TRADE MARKS ORDINANCE (CAP. 559)

APPLICATION NO. : 301478593
MARK : BOAT INTERNATIONAL
APPLICANT : Boat International Media Limited
CLASS : 9, 16, 35, 36, 41

STATEMENT OF REASONS FOR DECISION

Background

1. On 18 November 2009, Boat International Media Limited (the “Applicant”) filed an application for registration of the mark “BOAT INTERNATIONAL” (the “Subject Mark”) under the Trade Marks Ordinance (Cap. 559) (the “Ordinance”). The Subject Mark is sought to be registered in respect of the goods and services set out in Appendix I hereto.

2. At the examination stage, objection was raised under section 11(1)(b) of the Ordinance on the basis that the Subject Mark is devoid of any distinctive character. Despite submissions made on behalf of the Applicant, the objection was maintained by the Registrar.

3. The Applicant requested a hearing on the registrability of the Subject Mark. The hearing took place before me on 17 January 2013, at which Mr. Ewan Bewley of inCompass IP Limited appeared on behalf of the Applicant. I reserved my decision at the end of the hearing.

4. In support of the subject application, the Applicant had filed a statutory declaration of Kym Kingwill dated 1 November 2011 (the “Statutory Declaration”) with a view to showing that the Subject Mark had in fact acquired a distinctive character as a result of the use made of it for the purpose of section 11(2) of the Ordinance.
The Ordinance

5. The absolute grounds for refusal of an application for registration are contained in section 11 of the Ordinance. The relevant provisions under section 11 read as follows:-

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

(a) ............
(b) trade marks which are devoid of any distinctive character;
(c) ............
(d) ............”

“(2) A trade mark shall not be refused registration by virtue of subsection (1)(b), (c) or (d) if, before the date of application for registration, it has in fact acquired a distinctive character as a result of the use made of it.”

Decision

6. Having considered all the relevant facts, I consider that the Subject Mark is acceptable for registration in respect of the goods and services set out in Appendix II hereto on a prima facie basis (the “Unobjectionable Goods and Services”). Subject to meeting the requirements stipulated in Paragraph 37 below, the Subject Mark may, insofar as it is in respect of the Unobjectionable Goods and Services, proceed to registration.

7. For the rest of this statement of reasons, therefore, I shall consider the subject application insofar as it is in respect of

(a) “scientific, nautical, weighing, measuring, signalling, checking (supervision) and life-saving apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; data processing equipment and computers; apparatus and media for recording, transmission, storage and/or reproduction of sound, images, information, signals, and/or data; computer hardware; computer firmware; computer accessories; software, hardware, programs and firmware for use in or relating to accessing and/or interacting with computer networks, electronic online systems, databases, Internet sites, Intranet sites, extranet sites, web servers, e-commerce servers, mail servers, web pages, electronic and optical storage media, electronic communications networks, and wide area and local area
networks; computer software for communicating via voice, text or videos; software, firmware and hardware to enable viewing, listening, participating in, and interacting with on-line information, data and image delivery, advertisements, auctions, chat, forums, entertainment, seminars, conferences, trade shows, exhibitions, tournaments, contests, auctions and chat, forums; software and/or firmware to enable procurement of goods and services on-line using the Internet or other electronic communications networks; software, firmware and hardware to enable the broadcast of information, date, images and signals; software, firmware and hardware to enable searching of data, information sounds and signals but not including geographic locations of people or goods; software, firmware and hardware providing access to entertainment; software and/or firmware which assists users to make choices; software and/or firmware which assists users to select one or more items from a database, catalogue, list; software and electronic apparatus to enable connection to databases, the Internet and other communications networks; telecommunication apparatus (including modems); software which assists in obtaining information about users of websites, electronic communications sites, databases, intranet sites, extranet sites, communications; electronic data processing apparatus; computer software encoders and decoders; interactive databases; interactive videos, films, tapes, cassettes and compact discs; electronic apparatus and instruments for processing, logging, storing, transmitting, receiving, displaying, searching and/or printing of data, information and signals; contact management software; publications supplied by electronic means, telecommunications and communications networks; publications in electronic form; publications in web pages; electronic games (adapted for use with television receivers); electronic magazines, reports, directories and newsletters; software and/or firmware to enable procurement of goods and services on-line using the Internet or other electronic communications networks; software for processing text messages; instruction programs (computer programs) for the storage, processing, output and input of text; physical representations of text images stored electronically for electronic enhancement; data recorded in electronic, optical or magnetic form; audiovisual recordings; CDs; CD-ROMs; CDIs; DVDs; machine readable media; media for storing information, data, signals, images and/or sound; magnetic, optical and electronic data carriers; protective clothing, headgear and footwear; communication apparatus; sunglasses; diving suits, apparatus and masks; breathing apparatus, except for artificial respiration; protective suits; life jackets; life buoys; life belts; life rafts; safety nets, harnesses and restraints; gloves for protection; knee pads; protection clothing, headgear and footwear; binoculars; compasses; electronic position location apparatus; barometers; helmets; GPS apparatus and instruments; weather information transmitting apparatus and instruments; electronic navigation equipment; electronic guidance systems and maps; spectacles; eye shades; eye protection wear for sports; industrial safety eye protection articles; sunglasses or glasses adapted for eye
protection purposes; telescopes; data recorded in electronic, optical or magnetic form; communication apparatus; instruction and user manuals in electronic form relating to the aforesaid; cases, containers, parts and fittings for the aforesaid goods” in Class 9

(b) “paper, cardboard and goods made from these materials, not included in other classes; printed matter; photographs; publications; books; periodicals; magazines; newsletters; directories; pamphlets; catalogues; bulletins (printed matter); travel guides; manuscripts; instructional and teaching materials not included in other classes; paintings; drawings; illustrations and animation art; prints; posters; instructional and teaching material (except apparatus)” in Class 16

(c) “advertising; advertising and advertisement services; marketing, promotion and publicity services; conducting sales and auctions; sales promotion for third parties; providing a website that enables users to post items and services for sale through on-line classified advertisements; providing information about goods and services for sale, lease, charter and rental; electronic data collection and data submission for business purposes; information and advisory services relating to the aforesaid services” in Class 35

(d) “insurance lead collection and matching services, namely matching consumer requests for insurance policy quotes collected over the Internet to pre-qualified insurance brokers, agents and agencies interested in those requests” in Class 36

(e) “education; providing of training; entertainment; sporting activities; entertainment, education and training provided on-line from a computer, the Internet or other electronic networks; provision and/or organisation of courses, training, instruction and education; providing training using the Internet and other electronic communications networks; publishing services; providing on-line electronic publications; publishing printed and electronic periodicals, magazines, directories, catalogues, books, journals, magazines, newsletters, guides, reports, bulletins and other materials; literary agency services; publication of materials for access from databases, the Internet or other electronic communication networks; publication of calendars of events; organising and providing electronic publications on-line and/or on electronic media; providing databases relating to education, providing of training, entertainment, sporting activities, publishing and publications online and/or on electronic media; publication of printed matter; providing information in databases and information online relating to sport, sports events, fitness, leisure and fitness activities, and entertainment; creation, production and distribution of entertainment and education programmes and events for distribution over the
Internet and other electronic communications networks; providing information in interactive database services relating to entertainment, education, activities, contests and events; entertainment, education, activities, contests and events using the Internet, electronic communications networks, and/or telephone; information, entertainment and education services relating to activities, life styles, contests and events; entertainment and education services relating to games, gambling and housing; organising and conducting seminars, exhibitions and conferences; organising, maintaining and providing to third parties entertainment, education, activities, contests and events; arranging and conducting symposiums, seminars, congresses, conferences and workshops; creation, production and distribution of radio and television and communications network programmes; creation, production and distribution of films; creation, production and distribution of programmes and events for distribution over the Internet and other electronic communications networks; booking of tickets for entertainment and sports events; film production services; providing information relating to leisure and entertainment; provision of information relating to entertainment, sport, training, activities, audio and video files, pleasure vehicles, contests and events, and education; provision and organisation of sports activities, contests and events, and adventure activities; providing and organising entertainment events and activities; entertainment and sports information provided online and on electronic media; providing information, data and images relating to education, providing of training, entertainment, sporting activities, publishing and publications in an interactive database; providing services relating to entertainment, education, sport and sports activities using the Internet, electronic communications networks, and/or telephone; information, entertainment and education services relating to sport; provision and organisation of courses, training, instruction and education relating to sports and sports skills; reservation of tickets for entertainment events and sports events; rental, leasing and charter of sports equipment; publishing services; providing information relating to sport, leisure and entertainment; electronic publishing; providing the aforesaid services using the Internet and other electronic communications networks; information supplied on the Internet or other electronic communications networks relating to the aforesaid services; consultation and information relating to the aforesaid services” in Class 41

(collectively, the “Objectionable Goods and Services”).
Inherent registrability

8. Section 11(1)(b) of the Ordinance precludes from registration trade marks which are devoid of any distinctive character.

9. In *Host Hotels & Resorts, L.P. v Registrar of Trade Marks* (HCMP 554/2009), the Hon Sakhrani J cited with approval the following cases at Paragraphs 17–18:

“17. In *British Sugar Plc v James Robertson & Sons Ltd* [1996] RPC 281 Jacob J (as he then was) said 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?”

18. In *Nestle SA’s Trade Mark Application (Have A Break)* [2004] FSR 2 Sir Andrew Morritt VC (as he then was) said at paragraph 23:

“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. For my part I would particularly emphasise that the relevant distinctiveness is that which identifies a product as originating from a particular undertaking……”

10. For a trade mark to possess distinctive character for the purpose of section 11(1)(b) of the Ordinance, it must guarantee the identity of the origin of the marked product or service to the consumer or end-user by enabling him, without any possibility of confusion, to distinguish the product or service from others which have another origin (*Eurohypo AG v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)* [2008] ECR I-03297 at Paragraph 56).

11. The distinctive character of a trade mark must be assessed in relation to the goods and services in respect of which registration of the mark is sought and the perception of the relevant consumers, who are presumed to be reasonably well informed and circumspect.
12. The Subject Mark is a compound word mark, made up of two common English words – “BOAT” and “INTERNATIONAL”. Both words are in capital letters and all letters are depicted in an ordinary font type and in the same size. There is no other added element or stylisation.

13. The Objectionable Goods and Services, such as “publications in electronic form; publications in web pages; electronic magazines; DVDs; photographs; publications; books; periodicals; magazines; conducting sales and auctions; providing a website that enables users to post items and services for sale through on-line classified advertisements; insurance lead collection and matching services, namely matching consumer requests for insurance policy quotes collected over the Internet to pre-qualified insurance brokers, agents and agencies interested in those requests; sporting activities; provision and organisation of sports activities, contests and events, and adventure activities; rental, leasing and charter of sports equipment; providing information relating to sport, leisure and entertainment” etc., are widely used consumer products and services. It therefore follows that the relevant consumers are ordinary members of the general public, who are reasonably well informed and reasonably observant and circumspect.

14. At the hearing, Mr. Bewley submitted that the order of the words in the Subject Mark is very unusual. He was of the view that the combination of “BOAT” and “INTERNATIONAL”, the former being a noun and the latter being an adjective, does not comply with the rules of English grammar and syntax. Accordingly, when the Subject Mark is applied to the goods and services applied-for in this application, it is, as a whole, sufficiently distinctive to be regarded as a badge of trade origin.

15. In assessing the distinctiveness of a compound word mark, I am minded of the decision of the European Court of Justice in *Eurohypo v OHIM*, supra at Paragraph 41:

“As regards a compound trade mark, such as that at issue in the present case, the assessment of its distinctive character cannot be limited to an evaluation of each of its words or components, considered in isolation, but must, on any view, be based on the overall perception of that mark by the relevant public and not on the presumption that elements individually devoid of distinctive character cannot, on being combined, have a distinctive character (see, to that effect, Case C-329/02 P *SAT.1 v OHIM* [2004] ECR I-8317, paragraph 35). The mere fact that each of those elements, considered separately, is devoid of any distinctive character does not mean that their combination cannot present such character (Case C-37/03 P *BioID v OHIM* [2005] ECR I-7975, paragraph 29).”
16. I also note the observations of the Court of First Instance (now known as the General Court) of the European Communities stated in *Robert Bosch GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHMI)* ("Kit Pro") [2002] ECR II-04881 at Paragraph 29:

“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.”

17. As mentioned in Paragraph 12, the Subject Mark is made up of two ordinary English words, “BOAT” and “INTERNATIONAL”. The word “BOAT” can have the meaning of a watercraft or the act of travelling on a boat; whereas the word “INTERNATIONAL” can be used to refer to an international organization or the act of involving two or more nations.

18. Although the combination of the two ordinary words “BOAT” and “INTERNATIONAL” does not comply with normal rules of English grammar, the relevant consumer does not need to exercise particular intellectual effort or creative skill to deduce the meaning of the Subject Mark as a whole when used in relation to the Objectionable Goods and Services. In my view, the overall impression of the Subject Mark simply does not go beyond the sum of its parts. The combination of the two words “BOAT” and “INTERNATIONAL” conveys a direct and immediate message to the relevant consumer that the Objectionable Goods and Services, such as “scientific, nautical, weighing, measuring, signalling, checking (supervision) and life-saving apparatus and instruments; photographs; providing a website that enables users to post items and services for sale through on-line classified advertisements; insurance lead collection and matching services; publishing printed and electronic periodicals, magazines, directories, catalogues, books, journals, magazines, newsletters, guides, reports, bulletins and other materials; booking of tickets for entertainment and sports events; provision of information relating to entertainment, sport, activities, training, activities, audio and video files, pleasure vehicles, contests and events, and education” etc., are related to boats and other water vessels which are manufactured by international boat builders and/or sold by international boat sellers, or that they are related to international boating activities, contests or events.
19. In the minds of the relevant consumers, the Subject Mark merely designates details of the characteristics and/or the type of the goods or services. It will not be perceived as an indicator of the commercial origin of the Objectionable Goods and Services.

20. For the reasons stated above, I find that the Subject Mark is devoid of distinctive character when used in relation to the Objectionable Goods and Services. Accordingly, it is precluded from registration in respect of the Objectionable Goods and Services under section 11(1)(b) of the Ordinance.

Acquired distinctiveness

21. Although I have found that the Subject Mark has no inherent distinctive character and is not registrable under section 11(1)(b) of the Ordinance in respect of the Objectionable Goods and Services, if the Subject Mark has in fact acquired a distinctive character as a result of the use made of it in respect of those goods and services for the purpose of section 11(2) of the Ordinance, the application for registration should not be refused. I shall therefore proceed to consider whether the Subject Mark has in fact acquired a distinctive character in respect of the Objectionable Goods and Services with reference to the evidence of use filed by way of the Statutory Declaration.


"49. In determining whether a mark has acquired distinctive character following the use made of it, the competent authority must make an overall assessment of the evidence that the mark has come to identify the product concerned as originating from a particular undertaking, and thus to distinguish that product from goods of other undertakings.

50. ...........

51. In assessing the distinctive character of a mark in respect of which registration has been applied for, the following may also be taken into account: 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 class of persons who, because of the mark, identify goods as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations.
52. If, on the basis of those factors, the competent authority finds that the relevant class of persons, or at least a significant proportion thereof, identify goods as originating from a particular undertaking because of the trade mark, it must hold that the requirement for registering the mark laid down in Article 3(3) of the Directive is satisfied …

53. …………

54. … a trade mark acquires distinctive character following the use which has been made of it where the mark has come to identify the product in respect of which registration is applied for as originating from a particular undertaking and thus to distinguish that product from goods of other undertakings …”

23. The relevant date in determining whether the Subject Mark has in fact acquired a distinctive character is 18 November 2009, the date of filing of the subject application.

24. According to the Statutory Declaration, the Applicant is a media group that publishes magazines, organizes events and provides digital media services to owners and professionals in the luxury marine industry. The Subject Mark was first used as the title of one of the Applicant’s publications in Hong Kong in 1983. Since then, the Subject Mark has continuously been used by the Applicant in direct marketing and sales of goods and services in Hong Kong. The Applicant publishes and sells over 1.4 million magazines a year in more than 57 countries worldwide. Apart from the Subject Mark, the Applicant also distributes publications under other brand names such as “SHOW BOATS”, “REFIT” and “THE SUPERYACHTS”. Since 2003, the Applicant has provided media solutions and media development services to customers for promotion, marketing, branding and safety needs of luxury marine vessels.

25. Advertising and sales revenues of the Applicant from 2003 to 2008 were provided in Paragraph 29 of the Statutory Declaration. The average wealth and the status of readership were provided in Paragraphs 36 and 37 of the Statutory Declaration respectively. There are three exhibits to the Statutory Declaration – “Exhibit A” being a copy of the Applicant’s media pack circa 2011; “Exhibit B” being a copy printout from the website http://www.boatinternationalchina.com dated 29 July 2011; and “Exhibit C” being a collection of materials including but not limited to copies of advertisement orders, a DVD on the World Superyacht Awards held in London on 7 May 2011, a copy of subscription form, copies of magazine covers, copies of printouts from the website http://www.boatinternationalmedia.com dated 29 July 2011, a copy of the Applicant’s standard terms and conditions for advertising in the Applicant’s publications and copies of pamphlets for events organized by the Applicant.
26. “Exhibit A”, “Exhibit B” and some materials submitted under “Exhibit C”, such as copies of event pamphlets and event programmes submitted to substantiate the claim that the Applicant has organized and hosted many events under the Subject Mark, are either undated or bear a date after the date of application. Such materials are of little value, if any, to this application.

27. All monetary figures in the media pack submitted under “Exhibit A” are stated in British Pound Sterling, suggesting that none of the Applicant’s services mentioned in the media pack is relevant to Hong Kong.

28. Notwithstanding the claim of use of the Subject Mark on a variety of goods and services listed in Paragraph 19 of the Statutory Declaration, the materials submitted only relate to a very limited range of goods and services, for example “DVDs; magazines; publications; advertising services; entertainment services; organising and conducting sports contests and races; provision of information in the field of pleasure vehicles”.

29. The materials submitted under “Exhibit C” depict at least three different versions of the Subject Mark – “BOAT INTERNATIONAL”, “INTERNATIONAL MEDIA” and “INTERNATIONAL.COM” (the “Three Versions”). Due to the position and size of the word “BOAT” in the Three Versions, it forms the most eye-catching and prominent element. The word “INTERNATIONAL”, on the other hand, is presented in a smaller font in the Three Versions, and is either written vertically or positioned underneath the word “BOAT” together with the terms “MEDIA” or “COM”. As mentioned in Paragraph 12, all letters of the two words “BOAT” and “INTERNATIONAL” in the Subject Mark applied-for are presented in a plain font and in the same size. In light of these material differences, use of the Three Versions cannot be regarded as use of the Subject Mark.

30. Although it was averred that the Subject Mark was first used as the title of one of the Applicant’s publications in 1983, nothing in the evidence adduced supports the claim. Further, the copy printout from www.boatinternationalchina.com submitted under “Exhibit B” shows that the Chinese version of the magazine titled “BOAT INTERNATIONAL” is printed in simplified Chinese characters, indicating that the Chinese magazine is targeted at consumers of Mainland China instead of Hong Kong.

31. It was deposed in Paragraph 31 of the Statutory Declaration that the Applicant’s goods and services are distributed in over 57 countries, including Hong Kong. However, the Applicant’s advertising and sales revenues provided in Paragraph 29 of the Statutory Declaration were not broken down to show the proportion attributable to sales of goods and services to Hong Kong consumers. In addition, for such
advertising and sales revenues, only goods and services bearing the Subject Mark should be accounted for. Nonetheless, a breakdown of the figures showing the portion attributable to such goods and services was not provided. Further, the figures were not broken down to show the proportion attributable to each item of the goods and services claimed. In the absence of the aforesaid details, the extent that the relevant consumers in Hong Kong have been educated of the trade mark significance of the Subject Mark in respect of the Objectionable Goods and Services cannot be ascertained.

32. The average wealth and the status of the readership provided in Paragraphs 36 and 37 of the Statutory Declaration cannot assist this application since the Objectionable Goods and Services are common consumer products and services and are not restricted to an exclusive group of people. Additionally, I note that the average wealth of the readership was shown in British Pound Sterling. This casts doubts on the proportion of readers who are from Hong Kong.

33. The Statutory Declaration did not provide any particulars of expenditure incurred in relation to promotion and advertising of goods and services bearing the Subject Mark in Hong Kong. I am, therefore, unable to assess the amount of effort which the Applicant has spent on advertising to educate the relevant consumers in Hong Kong of the trade mark significance of the Subject Mark in respect of the Objectionable Goods and Services.

34. Regarding the awards won by the Applicant as provided in Paragraph 39 of the Statutory Declaration, none of them was awarded by a Hong Kong organization. For instance, the ECO Award for Excellence in Environmental Communications awarded by the Global Environmental Communications LLC in the United States may be a recognition for the efforts of the Applicant in the United States in the field of environmental communications. Their relevance to Hong Kong has not been demonstrated. I am, therefore, not convinced that such awards support the claim that the Subject Mark has acquired a distinctive character in Hong Kong.

35. With the evidence before me, I cannot conclude that the relevant consumers have been adequately educated to recognize that the Subject Mark functions as a trade mark in relation to the Objectionable Goods and Services. I therefore find the Applicant has failed to overcome the objection raised under section 11(1)(b) of the Ordinance.

**Conclusion**

36. I have carefully considered all the documents filed by the Applicant together with all the oral and written submissions made in respect of the subject application. For the
reasons given, I find that the Subject Mark is precluded from registration under section 11(1)(b) of the Ordinance in respect of the Objectionable Goods and Services. The subject application is accordingly refused under section 42(4)(b) of the Ordinance in respect of those goods and services.

37. As I have found that the registration of the Subject Mark can be accepted in respect of the Unobjectionable Goods and Services indicated in Paragraph 6 above, the application for registration in respect of such goods and services can proceed to publication, provided that the Applicant files, on or before 27 July 2013, a Form T5A to restrict the specification by deleting the Objectionable Goods and Services. If the Applicant fails to do so on or before 27 July 2013, it will be deemed to have abandoned the application.

Janette SHAM
for Registrar of Trade Marks
27 June 2013
Appendix I

Class 9
Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus; apparatus and media for recording, transmission, storage and/or reproduction of sound, images, information, signals, and/or data; computer hardware; computer firmware; computer accessories; software, hardware, programs and firmware for use in or relating to accessing and/or interacting with computer networks, electronic on-line systems, databases, Internet sites, Intranet sites, extranet sites, web servers, e-commerce servers, mail servers, web pages, electronic and optical storage media, electronic communications networks, and wide area and local area networks; computer software for communicating via voice, text or videos; software, firmware and hardware to enable viewing, listening, participating in, and interacting with on-line information, data and image delivery, advertisements, auctions, chat, forums, entertainment, seminars, conferences, trade shows, exhibitions, tournaments, contests, auctions and chat, forums; software and firmware to enable viewing, listening, participating in, and interacting with on-line information, data and image delivery; advertisements, auctions, chat, forums, entertainment, seminars, conferences, trade shows, exhibitions, tournaments, contests, auctions and chat, forums; software and firmware to enable procurement of goods and services on-line using the Internet or other electronic communications networks; software, firmware and hardware to enable the broadcast of information, date, images and signals; software, firmware and hardware to enable searching of data, information sounds and signals but not including geographic locations of people or goods; software, firmware and hardware providing access to entertainment; software and firmware which assists users to make choices; software and firmware which assists users to select one or more items from a database, catalogue, list; software and electronic apparatus to enable connection to databases, the Internet and other communications networks; telecommunication apparatus (including modems); software which assists in obtaining information about users of websites, electronic communications sites, databases, Intranet sites, extranet sites, communications; electronic data processing apparatus; computer software encoders and decoders; interactive databases; interactive videos, films, tapes, cassettes and compact discs; electronic apparatus and instruments for processing, logging, storing, transmitting, receiving, displaying, searching and/or printing of data, information and signals; contact management software; publications supplied by electronic means, telecommunications and communications networks; publications in electronic form; publications in web pages; electronic games (adapted for use with television receivers); electronic magazines, reports, directories and newsletters; software and/or firmware to enable procurement of goods and services on-line using the Internet or other electronic communications networks; software for processing text messages; instruction programs (computer programs) for the storage, processing, output and input of text; physical representations of text images stored electronically for electronic enhancement; data recorded in electronic, optical or magnetic...
form; audiovisual recordings; CDs; CD-ROMs; CDIs; DVDs; machine readable media; media for storing information, data, signals, images and/or sound; magnetic, optical and electronic data carriers; protective clothing, headgear and footwear; communication apparatus; audio and or visual teaching apparatus; sunglasses; mouse mats; diving suits, apparatus and masks; breathing apparatus, except for artificial respiration; protective suits; life jackets; life buoys; life belts; life rafts; safety nets, harnesses and restraints; gloves for protection; knee pads; protection clothing, headgear and footwear; binoculars; motion picture cameras; video and digital cameras; photographic cameras; compasses; electronic position location apparatus; barometers; helmets; optical mirrors; image and optical projectors; radios; aerials; alarms; GPS apparatus and instruments; facsimile machines; weather information transmitting apparatus and instruments; electronic navigation equipment; electronic guidance systems and maps; spectacles; eye shades; eye protection wear for sports; industrial safety eye protection articles; sunglasses or glasses adapted for eye protection purposes; magnifying glasses; telephones; telescopes; data recorded in electronic, optical or magnetic form; batteries; communication apparatus; audio and or visual teaching apparatus; instruction and user manuals in electronic form relating to the aforesaid; cases, containers, parts and fittings for the aforesaid goods.

Class 16
Paper, cardboard and goods made from these materials, not included in other classes; printed matter; book binding material; photographs; stationery; adhesives for stationery or household purposes; publications; books; periodicals; magazines; newsletters; directories; pamphlets; catalogues; bulletins (printed matter); travel guides; manuscripts; instructional and teaching materials not included in other classes; paintings; drawings; illustrations and animation art; prints; posters; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks.

Class 35
Advertising; business management; business administration; office functions; advertising and advertisement services; marketing, promotion and publicity services; conducting sales and auctions; sales promotion for third parties; providing a website that enables users to post items and services for sale through on-line classified advertisements; providing information about goods and services for sale, lease, charter and rental; business consultation and analysis in the field of company, business sector and industry data and research; commercial information and analysis services; commercial management advisory services; electronic data collection and data submission for business purposes; information and advisory services relating to the aforesaid services.
Class 36
Insurance lead collection and matching services, namely matching consumer requests for insurance policy quotes collected over the Internet to pre-qualified insurance brokers, agents and agencies interested in those requests.

Class 41
Education; providing of training; entertainment; sporting and cultural activities; entertainment, education, cultural activities and training provided on-line from a computer, the Internet or other electronic networks; provision and/or organisation of courses, training, instruction and education; education and training services relating to websites, electronic communications sites, databases, intranet sites, extranet sites, information technology, computers, communications, using software, client relationship management, searching of data and information, gaining customer insight, increasing sales, reducing support costs and increasing customer satisfaction; providing training using the Internet and other electronic communications networks; management courses; providing games; publishing services; providing on-line electronic publications; publishing printed and electronic periodicals, magazines, directories, catalogues, books, journals, magazines, newsletters, guides, reports, bulletins and other materials; literary agency services; publication of materials for access from databases, the Internet or other electronic communication networks; publication of calendars of events; organising and providing electronic publications on-line and/or on electronic media; providing databases relating to education, providing of training, entertainment, sporting and cultural activities, publishing and publications online and/or on electronic media; publication of printed matter; providing information in databases and information online relating to sport, sports events, fitness, leisure and fitness activities, and entertainment; amusements; creation, production and distribution of entertainment and education programmes and events for distribution over the Internet and other electronic communications networks; providing information in interactive database services relating to entertainment, education, games, activities, gambling, contests and events; entertainment, education, games, activities, gambling, contests and events using the Internet, electronic communications networks, and/or telephone; information, entertainment and education services relating to games, activities, gambling, life styles, housing, contests and events; providing cultural activities; operating quizzes; organising and conducting seminars, exhibitions and conferences; organising quizes; organising and conducting seminars, exhibitions and conferences; organising, maintaining and providing to third parties entertainment, education, games, activities, gambling, contests and events; arranging and conducting symposiums, seminars, congresses, conferences and workshops; creation, production and distribution of radio and television and communications network programmes; creation, production and distribution of films; creation, production and distribution of programmes and events for distribution over the Internet and other electronic communications networks; booking of tickets for entertainment and sports events; film production services; providing information relating to gaming activities, gambling, leisure and entertainment; provision of information relating to entertainment, sport, training, games, activities, audio and video files, pleasure vehicles, gambling, contests and events, and education; provision and organisation of sports activities, contests and events, and
adventure activities; providing and organising entertainment events and activities; providing cultural activities; entertainment and sports information provided online and on electronic media; providing information, data and images relating to education, providing of training, entertainment, sporting and cultural activities, publishing and publications in an interactive database; providing services relating to entertainment, education, sport and sports activities using the Internet, electronic communications networks, and/or telephone; information, entertainment and education services relating to sport; provision and organisation of courses, training, instruction and education relating to sports and sports skills; reservation of tickets for entertainment events and sports events; rental, leasing and charter of sports equipment; publishing services; providing information relating to sport, leisure and entertainment; electronic publishing; providing the aforesaid services using the Internet and other electronic communications networks; provision of games and quizzes supplied by or played on the internet; information supplied on the Internet or other electronic communications networks relating to the aforesaid services; consultation and information relating to the aforesaid services.
Appendix II

Class 9
surveying, photographic, cinematographic, optical and teaching apparatus and instruments; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines; fire-extinguishing apparatus; audio and or visual teaching apparatus; mouse mats; motion picture cameras; video and digital cameras; photographic cameras; optical mirrors; image and optical projectors; radios; aerials; alarms; facsimile machines; magnifying glasses; telephones; batteries; instruction and user manuals in electronic form relating to the aforesaid; cases, containers, parts and fittings for the aforesaid goods.

Class 16
book binding material; stationery; adhesives for stationery or household purposes; artists’ materials; paint brushes; typewriters and office requisites (except furniture); plastic materials for packaging (not included in other classes); printers' type; printing blocks.

Class 35
business management; business administration; office functions; business consultation and analysis in the field of company, business sector and industry data and research; commercial information and analysis services; commercial management advisory services; information and advisory services relating to the aforesaid services.

Class 41
cultural activities; cultural activities provided on-line from a computer, the Internet or other electronic networks; education and training services relating to websites, electronic communications sites, databases, intranet sites, extranet sites, information technology, computers, communications, using software, client relationship management, searching of data and information, gaining customer insight, increasing sales, reducing support costs and increasing customer satisfaction; management courses; providing games; providing databases relating to cultural activities; amusements; providing information in interactive database services relating to games and gambling; games and gambling using the Internet, electronic communications networks, and/or telephone; information services relating to games, gambling and housing; providing cultural activities; operating quizzes; organising, maintaining and providing to third parties games and gambling; providing information relating to gaming activities and gambling; provision of information relating to games and gambling; providing cultural activities; providing information, data and images relating to cultural activities; providing the aforesaid services using the Internet and other electronic communications networks; provision of games and quizzes supplied by or played on the internet; information supplied on the Internet or other electronic communications networks relating to the aforesaid services; consultation and information relating to the aforesaid services.