O/0964/26

TRADE MARKS ACT 1994

CONSOLIDATED PROCEEDINGS

IN THE MATTER OF UK REGISTRATION NOS. UK00002279045 & UK00911349636 IN THE NAME OF EASYODDS.COM LIMITED IN RESPECT OF THE TRADE MARKS:

EASYODDS

easyodds

(SERIES OF TWO)

IN CLASSES 9, 16, 41 AND 42

AND

EASYODDS

IN CLASSES 9, 16, 35, 41 AND 42

AND

IN THE MATTER OF THE APPLICATIONS FOR NON-USE REVOCATION THEREOF UNDER NOS. CA000509091 & CA000509093 BY EASYGROUP LTD

Background and pleadings

1. The series of two trade marks under number UK00002279045 and the trade mark number UK00911349636[1] stand registered in the UK for the marks shown on the front page of this decision ("***the Contested Marks***"), in the name of easyodds.com Limited ("***the Proprietor***"). The Contested Marks were filed on 25 August 2001 and on 15 November 2012 respectively and they were registered on 4 November 2005 and on 21 May 2013 respectively for the goods and services listed in Annex A to this decision.

2. On 30 June 2025, easyGroup Ltd ("***the Applicant***") filed revocation actions CA000509091 and CA000509093 against the Contested Marks in their entirety, asserting non-use under section 46(1)(a) and section 46(1)(b) of the Trade Marks Act 1994 ("***the Act***").[2] The Applicant alleges that the Proprietor has not used the Contested Marks in the United Kingdom within the five-year periods set out below:

Trade Mark number	**Trade mark representation**	**Relevant periods under sections 46(1)(a) and 46(1)(b)**
UK00002279045	EASYODDS easyodds	**46(1)(a)** • 5 November 2005 – 4 November 2010 ("*first relevant period*"); Effective revocation date: 5 November 2010. **46(1)(b)** • 5 November 2010 – 4 November 2015 ("*second relevant period*");

[1] Following the end of the transition period of the UK's withdrawal from the EU, all EU trade marks ("EUTM") registered before 1 January 2021 were recorded as comparable trade marks in the UK trade mark register (and as a consequence, have the same legal status as if they had been applied for and registered under UK law). A 'comparable trade mark (EU)' retains the same filing date, priority date (if applicable) and registration date of the EUTM from which it derives.
[2] With the official letter of 10 October 2025, the Office informed the parties that revocations 509091 and 509093 were being consolidated.

		Effective revocation date: 5 November 2015. • 27 June 2020 – 26 June 2025 ("*third relevant period*"); Effective revocation date: 27 June 2025.
UK00911349636	EASYODDS	**46(1)(a)** • 22 May 2013 – 21 May 2018 ("*fourth relevant period*"); Effective revocation date: 22 May 2018. **46(1)(b)** • 22 May 2018 – 21 May 2023 ("*fifth relevant period*"); Effective revocation date: 22 May 2018. • 27 June 2020 – 26 June 2025 ("*sixth relevant period*"); Effective revocation date: 27 June 2025.

3. In its statement of grounds, the Applicant submitted that the Contested Marks were not put to genuine use and that they should be revoked for all the goods and services in accordance with sections 46(1)(a) and 46(1)(b) of the Act.

4. The Proprietor filed defences and counterstatements denying all the claims made in relation to its goods and services.

5. The Applicant is represented by Kilburn & Strode LLP. The Proprietor is represented by Hiddleston Trade Marks.

Relevance of EU law

6. 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.

Evidence and submissions

7. During the evidence rounds, the Proprietor filed evidence in chief in the form of the witness statement of Colin Andrew Giles, accompanied by exhibits CAG1 – CAG7 and the witness statement of David Da Silva, accompanied by exhibits DDS1 – DDS10. Both witness statements are dated 14 January 2026. Mr Giles has been the Proprietor's director since 2009; Mr Da Silva was the Proprietor's Chief Executive Officer (CEO) between 2019 and 2024. Neither party requested a hearing, but the Proprietor filed written submissions in lieu of a hearing.

8. The evidence and submissions will not be summarised here but will be referred to as and where appropriate during this decision. This decision is taken following a careful consideration of all the evidence and submissions filed.

Preliminary matter

9. Mr Giles, in his witness statement, identifies the goods and services for which he states the Contested Marks have been used, as set out in Annex B to this decision. In its submissions in lieu, the Proprietor restates and clarifies that it does not intend to defend and abandons the registrations in respect of the remaining goods and services contained in the original specifications. Furthermore, the Proprietor has limited a few terms in the original specifications as indicated in Annex B. The Contested Marks are therefore revoked for those goods and services for which the registrations have been abandoned as further clarified below in this decision. I will limit my consideration of the evidence to the goods and services in respect of which the Proprietor has defended the registrations.

Decision

Statutory provisions

10. The relevant provisions of section 46 of the Act are as follows:

> "(1) The registration of a trade mark may be revoked on any of the following grounds –
>
> (a) that within the period of five years following the date of completion of the registration procedure it has not been put to genuine use in the United Kingdom, by the proprietor or with his consent, in relation to the goods or services for which it is registered, and there are no proper reasons for non-use;
>
> (b) that such use has been suspended for an uninterrupted period of five years, and there are no proper reasons for non-use;
>
> (c) […]
>
> (d) […]
>
> (2) For the purpose of subsection (1) use of a trade mark includes use in a form (the "variant form") differing in elements which do not alter the distinctive character of the mark in the form in which it was registered (regardless of whether or not the trade mark in the variant form is also registered in the name of the proprietor), and use in the United Kingdom includes affixing the trade mark to goods or to the packaging of goods in the United Kingdom solely for export purposes.
>
> (3) The registration of a trade mark shall not be revoked on the ground mentioned in subsection (1)(a) or (b) if such use as is referred to in that paragraph is commenced or resumed after the expiry of the five year period and before the application for revocation is made:
>
> Provided that, any such commencement or resumption of use after the expiry of the five year period but within the period of three months before the making

of the application shall be disregarded unless preparations for the commencement or resumption began before the proprietor became aware that the application might be made.

(4) […]

(5) Where grounds for revocation exist in respect of only some of the goods or services for which the trade mark is registered, revocation shall relate to those goods or services only.

(6) Where the registration of a trade mark is revoked to any extent, the rights of the proprietor shall be deemed to have ceased to that extent as from –

(a) the date of the application for revocation, or

(b) if the registrar or court is satisfied that the grounds for revocation existed at an earlier date, that date."

11. Section 100 of the Act is also relevant, which reads:

"If in any civil proceedings under this Act a question arises as to the use to which a registered trade mark has been put, it is for the proprietor to show what use has been made of it."

12. Given that the trade mark number UK00911349636 is a comparable mark, paragraph 8 of part 1, schedule 2A of the Act is also relevant, which states:

"8.- Non-use as defence in infringement proceedings and revocation of registration of a comparable trade mark (EU)

(1) Sections 11A and 46 apply in relation to a comparable trade mark (EU), subject to the modifications set out below.

(2) Where the period of five years referred to in sections 11A(3)(a) and 46(1)(a) or (b) (the "five-year period") has expired before [IP completion day]—

(a) the references in sections 11A(3) and (insofar as they relate to use of a trade mark) 46 to a trade mark are to be treated as references to the corresponding EUTM; and

(b) the references in sections 11A and 46 to the United Kingdom include the European Union.

(3) Where [IP completion day] falls within the five-year period, in respect of that part of the five-year period which falls before [IP completion day]—

(a) the references in sections 11A(3) and (insofar as they relate to use of a trade mark) 46 to a trade mark, are to be treated as references to the corresponding EUTM; and

(b) the references in sections 11A and 46 to the United Kingdom include the European Union".

Relevant case law

13. In *easyGroup Ltd v Nuclei Ltd & Ors* [2023] EWCA Civ 1247, Arnold LJ summarised the law relating to genuine use as follows:

"105. The principles applicable to determining whether there has been genuine use of a trade mark have been considered by the CJEU in a considerable number of cases, the principal decisions being Case C-40/01 *Ansul BV v Ajax Brandbeveiliging BV* [2003] ECR I-2439, Case C-259/02 *La Mer Technology Inc v Laboratories Goemar SA* [2004] ECR I-1159, Case C-416/04 P *Sunrider Corp* v *Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [2006] ECR I-4237, Case C-442/07 *Verein Radetsky-Order v Bundervsvereinigung Kamaradschaft 'Feldmarschall Radetsky'* [2008] ECR I-9223, Case C-495/07 *Silberquelle GmbH v Maselli-Strickmode GmbH* [2009] ECR I-2759, Case C-149/11 *Leno Merken BV v Hagelkruis Beheer BV* [EU:C:2012:816], Case C-609/11 *Centrotherm Systemtechnik GmbH v Centrotherm Clean Solutions GmbH & Co KG* [EU:C:2013:592], Case C-141/13 *P Reber Holding & Co KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [EU:C:2014:2089], Case C-689/15 *W.F. Gözze*

Frottierweberei GmbH v Verein Bremer Baumwollbörse [EU:C:2017:434] and Joined Cases C–720/18 and C–721/18 *Ferrari SpA v DU* [EU:C:2020:854].

106. Ignoring issues which do not arise in the present case, such as use in relation to spare parts or second-hand goods and use in relation to a sub-category of goods or services, the principles may be summarised as follows:

(1) Genuine use means actual use of the trade mark by the proprietor or by a third party with authority to use the mark: *Ansul* at [35] and [37].

(2) The use must be more than merely token, that is to say, serving solely to preserve the rights conferred by the registration of the mark: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Centrotherm* at [71]; *Leno* at [29]; *Ferrari* at [32].

(3) The use must be consistent with the essential function of a trade mark, which is to guarantee the identity of the origin of the goods or services to the consumer or end user by enabling him to distinguish the goods or services from others which have another origin: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Silberquelle* at [17]; *Centrotherm* at [71]; *Leno* at [29]; *Gözze* at [37], [40]; *Ferrari* at [32].

(4) Use of the mark must relate to goods or services which are already marketed or which are about to be marketed and for which preparations to secure customers are under way, particularly in the form of advertising campaigns: *Ansul* at [37]. Internal use by the proprietor does not suffice: *Ansul* at [37]; *Verein* at [14]. Nor does the distribution of promotional items as a reward for the purchase of other goods and to encourage the sale of the latter: *Silberquelle* at [20]-[21]. But use by a non-profit making association can constitute genuine use: *Verein* at [16]-[23].

(5) The use must be by way of real commercial exploitation of the mark on the market for the relevant goods or services, that is to say, use in accordance with the commercial *raison d'être* of the mark, which is to

create or preserve an outlet for the goods or services that bear the mark: *Ansul* at [37]-[38]; *Verein* at [14]; *Silberquelle* at [18]; *Centrotherm* at [71].

(6) All the relevant facts and circumstances must be taken into account in determining whether there is real commercial exploitation of the mark, including: (a) whether such use is viewed as warranted in the economic sector concerned to maintain or create a share in the market for the goods and services in question; (b) the nature of the goods or services; (c) the characteristics of the market concerned; (d) the scale and frequency of use of the mark; (e) whether the mark is used for the purpose of marketing all the goods and services covered by the mark or just some of them; (f) the evidence that the proprietor is able to provide; and (g) the territorial extent of the use: *Ansul* at [38] and [39]; *La Mer* at [22]-[23]; *Sunrider* at [70]-[71], [76]; *Centrotherm* at [72]-[76]; *Reber* at [29], [32]-[34]; *Leno* at [29]-[30], [56]; *Ferrari* at [33].

(7) Use of the mark need not always be quantitatively significant for it to be deemed genuine. Even minimal use may qualify as genuine use if it is deemed to be justified in the economic sector concerned for the purpose of creating or preserving market share for the relevant goods or services. For example, use of the mark by a single client which imports the relevant goods can be sufficient to demonstrate that such use is genuine, if it appears that the import operation has a genuine commercial justification for the proprietor. Thus there is no *de minimis* rule: *Ansul* at [39]; *La Mer* at [21], [24] and [25]; *Sunrider* at [72]; *Leno* at [55].

(8) It is not the case that every proven commercial use of the mark may automatically be deemed to constitute genuine use: *Reber* at [32].”

14. The General Court of the European Union has repeatedly held that genuine use of a trade mark cannot be proved by means of probabilities or suppositions, but must be demonstrated by solid and objective evidence of effective and sufficient use of the trade mark on the market concerned: see e.g. Case T-78/19 *Lidl Stiftung & Co KG v European Union Intellectual Property Office* [EU:T:2020:166] at [25].

15. What I take from the relevant case law is that there is no requirement to produce any specific form of evidence, but that I must consider what the evidence as a whole shows me and whether on this basis I can be satisfied on the balance of probabilities that there has been genuine use of the mark.[3]

Assessment of the sufficiency of use

16. Although different periods were identified as relevant, the Proprietor clarified that the evidence relates to the third and sixth relevant periods for both Contested Marks, (i.e., **27 June 2020 – 26 June 2025**).[4] I will focus on these relevant periods for my assessment of the evidence (hereafter referring to it as "the relevant period" for ease of reference). If there is use in the relevant period, then this will automatically save the registration for the other relevant periods due to the application of section 46(3) of the Act. I will consider the earlier relevant periods only if necessary. As the contested mark number UK00911349636 is a comparable mark, pursuant to paragraph 8 of Part 1, Schedule 2A of the Act, use within the EU is relevant for any part of the relevant period which falls prior to IP Completion Day (i.e., 31 December 2020).

17. For the sake of clarity, the Contested Marks consist of the trade mark EASYODDS/easyodds and mostly overlap in their specifications. Therefore, since the Contested Marks are essentially the same (irrespective of their capitalisation), my considerations will regard both Contested Marks. However, I appreciate that for the UK comparable mark number UK00911349636 the evidence relating to the EU that is prior to IP Completion Day is also relevant for my assessment.

18. Mr Giles clarifies that the Proprietor provides an online betting odds comparison website ('www.easyodds.com') and that the odds-comparison engine consists of proprietary software developed by the Proprietor.[5] The EASYODDS website provides odds data on sports events collected from various online bookmakers in the UK to enable consumers to compare the betting odds. If the consumers wish to place a bet with a bookmaker, the EASYODDS website will redirect them to the

[3] *Awareness Limited v Plymouth City Council,* Case BL O/236/13; *Dosenbach-Ochsner Ag Schuhe Und Sport v Continental Shelf 128 Ltd,* Case BL 0/404/13.
[4] Applicant's submissions in lieu at paragraph [3].
[5] Mt Giles' witness statement at paragraph [5].

bookmaker's website so that they can place their bet.[6] The Proprietor is not a licensed bookmaker and it does not accept bets. The Proprietor has partnered with online gambling companies to collect odds data that are then presented on the Proprietor's website for consumers to compare.

19. Mr Giles shows that millions of gambling/betting customers in the UK have accessed the Proprietor's website within the relevant period as reproduced in the table below:

Year	Number of UK Page views
2017	2,867,236
2018	4,537,811
2019	4,623,595
2020	2,441,402
2021	2,449,477
2022	1,999,051
2023	1,450,139
2024	395,873

20. When a customer (i.e., a gambler) consults the Proprietor's website and selects a bookmaker to place their bet, the Proprietor is paid revenues from the selected bookmaker.

21. Mr Giles provides the total turnover of the Proprietor generated in the UK for the EASYODDS mark:

Year	Turnover (GB£)
2010	£1,334,894

[6] Mr Giles' witness statement at paragraph [6].

2011	£1,466,682
2012	£1,000,598
2013	£928,755
2014	£1,065,236
2015	£1,203,889
2016	£882,660
2017	£940,963
2018	£859,680
2019	£524,980
2020	£541,068
2021	£511,857
2022	£440,578
2023	£1,292,305
2024	£662,060

22. Whilst Mr Giles states that the revenue figures refer to the Proprietor's goods and services, he also clarifies how the Proprietor's revenues are generated: every time that a customer places a bet with one of the bookmakers with which the Proprietor has partnered, the Proprietor receives a commission calculated as a percentage of the net revenues the bookmaker earns from every bet placed by that customer.[7] Therefore, it is my view that the revenues relate to the Proprietor's betting odds-comparison tool (software) and the related odds-comparison services that the Proprietor provides under the EASYODDS mark.

[7] Mr Giles' witness statement at paragraph [20].

23. Mr Giles reports that the Proprietor has partnered with a number of bookmakers; the evidence shows an annual breakdown of the revenues, generated between 2020 and 2025, from some of the Proprietor's bookmakers.[8] I have summarised the total revenue figures in the table below:

Bookmaker	**Total revenues (2020 – 2025)**
Boylesports (Gibraltar) Ltd	€ 3,525.58
Betfred (Gibraltar) Ltd	£ 88,416.25
Skybet	£166,633.87
Newcote Services Ltd	£7,765.40
Regal Group Ltd (Malta)	€ 86.10
William Hill	£2,325.05
Paddy Power/Power Leisure	£24,522.18
Parimatch	£29.19
Hillside (Bet365)	£61,669.13
Kindred Group	£422

24. Mr Giles provides a series of invoices relating to some of these bookmakers.[9] The invoices show that most of the bookmakers are based outside of the UK (i.e., Gibraltar, Malta or Ireland) whereas only a few (i.e., Skybet, Hillside/Bet365, and Kindred) are based in the UK. I also note that the revenue figures for Boylesports and Regal Group Ltd are in euro. Mr Giles reports that whilst some of the Proprietor's bookmakers may be located outside of the UK, the Proprietor exclusively operates with businesses that are regulated and licensed by the UK Gambling Commission to provide gambling services in the UK. Mr Giles states that

[8] Exhibit CAG4, pages 2 - 4.
[9] Exhibit CAG4, pages 4 - 40.

therefore the revenue figures provided derive from bets made by customers in the UK.[10] I note Mr Giles' argument, and I also note that most of the bookmakers' revenues (including those based outside of the UK) are indicated in pounds sterling. Bearing in mind that the gambling and betting industry is strictly regulated by law, I am of the view that although some of the Proprietor's bookmakers are based outside of the UK, in relation to those bookmakers for which the revenues are in sterling pounds, the evidence shows revenues from bookmakers targeting UK consumers and generating revenues for the Proprietor in the UK.

25. Mr Giles indicates that the Proprietor also provides a software component (i.e., a widget) that third-party websites can install on their websites to provide odds-comparison data offered by EASYODDS. The Proprietor does not license the widget software; the customers will examine the odds data on the third-party website and they will then be redirected to the selected bookmaker's website to place their bet. The Proprietor will receive revenues from the profit made by the bookmaker once a bet is placed.[11] For example, the third-party website 'sportsmole.co.uk' shows the Proprietor's widget on its page (Figure 1). Evidence dated 2023 shows that the EASYODDS mark is featured on the third-party website in connection to the odds-comparison software component.

[10] Mr Giles' witness statement at paragraph [24].
[11] Mr Giles' witness statement at paragraph [10].

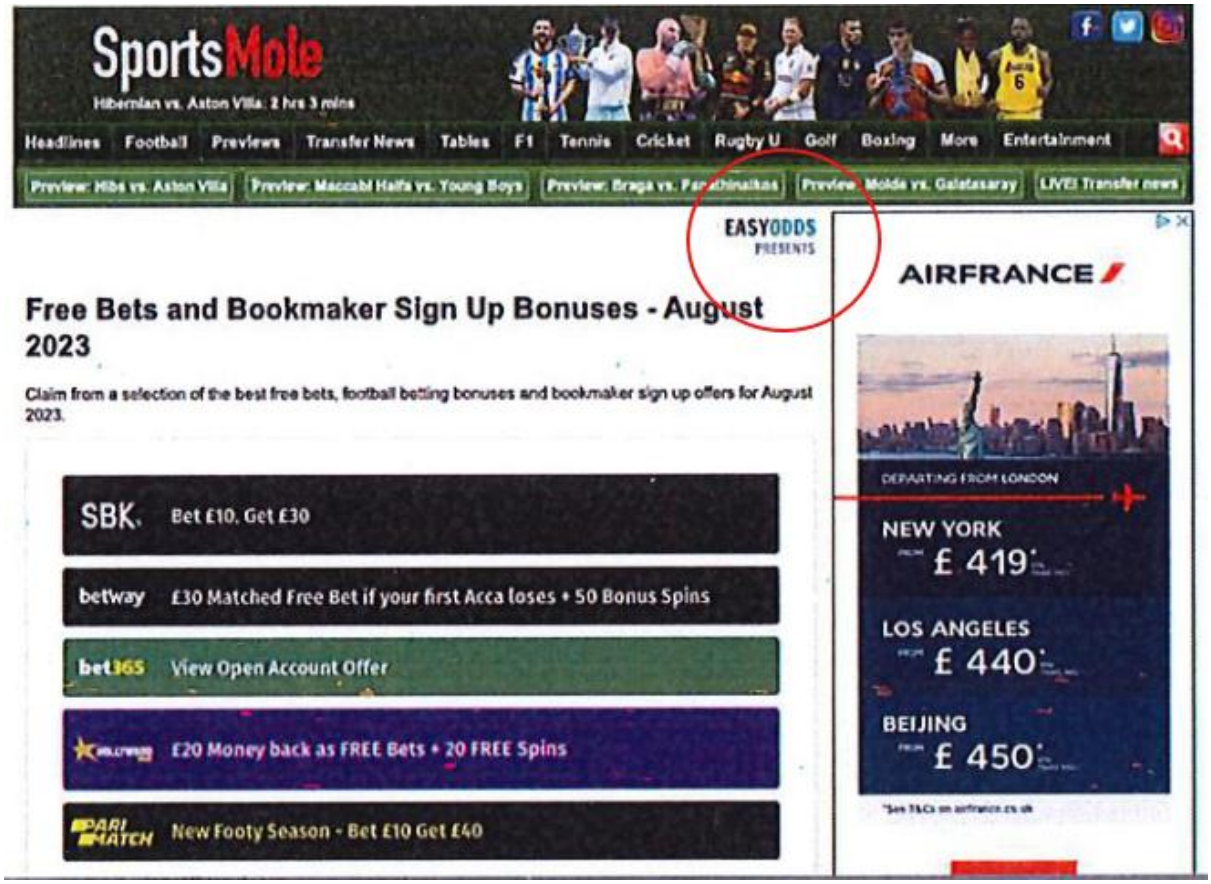


Figure 1 – Exhibit CAG1, page 8

26. Mr Giles also reports that between 2021 and 2023 the Proprietor provided the widget software to a series of online publications and third-party websites to display odds for various bets on sporting events. The evidence shows how the EASYODDS mark is displayed by third-party websites in combination with the provision of betting odds (Figure 2).



Figure 2 – Exhibit CAG6, page 8

27. Although Mr Giles does not clarify whether the use of the mark on these third-party websites targeted UK consumers, the evidence shows examples of prices in pounds sterling (Figure 2 and Figure 3). I therefore find that this evidence targets the UK.



Figure 3 – Exhibit CAG6, page 5

28. Mr Giles indicates that the revenue figures generated from the software widget between 2021 and 2024 in the UK were the following:

Year	Turnover (GB£)
2021	£5,710
2022	£6,274
2023	£16,898
2024	£56,973

29. Mr Giles clarifies that although the software widget was provided exclusively between 2021 and 2023, a bookmaker generating revenues through the software widget would transfer part of the revenues to the Proprietor even after 2023. For this reason, the evidence refers to revenues also for 2024.[12]

[12] Mr Giles' witness statement at paragraph [28].

30. Mr Da Silva provides the Proprietor's marketing expenditure figures between 2012 and 2024 as reproduced below:

Year	Promotional and Advertising Expenditure in the UK (GB£)
2012	£63,621
2013	£36,031
2014	£35,456
2015	£66,798
2016	£60,639
2017	£40,752
2018	£42,247
2019	£5,350
2020	£3,745
2021	£28,206
2022	£33,741
2023	£40,228
2024	£12,121

31. Mr Da Silva reports that the EASYODDS mark has been promoted on the Proprietor's website and via social media channels. The evidence shows extracts from the Proprietor's website, dated 2024, where the EASYODDS mark is visible; the extracts feature online publications and articles relating to various gambling and casino betting topics.[13] The pages show prices in pounds sterling. Although the evidence refers to the year 2024, Mr Da Silva confirms that the same content was available on the Proprietor's website between 2020 and 2025.[14] I am also provided with extracts of the Proprietor's website from the Wayback Machine database, dated between January 2010 and March 2024, where the Proprietor provides information and forecasts about various sporting events.[15] Regarding the evidence dating from the relevant period, I note that some of the extracts show prices in pounds sterling. Therefore, the evidence targets the UK.

[13] Exhibit DDS1, pages 8 - 40.
[14] Mr Da Silva's witness statement at paragraph [10].
[15] Exhibit DDS2.

32. Mr Da Silva also reports that the Proprietor has advertised its odds-comparison services via social media and celebrity endorsements. Between 2020 and 2021 the Proprietor released in the UK a number of advertising campaigns promoted by Vinnie Jones who endorsed the EASYODDS mark via the Proprietor's YouTube channel and Facebook account.[16] The EASYODDS mark was also sponsored during Mr Jones' live theatrical tour in February 2020 and the Proprietor sponsored the UK launch of the movie "The Big Ugly", starring Mr Jones; the evidence shows the EASYODDS mark featured among the sponsors at the movie's London premiere in August 2020.

33. Joleon Lescott was the Proprietor's brand ambassador for EASYODDS during the 2020 Champions League tournament in the UK. The evidence shows stills from the Proprietor's YouTube (GB) channel featuring Mr Lescott discussing previews, predictions and odds regarding the Champions League Semi-final.[17]

34. The evidence also shows screenshots from the Twitter (now X) accounts of the social-media influencers Tipster Charlie and Racing Gav endorsing and advertising the EASYODDS mark. Whilst this evidence is dated within the relevant period, it is unclear whether it targets the UK. Bearing in mind that social media platforms can be accessed worldwide, absent further clarification from Mr Da Silva, I am unable to determine if (or to what extent) this evidence targets the UK.

35. Mr Da Silva also reports that the EASYODDS mark has been advertised on the Proprietor's social media channels between 2020 and 2025. The evidence contains a series of screenshots from the Proprietor's social media accounts (i.e., Facebook, Instagram and Telegram). As stated above, since social media can be accessed worldwide, absent further clarification from Mr Da Silva, it is unclear whether this part of the evidence targets the UK. I note, however, that two extracts from the Proprietor's Telegram account refer to an event's "UK time" and show prices in sterling pounds.[18]

36. Mr Da Silva also reports that he has personally promoted the EASYODDS mark in the gambling and betting industry. For example, the evidence shows that Mr Da

[16] Exhibit DDS3.
[17] Exhibit DDS4.
[18] Exhibit DDS8, pages 15 and 17.

Silva was a speaker for the "iGB LIVE" conference in London in 2024 and 2025;[19] on 18 June 2025 he published an article advertising the EASYODDS mark in the gambling sector.[20] This evidence targets the UK as it refers to prices in sterling pounds.

37. Mr Da Silva concludes by listing a series of awards that the Proprietor has won between 2008 and 2011 as well as in 2017. Although I note Mr Da Silva's evidence, this is all dated outside of the relevant period.

38. From my account of the evidence, part of it presents some shortcomings insofar as it is either dated outside of the relevant period or it does not clearly target the UK. Nonetheless, Mr Giles showed that the Proprietor offers its odds-comparison software and services under the EASYODDS mark on its website which was accessed by customers a total of almost 9 million times between 2020 and 2024. The provision of the EASYODDS odds-comparison tool (i.e., the software and related services) by the Proprietor also generated annual average revenues of around £690 thousand between 2020 and 2024 for a total of almost £3.5 million for this period. The evidence also shows that the Proprietor has distributed the odds-comparison software widget under the EASYODDS mark within the relevant period which generated a total turnover of £85,855.

39. Mr Da Silva also reports that the Proprietor has invested, between 2020 and 2024, a total of over £118 thousand in marketing and promotional activities. Accordingly, the Proprietor has undertaken, within the relevant period, a series of marketing initiatives via its social media channels promoting the EASYODDS mark with endorsements by influencers and other notable figures in the sporting and betting field. Furthermore, Mr Da Silva has actively promoted the mark by publishing online articles and taking part in conferences in the betting and gambling industry.

40. Taken together, especially considering the revenues and marketing expenditure figures in combination with the uses of the mark online made by the Proprietor and the third-party bookmakers, it is my view that the Proprietor has shown genuine use of the Contested Marks within the relevant period for the provision of software and services relating to odds-comparison as well as the provision of news and

[19] Mr Da Silva's witness statement at paragraph [31] and exhibit DDS9, page 24.
[20] Exhibit DDS9, page 27.

information services for betting and odds-comparing. Later in this decision I will detail which goods and services I consider there to have been genuine use for and what constitutes a fair specification.

Form of the mark

41. I must now consider whether I find the use of the marks as shown in the evidence to be use of the Contested Marks as registered or an acceptable variant of the registered marks.

42. The Contested Marks are the word-only marks "EASYODDS" and "easyodds". Irrespective of their capitalisation,[21] the use in the evidence of the marks as words in standard font is clearly acceptable use of the marks.

43. I note that in various parts of the evidence, the registered marks are reproduced in a different colour combination with "EASY" in black and "ODDS" in blue (Figure 4). The Contested Marks' distinctive element lies in the word combination "EASYODDS" that forms a unit in that "EASY" defines "ODDS" and the consumers are likely to read the marks as a combination of these words. I remind myself that the use of colour does not alter the mark's distinctive character, which lies in the word itself.[22] Therefore, the marks' colourful variation in Figure 4 is an acceptable variant of the Contested Marks.



Figure 4

44. The Contested Marks are also reproduced in the evidence in a different colour combination and word arrangement with "EASY" and "ODDS" placed on two lines and on a black and blue background (Figure 5). Taking into account that consumers read from left to right and from top to bottom, they are likely to perceive the mark as the word combination "EASY-ODDS" irrespective of the word arrangement on two lines. Regarding the mark's colourful combination between the words and the

[21] *LA Superquimica v EUIPO*, Case T-24/17, [39].
[22] *Lactalis McLelland Limited v Arla Foods AMBA.*

background, the same reasoning as above applies. I therefore find that the variation in Figure 5 is also an acceptable variant form of the Contested Marks.



Figure 5

45. There are also instances where the evidence reproduces the following sign (Figure 6):



Figure 6

46. Following my considerations above, the sign is a combination of two acceptable variant forms of the Contested Marks which is, therefore, an acceptable variant. In any case, I already found that the Contested Marks' distinctiveness lies in the word-combination "EASYODDS" irrespective of its colour. Therefore, the addition of the word combination "EASYODDS" in the box placed at the beginning of the sign and separated from the colourful "EASYODDS" by a vertical line, does not prevent the verbal element "EASYODDS" (on the right) from being viewed independently to indicate the origin of the goods and/or services. Bearing in mind that the use of a mark generally encompasses both its independent use and its use as part of another mark taken in conjunction with that mark,[23] I find that the sign in Figure 6 is also an acceptable variant form of the Contested Marks upon which the Proprietor can rely.

[23] *Colloseum Holdings AG v Levi Strauss & Co.,* Case C-12/12.

Fair specification

47. Having found use of both registrations, I must determine a fair specification upon which the Proprietor is entitled to rely, bearing in mind the use that has been demonstrated. The Contested Marks mostly feature the same specification in classes 9, 41 and 42. I will carry out the same assessment in relation to both marks' specifications, but I will account for the differences where necessary.

48. In *Merck KGaA v Merck Sharp & Dohme Corp & Ors*, [2017] EWCA Civ 1834, Kitchin LJ (as he then was) set out the approach to be followed when considering partial revocation of a trade mark. The same approach is relevant when framing a fair specification. He said:

> "244. As I described in *Maier v Asos*, the approach to be adopted is relatively straightforward (although I readily acknowledge that it may on occasion be difficult to apply) and it is in my view consistent with the earlier decisions of the Court of Appeal to which I referred at paragraph [63]. On reflection, I think it can be expressed more clearly as follows.
>
> 245. First, it is necessary to identify the goods or services in relation to which the mark has been used during the relevant period.
>
> 246. Secondly, the goods or services for which the mark is registered must be considered. If the mark is registered for a category of goods or services which is sufficiently broad that it is possible to identify within it a number of subcategories capable of being viewed independently, use of the mark in relation to one or more of the subcategories will not constitute use of the mark in relation to all of the other categories.
>
> 247. Thirdly, it is not possible for a proprietor to use the mark in relation to all possible variations of a product or service. So care must be taken to ensure this exercise does not result in the proprietor being stripped of protection for goods or services which, though not the same as those for which use has been proved, are not in essence different from them and cannot be distinguished from them other than in an arbitrary way.

248. Fourthly, these issues are to be considered having regard to the perception of the average consumer and the purpose and intended use of the products or services in issue. Ultimately it is the task of the tribunal to arrive at a fair specification of goods or services having regard to the use which has been made of the mark.

249. This approach does strike an appropriate balance. It gives effect to the clear intention of the EU legislature that marks must actually be used or, if not used, be subject to revocation. […] It is also fair to proprietors for it does not require a proprietor to prove that he has used his mark in relation to all possible variations of the goods or services covered by its registration but only those which are sufficiently distinct to constitute coherent categories or subcategories. I am also satisfied that it gives appropriate protection to the legitimate interest of a proprietor in being able in the future to extend his range of goods or services within the scope of the terms describing the goods or services for which its mark is registered."

49. This approach was endorsed by the Supreme Court in *SkyKick UK Ltd & Anor v Sky Ltd & Ors (Rev1)* [2024] UKSC 36:

"261. […] First, there can be no doubt that an application to register a mark in respect of a broad category of goods or services may be made partly in bad faith in so far as the broad description includes distinct sub-categories of goods or services in relation to which the applicant never had any intention to use the mark, whether conditionally or otherwise. In my view, that emerges clearly from the decision of the CJEU in this case. The approach to be adopted in such a case was explored and explained by the Court of Appeal in *Merck KGaA v Merck Sharp & Dohme Corp* [2017] EWCA Civ 1834; [2018] ETMR 10, at paras 241-249 and, so far as I am aware, that approach has proved workable and appropriate and has stood the test of time, save that it must now be seen in light of the more recent guidance given by the CJEU in, for example: *Ferrari SpA v DU* (Joined Cases C-720/18 and C-721/18) EU:C:2020:854; [2021] Bus LR 106, at paras 36-53. There the CJEU explained, at para 40, that the essential criterion to apply for the purposes of identifying a coherent

subcategory of goods or services capable of being viewed independently is their purpose and intended use."

50. In *Euro Gida Sanayi Ve Ticaret Limited v Gima (UK) Limited*, BL O/345/10, Mr Geoffrey Hobbs Q.C. (as he then was) as the Appointed Person summed up the law as being:

> "In the present state of the law, fair protection is to be achieved by identifying and defining not the particular examples of goods or services for which there has been genuine use but the particular categories of goods or services they should realistically be taken to exemplify. For that purpose the terminology of the resulting specification should accord with the perceptions of the average consumer of the goods or services concerned."

51. I will first assess the fair specification for the contested mark number **UK00911349636**.

Class 9

52. As already discussed above in this decision, the Proprietor provides a software that gathers data and informs users (e.g., gamblers) on betting odds for sport events. Therefore, I find that "*Computer software relating to the provision of information upon gambling, gaming and betting and the comparison of gambling, gaming and betting odds*" forms part of the Proprietor's fair specification.

53. In relation to "*publications in electronic form supplied on-line from databases or from facilities provided on the Internet (including web sites)*", the evidence shows that the Proprietor's website provides information on sport events such as, for example, where and when they are taking place, the result of a match, the teams playing a match, etc. along with third-party commentary on betting odds and the matches. I therefore find that a fairer specification would be: "*publications in electronic form supplied on-line from databases or from facilities provided on the Internet (including web sites) relating to sports and sporting events and competitions, gambling, gaming and betting*".

54. Regarding "*computer software to enable connection to databases and the Internet*", the Proprietor markets proprietary software to collect odds data from various bookmakers and make them available in the form of a comparison tool online. Therefore, this term forms part of the Proprietor's fair specification.

55. Concerning "*computer software to enable searching of data*", whilst I appreciate that the Proprietor's software collects and provides data, this term is excessively wide since it refers to the collection of data in different fields whereas the use of EASYODDS is limited to data collection for gambling and betting. I find that a fairer specification would be: "*computer software to enable searching of data relating to the provision of information upon gambling, gaming and betting and the comparison of gambling, gaming and betting odds".*

Class 41

56. I find that the term "*Entertainment services relating to sports and leisure*" encompasses a variety of services such as, for example, the organisation of competitions, that the Proprietor does not offer. The Proprietor offers entertainment services insofar as it provides a tool that enhances the gambling experience for entertainment purposes and it provides news and information on sporting events for gambling purposes. I find that a fairer term would be "*Entertainment services relating to sports and leisure relating to the provision of information upon gambling, gaming and betting and the comparison of gambling, gaming and betting odds".*

57. In relation to "*betting services; gambling services; gaming services; betting on horses; betting on sporting events and competitions; wagering services; gambling, gaming and betting services provided by means of the Internet*", Mr Giles clarifies that the Proprietor does not accept bets and it is not a licensed bookmaker. Accordingly, the evidence shows that the Proprietor offers an odds-comparison tool (and related odds-comparison services), but no bets are made through the Proprietor's website. It follows that the Proprietor does not provide the betting, gambling, gaming or wagering services at hand which do not form part of the fair specification.

58. Regarding "*provision of information upon casinos*", casinos are defined as facilities for gambling. Extending this definition to online gambling facilities, also

bookmakers can be defined as casinos. I found that the EASYODDS odds-comparison tool informs the users (i.e., gamblers) on the odds that various bookmakers offer in order to compare them. Therefore, it can be said that the Proprietor also offers information on gambling facilities (i.e., the bookmakers). I find that the term at hand forms part of the fair specification.

59. As already found above, the Proprietor's odds-comparison tool, in the context of providing odds and comparing them, provides some degree of information or news relating to sporting events (e.g., football matches). Furthermore, the Proprietor showed that it provides online publications and articles on various gambling and betting topics. Therefore, in relation to "*providing on-line electronic publications"* and "*news reporter services*", I find these terms to be excessively wide and a fairer specification would be: "*providing on-line electronic publications relating to sports and sporting events and competitions, gambling, gaming and betting"* and "*news reporter services relating to sports and sporting events and competitions, gambling, gaming and betting*".

60. In view of the considerations above, the services "*information relating to sports […] provided on-line from a computer database or the Internet; provision of information relating to sports and sporting events and competitions, gambling, gaming and betting; information relating to sports and sporting events and competitions, gambling, gaming and betting, all provided on-line from a computer database or from the Internet; information and advisory services relating to all of the aforesaid services; information and advisory services relating to the aforesaid*" form part of the Proprietor's fair specification.

61. With regard to "*information relating to […] education provided on-line from a computer database or the Internet"*, whilst the Proprietor provides news and information relating to sports, it does not offer information on structured learning (e.g., information on courses, seminars, lessons, educational programmes). Thus, this term does not form part of the fair specification.

Class 42

62. Concerning the term "*Design, drawing and commissioned writing; all for the compilation of web pages on the Internet*", although I appreciate that the Proprietor

operates a website where articles are available, the services at hand do not consist of the mere activity of a business that designs, creates and maintains its own website. The Proprietor did not provide evidence showing that it provides the service to design and write webpages for third parties. This term is not included in the fair specification.

63. The Proprietor offers a software that collects data from various bookmakers' platforms to provide an odds-comparison tool to enable gamblers to find the best odds relating to sporting events/competitions and place their bets on such events. Therefore, it is my understanding that the Proprietor offers the results of its online research to gamblers to enable them to compare the odds provided by different bookmakers. Hence, the term "*research services relating to sports, sporting events and competitions*" forms part of the fair specification.

64. Turning to "*installation and maintenance of computer software relating to the provision of information upon gambling, gaming and betting and the comparison of gambling, gaming and betting odds*", the Proprietor offers the odds-comparison software widget that bookmakers (or third-party websites) can install on their platforms/websites to offer the Proprietor's odds-comparison services. It is my view that the service of offering a software widget also encompasses the digital service to install it (i.e., allow the bookmakers to download it) along with maintenance of the software (e.g., releasing software updates) provided as part of the service. Thus, this term forms part of the fair specification.

65. Finally, in relation to "*[…] information relating to any of the aforesaid services, provided on-line from a computer database or from the Internet; information and advisory services relating to the aforesaid*", this term refers to information and advisory relating to research services and installation/maintenance of the odds-comparison software widget. Mr Giles reports that between 2021 and 2023 the Proprietor circulated the EASYODDS widget catalogue to show to third-party websites how the widget software would appear on their websites.[24] Mr Giles also provided evidence in this regard.[25] The evidence shows informational material carrying the EASYODDS mark (in one of its acceptable variant forms) and featuring prices in sterling pounds. I therefore find that the evidence sufficiently shows that

[24] Mr Giles' witness statement at paragraph 26.
[25] Exhibit CGA6.

the Proprietor has also provided, within the relevant period, information and advisory services which, thus, form part of the fair specification.

66. From the above considerations I believe that a fair specification for the mark number **UK00911349636** would be:

Class 9: Computer software relating to the provision of information upon gambling, gaming and betting and the comparison of gambling, gaming and betting odds; publications in electronic form supplied on-line from databases or from facilities provided on the Internet (including web sites) relating to sports and sporting events and competitions, gambling, gaming and betting; computer software to enable connection to databases and the Internet; computer software to enable searching of data relating to the provision of information upon gambling, gaming and betting and the comparison of gambling, gaming and betting odds.

Class 41: Entertainment services relating to sports and leisure relating to the provision of information upon gambling, gaming and betting and the comparison of gambling, gaming and betting odds; provision of information upon casinos; information relating to sports provided on-line from a computer database or the Internet; providing on-line electronic publications relating to sports and sporting events and competitions, gambling, gaming and betting; provision of information relating to sports and sporting events and competitions, gambling, gaming and betting; information relating to sports and sporting events and competitions, gambling, gaming and betting, all provided on-line from a computer database or from the Internet; news reporter services relating to sports and sporting events and competitions, gambling, gaming and betting; information and advisory services relating to all of the aforesaid services; information and advisory services relating to the aforesaid.

Class 42: Research services relating to sports, sporting events and competitions; installation and maintenance of computer software relating to the provision of information upon gambling, gaming and betting and the comparison of gambling, gaming and betting odds; information relating to any of the aforesaid services, provided on-line from a computer database or from the Internet; information and advisory services relating to the aforesaid.

67. I now consider the fair specification for the contested mark number **UK00002279045**.

68. In relation to class 9, although some terms are not identically worded, the same considerations at paragraphs [52] - [55] apply.

69. Turning to class 41, for all terms in the class the same considerations outlined at paragraphs [56] - [61] apply.[26]

70. Regarding class 42, as stated at paragraph [62] the term "*Design, drawing and commissioned writing; all for the compilation of web pages on the Internet*" does not form part of the fair specification.

71. Regarding the term "*providing access to and leasing access time to computer databases*", the Proprietor offers a software widget that allows third-party websites to give their users (i.e., gamblers) access to the EASYODDS odds-comparison tool (i.e., a database containing information extracted from other bookmakers concerning their respective betting odds). I therefore find that the term at hand forms part of the fair specification.

72. In relation to "*news reporter services*" and "*information provided on-line from a computer database or from the Internet*" my findings outlined at paragraph [59] apply. Therefore, a fairer specification would be: "*providing on-line electronic publications relating to sports and sporting events and competitions, gambling, gaming and betting"* and "*news reporter services relating to sports and sporting events and competitions, gambling, gaming and betting*". For the sake of clarity, although I appreciate that "*news reporter services*" would be proper to class 41, as this term is clear and precise in its wording, its ordinary and natural meaning can be considered without reference to the class number.[27]

73. Turning to "*preparation of statistics*", the evidence shows that the Proprietor collects and organises odds data for comparison. The evidence before me does not show that the Proprietor also prepares statistics as part of its services. Therefore, this term does not form part of the fair specification.

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[26] I note that the Proprietor, in its submissions in lieu, listed "*wagering services*" in class 41 for the UK00002279045 mark both as abandoned and defended. Taking into account that Mr Giles, in his witness statement, defended these services, I will treat them as defended.

[27] *Pathway IP Sarl (formerly Regus No. 2 Sarl) v Easygroup Ltd (formerly Easygroup IP Licensing Limited)* [2018] EWHC 3608 (Ch) at paragraph [80].

74. Regarding "*research services relating to sports, sporting events and competitions*" the same considerations at paragraph [63] apply.

75. In regard to the term "*installation and maintenance of computer software*", whilst the same considerations outlined at paragraph [64] apply, I find that a fairer term would be *"installation and maintenance of computer software relating to the provision of information upon gambling, gaming and betting and the comparison of gambling, gaming and betting odds*".

76. Finally, for the term "*information and advisory services relating to all of the aforesaid services*", I already found at paragraph [65] that this term forms part of the fair specification.

77. From the above considerations I believe that a fair specification for the mark number **UK00002279045** would be:

Class 9: Computer software relating to the provision of information upon gambling, gaming and betting and the comparison of gambling, gaming and betting odds; publications in electronic form supplied on-line from databases or from facilities provided on the Internet (including websites) relating to sports and sporting events and competitions, gambling, gaming and betting; computer software and enable connection to databases and the Internet; computer software to enable searching of data records relating to the provision of information upon gambling, gaming and betting and the comparison of gambling, gaming and betting odds.

Class 41: Entertainment services relating to sports and leisure relating to the provision of information upon gambling, gaming and betting and the comparison of gambling, gaming and betting odds; provision of information upon casinos; information relating to sports provided on-line from a computer database or the Internet; providing on-line electronic publications relating to sports and sporting events and competitions, gambling, gaming and betting; provision of information relating to sports and sporting events and competitions, gambling, gaming and betting; information and advisory services relating to all of the aforesaid services.

Class 42: Providing access to and leasing access time to computer databases; news reporter services relating to sports and sporting events and competitions, gambling, gaming and betting; research services relating to sports, sporting events

and competitions; information provided on-line from a computer database or from the Internet; installation and maintenance of computer software relating to the provision of information upon gambling, gaming and betting and the comparison of gambling, gaming and betting odds; information relating to any of the aforesaid services, provided on-line from a computer database or from the Internet; information and advisory services relating to the aforesaid.

Final remarks

78. I elected to focus my assessment of the evidence in relation to the sixth relevant period. For the sake of completeness, I must assess whether the evidence in respect of any of the earlier relevant periods would put the Proprietor in a stronger position.

79. Mr Giles provided figures of the number of visits to the EASYODDS website in the UK from 2017 and the revenue figures in the UK from 2010. Mr Da Silva provided Wayback Machine extracts of the EASYODDS website also for the years between 2010 and 2019. The extracts show that the Proprietor provides odds-comparison services along with news and information on sporting events such as, for example, match results and result predictions on future sporting events targeting UK consumers. Furthermore, the evidence shows that in 2019 Mr Da Silva featured in an interview and took part in a conference in London on football betting. Mr Da Silva also provides evidence showing that the Proprietor received a number of awards from the gaming and gambling industry: between 2008 and 2011 it received the “Best Odds Comparison Site” award and in 2017 it was awarded “Affiliate of the Year”. Overall, whilst I appreciate that this evidence has merit, my findings in the revocations would not have been any broader in respect of any of the earlier relevant periods. With regard to the goods and services for which there has been no genuine use found, there is nothing which puts the Proprietor in a stronger position for any of the earlier relevant periods and, as such, the same findings apply.

Conclusion

80. The applications for revocation under section 46(1)(a) and section 46(1)(b) fail for the goods and services in classes 9, 41 and 42 set out at paragraphs [66] and [77], above, and the Contested Marks remain registered for these goods and services.

81. The applications for revocation under section 46(1)(a) and section 46(1)(b) fully succeed for class 16 of the trade mark UK00002279045 and for classes 16 and 35 of the trade mark UK00911349636 for which the registration has been abandoned. The application for revocation also partially succeeds in relation to classes 9, 41 and 42 for both Contested Marks for those goods and services for which registration has been abandoned. As a result, the Contested Marks are, subject to any successful appeal, hereby revoked for those goods and services listed in Annex C to this decision.

82. The effective date of revocation for the contested mark number UK00002279045 is 5 November 2010.

83. The effective date of revocation for the contested mark number UK00911349636 is 22 May 2018.

Costs

84. I find the parties obtained an approximately similar degree of success. Therefore, each party should bear its own costs.

Dated this 26th day of October 2026

Andrea Rossi
For the Registrar

Annex A

List of registered goods and services under trade marks number UK00002279045 and UK00911349636

UK00002279045

Class 9: Computers; computer software; computer software and publications in electronic form supplied on-line from databases or from facilities provided on the Internet (including websites); computer software and telecommunications apparatus (including modems) to enable connection to databases and the Internet; computer software to enable searching of data; records, videos, video cassette recorders, apparatus and instruments for the recording, transmission or reproduction of sound or images; photographic apparatus and instruments; calculators; credit cards (encoded); phone cards; audio visual teaching apparatus; telecommunications apparatus; telephones; mobile telephones; wireless application protocol telephones; facias for mobile telephones; cases and accessories for mobile telephones; games apparatus adapted for use with television receivers; compact discs; televisions; radios; radio alarm clocks; compact discs; phone cards; identity cards; debit cards; electronic scoreboards; gaming machines; games machines; slot machines; electric and electronic apparatus and instruments for gambling, entertainment or information services; cameras, video cameras, visual display units, screens and screen savers; parts and fittings for all the aforesaid goods.

Class 16: Stationery, printed matter, books, notebooks, address books, photographs, periodical publications, calendars, catalogues, magazines, posters, prints; newspapers; match programmes; match tickets; leaflets, brochures, photographs, stickers, albums, plastic bags; wrapping material; mats for beer glasses; coasters; pens and pencils; tickets; cards.

Class 41: Entertainment services relating to sports and leisure; betting services; gambling services; gaming services; football pools services; betting on horses; betting on sporting events and competitions; casinos; library services; information relating to entertainment, sports or education provided on-line from a computer database or the Internet; electronic games services provided by means of the Internet; gambling, gaming and betting services provided by means of the Internet; providing on-line

electronic publications; publication of electronic books and journals on-line; operating chat rooms; news programme services for radio or television; radio and television entertainment services; wagering services; handicapping services for sporting events; agency services for promoting sports personalities; amusement park services; amusement arcade services; production of cable television programmes; club services; club entertainment services; ticket reservation services; organising and staging of sports activities or competitions; sporting services; recreational services; arranging and conducting of seminars; organisation of exhibitions; rental, hire or leasing of games and gaming machines, compact discs and compact disc players, educational materials or apparatus, radios, sound recording apparatus, sound recordings, sports apparatus, televisions, radio cassette, and video cameras; provision of information relating to entertainment, sports and sporting events and competitions, gambling, gaming and betting; consultancy information and advisory services relating to all of the aforesaid services.

Class 42: Design, drawing and commissioned writing; all for the compilation of web pages on the Internet; providing access to and leasing access time to computer databases; computer rental; news clipping services; news reporter services; professional consultation services relating to gambling, gaming and betting; investigation services; press-cutting and monitoring; preparation of statistics; research services relating to sports, sporting events and competitions; design and development of computer software and hardware; hotel, restaurant and catering services; cafés; printing and reproduction services; musical and photographic services; travel agency services for booking accommodation; rental of rooms; information provided on-line from a computer database or from the Internet; creating and maintaining websites; hosting the websites for others; installation and maintenance of computer software; consultancy information and advisory services relating to all of the aforesaid services.

UK00911349636

Class 9: Computers; computer software; computer software and publications in electronic form supplied on-line from databases or from facilities provided on the Internet (including web sites); computer software and telecommunications apparatus (including modems) to enable connection to databases and the Internet; computer software to enable searching of data; records, videos, video cassette recorders,

apparatus and instruments for the recording, transmission or reproduction of sound or images; photographic apparatus and instruments; calculators; credit cards (encoded); phone cards; audio visual teaching apparatus; telecommunications apparatus; telephones; mobile telephones; wireless application protocol telephones; facias for mobile telephones; cases and accessories for mobile telephones; compact discs; televisions; radios; radio alarm clocks; compact discs; phone cards; identity cards; debit cards; electronic scoreboards; cameras, video cameras, visual display units, screens and screen savers; parts and fittings for all the aforesaid goods.

Class 16: Stationery, printed matter, books, notebooks, address books, photographs, periodical publications, calendars, catalogues, magazines, posters, prints; newspapers; match programmes; match tickets; leaflets, brochures, photographs, stickers, albums, plastic bags; wrapping material; mats for beer glasses; coasters; pens and pencils; tickets; cards.

Class 35: News clipping services; press cutting and monitoring; investigation services relating to markets and marketing; preparation of statistics; reproduction services; consultancy, information and advisory services relating to all of the aforesaid services; agency services for promoting sports personalities; information, consultancy and advisory services relating to the aforesaid.

Class 41: Entertainment services relating to sports and leisure; betting services; gambling services; gaming services; football pools services; betting on horses; betting on sporting events and competitions; casinos; library services; information relating to entertainment, sports or education provided on-line from a computer database or the Internet; electronic games services provided by means of the Internet; gambling, gaming and betting services provided by means of the Internet; providing on-line electronic publications; publication of electronic books and journals on-line; news programme services for radio or television; radio and television entertainment services; wagering services; handicapping services for sporting events; amusement park services; amusement arcade services; production of cable television programmes; club services; club entertainment services; ticket reservation services; organising and staging of sports activities or competitions; sporting services; recreational services; arranging and conducting of seminars; organisation of exhibitions; rental, hire or leasing of games and gaming machines, compact discs and

compact disc players, educational materials or apparatus, radios, sound recording apparatus, sound recordings, sports apparatus, televisions, radio cassette and video cameras; provision of information relating to entertainment, sports and sporting events and competitions, gambling, gaming and betting; information relating to entertainment, sports and sporting events and competitions, gambling, gaming and betting, all provided on-line from a computer database or from the Internet; news reporter services; musical and photographic services; consultancy, information and advisory services relating to all of the aforesaid services; professional consultation services relating to gambling, gaming and betting; information, consultancy and advisory services relating to the aforesaid.

Class 42: Design, drawing and commissioned writing; all for the compilation of web pages on the Internet; computer rental; research services relating to sports, sporting events and competitions; design and development of computer software and hardware; creating and maintaining web sites; hosting the web sites of others; installation and maintenance of computer software; information relating to any of the aforesaid services, provided on-line from a computer database or from the Internet; information, consultancy and advisory services relating to the aforesaid.

Annex B

Goods and services defended by the Proprietor and their limitations (underlined)

UK00911349636

Class 9: Computer software relating to the provision of information upon gambling, gaming and betting and the comparison of gambling, gaming and betting odds; publications in electronic form supplied on-line from databases or from facilities provided on the Internet (including web sites); computer software to enable connection to databases and the Internet; computer software to enable searching of data.

Class 41: Entertainment services relating to sports and leisure; betting services; gambling services; gaming services; betting on horses; betting on sporting events and competitions; provision of information upon casinos; information relating to sports or education provided on-line from a computer database or the Internet; gambling, gaming and betting services provided by means of the Internet; providing on-line electronic publications; wagering services; provision of information relating to sports and sporting events and competitions, gambling, gaming and betting; information relating to sports and sporting events and competitions, gambling, gaming and betting, all provided on-line from a computer database or from the Internet; news reporter services; information and advisory services relating to all of the aforesaid services; information and advisory services relating to the aforesaid.

Class 42: Design, drawing and commissioned writing; all for the compilation of web pages on the Internet; research services relating to sports, sporting events and competitions; installation and maintenance of computer software relating to the provision of information upon gambling, gaming and betting and the comparison of gambling, gaming and betting odds; information relating to any of the aforesaid services, provided on-line from a computer database or from the Internet; information and advisory services relating to the aforesaid.

UK00002279045

Class 9: Computer software relating to the provision of information upon gambling, gaming and betting and the comparison of gambling, gaming and betting odds;

publications in electronic form supplied on-line from databases or from facilities provided on the Internet (including websites); computer software and enable connection to databases and the Internet; computer software to enable searching of data records.

Class 41: Entertainment services relating to sports and leisure; betting services; gambling services; gaming services; betting on horses; betting on sporting events and competitions; provision of information upon casinos; information relating to sports or education provided on-line from a computer database or the Internet; gaming and betting services provided by means of the Internet; providing on-line electronic publications; provision of information relating to sports and sporting events and competitions, gambling, gaming and betting; information and advisory services relating to all of the aforesaid services.

Class 42: Design, drawing and commissioned writing; all for the compilation of web pages on the Internet; providing access to and leasing access time to computer databases; news reporter services; preparation of statistics; research services relating to sports, sporting events and competitions; information provided on-line from a computer database or from the Internet; installation and maintenance of computer software; information and advisory services relating to all of the aforesaid services.

Annex C

List of goods and services for which registration has been abandoned

UK00911349636

Class 9: Computers; computer software; telecommunications apparatus (including modems) to enable connection to databases and the Internet; computer software to enable searching of data; records, videos, video cassette recorders, apparatus and instruments for the recording, transmission or reproduction of sound or images; photographic apparatus and instruments; calculators; credit cards (encoded); phone cards; audio visual teaching apparatus; telecommunications apparatus; telephones; mobile telephones; wireless application protocol telephones; facias for mobile telephones; cases and accessories for mobile telephones; compact discs; televisions; radios; radio alarm clocks; compact discs; phone cards; identity cards; debit cards; electronic scoreboards; cameras, video cameras, visual display units, screens and screen-savers; parts and fittings for all the aforesaid goods.

Class 16: Stationery, printed matter, books, notebooks, address books, photographs, periodical publications, calendars, catalogues, magazines, posters, prints; newspapers; match programmes; match tickets; leaflets, brochures, photographs, stickers, albums, plastic bags; wrapping material; mats for beer glasses; coasters; pens and pencils; tickets; cards.

Class 35: News clipping services; press cutting and monitoring; investigation services relating to markets and marketing; preparation of statistics; reproduction services; consultancy, information and advisory services relating to all of the aforesaid services; agency services for promoting sports personalities; information, consultancy and advisory services relating to the aforesaid.

Class 41: Football pools services; library services; information relating to entertainment; electronic games services provided by means of the Internet; publication of electronic books and journals on-line; news programme services for radio or television; radio and television entertainment services; handicapping services for sporting events; amusement park services; amusement arcade services; production of cable television programmes; club services; club entertainment services;

ticket reservation services; organising and staging of sports activities or competitions; sporting services; recreational services; arranging and conducting of seminars; organisation of exhibitions; rental, hire or leasing of games and gaming machines, compact discs and compact disc players, educational materials or apparatus, radios, sound recording apparatus, sound recordings, sports apparatus, televisions, radio cassette and video cameras; provision of information relating to entertainment; information relating to entertainment, all provided on-line from a computer database or from the Internet; musical and photographic services; consultancy, professional consultation services relating to gambling, gaming and betting; consultancy services relating to the aforesaid.

Class 42: Computer rental; design and development of computer software and hardware; creating and maintaining web sites; hosting the web sites of others; consultancy services relating to the aforesaid.

UK00002279045

Class 9: Computers; computer software and supplied on-line from databases or from facilities provided on the Internet (including websites); telecommunications apparatus (including modems) to enable connection to databases and the Internet; computer software to enable searching of data records; videos, video cassette recorders, apparatus and instruments for the recording, transmission or reproduction of sound or images; photographic apparatus and instruments; calculators; credit cards (encoded); phone cards; audio visual teaching apparatus; telecommunications apparatus; telephones; mobile telephones; wireless application protocol telephones; facias for mobile telephones; cases and accessories for mobile telephones; games apparatus adapted for use with television receivers; compact discs; televisions; radios; radio alarm clocks; compact discs; phone cards; identity cards; debit cards; electronic scoreboards; gaming machines; games machines; slot machines; electric and electronic apparatus and instruments for gambling, entertainment or information services; cameras, video cameras, visual display units, screens and screen savers; parts and fittings for all the aforesaid goods.

Class 16: Stationery, printed matter, books, notebooks, address books, photographs, periodical publications, calendars, catalogues, magazines, posters, prints;

newspapers; match programmes; match tickets; leaflets, brochures, photographs, stickers, albums, plastic bags; wrapping material; mats for beer glasses; coasters; pens and pencils; tickets; cards.

Class 41: Football pools services; betting on horses; betting on sporting events and competitions; library services; information relating to entertainment provided on-line from a computer database or the Internet; electronic games services provided by means of the Internet; publication of electronic books and journals on-line; operating chat rooms; news programme services for radio or television; radio and television entertainment services; wagering services; handicapping services for sporting events; agency services for promoting sports personalities; amusement park services; amusement arcade services; production of cable television programmes; club services; club entertainment services; ticket reservation services; organising and staging of sports activities or competitions; sporting services; recreational services; arranging and conducting of seminars; organisation of exhibitions; rental, hire or leasing of games and gaming machines, compact discs and compact disc players, educational materials or apparatus, radios, sound recording apparatus, sound recordings, sports apparatus, televisions, radio cassette, and video cameras; provision of information relating to entertainment; consultancy services relating to all of the aforesaid services.

Class 42: Computer rental; news clipping services; professional consultation services relating to gambling, gaming and betting; investigation services; press-cutting and monitoring; design and development of computer software and hardware; hotel, restaurant and catering services; cafés; printing and reproduction services; musical and photographic services; travel agency services for booking accommodation; rental of rooms; creating and maintaining websites; hosting the websites for others; consultancy services relating to all of the aforesaid services.