural services; arranging, conducting and provision of conferences, conventions, congresses, seminars and training workshops; organizing and conducting exhibitions, fashion shows, educational shows and cultural shows and performances; art exhibition and gallery services; gallery services relating to fine arts leasing; education services; training services in relation to occupation health and safety, environmental conservation; provision of cigar classes, wine tasting classes; entertainment services; providing education information about research materials and agency thereof; arranging, organizing, planning and management of seminars; animal training; exhibiting plants; exhibition of gardens; exhibition of caves; exhibiting animals; art exhibition; providing sports facilities; entertainment booking agencies; rental and leasing of motion pictures (cine-films); rental and leasing of toys; rental and leasing of musical instruments; rental and leasing of skiing equipment; rental and leasing of skin diving equipment; lending libraries; rental and leasing of radio sets; rental of records and pre-recorded magnetic tapes; rental of pre-recorded video tapes; rental and leasing of photographic negative; rental and leasing of photographic positives; rental and leasing of machines and instruments for use in amusement parks and pleasure grounds; rental and leasing of game machines; lending of game equipment; lending of arcade game equipment; lending of pictures; photography; rental and leasing of cameras; rental and leasing of fishing machines and implements; translation; interpretation; consultancy, information and advisory services relating to the aforesaid services; all included in class 41.”

Class 42

“Leasing access time to a computer database; computer service relating to creating indexes of information, sites and resources on computer networks; providing access to computer database on the global computer network for searching and retrieving information, data, web sites and resources available on computer networks; licencing of digital data, still images, moving images, audio and text; computer programming; design, drawing and commissioned writing, all for the compilation of web pages on the Internet; creating and maintaining web sites; hosting web sites of others; installation, maintenance and repair of computer software; updating of computer software, computer services relating to recovery of computer data, computer software design; consultancy in the field of computer hardware; design and engineering design services relating to telecommunications systems and apparatus; computer systems analysis; computer database development; providing user access to a computer database containing electronic publications and data via computer networks for processing and/or displaying purposes; providing user access to remote computers containing electronic publications, bulletin boards, database and information accessible via computer; rental and leasing of computers, computer apparatus, computer software and computer data; creation, compilation and maintenance of a register of domain names; computer services relating to home shopping services provided from the Internet; computer and electronic signal coding and decoding; meteorological information; architecture; surveying; geological survey, research and prospecting; testing, screening and research of pharmaceutical, cosmetics and foods; research for building construction and city planning; testing and research for prevention of pollution; electrical testing and research; civil engineering testing and research; testing, inspection and research for agriculture, livestock breeding and marine product industries; rental and leasing of measuring apparatus and instruments; rental and leasing of fixing equipment; rental and leasing of ultrasonic diagnostic equipment; rental and leasing of physical or chemical apparatus and instruments; consultancy and advisory services relating to energy conservation; energy auditing; environmental design services; environmental conservation and management; testing and evaluation of occupational health and safety; architectural and design services; interior designs of buildings, offices and apartments; consultancy, information and advisory services relating to the aforesaid services; all included in Class 42.”

Annex II

Class 9

“Voice mail system; telephone dialling apparatus by vocal synthesizer; answering machine; telephone answering apparatus; automatic answering apparatus for communications apparatus; surveying, weighing, measuring, checking (supervision) and teaching apparatus and instruments; pagers, facsimile machines; automatic vending machines and mechanisms for coin-operated apparatus; audio cassettes; electronic and computer apparatus and instruments for debiting and/or crediting financial accounts and/or for paying for goods or services; machine-readable debit and/or credit and/or charge cards; radio; computer software for event scheduling and for managing, viewing and editing address books and personal and professional contact information; mouse pads; and parts and fittings for all the aforesaid goods; none of the aforementioned goods being electronic transmission recordings featuring musical performances; all included in Class 9”.

Class 38

“facsimile transmission; telegraph services, telex services; telegraphic-wire services; telecommunication services provided by means of pre-paid telephone cards; telephone services relating to credit card authorization; operating search engines; computerized consultation of telephone directories; consultancy, information and advisory services in relation to the aforesaid services; all included in Class 38.”

Class 41

“Publication of texts, books and journals (others than publicity texts); publication of diagrams, images and photographs; design of educational courses, examinations and qualifications; consultancy services relating to the designing of training courses; arranging, organizing, hosting and conducting singing competitions; arranging, organizing, hosting and conducting concerts; arranging, organizing, hosting and conducting events and competitions for education or entertainment purposes; entertainment ticket agency services; rental of sound recordings; provision of club recreation, sporting and gymnasium facilities; club entertainment, discotheque and night club services; club services relating to entertainment, education and cultural services;

organizing of sporting and cultural services; arranging, conducting and provision of conferences, conventions, congresses, seminars and training workshops; organizing and conducting exhibitions, fashion shows, educational shows and cultural shows and performances; art exhibition and gallery services; gallery services relating to fine arts leasing; education services; training services in relation to occupation health and safety, environmental conservation; provision of cigar classes, wine tasting classes; providing education information about research materials and agency thereof; arranging, organizing, planning and management of seminars; animal training; exhibiting plants; exhibition of gardens; exhibition of caves; exhibiting animals; art exhibition; providing sports facilities; entertaining booking agencies; rental and leasing of motion pictures (cine-films); rental and leasing of toys; rental and leasing of musical instruments; rental and leasing of skiing equipment; rental and leasing of skin diving equipment; lending libraries; rental and leasing of radio sets; rental of records and pre-recorded magnetic tapes; rental of pre-recorded video tapes; rental and leasing of photographic negative; rental and leasing of photograph positives; rental and leasing of machines and instruments for use in amusement parks and pleasure grounds; rental and leasing of game machines; lending of game equipment; lending of arcade game equipment; lending of pictures; photography; rental and leasing of cameras; rental and leasing of fishing machines and implements; translation; interpretation; consultancy, information and advisory services relating to the aforesaid services; all included in Class 41”

Class 42

“creation, compilation and maintenance of a register of domain names; architecture; surveying; geological survey, research and prospecting; testing, screening and research of pharmaceutical, cosmetics and foods; research for building construction and city planning; testing and research for prevention of pollution; electrical testing and research; civil engineering testing and research; testing, inspection and research for agriculture, livestock breeding and marine product industries; rental and leasing of measuring apparatus and instruments; rental and leasing of fixing equipment; rental and leasing of ultrasonic diagnostic equipment; rental and leasing of physical or chemical apparatus and instruments; consultancy and advisory services relating to energy conservation; energy auditing; environmental design services; environmental conservation and management; testing and evaluation of occupational health and safety; architectural and design services; interior designs of buildings, offices and apartments; consultancy, information and advisory services relating to the aforesaid services all included in Class 42.”