

DECISION OF THE CONTROLLER OF PATENTS, DESIGNS AND TRADE MARKS IN PROCEEDINGS UNDER THE TRADE MARKS ACT, 1996

In the matter of an application for registration of Trade Mark No. 228300 and in the matter of an Opposition thereto.

MIP METRO Group Intellectual Property GmbH & Co. KG
(Represented by Tomkins & Co.)

Applicant

METRO INTERNATIONAL S.A.
(Represented by Anne Ryan & Co.)

Opponent

The Application

1. On 26 July, 2004 (the “relevant date”), MIP METRO Group Intellectual Property GmbH & Co. KG, a German company, of Metro-Strasse 1, D-40235 Dusseldorf, Germany made application (No. 2004/01575) under Section 37 of the Trade Marks Act, 1996 (“the Act”) to register

METRO Group

(the “Disputed Mark”) as a Trade Mark in respect of a wide range of goods and services in Classes 1 to 5, 7 to 9, 11, 13 to 19 and 22 to 45. During these proceedings the Applicant deleted some terms from the specification of goods and services contained in the application for registration. It is not necessary to detail these changes but I have reproduced the full list of the goods and services, as it stood on the date of the Hearing of the opposition, at Annex 1.

2. The application was accepted for registration and advertised accordingly under No. 239779 in Journal No. 2111 dated 12 November, 2008.
3. Notice of Opposition to the registration of the trade mark, in respect of the goods and services in Classes 16, 25, 38 and 41, was filed on 6 January, 2009 by Metro International S.A. of 11 Boulevard Royal, L-2449 Luxembourg. The Applicant filed a counter-statement on 4 February, 2009 and evidence was, in due course, filed by the parties under Rules 20, 21 and 22 of the Trade Marks Rules, 1996 (“the Rules”).

4. The opposition became the subject of a hearing before me, acting for the Controller, on 19 June, 2014. The parties were notified on 20 August, 2014 that I had decided to uphold the opposition in respect of “Advertising” in Class 35, but to allow the application to proceed to registration for all other goods and services. I now state the grounds of my decision and the materials used in arriving thereat in response to a request by the Opponent in that regard pursuant to Rule 27(2).

Grounds of the Opposition

5. In its Notice of Opposition the Opponent refers to its proprietorship of the Trade Mark



(the “Earlier Mark”), which is registered under number 219849 with a registration date of 14 December 1998, in respect of “*Printed matter, including daily newspapers and advertising papers*” in Class 16. The Opponent then raises objection to the present application under certain Sections of the Act, which I summarise as follows:

- Section 6 – *the mark applied for is not capable of distinguishing the services of the Applicant from those of other undertakings;*
- Section 8(1)(b) – *the mark is devoid of distinctive character;*
- Section 8(3)(b) – *use of the mark is likely to deceive the relevant public;*
- Section 10(2) – *the mark applied for is similar to the Opponent’s earlier mark and use of the mark would result in a likelihood of confusion on the part of the public, including a likelihood of association with the Opponent’s earlier trade mark;*
- Section 10(3) – *use of the mark would take unfair advantage of, or be detrimental to, the distinctive character or reputation of the Opponent’s earlier trade mark;*
- Section 10(4)(a) – *use of the mark is prohibited in the State by an enactment or rule of law*

The Opponent claims also that the Controller should use his discretion to refuse the mark.

Counter-Statement

6. In its Counter-Statement, filed on 4 February 2009, the Applicant denies all the grounds of opposition.

Rule 20 Evidence

7. Evidence submitted by the Opponent under Rule 20 consisted of a Statutory Declaration and supporting evidence, by way of three exhibits (PJ-1 to PJ-3), dated 21 April, 2008, of Per-Mikael Jensen, CEO and President of Metro International S.A. In his declaration Mr. Jensen confirms that the Opponent is limiting the opposition to the goods in Class 16 and the services in Classes 35, 38 and 41.

I would summarise Mr. Jensen's evidence as follows:

- (i) The Opponents have been in the business of publishing and printing newspapers since 1995 and since then have become the largest and fastest growing international newspaper publisher with over 21 million people worldwide reading the Opponent's METRO newspapers on a daily basis.
 - (ii) METRO was the first free daily newspaper funded solely by advertising and there are now more than fifty editions circulated in eighteen countries.
 - (iii) The Opponent employs 392 editorial staff and has an even stronger network of freelancer contributors.
 - (iv) METRO's net sales from advertising have increased dramatically at a compound rate of 41% since the newspaper was launched in 1995. Sales have increased from US\$50 million in 1995 to over US\$400 million in 2006.
8. Evidence contained in Exhibit P-MJ-1 supported (i), (ii) and (iii) above, while Exhibit P-MJ-2 supported (iv) above. Exhibit P-MJ-3 contained pictures that illustrate the method of distribution of METRO newspapers. Exhibit P-MJ-4 contained printouts of pages from the Opponent's Irish website www.metroireland.ie and Exhibit P-MJ-5 contained extracts from Irish editions of the newspaper dated May 19, 2009 and January 18, 2010.
9. Mr. Jensen admits that his company's METRO (device) trade mark was not in use in Ireland prior to the application for the METRO GROUP mark. However, in his opinion, due to large numbers of Irish people holidaying abroad and to the large circulation of newspapers under the METRO (device) trade mark in Europe and worldwide his company's mark would have been known in the state. Irish people would have come into contact with the METRO (device) mark because it is distributed free in the street and in

close proximity to public transport points. Thus, his company's mark would have had a reputation amongst Irish people prior to its launch in Ireland.

10. The remainder of Mr. Jensen's Statutory Declaration consisted of legal argument and opinion that should be held back for the oral hearing of the matter. It is not proper to the Rule 20 evidence filing phase, and accordingly, I have disregarded it.

Rule 21 Evidence

11. Evidence submitted by the Applicant under Rule 21 consisted of a Statutory Declaration of Eimear O'Gara, European Trade Mark Attorney, of Tomkins & Co. of Dublin and a Statutory Declaration of Werner Arndt, Managing Director of MIP METRO Group Intellectual Property GmbH & Co. KG.

12. For her part Ms. O'Gara gives an opinion on the likelihood of Irish people reading the Opponent's foreign language publications while abroad. She states the Opponent has failed to demonstrate that its mark is known to Irish consumers and that the Opponent has failed to substantiate its claim of a reputation and goodwill in relation to the relevant goods. Ms. O'Gara states that the two European editions of the Opponent's newspaper exhibited at P-MJ-5 are not relevant to the present proceedings. (It seems Ms. O'Gara may not have realised that exhibit P-MJ-5 contained extracts from Irish editions of the Opponent's newspapers, but these editions were published after the relevant date and nothing turns on them).

13. Werner Arndt provides details of the history of the Applicant and of the extensive world-wide operation it is today. In doing so he lists the 34 countries in which the Applicant has stores, though Ireland is not among them.

14. He also repeats some of the arguments made and opinion expressed by Eimear O'Gara in her declaration. He states the similarity drawn by the Opponent between the respective goods and/or services of the parties is unjustifiable as the specification of goods and services in his Company's application specifically disclaims "newspapers and advertising papers", which is the field in which the Opponent operates.

15. The remainder of his Statutory Declaration is taken up with criticism of the Opponent's evidence, in particular, the Opponent's lack of specific evidence in relation to its claimed

use of its mark in Ireland, lack of Irish readership figures, the lack of specific financial data in relation to Ireland and the lack of any evidence to suggest that confusion in the marketplace has arisen.

Rule 22 Evidence

16. The evidence filed by the Opponent in reply to the Applicant's evidence filed under Rule 21 consisted of a Statutory Declaration of Alison Boydell, Trade Mark Attorney, of Anne Ryan & Co., and a single exhibit labelled AB1. She states that the Opponent has not been able to produce evidence of confusion between the respective marks simply because the Applicant does not have stores in Ireland. As such, opportunities for confusion in the marketplace have not arisen. Ms. Boydell states that only a likelihood of confusion needs to be shown and in that regard she attached at Exhibit AB1 four opposition decisions from the Office for Harmonisation in the Internal market (OHIM) in which a likelihood of confusion was found to exist between the respective marks.

17. No further evidence was filed by either party. Prior to the Hearing, the Opponent notified the Controller and the Applicant that it wished to proceed with the opposition only in respect of services in Class 35, namely:

“Advertising, marketing, advice on marketing and purchasing, market research and market analysis, public relations; management; business administration; advice on business, organisational, personnel and company economics; office work.”

The Hearing

18. The Applicant informed the Controller that it did not desire to attend the Hearing but expressed its wish that the Controller decide the matter on the basis of the papers before him. At the Hearing the Opponent was represented by Mr. Paul Coughlan BL.

19. Mr. Coughlan confirmed the Opponent was restricting the grounds of opposition to the services in Class 35 and to the provisions of Section 10(2)(b) of the Trade Marks Act, 1996 which provides as follows:

“(2) A trade mark shall not be registered if because –

(a)...

(b) it is similar to an earlier trade mark and would 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 of the later trade mark with the earlier trade mark.”

24. As is evident from the wording of Section 10(2), there are four basic requirements that must be met in order for an objection under it to succeed. The first of these is that there must be “an earlier trade mark”. The Disputed Mark was applied for on 26 July, 2004. The Opponent’s mark was applied for on 14 December, 1998 and by virtue of Section 11 of the Act qualifies as an earlier mark.

Comparison of the Marks

25. The second requirement is the Earlier Mark must be similar to the Disputed Mark. At the Hearing Mr. Coughlan undertook a visual, aural and conceptual assessment of the respective marks and concluded that there was a high degree of similarity between them. Visually, in his opinion, both marks are dominated by the word METRO. The ‘METRO’ element dominates the Applicant’s mark as it is in capital letters and in a vivid red colour compared to the ‘Group’ element which is in grey and in lower case letters, with the exception of the capital ‘G’. Thus, he argued, the human eye is inevitably drawn towards the METRO element. While the Opponent’s mark contains a globe device, which plainly represents the letter ‘O’, this does not play a significant role in reducing the overwhelming dominance of the word METRO, which remains clearly legible.

26. He argued that, with both marks beginning with the word METRO, there was obvious aural similarity between them. The additional element ‘Group’ in the Disputed Mark is spoken after the word ‘METRO’ and it does not contribute anything of substance in terms of evoking a distinctive or memorable sound.

27. Mr. Coughlan argues that, in relation to business or trading names, the word ‘Group’ does not contribute any distinctiveness – it is merely a reference to a collection of corporate entities operating under a single ownership or control. According to paragraph 3 of the

Declaration made by Mr. Werner Arndt on behalf of the Applicant, wherein Mr. Arndt states “*My Company is the holding company for all Trade Marks of the Metro Group*”, it appears that this is how the applicant uses and understands the term. He stated the Controller has already recognised the word ‘METRO’ is perceived as being short for METROPOLITAN which has an urban connotation¹. Its inclusion in both the Disputed Mark and the Earlier Mark engenders a high degree of conceptual similarity, if not conceptual identity.

28. In accordance with guiding case law, the appreciation of the visual, aural and conceptual similarity of the marks must be based on the overall impressions given by them, rather than on specific points of detail that are likely to go unnoticed by the average consumer. Having compared the respective marks of the parties, in accordance with the established principles, I am satisfied the ‘METRO’ element is both the distinctive and the dominant element of the Disputed Mark and the Earlier Mark. In my opinion, visually and aurally the marks share a high level of similarity.

29. Conceptually I find the marks are similar. The incorporation of the globe in the Opponent’s mark gives the impression of something global in nature and suggests that, in this case, the ‘METRO’ is short for ‘metropolitan’. The clear link between the mark and the Opponent’s business (the distribution of free newspapers in metropolitan areas across the globe) supports this impression. In terms of these proceedings the ‘Group’ element of the Disputed Mark does not serve to put distance between the two marks.

Comparison of the Goods & Services

30. The third requirement is there must be similarity between the goods and services covered by the respective marks.

31. At the Hearing Mr. Coughlan argued the business actually conducted by the opponent does not define or restrict the scope of the Earlier Mark’s specification. He maintained the Opponent should not have its hands tied so as to restrict its scope in respect only of the goods for which it uses its mark or the way it trades. In his opinion, the factors to be taken into account include the purpose of the respective goods and services, whether or not they

¹ *METRO* (Irish Patents Office, 6 January 2011) at paragraph 29.

may be expected to be provided by the same undertaking, or by economically linked undertakings, as well as their distribution channels and sales outlets.

32. Mr. Coughlan compared the specifications of the respective marks, which are: “*printed matter, including daily newspapers and advertising papers*” in respect of the Earlier Mark, and “*Advertising, marketing, advice on marketing and purchasing, market research and market analysis, public relations; management; business administration; advice on business, organisational, personnel and company economics; office work*” in respect of the Disputed Mark. In doing so he argued there is evident overlap and thus similarity. In his opinion, it is perfectly natural to find businesses engaged in “*advertising*” or “*marketing*” or in advising on “*marketing and purchasing, market research and market analysis*” or “*public relations*” producing and disseminating, for these purposes, “*printed matter*” including “*advertising papers*”. One would expect many such businesses to do so, for example by way of mail shots, flyers handed out in the street or at events, or leaflets delivered through letter-boxes. Such materials are not newspapers, but the specification of the Earlier Mark is not limited to newspapers and, as a matter of construction, the term “*advertising papers*” has to be given its own independent meaning. It must not be read as “*advertising newspapers*”.

33. I am satisfied that the provision of services in relation to “*market research and market analysis, public relations; management; business administration; advice on business, organisational, personnel and company economics; office work*” have no connection whatsoever with the goods for which the Opponent’s earlier mark stands protected, and, without further ado, I deem them to be totally dissimilar for the purposes of Section 10(2)(b). These services are provided by specialists in the specific fields of activity. I cannot envisage any circumstances in which a consumer, who was looking for someone to provide “*public relations; management; business administration; advice on business, organisational, personnel and company economics; office work*” services, would approach a company that trades in “*printed matter, including daily newspapers and advertising papers*” to provide them. These services are not in competition with the goods of the Opponent, nor are they complimentary or delivered through the same trade channels.

34. Turning now to “*market research and market analysis*”. While consumers are familiar with newspapers printing results of market research or opinion polls, such work is, to my

knowledge, always carried out by established market research specialists. For example, consumers are familiar with Irish Times / MRBI or Independent / RedC polls and are fully aware that the research work is not carried out by the newspaper itself, but is commissioned by the newspaper and carried out by the research experts. None of the evidence adduced by the Opponent would lead me to conclude that there is a connection in trade between the Opponent's goods and these particular services.

35. What remains is “*advertising, marketing, advice on marketing and purchasing*”. Leaving “advertising” aside for the moment, I am satisfied that “*marketing, advice on marketing and purchasing*” services are not necessarily connected in trade with “*printed matter, including daily newspapers and advertising papers*”. The Opponent has not provided details of any marketing that it has undertaken for clients or details of any advice on marketing that it has provided to clients.

36. There is some connection between advertising papers and marketing, but, in my opinion, it is too simplistic to bundle them together under the same banner. Advertising papers may feature as part of a marketing strategy but marketing is concerned with far more than advertising and is a highly specialised area of commercial activity. Marketing is concerned with maximising market penetration and revenue of products and services. Marketing advice is concerned with how best to unlock the potential of a product or service and includes developing strategies for brand positioning, prioritising targeted consumers, identifying growth drivers, brand advertising and brand communication, among other things. While marketing services or marketing advice may lead to the use of printed matter, newspapers or advertising papers, such services and advice are not typically sought from traders in printed matter and the like.

37. Entities who trade in the provision of purchasing advice (i.e. generate income in relation to that activity) are specialists that consumers approach in relation to the purchase of a particular product or service that the consumer would be unfamiliar with, or would rarely purchase, or needs expert advice on, or involves significant financial outlay, and will approach experts in the particular field (e.g. stockbrokers, insulation experts, motor mechanics). The Opponent has not advanced any convincing arguments or suggested any circumstances under which a prospective purchaser would seek, and pay for, purchasing advice from a trader in printed matter.

38. Therefore, in my opinion, the services of “*marketing, advice on marketing and purchasing*” are not similar to “*printed matter, including daily newspapers and advertising papers*”.
39. That leaves “advertising”. At the Hearing Mr. Coughlan argued that “*advertising papers*” must not be read as “*advertising newspapers*”. I accept his argument and I am satisfied the average consumer understands “*advertising papers*” to refer to leaflets, posters, flyers, mail shots, billboard material, catalogues, brochures and the like. While typically advertising agencies come up with the design of a lot of these materials and printers produce the end product, I accept that producers of printed matter and newspapers can provide the necessary tools to enable the advertiser to design its own advertisement. This can be by way of providing a range of templates containing different layouts, colour palettes, lettering or image variations for selection. Having considered all the evidence and listened to Mr. Coughlan’s arguments at the Hearing, I find there is a link in trade between printed matter, of the advertising papers variety, and advertising services.
40. Having carried out a comparison between the respective goods and services I find there is similarity between the Opponent’s “advertising papers” and the Applicant’s “advertising” services, but there are no other similarities. Overall I would assess the level of similarity as medium.

Likelihood of confusion

41. The question is whether the similarity that exists is sufficient to come within the meaning of Section 10(2)(b) of the Act? The criteria against which that assessment should be made have been enunciated in a number of decisions of the European Court of Justice in this area and they include the following:
- (i) the likelihood of confusion must be appreciated globally, taking account of all the relevant factors: *Sabel BV v. Puma AG, paragraph 22*;
 - (ii) the matter must be judged through the eyes of the average consumer of the goods and services in question; *Sabel BV v. Puma AG, paragraph 23*, who is deemed to be reasonably well informed and circumspect and observant – but who rarely has the chance to make a direct comparison between marks and must instead rely upon

the imperfect picture of them he has kept in his mind; *Lloyd Schuhfabrik Meyer & Co. GmbH v. Klijsen Handel B.V* paragraph 27;

- (iii) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details; *Sabel BV v. Puma AG*, paragraph 23;
- (iv) a lesser degree of similarity between the marks may be offset by a greater degree of similarity between the goods, and vice versa; *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc*, paragraph 17;
- (v) 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; *Sabel BV v. Puma AG*, paragraph 24;
- (vi) mere association, in the sense that the later mark brings the earlier mark to mind, is not sufficient for the purposes of Section 10(2); *Sabel BV v. Puma AG*, paragraph 26;
- (vii) further, 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; *Marca Mode CV v. Adidas AG + Adidas Benelux BV*, paragraph 41;
- (viii) but if the association between the marks causes the public to wrongly believe that the respective goods come from the same or economically linked undertakings, there is a likelihood of confusion within the meaning of the section; *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc*, paragraph 29.

Overall assessment of likelihood of confusion:

42. In applying those criteria to the facts of the present case, I have reached the following conclusions.

- The average consumer is an individual or business that buys advertising services or printed matter in the form of advertisements.

- The Opponent's mark may be regarded as having a reasonable degree of inherent distinctiveness. It has an obvious capacity to identify the goods for which it is registered as being those of a particular undertaking and thus to distinguish those goods from those of other undertakings. However, the Opponent's mark has not acquired any additional distinctiveness through use and promotion prior to the relevant date, as it had yet to be used in the State.
- For the reasons set out in paragraphs 31-40 above, I regard certain of the goods and services in question as having a medium level of similarity.
- The marks share a high level of similarity.

43. In light of the foregoing factors, I am required to make an overall assessment of the likelihood of confusion that may exist between the Opponent's earlier trade mark and the Applicant's mark. The confusion in question may be direct confusion, whereby the Applicant's services are mistaken for those of the Opponent, or indirect confusion, whereby the Applicant's services are associated in the mind of the consumer with those of the Opponent and a common commercial origin is inferred. I must look at the question of likelihood of confusion from a practical perspective in the context of the marketplace. In essence I must judge the matter of the assessment of likelihood of confusion in accordance with ECJ guidance to decision-makers, which can be summarised as follows: *Imagine a typical purchasing scenario involving the average consumer who already knows the product sold under the earlier trade mark and ask yourself whether it is likely that he will select and purchase a product bearing the mark put forward for registration in the mistaken belief that it is the product he knows by the earlier mark (direct confusion) or that it is related to that product (indirect confusion by association).* It is not necessary to find that every consumer would be confused and nor is it sufficient to find that some consumers might be confused in order to refuse registration of a trade mark under the section. The question is whether it is likely or unlikely that the average consumer would be confused in the course of the typical purchasing scenario.

44. The consumers of the Opponent's and Applicant's goods and services are fellow businesses. They understand the world of advertising and seek to use it to promote the sale or launch of their products, to increase their market share, or to acquire a competitive

advantage. They do not undertake advertising initiatives without due care and attention and often seek expert assistance when doing so. If they purchased the Opponent's advertising papers under the Opponent's METRO trade mark there is the likelihood, that having encountered the Applicant's METRO GROUP trade mark in the delivery of advertising services, they would, in my opinion, be likely to believe the two trade marks were economically linked.

45. At the Hearing Mr. Coughlan argued the 'Group' element in the Disputed Mark conveys the clear message that a Metro Group exists and that all METRO trade marks were part of the group. This, he argued, was dangerous and provided a clear invitation to confusion. I agree with Mr. Coughlan. The GROUP element of the Applicant's mark conveys a loud and clear message that all trade marks bearing the word METRO belong to or are associated with the METRO GROUP of companies. Such an association must, in my opinion, lead to a likelihood of confusion where there is a significant level of similarity between the respective goods or services. In these proceedings I am satisfied that "advertising" services offered under the Applicant's METRO GROUP trade mark would be likely to be confused with or associated with the Opponent, or, even more likely, that the goods offered under the METRO trade mark of the Opponent are likely to be confused with or associated with the Applicant.

46. For these reasons, I have decided that the prior registration and use of the Opponent's trade mark METRO constitutes grounds for partial refusal of the application to register the Opponent's METRO GROUP trade mark. Therefore, I have decided to allow the opposition in respect only of "advertising" in Class 35, but to allow the mark to proceed to registration in respect of all other goods and services.

Dermot Doyle

Acting for the Controller

23 December 2014

Annex 1

List of Goods and Services

Class 1: Chemical products for industrial, scientific or photographic purposes, chemical products for use in agriculture, horticulture and forestry, flower-preserving agents, nutrient salts, chemical and natural soil-conditioning agents, water purifiers, algaecides; unprocessed artificial resins and plastics; fertilisers, in particular lawn, rose, pine, flower and rhododendron fertilisers, compound fertiliser; potting compost, garden peat, soil-loosening agents; fire-extinguishing agents; substances for the hardening and soldering of metals; tanning agents; adhesives for industrial and household purposes, putty; chemical substances for the preserving and keeping fresh of foodstuffs, unexposed films; de-icing salt.

Class 2: Paints, lacquers, varnishes, anti-rust preparations, wood-preserving agents, colorants; mordants, namely agents for use on wood and leather, staining agents for polishing purposes; natural unprocessed resins; leaf metals in powder form for painters, decorators, printers and artists; staining preparations and leaf metals.

Class 3: Washing and bleaching preparations; cleaning, polishing and degreasing agents, abrasives; soaps, laundry starch, perfumery products, essential oils, body cosmetics, personal deodorants, hair tonics, hairsprays and setting lotions, dentifrices, fragrances and air fresheners (included in this class), essential oils for foodstuffs.

Class 4: Industrial oils and greases; lubricants, dust absorbent, dust moistening and dust binding agents, fuels in solid, liquid and gaseous form, in particular coal, charcoal, coke, igniting pastes and cubes, peat, wood, petrol, diesel oil, heating oil, fuels for internal combustion engines, benzol, petroleum, methylated spirits, liquid gas such as propane and butane, acetylene, oxygen and hydrogen; luminous substances; candles, wax lights, nightlights and wicks, igniters as material; lighter fuel.

Class 5: Chemical products and healthcare products, insecticides, fungicides, herbicides, molluscicides, nematocides; medicines (excepting those which may only be sold at pharmacies); dietary products for medical purposes, vitamin-based dietary products as foods for low-nutrient and/or calorie controlled diets; medicinal herbs in dried or preserved form, medicinal herb extracts, food supplements, namely products intended to complement human nutrition with trace elements, vitamins, flavourings, taste improvers and roughage; vitamin preparations ; dietary baby foods; plasters, dressings; antiseptics and disinfectants; medicinal teas and drugs; preparations for the extermination of vermin, in particular rodenticides; adhesives for dentures; deodorants for health purposes, deodorant air fresheners; female hygiene articles, namely, sanitary towels, panty liners, tampons, sanitary panties.

Class 7: Electric kitchen machines for crushing, mincing, grinding, cutting, pressing, stirring or beating purposes, meat mincers, sewing machines, dishwashers, washing machines, spin dryers and motors (except for agricultural vehicles); machine-driven agricultural and horticultural machines; agricultural machines, egg incubators; cleaning machines, mechanical filtering devices; filters as parts of machines or engines; pumps for

the conveyance of liquids, solids and air, either hand-operated, or electrically-driven or motor-driven or as attachments for hand-operated devices or machines; electric lawnmowers, electric rakes, electric chaff cutters; pressure valves, pressure regulators; machines for processing metal, wood and plastics, compressors, autogenous welding devices, sweeping machines, snow ploughs, cleaning machines, mechanical filtering devices, lifting devices; knitting machines, ironing machines, electrically-driven devices for household and kitchen use, sealing devices, bread and meat slicers, can openers, mechanical, electrical and hand-operated mixers, juice extractors, electric knives, electric chopping machines, all purpose kitchen machines, noodle-making machines, mechanical, electrical and hand-operated stirring devices, meat mincers, grain mills, coffee mills and all purpose cutting devices, presses for household use; electrically-driven tools for DIY enthusiasts, cutting, drilling, impact drilling, planing, screwing, grinding and milling machines, drill hammers, drilling screwdrivers, drilling and milling stations, milling and grinding motors, lathes, electric saws, jig saws, chain saws, compass saws, circular saws, table circular saws, cutting machines, electric planes, grinding devices and machines, electrical and manual tackers, soldering guns, hot-melt adhesive pistols, electric generators, current generators, hot-air generators, paint-spraying devices, mechanical, electrical and hand-operated wallpaper stripping devices, machines for cutting and separating tiles, electric welding machines, high-pressure cleaners, sand-blasting machines, drill grinding devices, also as attachments for electric drills, garage-door openers, shutter motors and lifts; compressors and accessories, namely, paint-spraying guns, spray-guns, sand-blasting devices; block-and-tackle pulleys, rope pulleys, also electrically-driven; winches; electric lawn trimmers, battery-operated hedge clippers, scarifiers, motor-driven scythes, shredders, mulch mowers, motor-driven or electrically-driven lawnmowers, lawnmowers in the form of tractors and other vehicles; mechanical lawnmowers, mechanical lawn trimmers, electrical and mechanical hedge clippers; electric shearing machines; dog trimmers; vacuum cleaners, floor-polishing machines, snow ploughs ventilators and cylinders for motors.

Class 8: Hand-operated tools and instruments; hand-operated devices for agricultural, horticultural and forestry purposes; knives, forks and spoons; instruments for striking and piercing; razors; nail-cutting devices; vices, garden hoes.

Class 9: Electrical, electrotechnical, electronic apparatus and instruments (included in this class); apparatus and instruments for use in low-current engineering, namely, for information, high-frequency and control technology; scientific apparatus and instruments for laboratory research; nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, controlling, life-saving and instructional apparatus and instruments; spectacles, binoculars; apparatus for the recording, transmission and reproduction of sound and images; image projectors, enlarging apparatus, tripods for cameras; colour-copying devices and machines, including the electrostatic and thermal types, photocopiers and other duplicating machines; radio and telecommunication devices, intercom machines, amusement apparatus as accessories for T.V. sets; magnetic data carriers in the form of tapes, foils, floppy disks, cassettes, phonograph records; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, dictaphones, data processing apparatus and computers, machine-readable data carriers, data processing programmes; fire-extinguishing apparatus; warning triangles; electric cables, wires, related conducting and connecting elements, switches and circuit boards or cabinets; batteries, speedometers, transformers; exposed films; clothing for accident protection, including shoes, special clothing for rescuing

purposes, face-protection shields, protective goggles or masks for workers; diving suits, diving goggles, ski goggles; protective helmets for winter sports, riders, cyclists and motorcyclists; flat irons; sealing devices for packaging; electric soldering apparatus, electric welding apparatus, battery-charging devices; special containers adapted to fit the aforementioned apparatus and instruments; electric soldering irons and soldering stations, electric welding devices and metal and voltage detectors, tyre-filling gauges, letter scales, slide rulers.

Class 11: Electric hot-water bottles, electrically-heated footwarmers; lighting, heating, steam-producing, cooking, cooling, drying, ventilating and water-conducting apparatus, sanitary installations, laundry dryers; heated cushions and blankets for non-medicinal purposes; heat pumps, ice-cream makers, yoghurt makers; tumble dryers; hot-air devices and fans, also for removing lacquers, flushing devices; whirlpools.

Class 13: Fireworks.

Class 14: Precious metals and their alloys and objects made thereof or plated therewith, namely art objects, decorative articles, tableware and centrepieces (excluding cutlery), cooking pots, wristwatches, medals and medallions, cigar and/or cigarette cases and holders, jeweller's wares, jewellery, costume jewellery, precious stones and gems; watches and other chronometers.

Class 15: Musical instruments.

Class 16: Paper and cardboard (included in this class), products made from paper and cardboard (carton), namely paper towels, serviettes, filter papers, paper handkerchiefs, toilet paper, paper diapers, containers for packaging, paper bags, bookbinding articles, namely bookbinding yarn, linen and other textiles for bookbinding purposes; photographs, stationery, photo albums, adhesives for paper and stationery, or for household use, including handicrafts; self-adhesive tapes for paper and stationery or for household purposes; artists' requisites, namely modelling clay, canvas, paints, palettes and easels, paintbrushes; electric and electronic typewriters, office articles (excepting furniture), namely addressing machines, franking machines, files, letter baskets, letter openers, desk pads, punches, staplers, paperclips and staples, ink ribbons, correcting aids for office purposes, stamps, ink pads, stamp ink, inks for writing and drawing purposes, watercolours, document holders, files and folders for documents, rear panels for files and folders, holders for ballpoint pens and pencils, pencil sharpeners, desk accessory sets, desk tidies, card-indexes, desk organizers, office scissors, paper cutters, games, animal and plant preparations, geological models and preparations, globes, blackboard drawing equipment; ring binders, conference folders, writing cases, document folders, exercise books for writing, arithmetic, music, vocabulary and homework, packaging materials made of plastics, namely folders, bags and foils; printing letters and blocks; except newspapers and advertising papers.

Class 17: Foils, plates and rods made of plastics as semi-finished products; sealing, packing and insulating agents; asbestos, mica and products made thereof, namely fireproof cloths and insulating gloves; hoses (not made of metal); self-adhesive tapes, except for medical purposes, for paper and stationery or for household use.

Class 18: Leather and imitation of leather and products made thereof namely bags and

other products not adapted to fit the articles they are intended to contain, small leather goods, in particular purses, wallets and keycases; skins and furs, suitcases and small suitcases; umbrellas, parasols and walking-sticks, handbags, briefcases, shopping bags, school satchels, backpacks, rucksacks; netbags for shopping.

Class 19: Building materials (non-metallic), in particular semi-processed wood and beams, boards and sheets, plywood, building glass, in particular glass plates and window glass, pipes (non-metallic) for building purposes; transportable buildings (non-metallic), in particular prefabricated garages, garden houses and sheds; laths.

Class 22: Ropes, string, nets, namely fishing and tents, tarpaulins, sails, mail bags; bags for the transport and storage of goods.

Class 23: Yarns and threads for textile purposes.

Class 24: Woven fabrics, textile products, namely textile fabrics, curtains, roller blinds, household linen, table and bed linen; bedspreads and tablecloths, furnishing fabrics and fabrics for decoration purposes.

Class 25: Articles of clothing, including shoes, boots, slippers and headgear.

Class 26: Lace and embroidery, ribbons and shoelaces; buttons, hooks and eyes, needles; artificial flowers.

Class 27: Carpets, doormats, mats, linoleum and floor coverings made from rubber, synthetic or textile materials, in particular fitted carpeting, carpet tiles, bedside rugs, rugs and runners, wallpapers (except those made of textile).

Class 28: Playing cards, games, in particular electronic electric and electronic games; toys; gymnastic and sporting articles, snorkels, Christmas tree decorations.

Class 29: Dietetic products on a protein basis with addition of carbohydrate as foods for low-nutrient and/or calorie-controlled diets; meat, fish, shellfish, poultry and game, also in preserved, processed or frozen form, preserved, dried or frozen fruit and vegetables; meat extracts, meat, fish, fruit and vegetable jellies; jams and marmalades; eggs, milk products, namely, butter, cheese, cream, yoghurt, milk powder for nutritional purposes; edible oils and fats; salad sauces, mayonnaises; instant meals essentially consisting of meat, fish, shellfish, poultry, game, vegetables or processed fruit (also in frozen form), desserts made from yoghurt, quark or cream.

Class 30: Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee and tea substitutes, flours and cereal preparations (except fodder), in particular breakfast cereals; pasta, chocolate and chocolate products, chocolate candies, including those with wine and/or spirit fillings, confectionery, bread, pastry and confectionery, edible ice, honey, treacle, yeast, baking powder, salt, namely, table salt, mustard, vinegar, sauces (except salad sauces); spices and spice mixtures; food flavourings (except ethereal oils); salad sauces.

Class 31: Agricultural, horticultural and forestry products, namely seeds and other multiplication material, unprocessed grains, unprocessed wood; fresh plants and flowers, flower bulbs and tubers; fresh fruit and vegetables, in particular potatoes, seeds; dried

plants, mulch and peat litter, cat litter, pet foods, in particular dog food and cat food; living animals, in particular for decoration purposes; cattle salt.

Class 32: Beers; mineral waters and carbonated waters and other non-alcoholic beverages; syrups and other preparations for making beverages; fruit drinks and fruit juices.

Class 33: Alcoholic beverages (except beers), in particular wines, spirits and liqueurs.

Class 34: Tobacco; tobacco products, in particular cigarettes and cigars, smokers' requisites, namely tobacco boxes, cigar and cigarette holders, cigar and cigarette cases, ashtrays, none of the aforementioned products consisting of or plated with precious metals or their alloys, pipe-racks, pipe cleaners, cigar cutters, pipes, cigarette lighters, pocket devices for roll-your-own cigarettes, cigarette papers, cigarette filters, tobacco pouches, hookahs, matches.

Class 35: Advertising, marketing, advice on marketing and purchasing, market research and market analysis, public relations; management; business administration; advice on business, organisational, personnel and company economics; office work.

Class 36: Insurance services; financial affairs; monetary affairs; real estate affairs.

Class 37: Building services; repair services; installation work.

Class 38: Telecommunications.

Class 39: Transport; packaging and storage of goods; organisation and arranging of tours.

Class 40: Material processing.

Class 41: Education; training; entertainment; sporting and cultural activities; except newspapers and advertising papers.

Class 42: Scientific and technological services and research work and related designer services; industrial analysis and research services; design and development of computer hardware and software; legal advice and representation.

Class 43: Catering for, and accommodation of, guests.

Class 44: Medical and veterinary services; healthcare and beauty care services for human beings and animals; services in the agricultural, horticultural or forestry sectors.

Class 45: Security services for the protection of commodities and persons.