

**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. 243689 and in the matter of an Opposition thereto.

NIGEL KELLY

Applicant

NGRID INTELLECTUAL PROPERTY LIMITED

Opponent

(Represented by MacLachlan & Donaldson)

The Application

1. On 27 March, 2009, Nigel Kelly, an Irish citizen, of Drumdangan, Glenealy, Co. Wicklow, Ireland made application (No. 2010/00969) under Section 37 of the Trade Marks Act, 1996 (“the Act”) to register the sign below as a trade mark in respect of “*Electrical appliances installation and repair*” in Class 37.



2. The application was accepted for registration and advertised accordingly under No. 243689 in Journal No. 2157 dated 18 August, 2009.
3. Notice of Opposition to the registration of the mark, pursuant to Section 43 of the Act, was filed on 17 October, 2010 by NGRID Intellectual Property Limited of 1-3 Strand Street, London WC2N 5EH, England. The Applicant filed a counter-statement on 21 February, 2011. Evidence was filed by the Opponent under Rule 20 of the Trade Mark Rules, 1996 (“the Rules”), but no evidence in support of the application was filed under Rule 21 by the Applicant. On foot of the Applicant’s failure to file evidence under Rule 21 the Opponent argued that the application be deemed to have been abandoned. The Controller did not concur (I will return to this issue later) and moved the proceedings on to the Rule 25 stage under which the parties were invited to elect to attend at a hearing of the matter or to file written submissions in lieu of attending at a hearing. The Opponent

elected to file written submissions and did so on 30 November, 2012. The Applicant elected to attend at a hearing, which was held on 25 July, 2013.

4. Acting for the Controller, I decided to dismiss the opposition and to allow the application to proceed to registration. The parties were informed of my decision by way of letter dated 30 July, 2013. 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) of the Trade Mark Rules 1996, filed on 23 August, 2013.

Grounds of the Opposition

5. In its Notice of Opposition the Opponent identifies itself as one of the world's largest companies in the sphere of utilities, energy and related fields and as the proprietor of numerous trade marks containing the word 'GRID'. The Opponent attached to its Notice of Opposition details of 13 such trade marks, all of which are protected for some services in Class 37 (I have reproduced the relevant material at Annex 1). The Opponent raises objection to the present application under various Sections of the Act, which I shall summarise as follows:


- Section 8(1)(b) – *mark devoid of any distinctive character;*
- Section 8(1)(c) – *mark consists exclusively of signs or indications which may designate characteristics of the goods;*
- Section 8(3)(b) – *mark of such a nature as to deceive;*
- Section 8(4)(b) – *application for registration made in bad faith;*
- Section 10(2)(b) – *likelihood of confusion on the part of the public, and likelihood of association with the Opponent's various 'GRID' trade marks;*
- Section 10(3) – *use of mark would take unfair advantage of, or be detrimental to, distinctive character or reputation of the Opponent's marks;*
- Section 10(4)(a) – *use of mark is liable to be prevented by virtue of any rule of law protecting an unregistered trade mark or other sign.*

Counter-Statement

6. In its Counter-Statement the Applicant denies the grounds of opposition. He goes further and advances arguments in response to the particular claims by the Opponent regarding similarity of the respective marks and services for which protection is sought, the different

nature of the businesses of the two parties, the likelihood of confusion or association, the claimed lack of distinctiveness and deceptive nature of the marks.

Rule 20 Evidence

7. Evidence submitted by the Opponent under Rule 20 consisted of a Statutory Declaration, dated 16 August, 2011 of Ian Paul Leedham, Senior Counsel of National Grid Electricity Transmission plc. He states that the Opponent is a wholly owned subsidiary of National Grid Electricity Transmission plc. He provides details of the operations of his group of companies (hereinafter referred to as the “NG Companies”), including its history, development, activities, and substantial revenue and operating profits for recent years.
8. The NG Companies form an international electricity and gas group, which is one of the largest investor owned energy companies in the world. The NG Companies own and operate the electricity transmission network in England and Wales and operates the high voltage electricity network throughout the United Kingdom (UK). The NG Companies also own and operate the gas network throughout the UK.
9. Mr. Leedham states that revenue of the group in 2010/2011 was £14,343 million and that the group’s operating profit has increased by 15% from £3,121 million in 2009/2010 to £3,600m in 2010/2011.
10. He states the trade mark ‘NATIONAL GRID’ was first used in March 1990 following the privatisation of the electricity market in the UK. The trade mark enjoys a significant reputation in the UK and beyond and is well-known amongst professionals of the utility industries as well as end consumers. The trade mark ‘ngrid’ has been used by the NG Companies for many years as an abbreviation of ‘NATIONAL GRID’. The trade mark  has been widely used since 2006 following a rebranding of the NG Companies.
11. In view of the extensive reputation that the NG Companies enjoy for the three aforementioned trade marks for identical services in respect of which the mark SolarGrid is applied for, the use of which would, in Mr. Leedham’s opinion, take unfair advantage of and be detrimental to the distinctive character and the repute of the NG Companies prior trade marks. The Applicant would benefit from the substantial and highly regarded

reputation and goodwill that has been developed by the NG Companies over many years in trade marks consisting of or containing the element ‘GRID’ such that the impression of its services would be enhanced and achieve a wider recognition than might otherwise be obtained.

Rule 21, Rule 22 and Rule 25

12. No evidence was filed under rule 21 by the Applicant in support of his application. Therefore, no circumstances arose under which the Opponent may have needed to file evidence in reply under Rule 22. In response to the Office’s request under Rule 25 the Opponent elected to file written submissions in lieu of attending at a hearing of the matter, while the Applicant expressed a desire to be heard.

Written Submissions

13. In its written submission the agents for the Opponent argued that it was mandatory for the Applicant to file evidence under Rule 21, and, as no such evidence was filed, the Applicant should be deemed to have abandoned the application - just as if the Applicant had failed to file a Counter Statement under the provisions of Rule 19. The basis for the Opponent’s argument is the wording of Rule 21 itself, which is written in the following terms:

“If the person opposing the registration files evidence under Rule 20, the applicant shall, within three months of receipt of a copy of such evidence, file such evidence by way of statutory declaration as he or she desires to adduce in support of the application with the Controller and shall send a copy thereof to the opponent.”

14. The Opponent maintains the use of the word “*shall*” imposes a mandatory requirement on the Applicant to file evidence and that failure to act on this mandatory requirement should have fatal consequences for the application. If the intention of the rule was otherwise then the word “*may*” would have been used instead of “*shall*”.

15. I do not agree. Rule 21 affords the Applicant an opportunity to file whatever evidence it desires to adduce in support of its application. The Applicant may desire to file nothing by way of evidence and let the case rest on the Opponent’s evidence. While this strategy may weaken or significantly undermine the Applicant’s case, nonetheless, the onus is on the Opponent to prove that the application should be refused. I read Rule 21 to mean that if

the Applicant does desire to file evidence then it must do so within three months. In other words the “*shall*” is concerned with the timeframe within which the Applicant must act if he chooses to act, as distinct from a mandatory requirement that he must act.

16. Also, it is clear from the wording of Rule 20 that failure by the Applicant to file evidence under Rule 21 should not be deemed fatal to the application. Rule 20 is written in the following terms:

“(1) Within three months of the issue by the Controller to the opponent of the copy of the counter-statement under Rule 19, the opponent shall file with the Controller such evidence by way of statutory declaration as he or she desires to adduce in support of his or her opposition and shall send to the applicant a copy thereof.

“(2) Unless the Controller otherwise directs, an opponent who fails to file evidence under this Rule shall be deemed to have abandoned his or her opposition and the Controller shall proceed with the application accordingly.”

Rule 20(1) is written in the same terms as Rule 21, but significantly and unlike Rule 21, Rule 20 has a subsection (2) which specifically provides for an opposition to be deemed abandoned where an opponent does not file evidence in support of its opposition. If the same reasoning was to be applied in respect of the Applicant’s failure to file evidence, then Rule 21 would also have a subsection written in similar terms to Rule 20(2). Also, as the onus is on the opponent to prove that the application should be refused there is a requirement that the opponent sets out its case by the filing of facts and evidence. The effect of Rule 20 is to prevent the Opponent from simply claiming (in its Notice of Opposition) that the application should be refused and then resting its case. Saving for extraordinary circumstances, the Applicant must be given some reasoning or justification, by way of evidence, for the opposition having been taken. The Applicant may, having examined the Opponent’s evidence, decide that the Opponent’s case is weak and rest its case on the basis that it has filed a Counter Statement and on the basis that the Applicant has made an application that, *prima facie*, appears to the Controller to be worthy of registration. Accordingly, the application is not deemed to have been abandoned as a result of the Applicant’s decision not to file evidence under Rule 21.

17. In its written submissions the Opponent states that the objections under Section 8 and Section 10(4)(a) are not being pursued. As such its opposition is confined to Section

10(2)(b) and 10(3) and these are the provisions of the Act on which I have decided this matter.

The Hearing

18. The Applicant (Nigel Kelly) represented himself at the Hearing and stated from the outset that, contrary to the provisions of Rule 25(3), the Opponent did not send to him a copy of its written submissions filed in lieu of attending at the Hearing. The Applicant argued that, as a result, he was put at a disadvantage as he did not have full visibility of the Opponent's case and was therefore unable to prepare his legal argument for the Hearing. I gave the Applicant the Opponent's written submission and he consented to continue with the Hearing having been allowed sufficient time to consider the material contained therein.

19. Mr. Kelly argued that the respective marks were very different with the typical characteristics of the Opponent's marks being limited to a single colour, all just letters, generally in lower case, and that the Opponent's marks were not intrinsically distinctive. Whereas he maintained that his mark contained two colours, consisted of upper and lower case letters, was over 75% graphic in nature and was highly distinctive. He argued that the businesses of the parties are very different in that the Opponent is engaged primarily with electricity transmission and gas distribution whereas his company is concerned with the installation of grid connected micro domestic and commercial photovoltaic solar panel green energy systems.

20. In Mr. Kelly's opinion the presence of the word 'Grid' in his trade mark was the basis of the opposition and he argued that no company in the business of electricity generation, transmission or distribution should have a monopoly on the use of that term. He stated that the word 'Grid' is used extensively in trade marks. He also argued that there was no reference to the word 'Solar' in any of the Opponent's marks and nor could he find any in the Opponent's literature, website or company reports. He described the present proceedings as a clear case of a large company attempting to use its muscle to squash a small company, that was not even operating in the same space and whose trade mark was not in any way similar to those of the large company.

Decision

Section 10(2)(b) – *likelihood of confusion and association*

21. The relevant part of Section 10(2) of the Act, insofar as the present application is concerned, reads 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.”

22. As is evident from the wording of Section 10(2), the four basic requirements that must be met in order for an objection under it to succeed are that, (i) there must be “an earlier trade mark”, (ii) the goods of the application must be identical with or similar to those in respect of which the earlier trade mark is protected, (iii) the mark applied for must be similar to that earlier trade mark, and, (iv) there must be a resultant likelihood of confusion on the part of the public.

23. The first two of these conditions are clearly fulfilled in this case. The Opponent’s marks were all registered prior to the Applicant’s application and by virtue of Section 11(1)(b) of the Act, are earlier trade marks as against the present application for the purposes of Section 10. The services detailed in the application for registration are similar or identical to certain of the services for which some of the Opponent’s earlier trade marks stand protected. The next question to be addressed is that of the identity or similarity of the marks.


Comparison of the marks

24. I have compared the respective marks of the parties on the criteria of visual, aural and conceptual similarity and have attempted to make an overall assessment of the extent to which they should be regarded as similar or different. It is important to stress that this is an assessment of the overall impression the marks make on me, having put myself in the

shoes of the average consumer of the goods for which the Applicant is seeking protection. Notwithstanding the detailed comparisons I make below, I am mindful that the European Court of Justice has noted (*Sabel BV v Puma AG and Rudolf Dassler Sport Case C-251/95*)¹ that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. For this reason, 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.

25. Visually, all of the Opponent's earlier marks on which the opposition is based contain the word 'Grid' as does the Applicant's mark. While the 'Grid' of the Opponent's marks is combined with other words it is typically depicted in bold, a different colour or with a capital 'G' and it is clearly where the emphasis is, and as such, it can be described as the prominent element of many of the Opponent's marks. Furthermore the trade marks 'GreenGrid' and 'BlueGrid' are displayed in a similar manner to the word 'SolarGrid' with no separation between the component words and with the first letter in each word being a capital letter and the remainder in lower case. The Applicant's trade mark is in the colour blue (apart from the small yellow circle depicting the sun) which is the same colour used in a number of the Opponent's marks. The 'Grid' of the Applicant's mark does not stand out in the same manner as the Opponent's 'Grid', but nonetheless, clearly there is some degree of visual similarity. However, the Applicant's mark contains a large figurative element, which in my estimation is about four times the size of the word element. This is a significant element of the Applicant's mark and cannot be ignored when conducting an assessment of the level of visual similarity. There is little in the way of figurative elements in the Opponent's marks, with any deviation from basic text being limited to colour or bold font, or the intertwining of the 'D' and 'C' in the trade mark **GRIDCOM UK**. I would assess the overall visual similarity between the respective marks as ranging from negligible (in the cases of 'NATIONALGRID THE POWER OF ACTION' and 'nationalgrid Metering') to low (in the cases of 'ngrid', 'BlueGrid' and 'GreenGrid'). All other of the Opponent's marks share a very low level of visual similarity to the Applicant's mark. Therefore, visually the respective marks are significantly more dissimilar than they are similar.

¹ Paragraph 23 of decision dated 11 November, 1997

26. Aurally, the word elements of the respective marks share the word 'Grid'. But that is as far as the aural similarity goes. The 'Solar' of the Applicant's mark does not feature in any of the Opponent's marks. The sound of the letter 'n' and the words 'national', 'bio', 'blue' and 'green' are far removed from the sound of the word 'Solar'. There is no similarity either between the word 'Solar' and the words (other than 'grid') that comprise the remaining aural elements of the Opponent's other marks. Overall the Applicant's marks shares a low level of aural similarity with those of the Opponent.
27. Conceptually the marks share some similarity. The presence of the word 'Grid' in the respective marks convey the message that there is a network or formal structure at play. In the case of the Applicant's mark the message portrayed by the term 'SolarGrid' is that of a grid or network connected with solar energy. The figurative element of 15 photovoltaic cells aligned in a grid strongly reinforces that concept. The Opponent's mark 'nationalgrid' could be seen to be a reference to either the nation's electricity grid or the nation's ordnance survey grid, though, in my opinion, the majority of people would see it as the former. The mark 'ngrid' of itself does not bring to mind any specific type of grid, though, to someone familiar with the Opponent's 'nationalgrid' mark it would be seen as an abbreviation of that mark. The Opponent's 'biogrid', 'bluegrid' and 'greengrid' marks all relate to the concept of an environmentally friendly grid, though, in each case the specific nature or purpose of these grids cannot be readily ascertained from the wording itself.
28. Turning now to the remainder of the Opponent's marks. The trade mark 'nationalgrid Metering' conveys a clear message that it relates to metering of the national grid, whether that be the nation's water, gas, electricity or telephony grids. The mark **GRIDCOM UK**, containing as it does the letters 'COM' and 'UK', conveys a message of a telecommunications grid in the UK. Finally, the Opponent's  mark conveys a clear message about a national wireless communications grid. None of these marks convey a similar concept to that of the Applicant's mark. Overall, the message portrayed by all of the Opponent's marks is also that of a network, but not a network connected specifically with solar energy or solar panels, which is clearly the message

conveyed by the Applicant's mark. Therefore, there is significant conceptual dissimilarity between the Applicant's and the Opponent's marks.

29. To sum up the results of my assessment of the verbal, visual and conceptual comparison of the respective marks, I find that, overall, the Applicant's mark and the Opponent's marks share a low level of aural similarity and a very low level of visual and conceptual similarity. Overall, I find the respective marks are very different.

Likelihood of confusion or association

30. In its written submissions filed in lieu of attending at the Hearing the Opponent argued that the word 'Grid' has no significance or meaning in relation to repair and installation services. In such circumstances there would clearly be an association between the Applicant's trade mark and the Opponent's trade marks. This likelihood of confusion or association would be further emphasised by the fact the respective colours are the same for a number of the trade marks, while in the others the words are displayed in a similar fashion ('SolarGrid' v. 'BlueGrid' and 'GreenGrid'). Also, the Opponent argued the Applicant's trade mark is suggestive of the trade mark 'BlueGrid' containing, as it does, the word 'Grid' in blue colour.

31. The Opponent also argued that it is the proprietor of a "family of marks", nearly all ending with the word 'Grid' or have the word 'Grid' as a prominent feature. It states that the Courts have held in that regard that, when an opposition is based on several earlier marks and those marks display characteristics which give grounds for regarding them as forming part of a series or family, which may be the case, *inter alia*, either when they reproduce in full a single distinctive element with the addition of a graphic or word element differentiating them from one another, or when they are characterised by the repetition of a single prefix or suffix taken from an original mark, such circumstances constitute a relevant factor for the purposes of assessing whether there is a likelihood of confusion. In such circumstances, likelihood of confusion may be created by the possibility of association between the mark applied for and the earlier marks forming a series of family, where the consumer may be led to believe that the younger mark represents a member of that same series or family, and thus, the goods covered by it have the same or related commercial origin. The Applicant's trade mark contains as a distinctive element the suffix 'Grid' similar to each of the Opponent's family of trade

marks. In each of the Opponent's family of trade marks, the first element is relatively non-distinctive (e.g. national, bio, green, blue) just as the word Solar is relatively non-distinctive in the Applicant's trade mark. In these circumstances the Opponent maintains that to a third party the Applicant's trade mark would be regarded as forming part of the opponent's family of trade marks.

32. As regards the common colour scheme, in my opinion, the colours selected by the Applicant for his mark (the golden 'o' of 'Solar' with everything else in blue) could be understood to represent the sun and a blue sky. I am satisfied that the use of the colour blue in both parties' marks is no more than mere coincidence.

33. I agree with the Opponent's argument that a "family" of marks can exist and that its existence can be considered a relevant factor when assessing the likelihood of confusion. However, as in any opposition, each case must be judged on its merits. In the present case the argument is fatally flawed for a couple of reasons. Firstly, the Opponent argues that the 'GRID' element of its marks is what the family is based on and that the first element of its marks are relatively non-distinctive (e.g. national, bio, green, blue). However, in my opinion, the common element of the Opponent's marks (the word 'GRID') is even more non-distinctive in terms of the goods and services for which the Opponent's marks stand protected. An undertaking cannot make a claim to extended levels of protection based on the "family of marks" concept when the element that connects the family is a non-distinctive word that must be made available for all undertakings that operate in the same sector.

34. Secondly, there is no possibility whatsoever that consumers would, if the Applicant's mark was used in a fair and normal way, be likely to be confused on the basis that they believe there may be an association between the Applicant's mark and the earlier marks of the Opponent, or be led to believe that the younger mark represents a member of the Opponent's family of marks, because consumers in Ireland are not aware of the Opponent's marks. The Opponent has not provided any evidence or even suggested that it trades in Ireland. The term 'national grid' is familiar to Irish consumers and if they encountered the trade mark 'nationalgrid' they would assume that it referred to the Irish national electricity grid, which is maintained and developed by the State owned company EirGrid and not the Opponent.

35. The Opponent's arguments hold little weight in the context of the merits of this case. They come down to the fact that the Opponent believes it should have a monopoly in the use of the word 'Grid' in relation to anything remotely associated with electricity or gas generation, transmission or distribution, which is a proposition I do not accept. No-one that operates in the gas or electricity transmission and distribution arena should have a monopoly on the non-distinctive and descriptive word 'GRID'.

36. Notwithstanding the above, the dissimilarity between the respective marks is such that, even if the Opponent's marks were known to Irish consumers, I am satisfied that there would be no likelihood of confusion or association between the parties marks.

Section 10(3) – *take unfair advantage of, or be detrimental to, the Opponent's mark*

37. Section 10(3) of the Act provides as follows:

“A trade mark which is identical with or similar to an earlier trade mark shall not be registered if, or to the extent that, the earlier trade mark has a reputation in the State (or, in the case of a Community trade mark, in the Community) and the use of the later trade mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier trade mark.”

38. The purpose and effect of that provision is to afford an extra level of protection to marks that have a reputation over and above that which is given to other trade marks. As is evident from the wording of the Section, there are a number of conditions that must be fulfilled in order for it to apply. Firstly, there must be identity or similarity of the marks at issue; secondly, the earlier mark(s) must have a reputation in the State (or in this case in the Community); thirdly, the use of the later trade mark must be without due cause; and fourthly, that use must take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier marks.

39. I have already found that there is a very low level of similarity with the Opponent's marks and that the overall impression is the marks are different. Also, I have found that the Opponent's marks do not have a reputation in the State; but that is not a prerequisite for the purposes of Section 10(3), under which a reputation within the European Community

(EU) is sufficient in respect of a Community Trade Mark (CTM). The plain meaning of Section 10(3) of the Act suggests that a CTM, which may not even be used in Ireland, and which may have a reputation in only one Member State of the Community, could be unfairly taken advantage of, or suffer detriment, when a similar mark is used in this State, despite the fact that consumers here may have no knowledge of the earlier mark or its reputation.

40. The Opponent argued that its trade marks have been used extensively in the United Kingdom and, with the Opponent's huge turnover (over £14,000 million), use of the Applicant's trade mark would therefore take unfair advantage of, or be detrimental to, the distinctive character or reputation of the Opponent's trade marks. Having established a huge reputation in the United Kingdom under its family of 'Grid' trade marks, the use by the Applicant of a similar "Grid" trade mark would undermine its exclusive reputation under such marks.

41. The onus is on the Opponent to prove its marks have the type of reputation that Section 10(3) seeks to protect. There is no doubt that the Opponent's marks have earned a reputation in the United Kingdom, but there is nothing in the evidence submitted by the Opponent by way of proof that consumers outside of the United Kingdom would recognise its trade marks as marks of repute. It is well established that the reputation which Section 10(3) seeks to protect is that of an extremely well-known trade mark that would be defined as such under the Paris Convention. Such a reputation is expected to extend beyond the limited class of consumers of the Opponent's goods and services and to penetrate the consciousness of the wider public such that a substantial number of people would know and recognise the mark even if they had never used the Opponent's goods. In this case the limited class of users of the Opponent's marks is confined to consumers in the United Kingdom. The wider public in this case includes the Irish public, who I doubt have ever encountered the Opponent's trade marks. Nonetheless, a huge reputation can exist without use. However, in this case I am completely satisfied that if Irish consumers encountered the Opponent's marks they would not have a clue as to the identity of the proprietor. They may, as I have already mentioned above, actually believe that some of the Opponent's marks (e.g. 'nationalgrid') are owned by the Irish State-owned company EirGrid.

42. The Opponent has not provided any evidence to lead me to conclude that the use by the Applicant's is without due cause. The Applicant has not copied or attempted to ride on the coat-tails of the Opponent's marks. His mark was created to reflect and represent his brand and business and in doing so he has created a mark which differs verbally, visually and conceptually from those of the Opponent. As such, his proposed user of his mark would not be without due care towards the marks of the Opponent.

43. Furthermore, other than making a claim, the Opponent has not provided any evidence as to how use by the Applicant of the mark applied for would take unfair advantage of, or be detrimental to, the Opponent's earlier marks. I cannot see how use of the Applicant's dissimilar mark in Ireland could take unfair advantage of, let alone be detrimental to, the Opponent's reputation or distinctive character, which was built up and exists exclusively in the United Kingdom. In my opinion the Opponent's reputation comes nowhere near the level required in order for them to qualify as trade marks of repute within the Community and for them to be extended the additional level of protection that Section 10(3) affords. Accordingly, I must dismiss the opposition under Section 10(3).

Conclusion

44. For these reasons, I have decided to dismiss the opposition and to allow the Applicant's mark to proceed to registration.

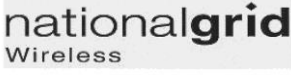



Dermot Doyle

Acting for the Controller

15 October, 2013

ANNEX 1

Community Trade Mark Number	Application / Registration Date	Trade Mark	Possible Similar Class 37 Services?
4933073	27/02/2006	ngrid	Installation, repair, emergency servicing and maintenance of gas, electricity and water appliances, apparatus and instruments; installation, repair and maintenance of energy-using apparatus and instruments; construction, repair and maintenance of energy-using installations; advice, information and consultancy services relating to all of the aforesaid services.
4481065	09/06/2005	nationalgrid	Installation, repair, emergency servicing and maintenance of gas, electricity and water appliances, apparatus and instruments; installation, re-pair and maintenance of energy-using apparatus and instruments; construction, repair and maintenance of energy-using installations; advice, information and consultancy services relating to all of the aforesaid services.
4533089	08/07/2005	nationalgrid	Installation, repair, emergency servicing and maintenance of gas, electricity and water appliances, apparatus and instruments; installation, repair and maintenance of energy-using apparatus and instruments; construction, repair and maintenance of energy-using installations; advice, information and consultancy services relating to all of the aforesaid services.
4807624	16/12/2005	nationalgrid	Installation, repair, emergency servicing and maintenance of gas, electricity and water appliances, apparatus and instruments; installation, repair and maintenance of energy-using apparatus and instruments; construction, repair and maintenance of energy-using installations; advice, information and consultancy services relating to all of the aforesaid services.
4795043	9/12/2005	nationalgrid Metering	Installation, repair, emergency servicing and maintenance of gas, electricity and water appliances, apparatus and instruments; installation, repair and maintenance of energy-using apparatus and instruments; advice, information and consultancy services relating to all of the aforesaid services.

6929269	08/05/2008	NATIONALGRID THE POWER OF ACTION	Installation of electrical and generating equipment; installation and repair of heating, air conditioning, indoor air quality, water heating and pool heating equipment; advice, information and consultancy services relating to all of the aforesaid services.
4775227	09/12/2005		Installation, repair, emergency servicing and maintenance of apparatus and instruments; advice, information and consultancy services relating to all of the aforesaid services.
8194061	01/04/2009		Repair, installation services; advice, information and consultancy services relating to all of the aforesaid services.
6918461	08/05/2008		Repair, installation services; installation of electrical and generating equipment; advice, information and consultancy services relating to all of the aforesaid services.
6741649	29/02/2008	BlueGrid	Repair, installation services; installation of electrical and generating equipment; advice, information and consultancy services relating to all of the aforesaid services.
6741656	29/02/2008	GreenGrid	Repair, installation services; installation of electrical and generating equipment; advice, information and consultancy services relating to all of the aforesaid services.
3100609	18/03/2003		Building, construction, installing, repairing and maintaining telecommunications and mobile telecommunications networks, towers, masts, installations, equipment, apparatus and devices.