

CHAPTER 7

CONFLICTS WITH PRIOR REGISTERED RIGHTS

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7.1 Introduction

Under section 24 of the Act, an application for a trademark must be refused if:

- (a) the applicant's trademark is identical or similar to an earlier trademark; and
- (b) the application is to be registered for goods or services similar or identical to the earlier trademark

When considering raising objections under section 24, examiners must consider the following types of trademarks:

- (a) Trademarks which are registered
- (b) Pending applications which have an earlier priority date than the subject application
- (c) International registrations designating Malaysia which have an earlier priority date than the subject application
- (d) Trademarks which have expired but are within 12 months of the expiration date

7.2 Comparison of trademarks – general principles

The principles governing the comparison of trademarks are succinctly stated by Mr Justice Parker in the Pianotist Co.'s Application to register the word "Neola", registration of which was opposed by the proprietors of the trademark "Pianola" (23 RPC 774). At page 777 he said:

You must take the two words. You must judge of them, both by their look and by their sound. You must consider the goods to which they are to be applied. You must consider the nature and kind of customer who would be likely to buy those goods. In fact, you must consider all the surrounding circumstances; and you must further consider what is likely to happen if each of those trademarks is used in a normal way as a trade mark for the goods of the respective owners of the marks. If, considering all those circumstances, you come to the conclusion that there will be confusion - that is to say, not necessarily that one man will be

injured and the other will gain illicit benefit, but that there will be a confusion in the mind of the public which will lead to confusion in the goods - then you may refuse the registration, or rather you must refuse the registration in that case.

The Pianotist case is a classic case that is always referred to as a basis for comparing conflicting trademarks. It has been accepted by courts in countries that practice common law.

In Malaysia, the case was adopted and upheld by the Supreme Court in the case of *Tohtonku Sdn Bhd v Superace (M) Sdn Bhd* [1992] 2 MLJ 63. The decision was upheld by the Supreme Court on appeal. Mohammad Yusoff SCJ accepted the *Pianotist* test and held that 'MISTER' and 'SISTER' to be *dissimilar*.

This decision clarifies that examiners must consider:

- appearance and sound of the words
- the nature of the goods
- the kind of customer, and
- all the surrounding circumstances

Depending on the particular trademarks which are being compared, any of the guidelines in the following section may also apply.

7.2.1 Identical trademarks

There are several provisions in section 24 of the Act that state that the Registrar shall refuse to register a trademark which is identical with an earlier trademark which has claimed identical or similar goods/services.

For identical trademark applications, the approach is to accept the earlier application which is first to file.

Below are the examples in Malaysia.

Trademark	Conflict Mark	Rationale
NEFF	NEFF	The visual and aural is identical and have same goods.
		The visual and aural is identical. Have same business industry.

7.2.2 Similar trademarks

7.2.2.1 Factors to consider when comparing similar trademarks

a) Visual and aural to be considered

When determining the similarity of trademarks, the possibility of slurred pronunciation, distortion of sound in telephone or other conversations and the structure of words must be taken into account.

The power of words in a trademark forms the basis of the principle of Word Talk. Teo Bong Kwang in his book Trade Mark Law and Practice in Malaysia, (Kuala Lumpur, LexisNexis Butterworths, 2006) on page 182 states that:

“According to the word talk principle, if a mark consists of a device in combination with a distinctive word, it is most likely that it is by the word that the public will normally order goods bearing the mark. In other words, the public will identify the trade mark by pronouncing the word found in the trade mark.”

The Word Talk Principle has been applied in Malaysia based on the case *Bata Limited v Sim Ah Ba @ Sim Teng Khor and Others [2006] MLJU 237* which stated that:

“Now we turn to aural aspect of the marks. The trial Judge has declared that aurally there might be confusion caused by the word 'POWER' which appears in both trade marks. To appreciate the effect of this, we apprehend below a passage from Criminal Clothing Ltd v Aytan 's Manufacturing (UK) Ltd [2005] All ER (D) 251 (June):

“Notwithstanding the finding of visual dissimilarity, the Hearing Officer considered that the marks were aurally similar. He considered a number of factors in arriving at that conclusion: (a) that words in trade marks speak louder than devices; (b) that the first word in a trade mark is the most important; (c) despite the added devices, the AML trade mark was likely to be remembered as "CRIMINAL DAMAGE" and the CCL mark as "CRIMINAL"; (d) as a consequence the marks shared a degree of oral/aural similarity ”.

Based on the above case, it clearly shows that the words in the trademark are more important than the device in the trademark. This is because when the public sees a trademark, they will mention the words in the trademark rather than the device.

Examples:

Trademark	Conflict Mark	Decision & Rationale
		Object The phonetic mark is same. The visual aspect of the customer towards the mark is same.
		Object The phonetic mark is same.
		Object The phonetic mark is same.

b) Imperfect recollection

The doctrine of imperfect recollection should be taken into account when assessing the similarity of two trademarks. This principle is based on the idea that consumers will not recall or remember every detail of trademarks they know. Consequently, they may confuse a similar mark with one they know even if there are minor differences between them.

The concept of imperfect recollection was discussed by Luxmoore LJ in the *Rysta* case in *Rysta Ltd's Application* (1943) 60 RPC 87 at 108:

The answer to the question of whether the sound of one word resembles too nearly the sound of another...must nearly always depend on the first impression, for obviously a person who is familiar with both words will neither be deceived nor confused. It is the person who only knows the one word, and has perhaps an imperfect recollection of it, who is likely to be deceived. Little assistance, therefore, is to be obtained from a meticulous comparison of the two words, letter by letter and syllable by syllable, pronounced with the clarity to be expected from a teacher of elocution. The Court must be careful to make allowance for imperfect recollection and the effect of careless pronunciation and speech on the part not only of the person seeking to buy under the trade description but also of the shop assistant ministering to that person's wants.

However, while bearing this doctrine in mind, it must be remembered that the House of Lords in the “Rysta” case also pointed out that this factor must not be too strongly emphasised. The words of Lord Greene MR at page 105 are:

The doctrine of imperfect recollection must not be carried too far. In considering its application not only must the class of person likely to be affected be considered, but no more than ordinary possibilities of bad elocution, careless hearing or defective memory ought to be assumed.

c) The 'idea' of a trademark

Two marks, which are different when viewed side by side, may be confusingly similar if they contain common features that convey the same idea. This principle particularly applies to device marks.

Device marks which convey the same idea may be more likely than word marks to be confusingly similar. This is because consumers recall device marks by the ideas conveyed by them rather than the precise details of the marks. For marks which have no clear 'idea' (e.g., invented words, abstract images), consumers will rely exclusively on the look and/or sound to differentiate marks.

Examples:

Trademark	Conflict Mark	Decision & Rationale
	BABY HIPPO 	Object The phonetic and idea of the mark is similar.
CROCODILE		Object The idea of trademark is same. The trade channel is same.

7.3 Similarity of goods and services

The similarity of trademarks should be considered together with the similarity of the goods or services. The closer the goods or services are to each other; the more likely similar trademarks are to be objectionable.

Classification is not necessarily the determining factor in considering the similarity of goods or services. Two similar trademarks may be registrable in the one class for goods which are not similar.

7.4 Comparison of goods

In *Jellinek's Application*, (“Panda”) 63 RPC 59, Romer J. set out the following matters for enquiry in assessing whether goods are of the same description:

- the nature of the goods;
- the respective uses of the articles;
- the trade channels through which the commodities are respectively bought and sold.

These are the primary criteria. However, it is unlikely that any single factor is conclusive. Other factors which may need to be considered are: (“Plio”) *Beck, Koller & Company's Application*, 64 RPC 76 at page 78, the Assistant Comptroller expanded on the factors set out by Romer J. as follows:

- the nature and characteristics of the goods;
- the origin of the goods;
- the purpose of the goods;
- whether the goods are usually produced by one and the same manufacturer;
- whether the goods are distributed by the same wholesale houses;
- whether the goods are sold in the same shops, over the same counter, during the same season and to the same class or classes of customer;
- whether those engaged in the manufacture and distribution of the goods are regarded as belonging to the same trade.

There's a famous UK case called *British Sugar PLC v James Robertson & Sons* (1996) RPC 281, where the court set out a test to determine whether or not goods are similar.

Jacob.J. in the British Sugar Plc v James Robertson & Sons [“TREAT” 1996 RPC 281]. In that case the court stated that:

“The following factors must be relevant in considering whether there is or is not similarity:

- a) The respective uses of the respective goods or services;*
- b) The respective users of the respective goods or services;*

- c) *The physical nature of the goods or acts of service;*
- d) *The respective trade channels through which the goods or services reach the market;*
- e) *In the case of self-serve consumer items, where in practice they are respectively found or likely to be found in supermarkets and in particular whether they are, or are likely to be, found on the same or different shelves;*
- f) *The extent to which the respective goods or services are competitive. This inquiry may take into account how those in the trade classify goods, for instance whether market research companies, who of course act for industry, put the goods or services in the same or different sectors”*

The considerations listed above should be applied when determining the similarity of goods.

Example:

Trade Mark	Conflict Mark	Decision & Rationale
	<p>NASUHA</p>	<p>Object The phonetic, the idea of trademark and trade channel is similar.</p>

7.5 Comparison of services

By extending the principles in *Jellinek's Appn*, (1946) 63 RPC 59, the factors under consideration must be the nature of the services themselves, their uses and the trade channels through which they are provided.

The tests to determine “similar services” will be similar to those for determining “similar goods”. The examiner will have to consider:

- the nature and characteristic of the services;
- the origin of the services;
- the purpose of the services;
- whether the services are usually provided by one and the same business or person;
- whether the services are provided from the same sources, in the same area or district, during the same season or in relation to the same related goods or services and to the same class or classes of customers; and
- whether the services are regarded as the same by those who provide them.

Example:

Trade Mark	Conflict Mark	Decision & Rationale
	<p>VINO</p>	<p>Object The phonetic mark and the trade channel is similar.</p>

7.6 Comparison of goods to services

In assessing the likelihood of deception or confusion in a case of goods and services, consideration should be given to consumer expectations. Factors which influence consumer expectations include whether the services are performed upon, in relation to, or by means of certain goods. Consideration should also be given to the marketplace realities and surrounding circumstances including:

- the circumstances in which the marks will be used,

- the circumstances in which the goods or services will be bought and sold,
- and the character of the consumers of the goods and services.

7.7 Comparison of cross-search list

A useful guide to examiners to decide whether goods and services are closely related or of the same description is a cross-search list. It is available at Appendix 1 of this manual. Examiners must search for conflicting marks in the related classes specified in the cross-search list. Classes are related if they include goods or services of the same description and goods and services that are closely related. Examiners cite the same or similar marks in different classes if the goods or services are of the same description or closely related. The cross-search list can be used as a basic starting point.

This list to be used only where the marks resemblance to each other. It reflects the facts that the goods or services of the same description or services that are closely related to the goods are to be found in different international classes.

Refer Appendix 1- Cross-Search List (at the end of chapter)

7.8 Marks which contain another mark

In general, if one trademark incorporates the essential distinguishing or memorable feature of another trademark, then confusion may still be likely despite the existence of other material in the trademarks. However, consideration must be given in circumstances where because of additional or different material, the trademarks as a whole convey significantly different impressions.

Examples:

Trade Mark	Conflict Mark	Decision & Rationale
SUSHIZANMAI		<p>Object The phonetic mark is same even there are other additional elements because of the sound strengthens human memory.</p>
	<p>BABY HIPPO</p> 	<p>Accept During appeal/hearing session. The phonetic and idea of the mark is different with additional elements. The visual aspect of the customer towards the mark is different.</p>

7.9 (Other Surrounding Circumstance)

7.9.1 Type of goods and services

- a) Luxury brand exclusively - The nature of the goods and the market through which they will be purchased will affect the care with which purchasers will view trademarks on goods which they select. Generally, the more expensive the items being considered are, the less likely the purchaser is to be deceived or confused by similarities between the trademarks under which they are sold.

Case example:

Consitex SA v TCL Marketing Sdn Bhd [2008] 3 MLJ 574.

Ermenegildo Zegna VS Emmer Zecna

Ermenegildo Zegna is a trademark originating from Italy and is known for its expensive and designer clothing, in particular

menswear. Emmer Zecna is a Malaysian trademark used on low priced menswear.

Referring to their focused business on different markets and targeted different segment of the public. Ermenegildo Zegna targeted customers who could afford designer wear and brands which were recognised by the fashion world. The huge difference in price exceeding several hundred percent was a very strong determining factor While Emmer Zecna had targeted the average middle-class portion of the public. Taking this fact into consideration, it was obvious that there was no likelihood of confusion or deception in the public.

- b) Technical goods - Similarly, highly technical goods would probably be purchased only by consumers who would not be deceived by somewhat similar trademarks.

- c) Pharmaceutical products - referring to the principle of 'the degree of similarity' is considered higher because pharmaceutical products are more likely to be confusing to consumers.

Case example:

PROVITON vs PROVIRON

Referring to the above principle, the degree of similarity between the PROVITON trademark and the PROVIRON trademark is considered higher. Furthermore, the goods involved are pharmaceuticals and goods that are directly competitive. The possibility of buyers being deceived or confused is greater. The decision to object the application for registration of the PROVITON trademark is correct.

Case example:

AXCEL FUSIDIC vs FUCIDIN

FUSI-CORTE vs FUCICORT

The degree of similarity between can be considered low but the court decided that the trademarks are so similar that they can deceive or cause confusion.

- d) Trade channels - Referring to the various ways a product is marketed and sold to reach the end consumer. These channels include retail stores, online platforms, distributors, and more.

The concept of trade channels is important because using similar trademarks in the same trade channel can lead to consumer confusion. The different in trade channels (consideration of the goods, method of availability, consumers and all their surrounding circumstances includes): manner of use of the marks in the marketplace, the channels of distribution, the targeted market and the characteristics of an average consumer.

Case example:

McCurry Restaurant (KL) Sdn Bhd v McDonalds Corporation [2009] 3 MLJ 774

McCurry vs McDonald's

The Court decided that the trademark name 'McCurry' was not similar because in terms of its business channel McCurry is different from McDonald's in terms of the food it sells because McCurry sells local Indian and Malaysian food while McDonald's restaurants are fast food concepts such as burgers and fries. The types of customers who visit the restaurant are also very different. Most of the customers McCurry's are adults and seniors while McDonald's customers are mostly children.

7.10 Comparison between word or device mark

A word and an equivalent pictorial representation may be found to be deceptively similar, based upon the fact that a person of normal intelligence and memory would retain and carry away the same overall impression. The examiner needs to consider the name and idea that would be associated with the particular device trademark compared to the name and idea conveyed by the word trademark. An objection will exist if when comparing the trademarks in question, the conclusion is that the name and idea conveyed are exactly the same.

APPENDIX 1 - CROSS-SEARCH LIST

This list to be used only where the marks of the respective parties bear a deceptive resemblance to each other. It reflects the fact that goods or services of the same description or services that are closely related to the goods are to be found in different international classes. The table below gives examples of the goods or services found in one class that can also be found in the classes for which a search is recommended. This list contains only examples and examiners will need to consider the goods or services claimed carefully when searching. If an application for any of the classes shown in the first column includes goods or services listed in the second column, the search should cover not only the class of the application but also any other classes and goods or services that could be relevant.

N.B. This list will be amended from time to time to accord with decisions of the Registrar or of the Court that particular goods are or

are not goods of the same description.

APPLICATION IN:		SEARCH ALSO:	
Classes	if it includes:	Class	for applications or registrations which include:
1	Resins (artificial) Any goods Films (unexposed) Adhesives (industrial) Rubber (natural) Any goods Emulsions (photographic) Chemicals in class1 Agricultural chemicals class1	2 5 9 16 17 35 40 42 44	Resins(natural) Any goods Films (exposed) Adhesives (stationery) Rubber (synthetic) Business appraisals of related industry (35) Photographic film development Custom manufacture of chemicals (40) Aerial & surface spreading of agricultural chemicals (40) Chemical analysis services (42)
2	Resins(natural) Inks (printing) Varnishes Any goods Paints Dyes Metal foil for painters, decorators, printers & artists	1 16 17 35 37 40	Resins (artificial) Inks Varnishes (insulating) Business services of related industry (35) Painting exterior & interior Dyeing textile services Custom manufacture of class 2 goods

		42	Design of interior decor
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APPLICATION IN:		SEARCH ALSO:	
Class	if it includes:	Class	for applications or registrations which include:
3	Disinfectant soap Preservatives for leather (polishes) Petroleum jelly for cosmetic purposes Cosmetic preparations	5 21 35 40 42 44	Antiseptics, disinfectants for hygiene purposes (5). Preservatives for leather (oils & greases)(4) Petroleum jelly for medical purposes (5) Dispensers and containers for cosmetics (21) Custom manufacture of goods (40) Cosmetic research (42) Hairdressing salons (43) Bleaching fabric (40)
4	Oil-gas	1 3 4 35 37	Gas & oil lease administration (35) Mining & oil extraction services Gas supplies (natural & synthetic) (39) Oil well testing (42) Geological research, surveys, prospecting (42)

		39 40 42 -	
5	Bandages (dressings) Food for babies Herb teas Malt for pharmaceutical purposes Dental impression materials, amalgams, cements Pharmaceutical preparations (5) Veterinary preparations(5) Blood plasma Disinfectants	1 3 10 29 30 35 40 42 44	Bandages (supportive)(10) Milk; milk foods (29) Cereal foods Tea (30) Malt for food (30) Dental laboratory services (40) Pharmacies (42) Veterinary services (44) Blood bank services (44) Disinfecting services (37) Biological research (42)

APPLICATION IN:		SEARCH ALSO:	
Class	if it includes:	Class	for applications or registrations which include:
6	Ornaments (of common metal) Buildings & parts therefor (metallic) Any goods (of common metal) Ornaments (of common metal) Valves of metal Ores Locks Keys	14 19 20 26 28 35 37 40 42	Ornaments (of precious metal) Buildings and parts therefor (non-metallic) Similar goods (other materials) Ornaments (for hat and shoe) Ornaments (for Christmas tree) Valves (parts of machines) (7) Valves (level controlling) in tanks (11) Precious metals (14) Locksmithing services (37) Keycutting services (40) Design & provision of specialised locks, opening of locks (42)
7	Machines; machine tools; or agricultural implements Cleaning machines Machines Parts of machines (not for vehicles) Household machines & utensils (electric)	8 9 11 12 21 35 37	Hand tools (8) Agricultural equipment repair and maintenance (37) Vacuum cleaners (9) Heating & drying apparatus (11) Parts of machines (for vehicles)(12) Household machines & utensils (non-electric)(21) Farming equipment rental (44)

		40	Farm equipment rental (44)
		42	Flour milling services (40)
		44	Machinery, installation, maintenance & Repair (37)
8	Hand tools Cutlery	7	Machines; machine tools;
		35	Electro-plating, metal plating, silver
		40	plating (40)
		42	Custom manufacture of goods (40)
		44	

APPLICATION IN:		SEARCH ALSO:	
Class	if it includes:	Class	for applications or registrations which include:
9	Films (exposed) Vacuum cleaners Sound amplifiers; musical apparatus (electronic) Scientific & laboratory equipment & apparatus Anti theft warning devices Electrically operated devices for detonators Credit card imprinters (electric) Software	1 7 15 35 37 38 40 41 42 45	Films (unexposed) Photographic processing services (40) Cleaning machines Musical instruments (non-electronic) Medical equipment & apparatus (10) Rental of Communications equipment (38) Anti theft warning devices for cars (12) Detonators (13) Credit card imprinters (non- electric)(21) Printed matter & publications (16) Movie projectors and accessories (rental of) (41) Computer programming services (42)
10	Bandages (supportive) Pillows(soporific) for insomnia Fumigation apparatus for medical purposes Medical & dental apparatus Hypodermic syringes for medical apparatus Surgical apparatus & instruments	5 35 40 42 43 44	Bandages (dressings) Pillows (20) Fumigation apparatus not for medical purposes (11) Dental laboratory services (44) Custom manufacture of goods (40) Retailing of class 10 goods (42) Biological research (42) Medical assistance (44) Waste treatment (40)

11	Heating & drying apparatus Cooking apparatus & utensils (electric)	7 21 35 37 39 40 42 43	Machines Cooking utensils (non-electric) (8) Business appraisals (35) Electric appliance installation & repair (37) Freezing equipment installation & repair (37) Frozen food locker rental (39) Catering Food & Drink (43) Food smoking (40)
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APPLICATION IN:		SEARCH ALSO:	
Class	if it includes:	Class	for applications or registrations which include:
12	Parts of machines (for vehicles) Ships Cars	7 35 37 39 40 42	Parts of machines (not for vehicles) Motor vehicle maintenance & repair(37) Marine transport (39) Car rental (39) Exploration underwater (42) Shipbuilding services (37) Aircraft storage in hangars (39) Customizing automobiles (40)
13	Explosives (13) Firearms	35 37 40 42 45 -	Mining (extraction) services (37) Business appraisals (35) Engineering services (42) Personal body guarding services (45) Armoured car transport (39) Gunsmithing (40)
14	Ornaments (of precious metals) Any goods Smokers' articles (of precious metals) Watches	6 20 34 35 36 37 40 42	Ornaments (of common metal) any goods Smokers' articles (not of precious metals) Watch repair services (37) Organisation of exhibitions for Cultural or educational purposes (41) Museum facilities, providing (41) Graphic arts designing services (42) Custom manufacture of jewellery (40)

15	Musical instruments (non-electronic)	9	Sound amplifiers; (9)
		35	musical apparatus (electronic)
		37	Business appraisal services (35)
		40	Entertainment services (41)
		41	Musical education services (41)
		42	Research & development for others (42)
			Leasing musical instruments (41)

APPLICATION IN:		SEARCH ALSO:	
Class	if it includes:	Class	for applications or registrations which include:
16	Adhesives (stationery) Inks Wrapping & packaging Materials of plastics Cabinets & drawing boards Brushes Ordinary playing cards Advertisement boards of paper or cardboard Painter's brushes Books	1 2 17 20 21 28 35 37 38 40 41 42	Adhesives (industrial) Inks (printing) Plastics in sheet form Office furniture Brushes Card games Business appraisal (35) Advertising material (Updating) (35) Sign (Painting or repair)(37) Publication of texts (41) Bookbinding services (40) Editing of texts (42)
17	Rubber (synthetic) Varnishes (insulating) Plastics in sheet form	1 2 16 35 37 40 42	Rubber (natural) Varnishes Wrapping & packaging Materials of plastics Pipeline construction & maintenance (37) Re-treading of tyres (37) Fireproofing cloth (40) Material testing services (42)

		44	Horticulture services (44)
18	Bags Leather worked or semi worked Skins(Animal)	22 35 37 40 42 44	Bags (18) Leather care, cleaning & repair (37) Leather staining (40) Skin dressing (40)
19	Buildings & parts therefor (non-metallic) Asphalt Sleepers not of metal (railway)	6 35 37 40 42	Buildings & parts therefor (metallic) Building construction & supervision (37) Asphalting services (37) Garden design (44)

APPLICATION IN:		SEARCH ALSO:	
Class	if it includes:	Class	for applications or registrations which include:
20	Any goods Any goods Office furniture Furniture Works of art in wood, wax, plaster or plastic Coffins	6 14 16 35 37 40 42 43 44 45	Similar goods (common metal) Any goods Cabinets & drawing boards Antique appraisal (36) Designing graphic arts (42) Undertaking services, crematorium services (45)
21	Household machines & utensils (non-electric) Cooking apparatus & utensils (non-electric) Glassware	7 11 16 35 40 42 43	Household machines & utensils (electric) Cooking utensils (electric)(9) Glassblowing services (40)

22	Ba gs Sil k Tents	18 35 40 42 43 44	Bags Silkscreen printing (42) Business appraisals (35) Dyeing services, cloth, fur, textiles (40) Rental of tents
23	Thread Embroidery thread	35 40 42 44	Embroidery services (40) Graphic design (42) Wreath making (44)

APPLICATION IN:		SEARCH ALSO:	
Class	if it includes:	Class	for applications or registrations which include:
24	Cloth Bed & table covers Cloth	25 26 35 37 40 42	Cloth dyeing (40) Fabric bleaching (40) Dry cleaning services Dressmaking services (40) Custom manufacture of goods (40) Fulling of cloth (37) Retailing of class 24 goods (35)
25	Dresses	24 25 40 41 42 45	Dressmaking services (40) Clothing rental (45) Clothing Repair (37)
26	Ornaments (for hat & shoe)	6 24 25 35 40 42 44	Ornaments (of common metal) Organisation of exhibitions for commercial & advertising purposes (35) Organisation of exhibitions for cultural or educational purposes (41) Organisation of

			sports competitions (41)
27	Tapestry (wall hangings) not of textile Gymnasium mats Automobile carpets	35 37 40 42	Business appraisals (35) Custom manufacture of goods (40) Gymnastic instruction (41) Retailing car accessories (35)
28	Ornaments (for Christmas trees) Card games Golf clubs	6 16 35 37 40 41 42	Ornaments (of common metal)(6) Ordinary playing cards (16) Sports equipment rental of (41) Golf facilities (providing)(41) Golf caddy services (45)

APPLICATION IN:		SEARCH ALSO:	
Class	if it includes:	Classes	for applications or registrations which include:
29	Milk; milk foods Fruit or vegetables (canned or bottled)	5 30 31 32 35 40 42 43 44	Food for babies (5) Fruit juices; vegetable juices (32) Fruit crushing services (40) Packaging design (42) Catering services (43)
30	Cereal foods Flour	5 29 31 35 40 42 43 44	Food for babies (5) Take away fast food outlets (42) Flour milling services (40)

31	Hops Agricultural products Live animals Grains(cereals) Flowers Living Animals Agricultural products Wreaths of natural flowers,	29 30 35 40 41 42 43 44	Hops (extracts for making beer)(32) Farming (contract) and farm management (35) Food processing services (40) Flower shows (41) Animal breeding services Agricultural services Horticulture Wreath making services
32	Fruits juices; vegetable juices Beverages (non-alcoholic)	29 33 35 40 42 43 44	Fruit or vegetables (canned or bottled) Similar beverages (alcoholic) Food & drink preservation Restaurants, take away services

APPLICATION IN:		SEARCH ALSO:	
Class	if it includes:	Classes	for applications or registrations which include:

33	Beverages (alcoholic)	32 35 40 42 43	Similar beverages (non- alcoholic) Custom manufacture of goods Restaurant, hotel services providing take away alcoholic beverages
34	Smokers' articles (not of precious metals)	14 35 40 42 44	Smokers' articles (of precious metals) Retailing of class 34 goods (35)
35	Business Appraisals, research & evaluations Economic Forecasting Evaluation of timber (standing) File management computerised Retail services Real estate sales, exhibits Preparation of auctioneering Telephone answering	1 to 36 38 41 42 43 44 45	Any goods or services that are to be appraised, researched or evaluated Books, cassettes, videos Trees, Timber, Horticultural services Computers Real estate agencies (36) Telephone information (recorded)(38) Vocational guidance (42)

	& booking services Employment agencies		
36	Jewellery appraisal Antique appraisal Real estate agencies Lotteries Consultancy (financial)	14 16 35 39 42 44 45	Jewellery, Guard services Search also furniture, ornaments Search also rental of temporary accommodation (43) Tickets (16) Consultancy (professional) non business

APPLICATION IN:		SEARCH ALSO:	
Class	if it includes:	Class	for applications or registrations which include:
37	Building construction & supervision Cleaning clothing services, clothing repairs Irrigations devices installation & repair Mining extraction services shipbuilding Repair & maintenance of goods to their original condition without changing their essential properties Drilling of wells	4 6 7 9 11 12 13 14 15 16 17 18 19 20 24	Search also architectural services,(42) building materials (6,19 etc) Search also alteration of clothing,(40) Search also pumps(7), watering installations, automatic (11) Mineworking machines(7), mines(explosives-13) Refloating of ships (39) Maintenance services entailing a change to the essential properties of the goods (40) Oil prospecting services(42) Tanks of metal(6)

	25	Tanks of masonry(19)
	27	Tanks not of metal or masonry(20)
Servicing & maintaining computers & peripherals	28	
Computer hardware installation & repair services	37	Computer software maintenance & modification(42)
Communication equipment repair.	38	
Building Construction supervision	39	Construction drafting(42)
	40	Architecture services(42)
	42	Engineering services(42)
	44	Land surveying services(42)
	45	

APPLICATION IN:		SEARCH ALSO:	
Class	if it includes:	Class	for applications or registrations which include:
38	<p>Communications services</p> <p>Electronic mail services</p> <p>Rental of message sending apparatus</p> <p>Message delivery</p> <p>Telecommunication services</p> <p>Data communication services</p> <p>Telephone services.</p>	<p>9</p> <p>16</p> <p>35</p> <p>37</p> <p>39</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p>	<p>Any goods involved in the communication e.g. telephones, satellites, computers (9), Or any related services such as computer (hardware) installation & repair services (37)</p> <p>Search also facsimile machines, telephone answering machines etc (9)</p> <p>Courier services (39) Parcel delivery (39) Radio drama programs (41)</p> <p>News programming & programs (41) Production of radio & T.V. Programmes Digital image processing (42)</p>

			Horoscopes (45)
39	Transport services (marine, aerial, road)	4 11 12	Search also the means of transport, boats, planes, cars (12)
	Ambulance transport	36 37	Medical assistance (44)
	Salvage services	38 39	Underwater exploration (42)
	Newspaper delivery services	42	
	Tourist Offices	44	Newspapers (16) Hotel reservations
40	Embroidery services Processing of oil Development of photographic film Tanning Gold plating services Waste and trash recycling Hair pieces (fabrication and fitting)	1 to 34,37 , 40, 42	Consider also embroidery (26) Consider also oils Consider also photographic film (1 &9) Consider also tanning substances (1) Consider also gold in class 14 and gold solder in 6. Consider also Bins (dust) 21, Bins of metal (6), Bins of wood or plastic (20) Hair replacement services (42) Retailing of goods (35)

41	Educational services (41)	9	Archaeological services (42)
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	Recreation facilities (providing) Education & entertainment services	15 16 25 28 31 35 38 41 44	Information about chemicals (42) Baths (Turkish) 44 Organisation of religious meetings (45) Country clubs providing sporting & recreational facilities (42) Expositions (art & handicraft) (41)
42	Services of engineers who undertake evaluations research & reports in scientific & technological fields Scientific research services for medical purposes	1 to 42 44	See goods in classes 5,9 and 10 especially Also related services in class 44 Veterinary assistance Medical clinics
43	Reservation services for travellers accommodation particularly through travel agencies or	9 16 29-33 35 39 41	Convalescent homes (44) Arranging & conducting of conferences (41) Animal breeding services

	<p>brokers Retirement homes Holiday camps Boarding for animals Refer Appendix 2 for actual examples of services that fall into class 43</p>	<p>43 44</p>	
44	<p>Medical analysis services relating to treatment of persons(x- ray) Artificial insemination services Pharmacy advice Animal breeding Services relating to growing of plants such as gardening Services relating to floral art as well as garden design Refer appendix 2 for actual examples of services that fall into class 43.</p>	<p>1 5 10 16 31 35 39 42 44</p>	<p>Any related goods Diagnosis of pregnancy (5) Chemical preparations for scientific purposes (1) Chemical reagents (other than for medical or veterinary purposes) (1) Agricultural chemicals (1) Veterinary apparatus and instruments (10) Ambulance transport (39) Business Consultancy (Professional) 35 Consider also medical research services (42) Chemical analysis services(42)</p>

APPLICATION IN:		SEARCH ALSO:	
Class	if it includes:	Class	for registrations which include:
45	Services relating to the safety of person and entities such as investigation & surveillance system services	9	Any related good
		12	Bullet proof vests
		16	
		25	
		20	
	Services provided to individuals in relation with social events, such as social escort services, funeral services, matrimonial agencies, clothing rental	28	Wedding Photography services (42)
		35	Floral decoration services (44)
		36	
		38	
		39	
		41	
		42	