

Brand Clearance Guide



Brand Clearance Guide

A practical guide to brand clearance including details on the range of searches available (such as trade mark searches, strapline searches, common law searches and domain name searches), information on budgeting for clearance and general strategic advice.

1. Brand lifecycle

Brand clearance is one part of the overall brand lifecycle, which includes the following steps for the brand owner:

- Research and develop the brand proposition.
- Create potential new brand names to align with the proposition.
- Conduct clearance searches to ensure that the new brand name is clear to use.
- Protect the new brand name through trade mark registration.
- Build value in the brand.
- Protect the value of the brand by monitoring third-party use of conflicting brands and taking steps to prevent misuse and dilution.
- Possible eventual sale of the brand
- On services/consultancy agreements in the advertising/marcomms arena, for example the global advertising services agreement between Wieden + Kennedy and Tesco

2. Why is Clearance important?

The purpose of conducting a clearance programme is to ensure that a new brand is free to use without infringing any third-party rights. If infringement of these rights does occur then the implications can be far reaching and expensive as the third party may be entitled to:

- An injunction, which prevents further use of the brand.
- Damages for infringement or an account of profits.
- Recovery of its legal costs.

The new brand owner may also face considerable collateral damage including:

- The expense of withdrawing the brand, rebranding and relaunching.
- PR damage associated with the brand withdrawal.
- Financial and reputational damage caused by the delay associated with re-branding.

If a brand has been created externally by a marketing or design agency and there is a dispute in relation to that brand then the agency may also incur liability to the brandowner under its client / agency agreement.

3. The Clearance Process

By adhering to a clearance process a brand owner is able to navigate its way through the various searches needed to ensure that a brand is free to use. It is advisable to engage professional help with the process either through a law firm with intellectual property (IP) expertise or a firm of trade mark attorneys.

The common approach for a clearance search and registration programme is to rely on 'full availability searches' However, given that these searches can easily run up significant costs and still not result in a brand that is free to use, there may be more efficient ways to tackle the clearance process.

Often there are a number of possible names under consideration. Instead of running full searches against them all, the pragmatic approach is to conduct a series of fast and relatively cheap screening searches to identify any obviously fatal obstacles. This approach will often reduce a field of proposed names by over 50% and so enable the brand owner to focus on the more complex and expensive searches on those names that enjoy a realistic prospect of being free to use. A similar targeted approach then needs to be taken when obtaining trade mark and other protection for the brand; again there are ways to structure filing programmes to minimise costs and control cash flow.

4. The rights landscape

Registered trade marks. Any sign capable of distinguishing the goods/services of one undertaking from another is capable of being

registered as a trade mark. A sign includes words, logos, graphic works, shapes, colours and even sounds and smells.

All conceivable goods and services fall within one of the 45 trade mark classes (see schedule 2 for list). A trade mark registration will list not only the classes it relates to, but also the specific goods and services within those classes that are protected.

If a third party holds an identical trade mark registration to the intended brand then this could be fatal to the proposed use. If a third party holds an identical mark for similar goods/services or a similar mark for identical or similar goods/services then this can also amount to infringement if there is a likelihood of confusion in the marketplace. An identical/similar mark can also infringe in respect of dissimilar goods/services if the registered mark has a reputation and the use of the sign, being without due cause, takes unfair advantage of, or is detrimental to, the distinctive character or the repute of the trade mark.

Unregistered trade marks. A third party may already be using an identical or similar mark for goods or services which are the same or similar to the proposed mark as an unregistered trade mark or as a business name. In these circumstances, there is a possibility that the third party may have sufficient grounds to bring an action for passing off in the UK (or an equivalent action in other jurisdictions) based on their use of that mark. The “classic form” of passing off involves a three-part test:

- Goodwill or reputation attached to the goods or services.
- A misrepresentation by the defendant to the public (whether or not intentional) leading or likely to lead the public to believe that the goods or services offered by him are the goods or services of the claimant.
- Damage to the claimant, by reason of the erroneous belief engendered by the defendant’s misrepresentation that the source of the defendant’s goods or services is the same as the source of those offered by the claimant.

Copyright. Copyright protection extends to artistic and graphic works. Therefore stylised word marks such as logos and other graphic works used as brands may infringe a third party’s copyright. As there is no copyright register in the UK it is not possible to conduct a meaningful copyright clearance search.

Registered designs. Registered designs protect not only the shape of designs but also surface patterns and decoration. This extends to graphic works such as logos. Given the limited number of applications made to protect brands through registered designs these searches are relatively uncommon.

5. What types of clearance searches are available?

Screening searches. These are basic, fast and inexpensive online trade mark searches restricted to those prior marks that are identical or highly similar to the proposed name. The purpose is to locate obviously fatal problems before committing to more complex and expensive searches.

Other fast and often free searches can be conducted at this stage without instructing lawyers. Checking the proposed name via an online search engine can often reveal conflicting use.

Full trade mark search. The single most important search is the full trade mark search. This is a far more comprehensive search than the screening search because it analyses similar as well as identical marks.

The similarity of marks is assessed as follows:

Comparison of marks. In assessing the similarity of marks, consideration should be given to the visual,

phonetic and conceptual similarities between the marks, based on the overall impression created by the marks bearing in mind their distinctive and dominant components. The assessment should take into account the imperfect recollection of the average consumer who is reasonably well informed, circumspect and observant.

Comparison of goods/services. The factors to be considered when assessing the similarity of goods and services include:

- The respective uses of the goods/services.
- The respective users of the goods/services.
- The physical nature of the goods or acts of services.
- The respective trade channels to market.
- The positioning of the goods in retail outlets.
- Whether the goods/services are competing or complimentary.

If the earlier mark is in use and has built up significant goodwill then this can give rise to additional risks from both a trade mark and passing off perspective, particularly if a mark is highly distinctive.

It is unusual for a trade mark search to be completely clean. Due to the sheer number of trade mark registrations it is very common for

the search to locate third-party marks of varying degrees of similarity. The role of the adviser is to identify and then assess the issues in the context of:

- The client's attitude to risk.
- The overall commercial picture.

Even if conflicting rights are identified, they may not be fatal. This is because:

- Registrations may be capable of being declared invalid if they are descriptive.
- Registrations may be revoked if they have not been put to genuine use in the last five years since registration.
- The renewal fees may not have been paid.
- The owner may no longer exist.
- The owner may be prepared to agree to co-exist if there is no realistic commercial confusion between the respective marks.

Trade mark device search. It is possible to conduct trade mark searches against logos and images. However this is a more involved process than searching words and costs are accordingly higher.

Design search. Searches can be conducted of both the UK Intellectual Property Office's (IPO's) and European Union Intellectual Property Office (EUIPO's) registered design registers. However, these searches have severe limitations as trade mark and design classifications of goods do not always align and the existence of "miscellaneous" classes that require searching mean that this is a time consuming and therefore expensive exercise.

Company search. A search of the list of companies at Companies House should be carried out to ensure that a company is not using the proposed mark as part of its corporate name.

Common law search. A limited search for unregistered trade marks is intended to minimise the risk of passing off. The search is a non-exhaustive search conducted from standard physical and online reference sources such as telephone listings, dictionaries, search engines and relevant trade directories. They include a level of searching in respect of company names, domain names and online usage. Common law searches are typically not relevant for countries with a continental legal system. They are commonly incorporated into UK and US search programmes.

Domain name search. A search to ascertain whether the proposed mark has been adopted as part of a third party's top-level domain name should also be carried out at relevant registries.

Strapline search. Straplines and slogans such as Audi's "Vorsprung durch technik" and Tesco's "Every little helps" are important marketing tools. Brands invest heavily in these and protect the goodwill they generate. That stated, they are often not protected by trade mark registrations. This is because the lines may be descriptive and therefore not protectable. Even if they do not have trade mark protection, many are protectable under the laws of passing off. A strapline search is a search of a commercial database of straplines and slogans.

Cultural search. If a brand owner plans to use a foreign word as a mark in the UK, or an English word as a mark outside of English-speaking markets, it is wise to get a local health check on the translated meaning. The automotive sector has given rise to several humorous examples of double meanings.

6. International Searches

Small developed nations have their own trade mark registers and will be governed by their own trade mark laws. Theoretically this means that a full trade mark search needs to be conducted in every country in which there is an intention to use a proposed trade mark. The most thorough method for assessing whether a proposed name is free to use is therefore to instruct lawyers in each of the countries in which the mark is to be used to conduct a search and advise on the local legal position.

However, given that there are over 200 countries, a truly "global" clearance programme is often financially prohibitive for all but the largest of organisations. For example, conducting full searches for the EU alone, which has 27 member states, is likely to cost in excess of £30,000. A further logistical consideration is that while lawyers in many countries will provide prompt responses, there will always be some that take over a week and there are territories where advisers are notorious for sitting on the fence and not giving a meaningful recommendations. This might not fit in with a business' timelines or deliver the clarity of response desired.

Some law firms subscribe to a specialist databases that enable its adviser to quickly and cheaply run trade mark searches across several countries without instructing lawyers in those countries. The report should identify whether there are immediately obvious identical/highly similar marks that would make the proposed name too problematical to take forward. If there are issues, then at least this has been established for a reasonable sum of money and in a reasonable time frame. If the brand names can still be progressed, it may be appropriate to conduct deeper searches by instructing local firms, safe in the knowledge that there is a far reduced chance of costs being wasted because the mark is not free to use.

7. Budgeting for a search programme

There are a number of variables that affect cost:

- The number of names to be searched.
- Whether logos need to be searched (this is more expensive).
- Whether the words are commonplace or descriptive for the goods and services.
- The number of classes to be searched.
- The number of countries to be searched and the identities of those countries (costs vary widely from country to country).
- The speed at which the searches need to be done (urgent searches are more expensive).

The cost of subsequent trade mark applications is largely driven by the number of countries, the choice of countries and the number of classes.

To minimise costs a search programme should be approached as a staged project.

UK search programme

It is common for there to be several alternative names under consideration. The first step is therefore to conduct screening searches to eliminate names facing obviously fatal problems. Once the problematic names have been rejected the remaining names can then progress to the full trade mark search and further search stage.

International search programmes

International search projects are sometimes conducted requiring full trade mark searches to be conducted across 100 countries. This can run up costs of around £200,000 and has no guarantee that the name will be available to use. The alternative approach is a series of incremental steps so that if significant problems are located the search programme can be terminated at that early stage at a considerably lower cost.

In the case of an international search programme, the search process stated above should be completed in the home territory first. The next stage would be to run online trade mark searches in the key additional jurisdictions. If these are encouraging then the search can progress to peripheral jurisdictions, incurring overseas lawyers' fees to conduct full local searches where required.

1. Run screening searches to eliminate immediately problematical names from the process.
2. Run full UK/EUTM availability search. If the risks are manageable then:
3. Run common law/company name/domain name/strapline searches
4. Run international screening search and contact local advisers in problematical territories
5. File first trade mark (typically UK or EUTM)
6. Within 6 months file in the remainder of the territories, taking advantage of EUTM and Madrid systems where appropriate to manage costs.

Schedule 1 provides an overview as to how a clearance search might run in practice.

8. Obtaining trade mark protection

If the searches are clear then the next stage is to apply to register the name as a trade mark and to secure any related company and domain names.

It is wise to obtain both trade marks and domain names at the same time; firstly to ensure that they are both available and secondly, to avoid a not uncommon situation where an application is filed for a trade mark and then a third party then applies for the same name as a domain with the intention of extracting a payment.

There is no "global" trade mark. Instead applications have to be secured in each country of interest. Obtaining registrations in each country would cost in the region of £500,000; therefore "global" protection is rare. Instead brand owners tend to focus on their key commercial territories, and also rely on various trade mark systems that allow several countries to be captured cost effectively through a single filing. The most common systems are:

- The EU trade mark (EUTM), a single filing which covers the EU.
- Filings under both the Madrid Protocol and Madrid Agreement, international systems which can cover a substantial number of countries around the world at a lower cost than filing nationally in each country. (For further information, see Practice note, International trade mark registrations under the Madrid Protocol.)

9. Secrecy

Best practice is to apply for, or preferably have registered, a name prior to use. However, filing an application can mean that the name becomes a matter of public record when the proprietor still wishes it to be confidential. Indeed some businesses have watch services that alert them to new trade mark applications filed by competitors. There are strategies that can be employed to manage this problem.

10. Danger of delay

Trade mark searches are valid as at the date they are conducted. The longer the delay between conducting a search and filing an application, the greater the chance that a third party may file a conflicting mark in the meantime. This is a particular concern if there are no confidentiality agreements protecting disclosure of the name. If a proposed name is leaked before protection is obtained, then the name may be “hijacked” and require either a significant payment being made to acquire the name or incur the costs and delays of clearing a new name.

For this reason it is sensible to file a trade mark in the home territory straight away, even if a final decision has not yet been taken on the full list of countries in which protection is required. The reason for this is that the filing of the first application creates a six-month “priority period” under the Paris Convention. If any additional applications are filed in other Paris Convention countries during the priority period then they will have their application dates backdated to the date of the first application. The Paris Convention covers most countries of commercial interest.

11. Monitoring third-party use and enforcement

Obtaining trade mark protection is not the end of the story. The investment in a brand needs to be protected. To react swiftly to potential threats many brand owners use “watch services”. These are automated searches that send notifications if a third party applies to register an identical or similar trade mark. Similar watches can be set against company names and domain names. It is also possible to monitor specific competitors so that notification is sent whenever they apply for a new trade mark.

12. Further information

Lewis Silkin produce a number of Client Guides on brand related matters which are available on request.

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| • Trade Mark and Design Services | • Community Trade Mark Opposition procedure |
| • Trade Mark Classification | • Domain Names |
| • UK Trade Marks | • International Trade Marks |
| • Trade Mark Watch Services | • Digital Media in Advertising |
| • UK Trade Mark Opposition procedure | • Trade Mark Searching |
| • Design Protection | • Product Placement |
| • Community Trade Marks | |
| • Sponsorship | |

For further information on brand clearance, trade mark application strategy, IP portfolio management or disputes please contact:



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Dominic provides commercially driven intellectual property advice. Particular areas of expertise include trade marks, advertising, IP-rich commercial contracts, IP disputes, sponsorship and sports rights exploitation.

Dominic is one of the few practitioners jointly qualified as both a Solicitor and a Trade Mark Attorney. He heads up our Trade Mark Team which manages tens of thousands of trade marks, designs and other IP for clients around the world. He is equally at home whether assisting a private individual to acquire a UK trade mark, coordinating trade mark proceedings on a pan-European basis, conducting global searches, acting on brand securitisation transactions, licensing programmes or advising a major corporate on a global re-branding exercise.



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Steven specialises in trade mark and design law and has extensive private practice and in-house IP experience in working with brand owners on a global basis. Steven was formerly an examiner at the UKIPO before managing the Gillette brands in 160 countries. He subsequently held positions at Clifford Chance and Cadbury before joining Lewis Silkin. Steven regularly acts for leading brand owners, marketing services agencies and their networks, overseas law firms, trade bodies and associations and governmental departments. Steven has lectured at QMW on trade mark searching including searching more challenging marks like shape marks, colour marks and multi-jurisdictional searches.



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SCHEDULE 1
CLEARANCE PROCESS

Brief: To create a new corporate identity for a telecommunications company based in Europe which has global expansion plans.

Proposed name: The branding agency has proposed a raft of names of which fifteen are selected as potentials.

1. First phase: - Screening Searches

The relevant trade mark classes for the proposed brand are identified. Trade mark screening searches and 'common sense' Google searches are conducted to locate obviously fatal issues as fast and as cheaply as possible.

15 names proposed. 5 names rejected.

2. Second Phase: - Trade Mark Searches

Full UK, CTM and International searches covering UK and CTM are conducted 10 names remaining. 4 rejected

3. Third Phase: - Additional Searches

Additional searches are conducted against company names, straplines and a common law search undertaken to assess the risk of passing off. Cultural searches may be appropriate.

6 names remaining. 2 rejected

4. Fourth Phase: - International Searches

The brief is for a global brand but in reality the mark is only likely to be used in Europe, US, Canada, Australasia and China. Initial on-line database search conducted of these territories conducted, followed by local legal advice if necessary.

4 names remaining. 2 rejected

5. Fifth phase: - Final selection of name

Final selection from the 2 remaining names

6. Sixth phase: - Secure name

Trade mark, company name and domain name applications should be made without delay and certainly prior to the launch. International trade filing programme should be devised and at least one application be made prior to launch to secure the priority period

7. Seventh phase: – Launch of new brand

SCHEDULE 2
TRADE MARK CLASSES

Class 1

Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry; unprocessed plastics in the form of liquids, chips or granules.

Class 2

Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

Class 3

Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; deodorants for personal use.

Class 4

Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels and illuminants; candles and wicks for lighting; combustible fuels, electricity and scented candles.

Class 5

Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides; foods and beverages which are adapted for medical purposes; air deodorising preparations.

Class 6

Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores; unwrought and partly wrought common metals; metallic windows and doors; metallic framed conservatories.

Class 7

Machines and machine tools; motors and engines (except for land vehicles); parts of engines and motors; machine coupling and transmission components (except for land vehicles); exhausts and starters (for vehicles); vacuum cleaners; electric drills; electric screwdrivers; incubators for eggs.

Class 8

Hand tools and hand operated implements; cutlery; side arms; razors; electric razors and hair cutters.

Class 9

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, 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; recorded media, computer hardware and firmware; computer software; software downloadable from the Internet; downloadable electronic publications; compact discs; digital music; telecommunications apparatus; computer games equipment adapted for use with an external display screen or monitor; mouse mats; mobile phone accessories; contact lenses, spectacles and sunglasses; clothing for protection against injury, accident, irradiation or fire; furniture adapted for laboratory use.

Class 10

Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopaedic articles; suture materials; sex aids; massage apparatus; supportive bandages; furniture adapted for medical use.

Class 11

Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes; air conditioning apparatus; electric kettles; gas and electric cookers; vehicle lights and vehicle air conditioning units.

Class 12

Class 10

Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopaedic articles; suture materials; sex aids; massage apparatus; supportive bandages; furniture adapted for medical use.

Class 11

Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes; air conditioning apparatus; electric kettles; gas and electric cookers; vehicle lights and vehicle air conditioning units.

Class 12

Vehicles; apparatus for locomotion by land, air or water; wheelchairs; motors and engines for land vehicles; vehicle body parts and transmissions.

Class 13

Firearms; ammunition and projectiles, explosives; fireworks.

Class 14

Precious metals and their alloys; jewellery, costume jewellery, precious stones; horological and chronometric instruments, clocks and watches.

Class 15

Musical instruments; stands and cases adapted for musical instruments.

Class 16

Paper, cardboard and goods made from these materials; printed matter; book binding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters; packaging materials; printers' type; printing blocks; disposable nappies of paper for babies; printed publications; paint boxes for children; cheque book holders.

Class 17

Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials; plastics in extruded form for use in manufacture; semi-finished plastics materials for use in further manufacture; stopping and insulating materials; flexible non-metallic pipes.

Class 18

Leather and imitations of leather; animal skins, hides; trunks and travelling bags; handbags, rucksacks, purses; umbrellas, parasols and walking sticks; whips, harness and saddlery; clothing for animals.

Class 19

Non-metallic building materials; non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; non-metallic monuments; non-metallic framed conservatories, doors and windows.

Class 20

Furniture, mirrors, picture frames; articles made of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum or plastic which are not included in other classes; garden furniture; pillows and cushions.

Class 21

Household or kitchen utensils and containers; combs and sponges; brushes; brush-making materials; articles for cleaning purposes; steel wool; articles made of ceramics, glass, porcelain or earthenware which are not included in other classes; electric and non-electric toothbrushes.

Class 22

Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks for transporting bulk materials; padding and stuffing materials which are not made of rubber or plastics; raw fibrous textile materials.

Class 23

Yarns and threads, for textile use.

Class 24

Textiles and textile goods; bed and table covers; travellers' rugs, textiles for making articles of clothing; duvets; covers for pillows, cushions or duvets.

Class 25

Clothing, footwear, headgear.

Class 26

Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers; badges for wear; tea cosies.

Class 27

Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile); wallpaper.

Class 28

Games and playthings; playing cards; gymnastic and sporting articles; decorations for Christmas trees; childrens' toy bicycles.

Class 29

Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats; prepared meals; soups and potato crisps.

Class 30

Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice; sandwiches; prepared meals; pizzas, pies and pasta dishes.

Class 31

Agricultural, horticultural and forestry products; live animals; fresh fruits and vegetables, seeds, natural plants and flowers; foodstuffs for animals; malt; food and beverages for animals.

Class 32

Beers; mineral and aerated waters; non-alcoholic drinks; fruit drinks and fruit juices; syrups for making beverages; shandy, de-alcoholised drinks, non-alcoholic beers and wines.

Class 33

Alcoholic wines; spirits and liqueurs; alcopops; alcoholic cocktails.

Class 34

Tobacco; smokers' articles; matches; lighters for smokers.

Services**Class 35**

Advertising; business management; business administration; office functions; electronic data storage; organisation, operation and supervision of loyalty and incentive schemes; advertising services provided via the Internet; production of television and radio advertisements; accountancy; auctioneering; trade fairs; opinion polling; data processing; provision of business information; retail services connected with the sale of [list specific goods].

Class 36

Insurance; financial services; real estate agency services; building society services; banking; stockbroking; financial services provided via the Internet; issuing of tokens of value in relation to bonus and loyalty schemes; provision of financial information.

Class 37

Building construction; repair; installation services; installation, maintenance and repair of computer hardware; painting and decorating; cleaning services.

Class 38

Telecommunications services; chat room services; portal services; e-mail services; providing user access to the Internet; radio and television broadcasting.

Class 39

Transport; packaging and storage of goods; travel arrangement; distribution of electricity; travel information; provision of car parking facilities.

Class 40

Treatment of materials; development, duplicating and printing of photographs; generation of electricity.

Class 41

Education; providing of training; entertainment; sporting and cultural activities.

Class 42

Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; computer programming; installation, maintenance and repair of computer software; computer consultancy services; design, drawing and commissioned writing for the compilation of web sites; creating, maintaining and hosting the web sites of others; design services.

Class 43

Services for providing food and drink; temporary accommodation; restaurant, bar and catering services; provision of holiday accommodation; booking and reservation services for restaurants and holiday accommodation; retirement home services; creche services.

Class 44

Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services; dentistry services; medical analysis for the diagnosis and treatment of persons; pharmacy advice; garden design services.

Class 45

Legal services; conveyancing services; security services for the protection of property and individuals; social work services; consultancy services relating to health and safety; consultancy services relating to personal appearance; provision of personal tarot readings; dating services; funeral services and undertaking services; fire-fighting services; detective agency services.

SCHEDULE 3**TRADE MARK DETAILS**

(Example of details from the UK Trade Mark Register in respect of a Red Bull logo mark)

**Mark text:**

Red Bull

Status

Registered

Classes:

25, 28, 30, 32, 33, 34, 41, 43

Relevant dates**Filing date:**

12 July 2010

Next renewal date:

12 July 2020

Registration date:

08 October 2010

Publication in Trade Marks Journal**First advert:****Journal:**

6846

Publication date:

30 July 2010

Registration:**Journal:**

6858

Publication date:

22 October 2010

List of goods or services**Class 25:**

Clothing, footwear, headgear, including t-shirts, blouses, sweaters, anoraks, windbreakers, aprons, caps, hats, headbands, braces, belts (clothing), money-belts, sun visors; sportswear, footwear for sports, football boots and studs, ski boots; non-slipping devices for shoes; corsetry; babies' napkins of textile.

Class 28:

Games and playthings; playing cards, card games; practical jokes (novelties), confetti; gymnastic and sporting articles (included in class 28); gymnastic and sports equipment, including winter sports equipment, including skis, snowboards, ice skates and snowshoes; tennis equipment; angling equipment; special purpose bags for sports equipment, including skis and surfboards, cricket bags, golf and tennis bags; ski bindings, ski poles, edges for skis, coverings for skis; snowboard bindings; balls; dumb-bells, shot puts, discuses, javelins; tennis racquets, cricket bats, golf clubs and hockey sticks; roller skates, inline roller skates; tables for table tennis; decorations for Christmas trees; snow globes; electric or electronic games other than those adapted for use with television receivers only; scale model vehicles, toy vehicles, radio-controlled scale model vehicles, radio-controlled toy vehicles; coin-operated fruit machines and entertainment machines; fencing weapons; sports bows (archery); nets for ball games, tennis nets; fishing tackle, fishing hooks, landing nets for anglers; swimming webs (flippers); paragliders, hang-gliders; skateboards; surfboards, body boards, windsurfing boards; harnesses and masts for sailboards; elbow and knee pads.

Class 30:

Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ice cream; honey, treacle; yeast, baking-powder; salt, edible salt, mustard; vinegar, sauces (condiments), dressings for salad; spices; ice; coffee, tea, cocoa and chocolate drinks; iced tea; coffee and cocoa preparations for making alcoholic and non-alcoholic beverages; cereals for human consumption, including oat flakes and other cereal flakes; food flavorings; sweets, candy, fruit gums, chocolate, chocolate products, pralines with liqueur fillings; chocolate mixtures containing alcohol; chewing gums; fruit and muesli bars.

Class 32:

Non alcoholic beverages including refreshing drinks, energy drinks, whey beverages, isotonic, hypertonic and hypotonic drinks (for use and/or as required by athletes); beer, malt beer, wheat beer, porter, ale, stout and lager; non alcoholic malt beverages; mineral water and aerated waters; fruit drinks and fruit juices; syrups, essences and other preparations for making beverages as well as effervescent tablets and effervescent powders for drinks and non-alcoholic cocktails.

Class 33:

Alcoholic beverages (except beers); hot and mixed alcoholic drinks, including alcoholic energy drinks, mulled wine and mixed drinks containing milk; alcoholic malt beverages, malt liquor; wines, spirits and liqueurs; alcoholic preparations for making beverages; spirit or wine-based cocktails and aperitifs; beverages containing wine.

Class 34:

Tobacco; tobacco products, including cigars, cigarettes, smoking tobacco, chewing tobacco, snuff tobacco; tobacco substitutes (not for medicinal purposes); smokers' articles namely tobacco tins, cigar and cigarette holders, cigar and cigarette cases, ashtrays, humidors, pipe stands, pipe cleaners, cigar cutters, pipes, pipe bags, lighters, pocket equipment for rolling cigarettes, cigarette papers, cigarette cases, cigarette filters; matches.

Class 41:

Education; providing of training; entertainment, including musical performances and radio and television entertainment; sporting and cultural activities, including the staging of sports competitions; night clubs and discotheque services; organization of trade fairs and exhibitions for cultural, sporting and educational purposes; rental of video tapes and cassettes, CD-ROMs and DVDs, film production; videotaping and microfilming; publication of electronic books and journals on-line, electronic desktop publishing, providing on-line electronic publications, game services provided on-line; providing karaoke services; digital imaging services; music composition services; layout services, other than for advertising purposes.

Class 43:

Services for providing food and drink, including bar services, cafés, cafeterias, canteens, snack bars, restaurants, self-service restaurants; food and drink catering; temporary accommodation including hotels, boarding houses, holiday camps, tourist homes, motels; temporary accommodation reservations; boarding for animals; rental of transportable buildings, bars and tents; rental of chairs, tables, table linen, glassware and bar equipment.

Names and addresses**Proprietor:**

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Incorporated country:

Austria

Residence country:

Austria

Customer's ref:

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