



World Intellectual Property  
Organisation (WIPO)  
International Bureau  
34, Chemin des Colombettes  
1211 Geneva 20  
Switzerland

**Your Reference:**  
**International Registration No:**  
WO0000001262754  
**Examiner:** Chris Benney  
**Direct Telephone:** +44(0)1633814598  
**Date:** 07 September 2016

**Intl Reg No:** WO0000001262754  
**Mark:** GLOBALONE (Figurative)  
**Holder:** Globalone Management Group Limited  
**Classes:** 9, 35, 36, 38, 45

**Notification Of A Provisional Total Refusal Of Protection Based On An  
Opposition By The United Kingdom Intellectual Property Office In  
Accordance With Article 5 Of The Madrid Protocol**

I am writing to inform you that following receipt of an opposition to the above trade mark, it is necessary to issue this formal provisional refusal letter. This provisional refusal covers all of the goods and services of the International Registration.

Please find attached a copy of the Form TM7 'Notice of Opposition', which includes details of any marks referred to in the statement of case, which was received by the United Kingdom Trade Mark Registry. Copies of these documents have been sent to the holder informing them of this provisional refusal.

If the holder of the International Registration wishes to file a counterstatement, they must complete the Form TM8 'Notice of defence and counterstatement', which is available at [ipo.gov.uk/tmforms](http://ipo.gov.uk/tmforms) and **return it to this office on or before 7 November 2016**. This period cannot be extended, except in the circumstances described below. The holder should note that failure to file a Form TM8 will result in the provisional refusal being upheld.

If both parties to this dispute wish to negotiate and want to enter a 'cooling off period' then the time for filing the Form TM8 can be extended for a further seven months by the filing the Form TM9c 'Request for a cooling off period, which is available at [ipo.gov.uk/tmforms](http://ipo.gov.uk/tmforms)

The Form TM8 should be received on or before the date requested above unless a cooling off period is entered into by the parties.

The holder of the International Registration must provide us with an address for correspondence in the United Kingdom, another EEA state or the Channel Islands on a Form TM33 'Appointment or change of agent or contact address', which is available at [ipo.gov.uk/tmforms](http://ipo.gov.uk/tmforms) within this two month period.

If one is not provided within this time the refusal will be made final.

Yours faithfully

*Chris Benney*  
**Trade Marks Registry**



**Intellectual  
Property  
Office**

M5-IPO-FAX  
23 / AUG / 2016

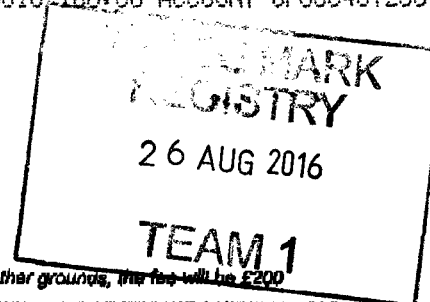
J774798/ 0001 D02718 TM07.....  
26AUG16 100.00 ACCOUNT 0P000407230

## Form TM7

### Notice of opposition and statement of grounds

- Fee** ☒ **£100** Opposition based on Section 5(1) and/or 5(2) ONLY  
☐ **£200** Opposition based on, or including, any other grounds

*Note: If you wish to oppose under Section 5(1) and/or 5(2) and one or more other grounds, the fee will be £200.*



Use this form to notify of an opposition to a trade mark application or international registration and to set out the grounds on which you are basing this opposition.

Do not use this form if you wish to file a Fast Track opposition under Section 5(1) and/or 5(2); use Form TM7F.

<b>1. Trade mark number</b> Number of the trade mark you are opposing. If the opposition concerns an International Registration, help us identify the correct trade mark by adding "IR".	WO0000001262754	
<b>2. Full name of applicant/holder</b> Whose trade mark you are opposing	Globalone Management Group Limited	
<b>3. Full name of opponent</b> Person opposing the trade mark	Pivotal Payments Corporation	
<b>Address</b> If the address is not within the United Kingdom, European Economic Area (EEA – which includes the European Union) or the Channel Islands you must have a representative in one of those regions and complete section 4 below	1100 Boul. René-Lévesque West	
	9th Floor	
	Montreal, Quebec	
	Canada	Postcode H3B 4N4
<b>Email address</b> Complete if you have no representative and would like us to correspond with you by email		
<b>4. Representative name</b> If you have no representative, go to section 5.	Keltie LLP	
<b>Address</b> The address provided in this section must be in the UK, European Economic Area (EEA) or the Channel Islands.	No. 1 London Bridge	
	London	
	United Kingdom	Postcode SE1 9BA
<b>Email address</b> Complete if you would like us to correspond with you by email	trademark.applications@keltie.com	

**NOTE:** We will communicate with the representative if this section has been completed.

**5. Related proceedings**

If applicable, select location of any related proceedings and enter the case number allocated to the proceedings.

IPO Registry

UK Courts

EUIPO

Number

**6. Opposition notification date**

If you have informed the applicant/holder of an intention to oppose the trade mark application, designation – enter the date you notified them.  
[\*\*See Note]

27 July 2016

\*\*Note: An opposition launched without giving the applicant or holder a reasonable opportunity to withdraw the application, international designation or amendment may result in the opponent being ineligible for an award of costs.

**7. Declaration**

I believe that the facts stated in this form and the attached statement of grounds are true.

Signature

Keltie LLP

Name

(BLOCK CAPITALS)

KELTIE LLP

Date

23 Aug 2016

**8. Your reference**

Complete if you would like us to quote this in communications with you, otherwise leave blank.

S40764/ECM/lh

**Contact details**

Name, daytime telephone number of the person to contact in case of query.

Rosemary Cardas -020 7329 8888

Number of sheets attached to this form

4

**Checklist**

Please make sure you have remembered to:

☒ Sign and date the form

☒ Complete fee sheet (Form F52)

☒ Enclose the fee and fee sheet. Make cheques payable to Intellectual Property Office

**Where to send**

Intellectual Property Office  
Trade Marks Registry  
Concept House  
Cardiff Road  
Newport  
South Wales  
NP40 600

TM7

Please tick on what grounds you are opposing the trade mark and continue to the relevant section(s)



Opposition is based on Sections 5(1) or 5(2): The trade mark is either identical or similar to an earlier trade mark and is to be registered for identical and/or similar goods and services.

Note: Opposition on these grounds must be made by the 'proprietor' (owner) of the earlier trade mark.

> **COMPLETE SECTION A**

Opposition is based on Section 5(3): The trade mark is either identical or similar to an earlier trade mark which has a reputation. Using the later mark would take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier mark.

Note: Opposition on these grounds must be made by the 'proprietor' (owner) of the earlier trade mark. Ticking this box means that the total fee for this form is £200.

> **COMPLETE SECTION B**

Opposition is based on Section 5(4)(a): Where the use of the applicant's trade mark would be contrary to law, in particular, the law of passing off.

Note: Opposition on these grounds must be made by the 'proprietor' (owner) of the earlier right. Ticking this box means that the total fee for this form is £200.

> **COMPLETE SECTION C**

Opposition is based on Section 3: The trade mark is excluded from registration because it describes the goods/services, or is not distinctive, or consists of signs that are customary within the trade, or the application was made in bad faith.

Note: Ticking this box means that the total fee for this form is £200.

> **COMPLETE SECTION D**

Opposition is based on other grounds.

Note: Ticking this box means that the total fee for this form is £200.

> **COMPLETE SECTION E**

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**SECTION A: Opposition is based on sections 5(1) or 5(2) of the Trade Marks Act on the basis of an earlier registered or pending mark.**

**Please tick the relevant section(s) that apply.**

<input type="checkbox"/>	5(1) It is identical with an earlier mark and for identical goods or services as the earlier mark
<input type="checkbox"/>	5(2)(a) It is identical with an earlier mark and for similar goods or services as the earlier mark.
<input checked="" type="checkbox"/>	5(2)(b) It is similar to an earlier mark and for identical or similar goods or services as the earlier mark.

*You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.*

#### ABOUT THE EARLIER TRADE MARK

**Trade mark number**

Your trade mark

013054135

**Type of mark**

Please tick

<input type="checkbox"/>	UK	<input checked="" type="checkbox"/>	EUTM	<input type="checkbox"/>	International
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#### Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

GLOBALONE

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**Q1. Which goods or services covered by the earlier trade mark are relied upon for the opposition?**

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services (please specify below, use a continuation sheet if necessary)

**Q2. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the publication date of the application you wish to oppose?**

☐ Yes

☒ No > GO TO Q4

**Q3. Has the trade mark been used?**

☐ Yes

☐ No > GO TO Q3b

**Q3a. For which of the goods and services listed at Q1 is trade mark use being claimed?**

<input type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services (please specify below, use a continuation sheet if necessary)

> GO TO Q4.

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**Q3b. Please state any proper reasons for non-use.**

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**DETAILS OF THE TRADE MARK YOU ARE OPPOSING**

**Q4. Which goods or services in the application that you are opposing do you claim are identical or similar to those covered by the earlier mark which you have listed at Q1 or Q3a (whichever is applicable)?**

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services (please specify below, use a continuation sheet if necessary)

**Q5. Use this space to supply any further information about why you consider there is a likelihood of confusion and e.g. why you consider the respective marks or goods and/or services to be similar.**

The only word element of the mark being applied for is identical to the opponent's earlier EUTM No. 013054135 GLOBALONE. Further, the word element of the application is the distinctive and dominant element. It has been established by case law that when signs consist of verbal & figurative components, in principle, the verbal component of the sign usually has a stronger impact on the consumer than the figurative component. The marks are visually highly similar and phonetically and conceptually identical. Accordingly, there is an inevitable likelihood of confusion as a result of the visual similarities and the phonetic and conceptual identity. Therefore, the marks are virtually identical. Further, the goods and services of the application are identical, highly similar or complementary to those covered by the opponent's EU Trade Mark Application.



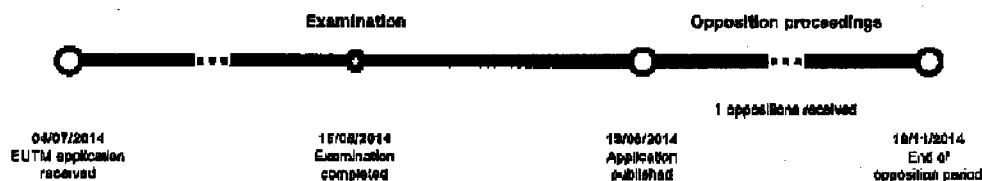


Protect your intellectual property in the European Union

## EUTM file information

**GLOBALONE****013054135**

## Timeline



## Trade mark information

Name	GLOBALONE	Filing date	04/07/2014
Filing number	013054135	Registration date	
Basis	EUTM	Expiry date	
Date of receipt	04/07/2014	Designation date	
Type	Word	Filing language	English
Nature	Individual	Second language	Italian
Nice classes	9, 16, 36 ( Nice Classification )	Application reference	M1126
Vienna Classification		Trade mark status	Application opposed
		Acquired distinctiveness	No

## Goods and services

English (en)



**9** Electronic payments gateway, for use in making payments by ecommerce, card-not-present, integrated point of sale terminals, virtual terminal and integrated API, credit card and debit card, chip/EMV, mobile applications for processing transactions by use of magnetically encoded card, chip cards, and near field communication cards, credit cards and debit cards; software to which payment applications or other software of Independent Software Vendors can be integrated in order to send financial transactions from a payment terminal for processing, electronic integration, operation and training manuals.

**16** Operational and training manuals.

**36** Multi-currency (MCP) enabled electronic payments gateway, capable of authorizing bankcard, non-bankcard, debit card, emv card not present and point of sale transactions in a cardholder's chosen local foreign currency, with settlement occurring to the merchant in multiple currencies, one-time and subscription billing options, hosted payment pages, tokenization - secure card storage, intelligent transaction routing; decline transaction salvage, access by virtual terminal (web based) or direct integration via standard API (provided to merchant/partner), web based real time reporting and reconciliation tools.

## Description

No entry

## Owners

## PIVOTAL PAYMENTS CORPORATION

ID	643643	Country	CA - Canada	Correspondence address	
Organisation	PIVOTAL PAYMENTS CORPORATION	State/county	Quebec	PIVOTAL PAYMENTS CORPORATION 1100 Boul. René-Lévesque West	Can be accessed and changed by authorised user via the User Area
Legal status	Legal entity	Town	Montreal,	9th Floor	
		Post code	H3B 4N4	Montreal, Quebec H3B 4N4 CANADA	Can be accessed and changed by authorised user via the User Area
		Address	1100 Boul. René- Lévesque West 9th Floor		Can be accessed and changed by authorised user via the User Area

## Representatives

### RAPISARDI INTELLECTUAL PROPERTY LIMITED

ID	34069	Country	GB - United Kingdom	Correspondence address	00 44-2074302998
Organisation	n/a	State/county	n/a	RAPISARDI INTELLECTUAL PROPERTY LIMITED 2A Collier House 163/169 Brompton Road London SW3 1PY REINO UNIDO	00 44-2074300165
Legal status	Legal person	Town	London		
Type	Association	Post code	SW3 1PY		rapisardi@rapisardi.com
		Address	2A Collier House 163/169 Brompton Road		

## Correspondence

	From	Procedure	Filing number	Subject	Date	Actions
		Appeal	R0498/2016-1	Communication of observations to appellant (inter partes).	03/08/2016	
		Appeal	R0498/2016-1	Acknowledgement of receipt of observations to respondent (inter partes).	03/08/2016	
		Appeal	R0498/2016-1	Letter to the EUIPO	01/08/2016	
		Appeal	R0498/2016-1	Acknowledgement of receipt of statement of grounds to appellant (inter partes).	04/06/2016	
		Appeal	R0498/2016-1	Communication of receipt of statement of grounds to respondent (inter partes).	03/06/2016	
		Appeal	R0498/2016-1	Letter to the EUIPO	02/06/2016	
		Appeal	R0498/2016-1	Miscellaneous	02/06/2016	
		Appeal	R0498/2016-1	Communication of the Registry to appellant	18/03/2016	
		Appeal	R0498/2016-1	Communication of the Registry to respondent	18/03/2016	
		Appeal	R0498/2016-1	Letter to the EUIPO	17/03/2016	

Showing 1 to 10 of 48 entries

## IR transformation

No entry

## Seniority

No entry

**Exhibition priority**

No entry

**Priority**

No entry

**Publications**

Bulletin number	Date	Section	Description
2014/153	19/08/2014	A.1	Applications published under article 40 EUTMR
2015/088	13/05/2015	C.2.1	Representative - Change of name and professional address
Showing 1 to 2 of 2 entries			

**Cancellation**

No entry

**Recordals**

Bulletin number	Date	Section	Filing number	Title	Publisk
			00874264B	Proprietor	Change of name and address
2015/088	13/05/2015	C.2.1	009505523	Representative	Change of name and professional address
Showing 1 to 2 of 2 entries					

**Oppositions**

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
002439068	18/11/2014	Likelihood of confusion	MARKANT Handels- und Service GmbH	WEICKMANN & WEICKMANN PATENTANWÄLTE - RECHTSANWALT PARTMBB	English	OP1192	Appealed	Class 9 Electronic payments gateway, for use in making payments by e-commerce, card-not-present, integrated point of sale terminals, virtual terminal and integrated API, credit card and debit card, chip/EMV, mobile applications for processing transactions by use of magnetically encoded card, chip cards, and near field communication cards, credit cards and debit cards; software to which payment applications or other software of Independent Software Vendors can be integrated in order to send financial transactions from a payment terminal for processing, electronic integration, operation and training manuals, Class 16 Operational and training manuals, Class

Filing number	Date	Grounds	Opponent	Representative	Language	Reference	Status	Extent of opposition
								36 Multi-currency (MCP) enabled electronic payments gateway, capable of authorizing bankcard, non-bankcard, debit card, emv card not present and point of sale transactions in a cardholder's chosen local foreign currency, with settlement occurring to the merchant in multiple currencies, one-time and subscription billing options, hosted payment pages, tokenization - secure card storage, intelligent transaction routing; decline transaction salvage, access by virtual terminal (web based) or direct integration via standard API (provided to merchant/partner), web based real time reporting and reconciliation tools.
Showing 1 to 1 of 1 entries								

## Appeals

	Filing number	Contested decision	Type	Date of receipt	Status date	Language
(*)	R0498/2016-1	Opposition 002439068	Opposition	15/03/2016	03/06/2016	English
Showing 1 to 1 of 1 entries						

## Decisions

	Case number	Type	Case	Legal status	Keywords	Status	Decision date
(*)	Opposition 002439068	Opposition	Article 6(1)(b) CTMR			EUTMA/IR refused	03/02/2016
Showing 1 to 1 of 1 entries							

## Renewals

No entry

## Trade mark relations

No entry