

O/0676/26

TRADE MARKS ACT 1994

IN THE MATTER OF UK REGISTRATION NO. 3243445

**IN THE NAME OF THE CHANCELLOR, MASTERS AND SCHOLARS
OF THE UNIVERSITY OF CAMBRIDGE**

IN RESPECT OF THE FOLLOWING TRADE MARK

CAMBRIDGE

AND

**AN APPLICATION FOR A DECLARATION OF THE INVALIDITY
THEREOF UNDER NO. 506510**

BY

BASCK LIMITED

BACKGROUND AND PLEADINGS

1. Trade mark No. 3243445 shown on the cover page of this decision stands registered in the name of The Chancellor, Masters and Scholars of the University of Cambridge (“the registered proprietor”).¹ It was applied for on 13 July 2017. On examination, the trade mark was held to be inherently non-distinctive under sections 3(1)(b) and 3(1)(c) of the Trade Marks Act 1994 (“the Act”), but evidence was filed to persuade the Registry that, by the date of the application, the mark had acquired a distinctive character as a result of the use made of it. It was registered on 20 July 2018. The services for which it is registered are as follows:

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; research, testing and analysis services; computer-aided research, testing and analysis services; laboratory research, testing and analysis services; scientific research, testing and analysis; academic research, testing and analysis; agricultural research, testing and analysis; ecological research, testing and analysis; engineering research, testing and analysis; environmental research, testing and analysis; industrial research, testing and analysis; medical research, testing and analysis; technological research, testing and analysis; veterinary research, testing and analysis; agrochemical research, testing and analysis; archaeological research, testing and analysis; biological research, testing and analysis; chemical research, testing and analysis; physics research, testing and analysis; biochemical research, testing and analysis; biomedical research, testing and analysis; biotechnological research, testing and analysis; bacteriological research, testing and analysis; therapeutics research, testing and analysis; chemical engineering research, testing and analysis; civil engineering research, testing and analysis; electrical engineering research, testing and analysis; genetic engineering research, testing and analysis; historical research, testing and analysis; information technology research, testing and analysis; mechanical engineering research, testing and analysis; geological research,

¹ This is the corporate title of the University of Cambridge: see paragraph 3 of the witness statement of Andrea Ward.

testing and analysis; mechanical research, testing and analysis; optical research, testing and analysis; astrophysical research, testing and analysis; pharmaceutical research, testing and analysis; urban planning research, testing and analysis; scientific research and development; medical research and development; engineering research and development; industrial research and development; agricultural research and development; technological research and development; pharmaceutical research and development; information technology research and development; communications research and development; research and development of new products for others; consultancy relating to research, testing, analysis and development in the fields of science, medicine, drug discovery, engineering, therapeutics, agriculture, technology, information technology, communications; providing technical advice in the fields of science, medicine, drug discovery, engineering, therapeutics, agriculture, technology, information technology, communications; preparation of scientific reports; preparation of industrial reports; preparation of medical reports; preparation of academic reports; preparation of technical reports; preparation of technological reports; preparation of engineering reports; preparation of agricultural reports; preparation of ecological reports; preparation of environmental reports; preparation of historical reports; preparation of urban planning reports; providing advice, information and data relating to research, analysis, testing and development in the fields of science, medicine, drug discovery, engineering, therapeutics, agriculture, technology, information technology and communications; providing information and data relating to research, analysis, testing and development in the fields of science, medicine, drug discovery, engineering, therapeutics, agriculture, technology, information technology and communications from an on-line searchable database; computer-aided design; development and testing of computing methods, algorithms and software; software engineering; scientific surveys; drug discovery services; drug development services; clinical trials; DNA screening for scientific research purposes; genetic testing for scientific research purposes; topographical surveying; archaeological exploration; underwater exploration.

2. On 12 September 2023, Basck Limited (“the applicant”) filed an application to have this trade mark declared invalid under the provisions of sections 3(1)(b), 3(1)(c) and

3(6) of the Act which are relevant in invalidation proceedings under section 47 of the Act. The application concerns all the services in respect of which the contested mark stands registered.

3. Under section 3(1)(b), the applicant claims that a significant proportion of the UK public would understand the word “Cambridge” to refer to the UK city of the same name, while some may also see it as a reference to Cambridge in Massachusetts. Given the services for which the mark is registered, the applicant also argues that a proportion of the public would understand the mark to refer to the “Cambridge Cluster”, which it says is home to many businesses in the science and technology sectors. The applicant claims that, even if the mark would not be seen as descriptive of a characteristic of the services, it would not be understood to be “origin specific”.

4. Under section 3(1)(c), the applicant claims that the term “Cambridge” would immediately indicate a geographical location and be understood as descriptive of the location of the owner of the mark, the place of providing the services, or both. The applicant also claims that there is a known association between Cambridge in the UK and Cambridge, Massachusetts, and high-tech companies, research, science and technology.

5. Finally, under section 3(6), the applicant claims that the mark has been used for the purposes of preventing third parties from using the word “CAMBRIDGE” in their company names and trade marks, and that there appears to have been no attempt to use the mark for its intended purpose. It also argues that the registered proprietor has exhibited a pattern of behaviour in allowing third parties to use the word “CAMBRIDGE” in their company names and trade marks when there has been investment or collaboration with the commercialisation arms of the University of Cambridge. The applicant characterises this as putting pressure on third-party start-ups to work through University bodies in order to gain funding.

6. The registered proprietor filed a defence and counterstatement, denying the claims made by the applicant. Under sections 3(1)(b) and (c), it claims that the mark is distinctive, either inherently or acquired through use. It further claims that the allegations made under section 3(6) are without foundation and denied and/or are irrelevant.

7. The registered proprietor requested a hearing, which was held by videolink on 14 October 2025. The applicant was represented by Aaron Wood of Basck Limited and the registered proprietor was represented by Guy Tritton of Counsel, instructed by Keltie LLP. I have taken all written and oral submissions into account in making my decision and shall refer to them where appropriate.

EVIDENCE

8. The applicant's evidence comes from Christian Bunke, the Director and founder of the applicant. His witness statement is dated 29 January 2024 and is accompanied by 20 exhibits. The evidence goes to the claimed public awareness of the Cambridge Cluster and the presence of high-tech companies in the city, the use by undertakings other than the University of the name "Cambridge", and the claims made under section 3(6) that the application for the contested mark was filed in bad faith. Mr Bunke also makes submissions on the pleaded grounds.

9. The applicant has also filed witness statements from the following individuals:

i) Guy Peter Lewy, Founder and Director of Cambridge Molecular Ltd. His witness statement is dated 31 March 2024 and gives information on his company, which he says has no relationship with the University of Cambridge. Mr Lewy states that members of the public are able to distinguish high-tech goods and services provided by companies based in the Cambridge area from the goods and services provided by the University of Cambridge. However, this is opinion and I shall disregard it;

ii) Omar Terywall, Director of Cambridge Rowing Ltd. His witness statement is dated 27 March 2024. He states that he has not heard of any consumers who would associate his company with the University of Cambridge and also says that the public use the word "Cambridge" to refer to goods and services offered in the city;

iii) Christoph H. Loch, Professor and former Director (Dean) of Cambridge Judge Business School, which is part of the University of Cambridge. His witness statement is dated 29 March 2024. It contains some of the same text that can be found in Mr Terywall's witness statement, and he gives similar evidence on the

general public's use of the word "Cambridge". He also states that *"I have never heard of any consumers who would associate or confuse Cambridge Quantum Computing with the University of Cambridge or CJBS"*.² This suggests that the text may have been taken from a witness statement used in other proceedings; and

iv) Tony Hotung, General Counsel at QUANTINUUM LTD (previously known as Cambridge Quantum Computing Limited). His witness statement is dated 2 April 2024. He gives similar evidence to that of Mr Terywall and Mr Loch on the general public's use of the word "Cambridge".

Cambridge Molecular Ltd, Cambridge Rowing Ltd and QUANTINUUM LTD have all been subject to trade mark oppositions by the registered proprietor.

10. The registered proprietor filed evidence in the form of a witness statement from Andrea Ward, Head of Brand and Trade Mark at the University of Cambridge. Her witness statement is dated 9 July 2024. The witness statement is accompanied by 27 exhibits and goes to the claims of acquired distinctiveness. I shall say more about this evidence in due course.

11. The registered proprietor has also filed evidence from the following witnesses:

i) Amelia Armour, partner at Amadeus Capital Partners, a venture capital firm, one of whose offices is located in the city of Cambridge. Her witness statement is dated 17 June 2024 and provides evidence of the interactions between her firm and the registered proprietor. She also states that, *"If someone says that research, research analysis, or research reports are from Cambridge, then to me that is being interpreted as being from the University."*³

ii) Hilary Evans-Newton, Chief Executive Officer of Alzheimer's Research UK. Her witness statement is dated 17 June 2024. She says that in 2017 her organisation was part of a consortium that invested in the UK Dementia Research Institute, one of whose centres is based at the University of Cambridge. She gives her view that a reference to research, research analysis and research reports

² Paragraph 5.

³ Paragraph 12.

from Cambridge would be widely understood in the sector to indicate that these come from the University;⁴

iii) Kate Wilson, founder and Group CEO of Nosy Crow Ltd, an independent publisher of children's books. Her witness statement is dated 5 July 2024 and describes a partnership between her company and the University of Cambridge to create children's books on STE(A)M subjects.⁵ She states her belief that "Cambridge" in the context of research is synonymous with the University, and that this is a perception shared by customers;

iv) Pam Garside, a management consultant for healthcare organisations, with over 35 years' experience, and an angel investor, mainly backing digital health start-ups. She is Chair of Cambridge Angels, a group of more than 60 high-net worth investors. She is also a Fellow at the Cambridge Judge Business School and has been a member of the Seed Funds Investment Committee of Cambridge Enterprise, the technology transfer company of the University of Cambridge. Her witness statement is dated 3 July 2024. She gives evidence on the relationship between Cambridge Enterprise and Cambridge Angels and states that *"When I come across research being described as 'Cambridge research' or 'research from Cambridge', I immediately assume it to have originated from the University"*;⁶ and

v) Malcolm Skingle, Director of Academic Liaison at GlaxoSmithKline Research & Development Limited, a position he has held for 30 years. His witness statement is dated 23 June 2024 and he states that his understanding is that *"It is commonly understood that, in the United Kingdom, research provided under the name 'Cambridge' (e.g. 'Cambridge research') refers to research emanating from the University of Cambridge."*⁷

⁴ Paragraphs 6-7.

⁵ Science, Technology, Engineering, Arts and Mathematics.

⁶ Paragraph 8.

⁷ Paragraph 3.

RELEVANCE OF EU LAW

12. The provisions of the Act relied upon in these proceedings are assimilated law, as they are derived from EU law. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 (as amended by Schedule 2 of the Retained EU Law (Revocation and Reform) Act 2023) requires tribunals applying assimilated law to follow assimilated EU case law. That is why this decision refers to decisions of the EU courts which predate the UK's withdrawal from the EU.

DECISION

Legislation

13. The relevant provisions of section 47 of the Act are as follows:

“(1) The registration of a trade mark may be declared invalid on the ground that the trade mark was registered in breach of section 3 or any of the provisions referred to in that section (absolute grounds for refusal of registration).

Where the trade mark was registered in breach of subsection 1(b), (c) or (d) of that section, it shall not be declared invalid if, in consequence of the use which has been made of it, it has after registration acquired a distinctive character in relation to the goods or services for which it is registered.

...

(3) An application for a declaration of invalidity may be made by any person, and may be made either to the registrar or to the court, except that –

(a) if proceedings concerning the trade mark in question are pending in the court, the application must be made to the court; and

(b) if in any other case the application is made to the registrar, he may at any stage of the proceedings refer the application to the court.

...

(5) Where the grounds of invalidity exist in respect of only some of the goods or services for which the trade mark is registered, the trade mark shall be declared invalid as regards those goods or services only.

...

(6) Where the registration of a trade mark is declared invalid to any extent, the registration shall to that extent be deemed never to have been made:

Provided that this shall not affect transactions past and closed.”

14. The relevant provisions of section 3 of the Act are as follows:

“(1) The following shall not be registered-

...

(b) trade marks which are devoid of any distinctive character,

(c) trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods or of rendering of services, or other characteristics of goods or services,

...

Provided that, a trade mark shall not be refused registration by virtue of paragraph (b), (c) or (d) above if, before the date of application for registration, it has in fact acquired a distinctive character as a result of the use made of it.

...

(6) A trade mark shall not be registered if or to the extent that the application is made in bad faith.”

Section 3(1)(c)

15. The case law under section 3(1)(c) (corresponding to Article 7(1)(c) of the EU Trade Mark (“EUTM”) Regulation, formerly Article 7(1)(c) of the Community Trade Mark (“CTM”) Regulation) was set out by Arnold J (as he then was) in *Starbucks (HK) Ltd v British Sky Broadcasting Group Plc* [2012] EWHC 3074 (Ch) as follows:

“91. The principles to be applied under art. 7(1)(c) of the CTM Regulation were conveniently summarised by the CJEU in *Agencja Wydawnicza Technopol sp. z o.o. v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)* (C-51/10 P) [2011] E.T.M.R. 34 as follows:

‘33. A sign which, in relation to the goods or services for which its registration as a mark is applied for, has descriptive character for the purposes of Article 7(1)(c) of Regulation No 40/94 is – save where Article 7(3) applies – devoid of any distinctive character as regards those goods or services (as regards Article 3 of First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks (OJ 1989 L40, p. 1), see, by analogy, [2004] ECR I-1669, paragraph 19; as regards Article 7 of Regulation No 40/94, see *Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) v Wm Wrigley Jr & Co* (C-191/01 P) [2004] 1 W.L.R. 1728 [2003] E.C.R. I-12447; [2004] E.T.M.R. 9; [2004] R.P.C. 18, paragraph 30, and the order in *Streamserve v OHIM* (C-150/02 P) [2004] E.C.R. I-1461, paragraph 24).

36. ... due account must be taken of the objective pursued by Article 7(1)(c) of Regulation No 40/94. Each of the grounds for refusal listed in Article 7(1) must be interpreted in the light of the general interest underlying it (see, inter alia, *Henkel KGaA v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)* (C-456/01 P) [2004] E.C.R. I-5089; [2005] E.T.M.R. 44, paragraph 45, and *Lego Juris v OHIM* (C-48/09 P), paragraph 43).

37. The general interest underlying Article 7(1)(c) of Regulation No 40/94 is that of ensuring that descriptive signs relating to one or more characteristics of the goods or services in respect of which registration as a mark is sought may be freely used by all traders offering such goods or services (see, to that effect, *OHIM v Wrigley*, paragraph 31 and the case-law cited).

38. With a view to ensuring that that objective of free use is fully met, the Court has stated that, in order for OHIM to refuse to register a sign on the basis of Article 7(1)(c) of Regulation No 40/94, it is not necessary that the sign in question actually be in use at the time of the application in a way that is descriptive. It is sufficient that the sign could be used for such purposes (*OHIM v Wrigley*, paragraph 32; *Campina Melkunie*, paragraph 38; and the order of 5 February 2010 in *Mergel and Others v OHIM* (C-80/09 P), paragraph 37).

39. By the same token, the Court has stated that the application of that ground for refusal does not depend on there being a real, current or serious need to leave a sign or indication free and that it is therefore of no relevance to know the number of competitors who have an interest, or who might have an interest, in using the sign in question (Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee* [1999] E.C.R. I-2779, paragraph 35, and Case C-363/99 *Koninklijke KPN Nederland* [2004] E.C.R. I-1619, paragraph 38). It is, furthermore, irrelevant whether there are other, more usual, signs than that at issue for designating the same characteristics of the goods or services referred to in the application for registration (*Koninklijke KPN Nederland*, paragraph 57).

And

46. As was pointed out in paragraph 33 above, the descriptive signs referred to in Article 7(1)(c) of Regulation No 40/94 are also

devoid of any distinctive character for the purposes of Article 7(1)(b) of that regulation. Conversely, a sign may be devoid of distinctive character for the purposes of Article 7(1)(b) for reasons other than the fact that it may be descriptive (see, with regard to the identical provision laid down in Article 3 of Directive 89/104, *Koninklijke KPN Nederland*, paragraph 86, and *Campina Melkunie*, paragraph 19).

47. There is therefore a measure of overlap between the scope of Article 7(1)(b) of Regulation No 40/94 and the scope of Article 7(1)(c) of that regulation (see, by analogy, *Koninklijke KPN Nederland*, paragraph 67), Article 7(1)(b) being distinguished from Article 7(1)(c) in that it covers all the circumstances in which a sign is not capable of distinguishing the goods or services of one undertaking from those of other undertakings.

48. In those circumstances, it is important for the correct application of Article 7(1) of Regulation No 40/94 to ensure that the ground for refusal set out in Article 7(1)(c) of that regulation duly continues to be applied only to the situations specifically covered by that ground for refusal.

49. The situations specifically covered by Article 7(1)(c) of Regulation No 40/94 are those in which the sign in respect of which registration as a mark is sought is capable of designating a 'characteristic' of the goods or services referred to in the application. By using, in Article 7(1)(c) of Regulation No 40/94, the terms 'the kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the service, or other characteristics of the goods or service', the legislature made it clear, first, that the kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the service must all be regarded as characteristics of goods or services and, secondly, that that list is not exhaustive, since any other

characteristics of goods or services may also be taken into account.

50. The fact that the legislature chose to use the word ‘characteristic’ highlights the fact that the signs referred to in Article 7(1)(c) of Regulation No 40/94 are merely those which serve to designate a property, easily recognisable by the relevant class of persons, of the goods or the services in respect of which registration is sought. As the Court has pointed out, a sign can be refused registration on the basis of Article 7(1)(c) of Regulation No 40/94 only if it is reasonable to believe that it will actually be recognised by the relevant class of persons as a description of one of those characteristics (see, by analogy, as regards the identical provision laid down in Article 3 of Directive 89/104, *Windsurfing Chiemsee*, paragraph 31, and *Koninklijke KPN Nederland*, paragraph 56).’

92. In addition, a sign is caught by the exclusion from registration in art.7(1)(c) if at least one of its possible meanings designates a characteristic of the goods or services concerned: see *OHIM v Wrigley* [2003] E.C.R. I-12447 at [32] and *Koninklijke KPN Nederland NV v Benelux-Merkenbureau* (C-363/99) [2004] E.C.R. I-1619; [2004] E.T.M.R. 57 at [97].”

16. Whether the contested mark is descriptive must be assessed through the eyes of the relevant public, as the Court of Justice of the European Union (“CJEU”) held in *Matratzen Concord AG v Hukla Germany SA*, Case C-421/04. In paragraph 24 of that judgment, it explained that the relevant public consisted of the trade or the average consumers of the goods and services in question, and that they were “*reasonably well-informed and reasonably observant and circumspect*”. The case law quoted above in *Starbucks* makes it clear that a mark will be caught by this section if the relevant public can easily recognise that it designates a characteristic of the goods and services, such as their geographical origin. The assessment must also be made as of the relevant date, which is the date of application of the mark: 13 July 2017.

17. In *Windsurfing Chiemsee Produktions- und Vertriebs GmbH (WSC) v Boots- und Segelzubehör Walter Huber and Franz Attenberger*, Joined Cases C-108/97 and C-109/97, the CJEU held that there is no blanket prohibition on the registration of trade marks consisting of geographical names, even where there is no evidence to show that such marks have acquired distinctiveness. Whether such a sign may perform the function of a trade mark must be the subject of a fact-based assessment. Registration is not possible where that geographical name is associated with the applied-for goods and/or services in the mind of the relevant class of consumers, or where it is reasonable to find that it could designate the geographical origin of the goods and/or services.⁸

18. The services in question are largely scientific and technological research services and the preparation of reports, although there are other research services such as *Historical research, testing and analysis* and *Preparation of historical reports*. In my view, the average consumer of these services is an organisation, such as a business or charity, working in the field that is the subject of the research. They may also be a government body, such as a Research Council, or an NHS trust, or an academic institution carrying out its own research. The specification also includes *Design and development of computer hardware and software; computer-aided design; development and testing of computing methods, algorithms and software; software engineering*. In my view, the relevant public for these services is likely to consist of businesses or other organisations more broadly.

19. There is no dispute between the parties that Cambridge is a city in the east of England that is home to one of the world's oldest universities. The University of Cambridge was founded in 1209. During the 2020-2021 academic year, it had 24,270 students and 12,437 members of staff. These figures include 4,165 contract research staff, 1,708 academics and 3,953 postgraduate research students.⁹ Between 2011/12 and 2022, the University has consistently been placed in the top 10 of world universities and in the top 2 of UK universities in the QS World University Rankings, Times Higher Education World University Rankings and Academic Ranking of World Universities (known as the Shanghai Ranking).¹⁰ The parties also agree that there is a significant

⁸ See paragraph 37.

⁹ Witness statement of Andrea Ward, paragraph 9; Exhibit AW-03.

¹⁰ Exhibit AW-04.

number of high-tech businesses in the Cambridge area, sometimes referred to as “the Cambridge Cluster”. I shall say more about the evidence on this point in due course. Finally, I note that Mr Bunke for the applicant admits that “*Cambridge has undoubtedly acquired distinctive character with respect to educational services (i.e. Class 41)*.”¹¹

20. Mr Tritton referred me to the decision of the Appointed Person, Mr Thomas Mitcheson QC, in *NEWPORT CREEK*, BL O-223-16, as authority for the proposition that the fact that a mark is a geographical name does not mean that it necessarily lacks distinctive character. This is consistent with what the CJEU said in *Windsurfing Chiemsee*.

21. It is my view, however, that on the basis of the evidence summarised above, the relevant public would associate the word CAMBRIDGE with scientific, technological and research services. Given this, I consider that the relevant public would understand the mark to be inherently descriptive of the geographical place in which the services are carried out.

22. Mr Tritton appeared to be arguing that the contested mark had a level of inherent distinctive character, but that the geographical objection under section 3(1)(c) would bite and so the registered proprietor would need to show that the contested mark had acquired distinctive character through use. However, in his view, “*we start with a base level of inherent distinctive character, so the question is whether the inherent and acquired distinctive character leads to a significant proportion of people associating [the contested mark] with the university.*”¹² In this context, he referred to the *NEWPORT CREEK* decision that I have already mentioned. However, it is important to keep in mind that this particular case was based on section 5(2)(b) and so it had to be assumed that the earlier mark (NEWPORT) had at least some degree of inherent distinctive character per *Formula One Licensing v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*, Case C-196/11 P. I refer back to the clear guidance of the CJEU quoted in *Starbucks*: “*A sign which, in relation to the goods or services for which its registration as a mark is applied for, has descriptive character ... is – save where Article 7(3) applies – devoid of any distinctive character as regards*

¹¹ Witness statement, paragraph 3.

¹² Transcript, page 25.

those goods or services) ...” (my emphasis).¹³ Consequently, I find that – subject to my consideration of the question of acquired distinctiveness – the contested mark lacks distinctive character under section 3(1)(c) of the Act.

Section 3(1)(b)

23. The principles to be applied under Article 7(1)(b) of the CTM Regulation (which is now Article 7(1)(b) of the EUTM Regulation), and is identical to Article 3(1)(b) of the Trade Marks Directive and section 3(1)(b) of the Act were conveniently summarised by the CJEU in *OHIM v BORCO-Marken-Import Matthiesen GmbH & Co KG*, Case C-265/09 P, as follows:

“29. ... the fact that a sign is, in general, capable of constituting a trade mark does not mean that the sign necessarily has distinctive character for the purposes of Article 7(1)(b) of the regulation in relation to a specific product or service (Joined Cases C-456/01 P and C-457/01 P *Henkel v OHIM* [2004] ECR I-5089, paragraph 32).

30. Under that provision, marks which are devoid of any distinctive character are not to be registered.

31. According to settled case-law, for a trade mark to possess distinctive character for the purposes of that provision, it must serve to identify the product in respect of which registration is applied for as originating from a particular undertaking, and thus to distinguish that product from those of other undertakings (*Henkel v OHIM*, paragraph 34; Case C-304/06 P *Eurohypo v OHIM* [2008] ECR I-3297, paragraph 66; and Case C-398/08 P *Audi v OHIM* [2010] ECR I-0000, paragraph 33).

32. It is settled case-law that that distinctive character must be assessed, first, by reference to the goods or services in respect of which registration has been applied for and, second, by reference to the perception of them by the relevant public (*Storck v OHIM*, paragraph 25; *Henkel v OHIM*, paragraph 35; and *Eurohypo v OHIM*, paragraph 67). Furthermore, the Court has held, as OHIM points out in its appeal, that that method of

¹³ *Agencja Wydawnicza Technopol sp. z o.o. v OHIM*, Case C-51/10 P, paragraph 33.

assessment is also applicable to an analysis of the distinctive character of signs consisting solely of a colour per se, three-dimensional marks and slogans (see, to that effect, respectively, Case C-447/02 P *KWS Saat v OHIM* [2004] ECR I-10107, paragraph 78; *Storck v OHIM*, paragraph 26; and *Audi v OHIM*, paragraphs 35 and 36).

33. However, while the criteria for the assessment of distinctive character are the same for different categories of marks, it may be that, for the purposes of applying those criteria, the relevant public's perception is not necessarily the same in relation to each of those categories and it could therefore prove more difficult to establish distinctiveness in relation to marks of certain categories as compared with marks of other categories (see Joined Cases C-473/01 P and C-474/01 P *Procter & Gamble v OHIM* [2004] ECR I-5173, paragraph 36; Case C-64/02 P *OHIM v Erpo Möbelwerk* [2004] ECR I-10031, paragraph 34; *Henkel v OHIM*, paragraphs 36 and 38; and *Audi v OHIM*, paragraph 37)."

24. The applicant's pleaded case is that, even if I were to find that the mark does not immediately identify a characteristic of the services in the registration, the mark would not identify the services as originating from a particular undertaking, as it would be understood as a reference to the city of Cambridge in the UK or in the US, or perhaps even to the Cambridge Cluster. At the hearing, Mr Wood confirmed that the objection under this section was largely based on the claim that CAMBRIDGE is a geographical term. He added that the key additional point to be made under this ground was that there was a large number of undertakings with the term in their company name. He referred to the evidence filed by Mr Bunke showing that there were 3,695 active companies on the Register of Companies with the word "CAMBRIDGE" in their legal names. I have been provided with the first page of the results of the search, which shows three companies.¹⁴ There is no indication of the industry sectors in which these companies were operating, but the third is "Cambridge Nails & Spa Ltd". I consider it unlikely that this company offered services in Class 42. Neither is there anything to tell me how many were using signs consisting of, or including, the term "CAMBRIDGE" to denote trade origin, as opposed to merely having the term in their registered company

¹⁴ Exhibit CB06. This exhibit says at the top that the search produced 3,695 results.

name. I also note that Mr Bunke refers to three other companies (Cambridge Audio, Cambridge Consultants and Cambridge Spark) and the Cambridge Network, which is a business networking organisation. Cambridge Audio is, as its name suggests, a manufacturer of audio equipment.¹⁵ Cambridge Consultants provides product development services and technology consultancy and since 1971 has been part of other consultancy firms.¹⁶ Cambridge Spark appears to be an education and training company.¹⁷ I am not persuaded by the weight of this evidence. I accept that Cambridge Consultants may have provided some of the services that are covered by the registered proprietor's specification, but this is a single company. However, as I have already found that the term is descriptive of the geographical origin of the services, I must also find that it is inherently devoid of distinctive character.

Acquired Distinctiveness

25. In *Windsurfing Chiemsee*, the CJEU provided guidance on the correct approach to the assessment of the acquisition of distinctive character through use. It said:

“47. ... a geographical name may be registered as a trade mark if, following the use which has been made of it, it has come to identify the product in respect of which registration is applied for as originating from a particular undertaking and thus to distinguish that product from goods of other undertakings. Where that is the case, the geographical designation has gained a new significance and its connotation, no longer purely descriptive, justifies its registration as a trade mark.

...

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

¹⁵ Exhibit CB07.

¹⁶ Exhibit CB08.

¹⁷ Exhibit CB09.

50. In that connection, regard must be had in particular to the specific nature of the geographical name in question. Indeed, where a geographical name is very well known, it can acquire distinctive character under Article 3(3) of the Directive only if there has been long-standing and intensive use of the mark by the undertaking applying for registration. *A fortiori*, where a name is already familiar as an indication of geographical origin in relation to a certain category of goods, an undertaking applying for registration of the name in respect of goods in that category must show that the use of the mark – both long-standing and intensive – is particularly well established.

51. In assessing the distinctive character of a mark in respect of which registration has been applied for, the following may also be taken into account: the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant class of persons who, because of the mark, identify goods as originating from a particular undertaking, and statements from chambers of commerce and industry or other trade and professional associations.

52. If, on the basis of those factors, the competent authority finds that the relevant class of persons, or at least a significant proportion thereof, identify goods as originating from a particular undertaking because of the trade mark, it must hold that the requirement for registering the mark laid down in Article 3(3) of the Directive is satisfied. However, the circumstances in which that requirement may be regarded as satisfied cannot be shown to exist solely by reference to general, abstract data such as predetermined percentages.”

26. It is not necessary for an inherently non-distinctive mark to be used independently of other marks for it to acquire a distinctive character: see *Société des Produits Nestlé SA v Mars UK Ltd*, Case C-353/03, paragraphs 27-32. The CJEU explained this point further in *Société des Produits Nestlé SA v Cadbury UK Ltd*, Case C-215/14:

“63. So far as, specifically, the acquisition of distinctive character in accordance with Article 3(3) of Directive 2008/95 is concerned, the

expression ‘use of the mark as a trade mark’ must be understood as referring solely to use of the mark for the purposes of the identification, by the relevant class of persons, of the goods or services as originating from a given undertaking (judgment in *Nestlé*, C-353/03, EU:C:2005:432, paragraph 29).

64. Admittedly, the Court has acknowledged that such identification, and thus acquisition of distinctive character, may be as a result both of the use, as part of a registered trade mark, of a component thereof and of the use of a separate mark in conjunction with a registered trade mark. However, it has added that in both cases it is important that, on consequence of such use, the relevant class of persons actually perceive the goods or services, designated exclusively by the mark applied for, as originating from a given undertaking (judgment in *Nestlé*, C-353/-3, EU:C:2005:432, paragraph 30, and, in connection with Regulation No. 40/94, Article 7(3) of which corresponds, in essence, to Article 3(3) of Directive 2008/95, the judgment in *Colloseum Holding*, C-12/12, EU:C:2013:253, paragraph 27).

65. Therefore, regardless of whether the sign is used as part of a registered trade mark or in conjunction with the registered trade mark, the fundamental condition is that, as a consequence of that use, the sign for which registration as a trade mark is sought may serve to identify, in the minds of the relevant class of persons, the goods to which it relates as originating from a particular undertaking (see, to that effect, judgment in *Collosum Holding*, C-12/12, EU:C:2013:253, paragraph 28).

66. It must therefore be concluded, as indicated in points 48 to 52 of the Advocate General’s Opinion, that although the trade mark for which registration is sought may have been used as part of a registered trade mark or in conjunction with such a mark, the fact remains that, for the purposes of the registration of the mark itself, the trade mark applicant must prove that that mark alone, as opposed to any other trade mark which may also be present, identifies the particular undertaking from which the goods originate.

67. Having regard to those considerations, the answer to the first question is that, in order to obtain registration of a trade mark which has acquired a distinctive character following the use which has been made of it within the meaning of Article 3(3) of Directive 2008/95, regardless of whether that use is as part of another registered trade mark or in conjunction with such a mark, the trade mark applicant must prove that the relevant class of persons perceive the goods or services designated exclusively by the mark applied for, as opposed to any other mark which might also be present, as originating from a particular company.”

27. It is clear from *Oberbank AG and Banco Santander SA & Anor v Deutscher Sparkassen- und Giroverband eV*, Joined cases C-217/13 and C-218/13, that the burden of establishing acquired distinctiveness in these circumstances rests on the registered proprietor: see paragraphs 66-71 of that judgment. I note that, pursuant to section 47(1) of the Act, the relevant date is the date of the application for the declaration of invalidity, i.e. 12 September 2023.

28. Mr Tritton encouraged me to place “*considerable weight*” on the Registry’s earlier decision that the mark had acquired distinctive character through the use made of it.¹⁸ It is important to keep in mind that the Hearing Officer then only had one party’s evidence and submissions. I also note that I do not have all the evidence that was placed before the Hearing Officer prior to registration. The witness statement has been adduced in evidence in these proceedings, but the exhibits have not been. I will make my decision on the basis of the papers before me and the oral submissions made at the hearing.

The registered proprietor’s evidence of use

29. Ms Ward is the registered proprietor’s primary witness. As I have already said, the University was founded in 1209, and is recognised as one of the world’s leading research universities. As of May 2022, the University had 12,437 members of staff, employed in academic, academic-related, contract research, technical and administrative roles; 12,940 undergraduate students; and 11,330 postgraduate

¹⁸ Skeleton argument, paragraph 27.

students.¹⁹ I consider it reasonable to assume that a significant proportion of the postgraduate students were engaged in research of some kind. An extract from the registered proprietor's website shows that 121 Nobel Prizes have been awarded to members of the University for advances including the discovery of the structure of DNA and the discovery of penicillin.²⁰

30. The University was placed joint third in the 2021 Research Excellence Framework ("REF"), which covered 157 UK institutions of higher education.²¹ Ms Ward states that the University's submissions within STEM subjects were all rated over 90% 4* (*"the highest grade, demonstrating quality that is world-leading in originality, significance and rigour"*) or 3* (*"considered internationally excellent"*).²² The University made submissions to the REF in 30 categories, which are listed in Exhibit AW-17 and can be found in Annex A to this decision. The top six disciplines in terms of volume were Clinical Medicine; Engineering; Biological Sciences; Mathematical Sciences; Psychology, Psychiatry and Neuroscience; and Physics.

31. Research is carried out in the University's Schools. These are: Arts and Humanities, Humanities and Social Sciences, Clinical Medicine, Technology, Physical Sciences and Biological Sciences.²³ Ms Ward states that in addition to this the University has developed Strategic Research Initiatives ("SRIs") and Networks ("SRNs") to bring together expertise from across the schools to tackle multi-disciplinary research challenges, strengthen collaborations and knowledge transfer, increase research capacity and profile, and enhance the University's ability to influence national and international research, policy and funding agendas.

32. At the relevant date, the SRIs included the following:

- Cambridge Reproduction;
- Precision Health;
- Quantum and Advanced Materials Technologies for a Sustainable Society (QAMSS); and

¹⁹ Exhibit AW-03.

²⁰ Exhibit AW-19.

²¹ Exhibits AW-17 and AW-18.

²² Witness statement of Andrea Ward, paragraph 42.

²³ Ibid, paragraph 16.

- Collections, Connections, Communities.

The first two relate to health and the third is self-explanatory. The fourth is an initiative that *“uses the University’s extensive collections in museums and libraries to address key challenges of our time: Society and Identity (addressing political extremism, racism and inequality); Health and Wellbeing (addressing declining physical, mental and emotional health in the population); Environment and Sustainability (addressing biodiversity loss and unsustainable living)”*.²⁴

33. At the relevant date, the SRNs included the Cambridge Immunology Network, the Wellcome-MRC Institute of Metabolic Science Metabolic Research Laboratories, and Cambridge Digital Humanities.²⁵

34. The University’s Interdisciplinary Research Centres (“IRCs”) are cross-School initiatives set up to tackle cross-disciplinary challenges. Ms Ward states that they generally build on aims and achievements developed by an SRI. Exhibit AW-06 provides details of the IRCs that were in existence at 12 September 2023. These are listed below:²⁶

- Cambridge Centre for Data-Driven Discovery, established 2013;
- Cancer Research UK Cambridge Centre, established in 2007;
- Cambridge Cardiovascular, established 2013;
- Cambridge Academy of Therapeutic Sciences, established 2017;
- Conservation Research Institute, established 2016;
- The Energy Interdisciplinary Research Centre, established 2011;
- Engineering Biology Interdisciplinary Research Centre, established 2013;
- Cambridge Global Challenges, established 2017;²⁷
- Cambridge Global Food Security;
- Cambridge Infectious Diseases, established 2016;
- Cambridge Language Sciences, established 2012;
- Cambridge Neuroscience, established 2007;

²⁴ Witness statement of Andrea Ward, paragraph 17; Exhibit AW-07.

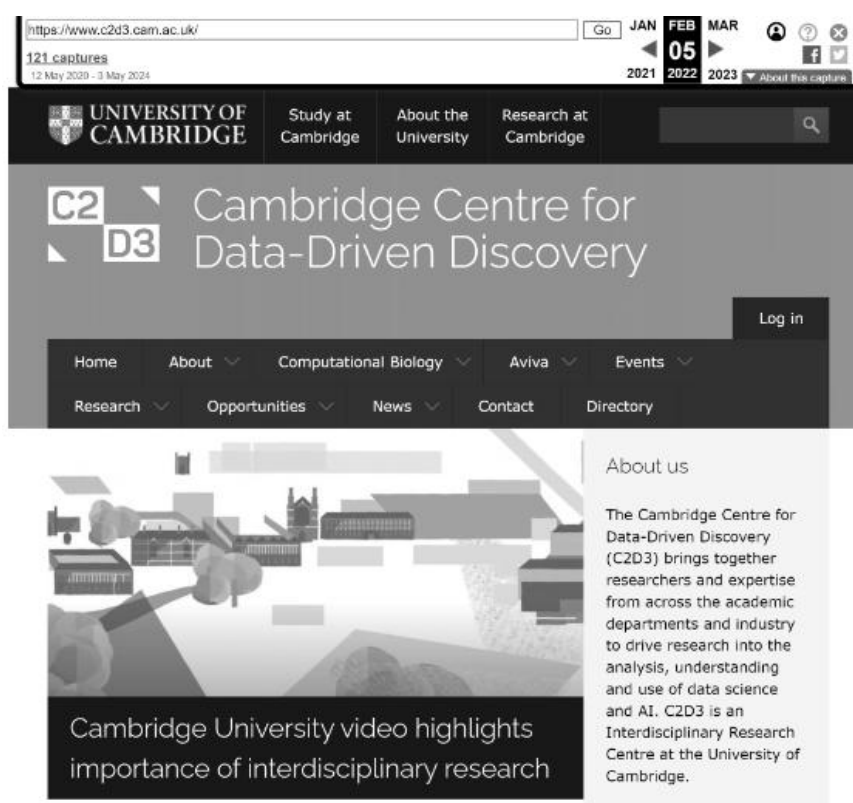
²⁵ Ibid.

²⁶ The dates of establishment are taken from paragraph 15 of Ms Ward’s witness statement.

²⁷ Although this is listed in Ms Ward’s paragraph discussing IRCs, it is a Strategic Research Initiative (“SRI”): see Exhibit AW-06, page 65.

- Cambridge Public Health, established 2020;
- Cambridge Stem Cell Institute, established 2012.

35. Extracts from the websites of each of these IRCs have been obtained via the Internet Archive Wayback Machine and show how the mark “CAMBRIDGE” has been used. All of them are hosted on the University’s domain cam.ac.uk. I have reproduced one example below. It is dated 5 February 2022 and is representative of the other websites shown in the exhibit:



36. Ms Ward also states that there are many other groups connected to the registered proprietor that use the contested mark as a shorthand to refer to the University. Extracts from the websites of 43 of these can be found in Exhibit AW-08. They include Cambridge Institute for Medical Research (established 1998), Cambridge Centre for Physical Biology (established 2020), Cambridge Centre for Smart Infrastructure and Construction (established 2011), Cambridge Heritage Research Centre (established 2018), Cambridge Mathematics (established 2015) and the Cambridge Nuclear Energy Centre (established 2009). A full list can be seen in Annex B to this decision.

37. The table below shows the number of active research grants and the University's income from research in the period 2018-2023:²⁸

Year ending 31 July	Number of active research grants	Income
2018	7,154	£524,919,000
2019	5,268	£592,388,000
2020	5,238	£579,420,000
2021	5,614	£588,604,000
2022	5,438	£551,823,000
2023	5,492	£569,503,000

38. The proportions of this income deriving from particular sources are shown in the table below:²⁹

	2018	2019	2020	2021	2022	2023
Research Councils	33.3%	36.6%	32.8%	34.0%	30.8%	30.3%
UK-based charitable bodies	29.1%	27.1%	28.0%	27.3%	30.0%	30.2%
UK Government bodies	2.6%	2.2%	2.1%	2.5%	2.3%	2.6%
UK Health and Hospital Authorities	6.7%	5.5%	5.7%	5.8%	6.8%	7.3%
UK industry and commerce	4.0%	4.1%	3.9%	3.8%	4.5%	4.6%
European Commission	10.7%	10.3%	9.0%	8.9%	9.2%	6.9%
Other overseas sources	13.3%	14.0%	18.3%	16.9%	15.7%	17.4%
Other sources	0.3%	0.2%	0.2%	0.7%	0.6%	0.6%

39. The University also collaborates with large businesses to carry out research focused on their products and processes. Exhibit AW-10 contains press releases and articles on the work done in conjunction with KPMG, Aviva, Boeing, BT, Rolls-Royce and Hitachi. Some of the relationships are longstanding, lasting over 20 years and in the case of Rolls-Royce over 40 years. Ms Ward draws attention to the use of the word “CAMBRIDGE” in these pieces to denote the University. For example, Aviva referred to “*the Aviva-Cambridge Partnership*” and published a report entitled “Aviva-Cambridge Strategic Partnership Annual Report 2020-2021”.

²⁸ Witness statement of Andrea Ward, paragraph 24.

²⁹ The figures are calculated from data in Exhibit AW-09.

40. A report from London Economics estimates that in 2020-2021 the economic impact of the University's research and knowledge exchange activities were £5bn and £18.119bn respectively.³⁰

41. Cambridge Enterprise, a wholly owned subsidiary of the University, assists researchers in commercialising their work, protecting and managing any intellectual property, negotiating licensing terms, and other tasks related to knowledge transfer and increasing the impact of their research. Although Ms Ward does not say when Cambridge Enterprise was founded, she does state that it had been investing for 20 years.³¹ It is not clear whether this is at the date of the witness statement or the relevant date in these proceedings. Ms Ward also states that it invests up to £1 million a year in University spin-outs. As at November 2022, the number of portfolio companies was 126.³²

42. The tables below contain data provided by Cambridge Enterprise on their activities between 2017 and 2022.³³

Year ending 31 July	No. Commercial and research licences signed	No. Consultancy contracts signed, including extensions.	No. Researchers supported
2017	126	349	1,714
2018	127	401	1,825
2019	n/a	n/a	n/a
2020	120	354	1,860
2021	154	430	2,042
2022	144	441	2,535

Year ending 31 July	No. Consultancy Clients	Operating income generated from licensing and consultancy	Amount invested in spin-out companies
2017	229	£16.9m	£5.2m
2018	234	£10.3m	£6.6m
2019	n/a	n/a	n/a

³⁰ Exhibit AW-05, page 43. Ms Ward states that "knowledge exchange activities" include "*commercial companies spun out from or closely associated with the University and other commercial activity carried out at the University*" (see paragraph 12.1 of her witness statement).

³¹ Witness statement of Andrea Ward, paragraph 32.

³² Exhibit AW-15.

³³ Witness statement of Andrea Ward, paragraph 36.

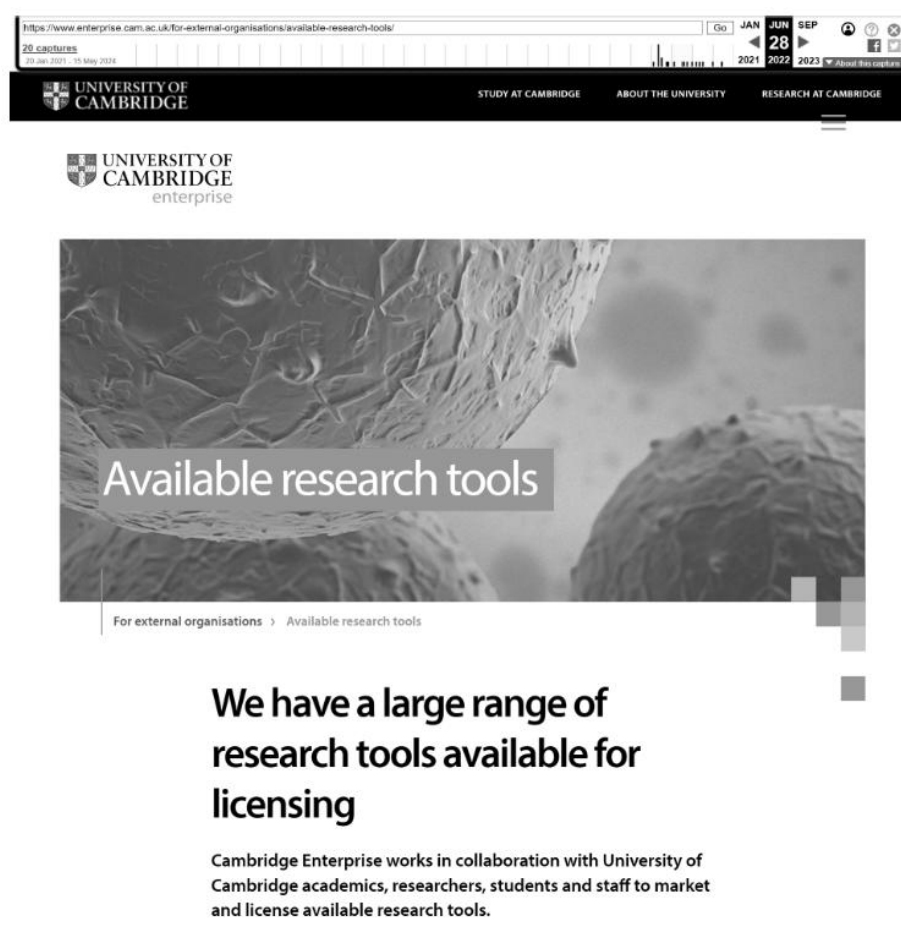
Year ending 31 July	No. Consultancy Clients	Operating income generated from licensing and consultancy	Amount invested in spin-out companies
2020	236	£11.4m	£4.9m
2021	250	£9.7m	£5.6m
2022	351	£13.1m	£10.6m

43. The range of business sectors into which Cambridge Enterprise has entered into consultancy agreements since 2018 is shown in the table below:

Organisation Type	No. of Agreements
Academic	182
Agriculture	7
Architectural	7
Biotech	291
Bioscience	58
Charity	56
Clean Tech	8
Engineering	166
Financial	28
High Tech	105
International Government Department/Agency	5
International Innovation/Development Agency	1
IP Management	1
Legal	27
Management Consultancy	81
Media	11
Medical	94
Not for Profit	72
Other	255
Patent Agent	1
Pending decision on types	21
Pharmaceutical	212
Public Sponsor	17
UK Government Body	5
Uncategorised	7
UoC Organisation	2
Venture Capital	19
(blank)	1

44. Tables provided by Ms Ward show that since 2018 the spin-outs have been dominated by high tech, scientific, engineering, clean tech, pharmaceutical and medical organisations (75% of the total).³⁴ 67% of the businesses assisted with commercial licences by Cambridge Enterprise were in these sectors.³⁵

45. Exhibit AW-14 contains screenshots from the website www.enterprise.cam.ac.uk dated 28 June 2022 and 14 May 2023. I have reproduced the former below. It is taken from the part of the website aimed at external organisations, rather than staff or students of the University.



46. Ms Ward explains that the University's research is disseminated through a repository known as Apollo, which contains published articles, conference papers, theses, datasets, videos and molecular structures. During the period 2018-2022, the number of items uploaded was 74,050 and the number of items downloaded was

³⁴ Witness statement of Andrea Ward, paragraph 38.

³⁵ Ibid, paragraph 39.

9,918,791.³⁶ There is no information on the location of the users downloading research outputs. Exhibit AW-20 contains two screenshots. The first has the heading “Open access” and contains links to enable users to search publications or datasets and provides information on the governance of open access. The uploading of research publications is done in order to comply with HEFCE policies.³⁷ The second screenshot is from the University’s Data Management Guide and contains information on the process of data sharing. It is aimed at researchers employed by the University. The screenshots are dated 19 February 2023 and 27 January 2023 respectively.

47. Exhibit AW-21 contains a selection of 11 articles which Ms Ward states show that the public relies on “CAMBRIDGE” to indicate that the origin of the research services is the University. They come from national newspapers, such as *The Times* and *Daily Mail*, and *Research Professional* and are dated from 26 July 2018 to 17 August 2023 and concern research in scientific and technological fields.

48. I have briefly summarised the evidence from the registered proprietor’s other witnesses in paragraph 11 above.

The “Cambridge Cluster”

49. I have already noted that there is no dispute between the parties that the city of Cambridge and its surrounding area is home to a significant number of high-tech businesses. This is known as the “Cambridge Cluster” or “Silicon Fen”. Evidence adduced by Mr Bunke states that the development of the cluster is usually said to have begun with the founding of the Cambridge Science Park in 1970 by Trinity College, one of the 31 colleges of the University.³⁸ A 2023 study by Cambridge Ahead stated that at the time of the study there were 37 business parks accounting for an average annual investment in research and development activities of £2.4 billion.³⁹ At the hearing, Mr Wood accepted that the University played a significant role in setting up the Cambridge Cluster but added that it was clear from the evidence that some of the

³⁶ Ibid, paragraph 47.

³⁷ Exhibit AW-20, page 255. The “HEFCE” abbreviation is not explained.

³⁸ Exhibit CB01, page 1. The number of colleges in the University is taken from Exhibit AW-03.

³⁹ Exhibit CB02.

businesses in the cluster were connected to the University or were University spin-outs, while others were not connected to the University at all.⁴⁰

Assessment of acquired distinctiveness

50. Mr Tritton submitted that the contested mark had acquired distinctive character “*regardless of whether there has been actual use for a particular set of scientific, hi-tech and medical services*”.⁴¹ While such an approach might make my task less laborious, I am required to make my assessment by reference to the services in respect of which the contested mark stands registered, bearing in mind the perception of the average consumer of those services. I have already found that some of the services are more specialist than others. Mr Tritton did provide what he describes as a non-exhaustive guide to where, in his submission, the evidence showed use for particular groups of services. I have borne this in mind in making my assessment.

Research services

51. The first group I shall consider consists of the following services:

Scientific and technological services and research and design relating thereto; industrial analysis and research services; research, testing and analysis services; computer-aided research, testing and analysis services; laboratory research, testing and analysis services; scientific research, testing and analysis; academic research, testing and analysis; agricultural research, testing and analysis; ecological research, testing and analysis; engineering research, testing and analysis; environmental research, testing and analysis; industrial research, testing and analysis; medical research, testing and analysis; technological research, testing and analysis; veterinary research, testing and analysis; agrochemical research, testing and analysis; archaeological research, testing and analysis; biological research, testing and analysis; chemical research, testing and analysis; physics research, testing and analysis; biochemical research, testing and analysis; biomedical research, testing and analysis; biotechnological research, testing and analysis; bacteriological research, testing and analysis; therapeutics research, testing and analysis; chemical engineering research,

⁴⁰ Transcript, pages 10-11.

⁴¹ Skeleton argument, paragraph 77.

testing and analysis; civil engineering research, testing and analysis; electrical engineering research, testing and analysis; genetic engineering research, testing and analysis; historical research, testing and analysis; information technology research, testing and analysis; mechanical engineering research, testing and analysis; geological research, testing and analysis; mechanical research, testing and analysis; optical research, testing and analysis; astrophysical research, testing and analysis; pharmaceutical research, testing and analysis; urban planning research, testing and analysis; scientific research and development; medical research and development; engineering research and development; industrial research and development; agricultural research and development; technological research and development; pharmaceutical research and development; information technology research and development; communications research and development; scientific surveys.

52. I found that the average consumer is an organisation working in the field that is the subject of the research. For example, they may be a business, charity, government body or an academic institution.

53. In my view, the evidence shows that the registered proprietor has been providing research services for a prolonged period in a wide range of academic disciplines. In paragraph 39 above, I have referred to collaborations with business that have lasted twenty or even forty years. The results of some of this research have been disseminated widely through the UK, including through the national newspapers featured in Exhibit AW-21. A significant number of people involved in research are employed by the registered proprietor, along with a large number of post-graduate students, many of whom are likely to be involved in research. The tables in the summary show the large value of the income generated from research grants in the five years leading up to the filing of the application for invalidation. Significant sums have also been earned from consultancy and the licensing of research. The names of many of the bodies carrying out the research include the word “CAMBRIDGE”, along with other *prima facie* descriptive words, such as “Cambridge Neuroscience”, “Cambridge Reproduction” and “Cambridge Institute for Medical Research”.

54. The media articles and websites refer to “Cambridge” as a shorthand for the University. Mr Wood submitted that the same articles and websites also referred to

“Cambridge University” or used a figurative mark containing the University’s crest, and so these examples cannot be taken to show that Cambridge *solus* had acquired distinctiveness. I remind myself that the CJEU held that a sign may acquire distinctiveness through its use as part of a registered trade mark or in conjunction with such a mark, so long as the sign alone identifies that the goods and/or services have come from a particular undertaking: see *Nestlé*, paragraph 66, cited at paragraph 26 above. In my view, the examples of the articles and websites show the registered proprietor and media educating the public that “CAMBRIDGE” in the context of research services is synonymous with the registered proprietor.

55. I find that the contested mark has acquired distinctiveness for the services listed in paragraph 50 above.

Preparation of reports

56. This group consists of the following services:

Preparation of scientific reports; preparation of industrial reports; preparation of medical reports; preparation of academic reports; preparation of technical reports; preparation of technological reports; preparation of engineering reports; preparation of agricultural reports; preparation of ecological reports; preparation of environmental reports; preparation of historical reports; preparation of urban planning reports.

57. Mr Tritton referred me, first, to the University’s Apollo repository, discussed in paragraph 46 above, along with Open Access programmes for the dissemination of research outputs. He also invited me to take judicial notice that “*reports are the natural outcome of research*”.⁴² I consider that a report is a written presentation of information, which may include the outcome of research. However, in my view, a report can contain any factual information. For example, a technical report may cover the performance of a piece of equipment and a medical report may concern the state of health of a particular individual.

58. The question I must address is whether the use made of the contested mark is such that, for a significant proportion of the relevant public, the mark serves to identify

⁴² Annex to the skeleton argument of the registered proprietor.

the services as originating from a particular undertaking. I consider that *Preparation of scientific reports* and *Preparation of academic reports* are bound up with the research services for which I have found the mark to have acquired distinctiveness. However, the remaining services are, in my view, broader in scope, potentially containing information that goes beyond the outputs of research activities. The average consumer for these remaining services is likely to be a business or other organisation. In my view, the evidence does not show that the contested mark has acquired a trade mark meaning for these services.

Consultancy, information and advisory services

59. This group consists of the following services:

Consultancy relating to research, testing, analysis and development in the fields of science, medicine, drug discovery, engineering, therapeutics, agriculture, technology, information technology, communications; providing technical advice in the fields of science, medicine, drug discovery, engineering, therapeutics, agriculture, technology, information technology, communications; providing advice, information and data relating to research, analysis, testing and development in the fields of science, medicine, drug discovery, engineering, therapeutics, agriculture, technology, information technology and communications; providing information and data relating to research, analysis, testing and development in the fields of science, medicine, drug discovery, engineering, therapeutics, agriculture, technology, information technology and communications from an on-line searchable database.

60. The high point of the evidence to support the registered proprietor's claim to acquired distinctiveness for these services is the activities of Cambridge Enterprise, which I have summarised in paragraphs 41 to 45 above. The website screenshots show that this entity is always referred to as "Cambridge Enterprise". The remaining evidence referred to by Mr Tritton, including the report from London Economics, invoices to Pilkington and AstraZeneca, REF results, income generated from research, awards to researchers and press articles, are not clearly related to the specific services within this group or do not provide any insight into how the mark has been used for these services. In my view, the evidence does not show that the contested mark as

registered has acquired the capacity to distinguish the above services without the use of the whole phrase.

Computer-related services

61. These services are:

Design and development of computer hardware and software; software engineering; development and testing of computing methods, algorithms and software.

62. Mr Tritton refers me to the website screenshots of the Cambridge Centre for Data Driven Discovery (dated 5 February 2022) and the Cambridge Centre for Gallium Nitride (dated 20 March 2022).⁴³ In the case of the latter, I see no reference to the services listed above. The website mentions new LED apps, but these would be goods, not computer-related services.

63. The website for the Cambridge Centre for Data-Driven Discovery contains brief details of a news item dated 19 January 2022 which states that “*Cambridge partners with Schmidt Futures in new software engineering network*” concerning climate modelling.⁴⁴ Software engineering involves the design, development and maintenance of software and so the average consumer of these services is a business or organisation. I have nothing that tells me how long the registered proprietor has been providing such services, the size of the overall market and the extent of the registered proprietor’s trade in the services. The remaining content of the website concerns research. On the basis of a single news article on a website, I do not consider that the mark has acquired distinctiveness for these services.

Medical-related services

64. These are as follows:

⁴³ Exhibit AW-06, pages 54-55; Exhibit AW-08, page 96.

⁴⁴ Exhibit AW-06, page 55.

Drug discovery services; drug development services; clinical trials; DNA screening for scientific research purposes; genetic testing for scientific research purposes.

65. The evidence that Mr Tritton refers me to are the medical-related IRCs, SRNs and the medical-related bodies from the list in Annex B. In addition, he draws my attention to the contract and invoices with AstraZeneca and invoices with Wellcome Trust and Cancer Research.⁴⁵ The details of the contract and invoices are redacted, so I am unable to see what services were supplied. The other websites do not state that the above services were offered.⁴⁶ Therefore, I do not find that the mark has acquired distinctiveness for these services.

Research and development of new products for others

66. Exhibit AW-10 contains details of collaborations with several large companies, such as Boeing and BT. Some of the activities highlighted in these articles could, in my view, be described as researching and developing new products for others. For example, academics from the University have been working with Boeing on the development of hybrid-electric planes.⁴⁷ However, it is not clear how much of the work has been of this nature, rather than research into the underlying science or into human behaviour, such as the work done on the impact of internet usage on families and their wellbeing.⁴⁸ The average consumer of these services would be any business that sells products. The registered proprietor has not provided me with evidence to show the extent of its trade in this area, the size of the market, or how it promotes the services. I am unable to find that the mark has acquired distinctiveness for these services.

Archaeological exploration

67. According to the website of the Cambridge Archaeological Unit (dated 14 March 2023), it has *“been providing archaeological services across the East of England and beyond for over thirty years. We’ve developed a reputation for excellence and*

⁴⁵ Exhibits AW-12 and AW-13.

⁴⁶ The press release referring to the University’s work with Aviva to address depression in young people is also listed. It can be found in Exhibit AW-10 at pages 159-161. I cannot see that it relates to the services I am considering here. It may have been listed as evidence supporting medical research services which I have already dealt with.

⁴⁷ See pages 168-169.

⁴⁸ See page 177.

*innovation in professional practice and fieldwork techniques. Much of our work is in the development-led sector, working with clients on housing, infrastructure and mineral extraction projects.*⁴⁹ The registered proprietor has provided no information to show the extent to which the relevant public, which would include the types of clients listed above but also heritage organisations and local authorities, have been exposed to the contested mark. I have no turnover figures or information about promotion, and no data on the size of the market. I find that the registered proprietor has not shown that the mark has acquired distinctiveness for these services.

“Other”

68. The remaining services are in a group described by Mr Tritton’s Annex as *“Other”*. They are *Computer-aided design; topographical surveying; underwater exploration*. I have no evidence that these services have been provided under the mark.

Conclusion on sections 3(1)(b) and 3(1)(c)

69. The application for invalidity is partially successful under these grounds.

Section 3(6)

70. In *Skykick UK Ltd & Anor v Sky Ltd & Ors (Rev1)*, [2024] UKSC 36, the Supreme Court considered the case law from *Chocoladefabriken Lindt & Sprüngli AG v Franz Hauswirth GmbH*, Case C-529/07, *Sky plc & Ors v Skykick UK Limited & Anor*, Case C-371/18, *AS v Deutsches Patent- und Markenamt*, Case C-541/18, *Malaysia Dairy Industries Pte. Ltd v Ankenævnetfor Patenter Varemærker* Case C-320/12, *Koton Mağazacılık Tekstil Sanayi ve Ticaret AŞ*, Case C-104/18 P, *Hasbro, Inc. v European Union Intellectual Property Office (EUIPO)*, Case T-663/19, *pelicantravel.com s.r.o. v OHIM*, Case T-136/11, and *Psytech International Ltd v OHIM*, Case T-507/08. Lord Kitchin summarised the law as follows:

“240. The general principles are these:

...

⁴⁹ Exhibit AW-08, page 114.

(ii) The date for assessing whether an application to register an EU trade mark was made in bad faith is the date the application for registration was made (*Lindt*, para 35).

(iii) Bad faith in this context is an autonomous concept of EU law which must be given a uniform interpretation in the European Union, and must be interpreted in the context of Directive 89/104 in the same manner as in the context of Regulation 40/94 (*Malaysia Dairy*, para 29; *Sky CJEU*, para 73).

(iv) While, in accordance with its usual meaning in everyday language, the concept of bad faith presupposes the presence of a dishonest state of mind or intention, the concept must also be understood in the context of trade mark law, which involves the use of marks in the course of trade. Further, it must have regard to the objectives of the EU law of trade marks, namely the establishment and functioning of the internal market, and a system of undistorted competition in which each undertaking must, in order to attract and retain customers by the quality of its goods or services, be able to have registered as trade marks signs which enable consumers, without any possibility of confusion, to distinguish those goods or services from those which have a different origin (*Lindt*, para 45; *Koton*, para 45).

(v) Consequently, the objection will be made out where the proprietor made the application for registration, not with the aim of engaging fairly in competition but either (a) with the intention of undermining, in a manner inconsistent with honest practices, the interests of third parties; or (b) with the intention of obtaining, without even targeting a specific third party, an exclusive right for purposes other than those falling within the functions of a trade mark, and in particular the essential function of indicating origin (*Koton*, para 46; *Sky CJEU*, para 75).

(vi) The intention of the applicant is a subjective matter, but it must be capable of being established objectively by the competent

administrative or judicial authorities having regard to the objective circumstances of the case (*Hasbro*, paras 39 and 40; *Koton*, para 47).

(vii) The burden of proving that an application for a registered mark was made in bad faith lies on the party making the allegation. But where the circumstances of the case may lead to a rebuttal of the presumption of good faith, it is for the proprietor of the mark to explain and provide a plausible explanation of the objectives and commercial logic pursued by the application for registration (*Hasbro*, paras 42 and 43).

(viii) Whether the applicant was acting in bad faith must be the subject of an overall assessment, taking into account all of the factors relevant to the particular case (*Lindt*, para 37).

(ix) The applicant for a trade mark is not required to indicate or to know precisely when the application is filed or examined, the use that will be made of it (*Sky CJEU*, para 76; *Deutsches Patent- und Markenamt*, para 22).

(x) Nevertheless, the registration by an applicant of a mark without any intention to use it in relation to the goods and services covered by the registration may constitute bad faith where there is no rationale for the application in the light of the aims referred to in Regulation 40/94 and Directive 89/04 (*Sky CJEU*, para 77).

(xi) Such bad faith may, however, be established only where there are objective, relevant and consistent indicia tending to show that, when the application was filed, the applicant for registration had the intention either of undermining, in a manner inconsistent with honest practices, the interests of third parties, or of obtaining, without targeting a specific third party, an exclusive right for purposes other than those falling within the functions of a trade mark (*Sky CJEU*, para 77).

(xii) It follows that the bad faith of the applicant cannot be presumed on the basis of a mere finding that, at the time of filing the application,

the applicant had no economic activity corresponding to the goods and services referred to in the application (*Sky CJEU*, para 78).

(xiii) When the absence of an intention to use the mark in accordance with the essential functions of a trade mark concerns only certain goods or services referred to in the application for registration, that constitutes making the application in bad faith only in so far as it relates to those goods or services (*Sky CJEU*, para 81).

(xiv) If, at the end of the day, the court concludes that, despite formal observance of the relevant rules and conditions for obtaining registration, the purpose of the rules has not been achieved, and that there was an intention to take advantage of the rules by creating artificially the conditions laid down for obtaining the registration, this may amount to an abuse sufficient to find that the application was made in bad faith (see, for example, *Hasbro*, para 72).

(xv) Directive 89/104 does not preclude a provision of national law under which an applicant for registration must state that the mark is being used in relation to the goods or services in relation to which it is sought to register the mark, or that the applicant has a *bona fide* intention that it should be used, provided that the infringement of such an obligation cannot constitute a ground for invalidity. It may, however, constitute evidence for the purposes of establishing possible bad faith on the part of the applicant when the application was filed (*Sky CJEU*, paras 86 and 87)."

71. In the same case, Lord Kitchin also considered the question of what amounts to bad faith. He explained that the categories of bad faith and the circumstances which may constitute bad faith are not "closed", and continued:

"152. In seeking to identify the relevant principles, it is necessary to have in mind two fundamental aspects of trade mark law to which I have already referred: first, it is concerned with the use of marks in trade to denote the origin of goods and services. Secondly, the aim of the trade mark regime is to contribute to a system of undistorted competition in which businesses are

able to attract and retain customers by the quality of their goods and services, and for that purpose are able to have registered signs which enable consumers to distinguish the goods and services of one undertaking from those of another. Such a system must also provide an incentive and protection for the investment by a brand owner in the quality and other beneficial aspects of its goods and services, and so allow it to develop a goodwill in its business relating to their sale and supply.

153. Against this background, the essence of the objection that an application to register a mark was made in bad faith may be understood: it is that the motive or intention of the applicant was to engage in conduct that departed from accepted principles of ethical behaviour or honest commercial practices having regard to the purposes of the trade mark system which I have described. Whether the conduct was undertaken with that motive or intention and did indeed depart from such ethical behaviour or honest commercial practices must be assessed having regard to all the objective circumstances of the case: see, for example, *Koton Mağazacılık Tekstil Sanayi ve Ticaret AS v European Union Intellectual Property Office (EUIPO)* (C-104/18) EU:C:2019:724 (“*Koton*”), paras 46 and 47 [...].”

72. The following further relevant points also arise from the case law:

(a) An allegation of bad faith is a serious allegation which must be distinctly proved, but in deciding whether it has been proved, the usual civil evidence standard applies. However, Arnold J (as he then was) said that “*cogent evidence is required due to the seriousness of the allegation*”. This means that it is not enough to establish facts which are as consistent with good faith as bad faith: *Red Bull GmbH v Sun Mark Limited & Anor* [2012] EWHC 1929 (Ch), paragraph 133;

(b) It is necessary to ascertain what the applicant knew at the relevant date: see *Red Bull*, paragraph 137; and

(c) Evidence about subsequent events may be relevant, if it casts light backwards on the position at the relevant date: see *Hotel Cipriani SRL & Ors v Cipriani (Grosvenor Street) Limited & Ors*, [2008] EWHC 3032 (Ch), paragraph 167.⁵⁰

73. The relevant date for the purposes of this ground is 13 July 2017.

74. The applicant claimed that the motivation of the registered proprietor in applying for the contested mark was to prevent third parties from using the word “CAMBRIDGE” in their company names or trade marks. It referred to previous disputes between the registered proprietor and third parties as evidence in support of this claim. In addition, the applicant argued that the registered proprietor had made no attempt to use the mark for its proper purpose, but as a defensive measure.

75. At the hearing, Mr Wood referred me to the judgment of the CJEU in *Lindt*, along with the Opinion of the Advocate General in that case. The CJEU had said:

“37. Whether the applicant is acting in bad faith, within the meaning of Article 51(1)(b) of Regulation No. 40/94, must be the subject of an overall assessment, taking into account all the factors relevant to the particular case.

38. As regards more specifically the factors specified in the questions referred for a preliminary ruling, namely:

- the fact that the applicant knows or must know that a third party is using, in at least one Member State, an identical or similar sign for an identical or similar product capable of being confused with the sign for which registration is sought;
- the applicant’s intention to prevent that third party from continuing to use such a sign; and
- the degree of legal protection enjoyed by the third party’s sign and by the sign for which registration is sought;

⁵⁰ Approved by the Court of Appeal in *Hotel Cipriani Srl & Ors v Cipriani (Grosvenor Street) Limited & Ors* [2010] EWCA Civ 110.

the following points can be made.

39. First, with regard to the expression 'must know' in the second question, a presumption of knowledge, by the applicant, of the use by a third party of an identical or similar sign for an identical or similar product capable of being confused with the sign for which registration is sought may arise, *inter alia*, from general knowledge in the economic sector concerned of such use, and that knowledge can be inferred, *inter alia*, from the duration of such use. The more that use is long-standing, the more probable it is that the applicant will, when filing the application for registration, have knowledge of it.

40. However, the fact that the applicant knows or must know that a third party has long been using, in at least one Member State, an identical or similar sign for an identical or similar product capable of being confused with the sign for which registration is sought is not sufficient, in itself, to permit the conclusion that the applicant was acting in bad faith.

41. Consequently, in order to determine whether there was bad faith, consideration must also be given to the applicant's intention at the time when he files the application for registration.

42. It must be observed in that regard that, as the Advocate General states in point 58 of her Opinion, the applicant's intention at the relevant time is a subjective factor which must be determined by reference to the objective circumstances of the particular case.

43. Accordingly, the intention to prevent a third party from marketing a product may, in certain circumstances, be an element of bad faith on the part of the applicant.

44. That is in particular the case when it becomes apparent, subsequently, that the applicant applied for registration of a sign as a Community trade mark without intending to use it, his sole objective being to prevent a third party from entering the market.

45. In such a case, the mark does not fulfil its essential function, namely that of ensuring that the consumer or end-user can identify the origin of the product or service concerned by allowing him to distinguish that product or service from those of different origin, without any confusion (see, *inter alia*, Joined Cases C-456/01 P and C-457/01 P *Henkel v OHIM* [2004] ECR I-5089, paragraph 48).

46. Equally, the fact that a third party has long used a sign for an identical or similar product capable of being confused with the mark applied for and that the sign enjoys some degree of legal protection is one of the factors relevant to the determination of whether the applicant was acting in bad faith.

47. In such a case, the applicant's sole aim in taking advantage of the rights conferred by the Community trade mark might be to compete unfairly with a competitor who is using a sign which, because of characteristics of its own, has by that time obtained some degree of legal protection.

48. That said, it cannot however be excluded that even in such circumstances, and in particular when several producers were using, on the market, identical or similar signs for identical or similar products capable of being confused with the sign for which registration is sought, the applicant's registration of the sign may be in pursuit of a legitimate objective.

49. That may in particular be the case, as stated by the Advocate General in point 67 of her Opinion, where the applicant knows, when filing the application for registration, that a third party, who is a newcomer in the market, is trying to take advantage of that sign by copying its presentation, and the applicant seeks to register the sign with a view to preventing use of that presentation.

50. Moreover, as the Advocate General states in point 66 of her Opinion, the nature of the mark applied for may also be relevant to determining whether the applicant is acting in bad faith. In a case where the sign for which registration is sought consists of the entire shape and presentation of a product, the fact that the applicant is acting in bad faith might more readily

be established where the competitors' freedom to choose the shape of a product and its presentation is restricted by technical or commercial factors, so that the trade mark proprietor is able to prevent his competitors not merely from using an identical or similar sign, but also from marketing comparable products.

51. Furthermore, in order to determine whether the applicant is acting in bad faith, consideration may be given to the extent of the reputation enjoyed by a sign at the time when the application for its registration as a Community trade mark is filed.

52. The extent of that reputation might justify the applicant's interest in ensuring a wider legal protection for his sign.

53. Having regard to all the foregoing, the answer to the questions referred is that, in order to determine whether the applicant is acting in bad faith within the meaning of Article 51(1)(b) of Regulation No. 40/94, the national court must take into consideration all the relevant factors specific to the particular case which pertained at the time of filing the application for registration of the sign as a Community trade mark, in particular:

- the fact that the applicant knows or must know that a third party is using, in at least one Member State, an identical or similar sign for an identical or similar product capable of being confused with the sign for which registration is sought;
- the applicant's intention to prevent that third party from continuing to use such a sign; and
- the degree of legal protection enjoyed by the third party's sign and by the sign for which registration is sought."

76. He particularly stressed the importance of paragraph 50 of the CJEU's judgment, which referred to point 66 of the Advocate General's opinion, in which she had said:

"A point which seems significant to me in the present case is the fact that the 'marks' in question consist of the entire shape and presentation of a

product, rather than the more commonplace conception of a mark as a sign affixed to a product.”

77. The CJEU agreed that the degree of freedom enjoyed by the parties may be a relevant factor. The mark at issue consisted of the shape of a chocolate Easter bunny and a competitor’s bunny. The Court noted that Easter bunnies had been marketed in Germany and Austria since the 1930s but that the shapes of this type of confectionery had become very similar since the introduction of industrial manufacturing and wrapping. Consequently, the freedom of a competitor to choose a different shape was limited. In such circumstances, an application to register a three-dimensional trade mark may be made in bad faith, where competitors were prevented from marketing comparable products.

78. Mr Wood submitted that, in a similar way, the act of filing an application for the contested mark represented a significant infringement on the freedom of a business to use its location in its name, which, he argued, was a very common practice. He submitted that at the relevant date the registered proprietor was aware of the Cambridge Cluster and added that a lot of companies would want to identify themselves as part of the cluster. Gaining an exclusive right to the word “CAMBRIDGE” would, in his view, be antithetical to those interests. Implicit in this argument is the assumption that it would be necessary for the third parties to include the word “CAMBRIDGE” in their company names and/or trade marks in order to identify themselves in this way. Mr Bunke’s own evidence is that there are companies within the Cluster that do not use the term. In his Exhibit CB03 he provides the Wikipedia entry for the Cambridge Network, which is described as consisting of business and organisations that are typical of those found in the Cluster. It does not contain a list of the members, but at the time of printing board members included people from Amadeus Capital Partners, Deloitte, Kirly Ltd, Anglia Ruskin University, TTP Group, Fluidic Analytics, NW Brown, Arm Holdings, AstraZeneca and Microsoft Research, as well as representatives of the University of Cambridge.

79. The applicant has criticised the registered proprietor for not providing an explanation of its motives in filing the application to register the contested mark. However, as the case law referred to above makes clear, there is a presumption of good faith and it is for the applicant to establish a *prima facie* case that the mark was

applied for in bad faith. It is then that the burden of proof shifts to the registered proprietor. I have found that the applicant has used the mark for some of the services in the specification and the services for which I did not find use are not, in my view, so far apart from the research services that I consider that that applicant has made the case that there was no commercial rationale for including those services in the specification. In point (ix) of the Supreme Court's summary in *Skykick*, Lord Kitchin explains that an applicant for a trade mark is not required to know precisely when the application is filed, the use that will be made of it. I do not consider that the applicant has established that the registered proprietor intended to undermine the interests of third parties. It is correct that the registered proprietor has sought to enforce the mark against a number of later applications, but this is consistent with purposes falling within the functions of a trade mark, namely the protection of a prior right. I also consider that not enforcing this right against entities in a collaborative relationship with the registered proprietor, or in receipt of funding from it, is as consistent with good faith as with bad faith.

80. I find that the registered proprietor has not established a *prima facie* case of bad faith and so the application under section 3(6) fails.

OUTCOME

81. The application for a declaration of invalidity has been partially successful. UK Trade Mark No. 3243445 is invalidated with respect to the following services:

Class 42

Design and development of computer hardware and software; research and development of new products for others; consultancy relating to research, testing, analysis and development in the fields of science, medicine, drug discovery, engineering, therapeutics, agriculture, technology, information technology, communications; providing technical advice in the fields of science, medicine, drug discovery, engineering, therapeutics, agriculture, technology, information technology, communications; preparation of industrial reports; preparation of medical reports; preparation of technical reports; preparation of technological reports; preparation of engineering reports; preparation of agricultural reports; preparation of ecological reports; preparation of environmental reports;

preparation of historical reports; preparation of urban planning reports; providing advice, information and data relating to research, analysis, testing and development in the fields of science, medicine, drug discovery, engineering, therapeutics, agriculture, technology, information technology and communications; providing information and data relating to research, analysis, testing and development in the fields of science, medicine, drug discovery, engineering, therapeutics, agriculture, technology, information technology and communications from an on-line searchable database; computer-aided design; development and testing of computing methods, algorithms and software; software engineering; drug discovery services; drug development services; clinical trials; DNA screening for scientific research purposes; genetic testing for scientific research purposes; topographical surveying; archaeological exploration; underwater exploration.

82. It remains registered for the following services:

Class 42

Scientific and technological services and research and design relating thereto; industrial analysis and research services; research, testing and analysis services; computer-aided research, testing and analysis services; laboratory research, testing and analysis services; scientific research, testing and analysis; academic research, testing and analysis; agricultural research, testing and analysis; ecological research, testing and analysis; engineering research, testing and analysis; environmental research, testing and analysis; industrial research, testing and analysis; medical research, testing and analysis; technological research, testing and analysis; veterinary research, testing and analysis; agrochemical research, testing and analysis; archaeological research, testing and analysis; biological research, testing and analysis; chemical research, testing and analysis; physics research, testing and analysis; biochemical research, testing and analysis; biomedical research, testing and analysis; biotechnological research, testing and analysis; bacteriological research, testing and analysis; therapeutics research, testing and analysis; chemical engineering research, testing and analysis; civil engineering research, testing and analysis; electrical engineering research, testing and analysis; genetic engineering research, testing

and analysis; historical research, testing and analysis; information technology research, testing and analysis; mechanical engineering research, testing and analysis; geological research, testing and analysis; mechanical research, testing and analysis; optical research, testing and analysis; astrophysical research, testing and analysis; pharmaceutical research, testing and analysis; urban planning research, testing and analysis; scientific research and development; medical research and development; engineering research and development; industrial research and development; agricultural research and development; technological research and development; pharmaceutical research and development; information technology research and development; communications research and development; preparation of scientific reports; preparation of academic reports; scientific surveys.

COSTS

83. Both parties have enjoyed some success in these proceedings. As the honours are roughly even, I make no order as to costs.

Dated this 29th day July 2026

Clare Boucher

For the Registrar,

The Comptroller-General

Annex A

Submissions made to the 2021 Research Excellence Framework

Unit of assessment	Total category A submitted staff FTE
Clinical Medicine	363.43
Public Health, Primary Health, Health Services and Primary care	99.76
Psychology, Psychiatry and Neuroscience	150.65
Biological Sciences	246.13
Agriculture, Food and Veterinary Sciences	51.90
Earth Systems and Environmental Sciences	46.00
Chemistry	77.23
Physics	148.20
Mathematical Sciences	152.85
Computer Science and Informatics	80.80
Engineering	255.51
Architecture, Built Environment and Planning	46.30
Geography and Environmental Studies	48.00
Archaeology	47.13
Economics and Econometrics	48.00
Business and Management Studies	61.20
Law	112.95
Politics and International Studies	48.49
Sociology	31.00
Anthropology and Development Studies	39.60
Education	59.30
Area Studies	43.60
Modern Languages and Linguistics	115.35
English Language and Literature	104.00
History	135.50
Classics	58.12
Philosophy	72.60
Theology and Religious Studies	42.90
Art and Design: History, Practice and Theory	34.37
Music, Drama, Dance, Performing Arts, Film and Screen Studies	26.00

Annex B

Bodies referred to in Annex AW-08

Ms Ward states that these are examples of bodies that use “Cambridge” as a shorthand for “Cambridge University”:

Cambridge Institute for Medical Research (established 1998)

Hitachi Cambridge Laboratory (established 1985)

Cambridge Institute of Therapeutic Immunology and Infectious Disease (established 2019)

Cambridge Veterinary School (established 1949)

Cambridge Systems Biology Centre (established 2006)

Cambridge Centre for AI in Medicine (established 2020)

Cambridge Centre for Physical Biology (established 2020)

Cambridge Genomic Services (established 2004)

Cambridge Baker Systems Genomic Initiative (established 2018)

Cambridge Infinitus Research Centre (established 2015)

Cambridge Centre for Gallium Nitride (established 2000)

Cambridge Networks Network (established 2011)

Cambridge Centre for Smart Infrastructure and Construction (established 2011)

Cambridge Zero (established 2019)

Cambridge Centre for Carbon Credits (established 2021)

Cambridge Coastal Research Unit (established no later than 1998)

Cambridge Volcanology (established c.2000)

Cambridge Quaternary (established 1948)

Cambridge Social Decision-Making Lab (established 2016)

Cambridge Centre for Teaching and Learning (established 2016)

Cambridge Personality and Social Dynamics Research Group (established 2019)

The Cambridge Group for the History of Population and Social Structure (established 1964)

Cambridge Laboratory for Research into Autism (established 2017)

Cambridge CARES (based in Singapore) (established 2013)

Cambridge Centre for Alternative Finance (established 2015)

Cambridge Endowment for Research in Finance (established 2001)

Cambridge Finance (established 2006)
Cambridge Heritage Research Centre (established 2018)
Cambridge Archaeological Unit (established 1990)
Cambridge-Africa (established 2008)
Cambridge Interfaith Programme (established 2002)
Cambridge School Classics Project (established 1966)
Cambridge Mathematics (established 2015)
Cambridge Centre for Social Innovation (established 2014)
Cambridge Centre for Sustainability Leadership (established 1989)
Cambridge Grand Challenges (established 2018)
Cambridge Centre for Housing & Planning Research (established 1990)
Cambridge Vehicle Dynamics Consortium (established 1993)
Cambridge Service Alliance (established 2010)
Cambridge Centre for Proteomics (established 2000)
Cambridge Nuclear Energy Centre (established 2009)
Cambridge Centre for Smart Infrastructure and Construction (established 2011)
Cambridge Centre for Neuropsychiatric Research (established no later than 2015)
Cambridge Centre for Parkinson-Plus (established 2018)
Cambridge Centre for Medical Materials (established 2002)
Cambridge Graphene Centre (established 2013)