

**Notification of *ex-officio* provisional partial refusal of protection (Article 5 of the Madrid Protocol, Rule 17(1) and (2) of the Common Regulations under the Madrid Agreement and Protocol, and Article 33 EUTMR)**

Alicante, 05/11/2019

*International registration number:* **1453114**  
*Name of the holder:* **GSH TRADEMARKS LIMITED**  
*Trade mark:* **BIG MONEY**

Protection of the abovementioned mark is provisionally refused for the European Union for part of the goods and services (list here under).

**I. Grounds**

The Office has examined your application for a European Union trade mark, to ensure that it does not fall under any of the grounds for refusal established under Article 7 EUTMR.

**The sign**

The application consists of the word mark 'BIG MONEY'.

**Legal basis for the objection**

Article 7(1)(b) and (c) EUTMR

The sign you have applied for is partially ineligible for registration under Article 7(1)(b) and (c) and Article 7(2) EUTMR, because it describes certain characteristics of the services for which protection is sought, and it is also devoid of any distinctive character.

The services to which this objection applies are:

Class 35 *Business intermediary services relating to the matching of potential private investors with entrepreneurs needing funding; business management and organization consultancy; business organization consultancy; business management consultancy; professional business consultancy; business management of performing artists; business management of sports people; provision of an on-line marketplace for buyers and sellers of goods*

*and services; presentation of goods on communication media, for retail purposes; promotion of goods and services through sponsorship of sports events; negotiation and conclusion of commercial transactions for third parties; interim business management; business management for freelance service providers; business management of reimbursement programs for others; business efficiency expert services.*

Class 36 *Capital investment; financial consultancy; online banking; electronic funds transfer; banking; financing services.*

Class 41 *Production of radio and television programmes; organization of competitions [education or entertainment]; organization of lotteries; organization of sports competitions; television entertainment; providing television programs, not downloadable, via video-on-demand services; radio entertainment; entertainment services; production of shows.*

### *Descriptiveness*

The assessment of descriptiveness is based on how the relevant consumer would perceive the sign in relation to the goods and services for which protection is sought. In the present case, the relevant English-speaking consumer would understand the sign as having the following meaning: a large amount of money.

The abovementioned meaning of the words 'BIG' and 'MONEY' composing the trade mark can be supported by the following dictionary references:

**BIG MONEY** 'A large amount of money' (information extracted from the Cambridge Dictionary on 05/11/2019 at <https://dictionary.cambridge.org/dictionary/english/big-money>).

In the present case, the relevant consumers would perceive the sign as providing information that:

- some business-related services in Class 35 imply, involve or yield a large amount of money such as *business intermediary services relating to the matching of potential private investors with entrepreneurs needing funding; business management and organization consultancy; business organization consultancy; business management consultancy; professional business consultancy; business management of performing artists; business management of sports people; provision of an on-line marketplace for buyers and sellers of goods and services; presentation of goods on communication media, for retail purposes; promotion of goods and services through sponsorship of sports events; negotiation and conclusion of commercial transactions for third parties; interim business management; business management for freelance service providers; business management of reimbursement programs for others; business efficiency expert services.*
- some financial services in Class 36 imply the investment and/or the transfer of a large amount of money such as *capital investment; financial consultancy; online banking; electronic funds transfer; banking; financing services;*
- some services may entail the winning of a prize such as in a lottery or in a sport competition in Class 41, which represents a large amount of money. These may also be broadcasted on the radio or on the television or be part of a show, hence the inclusion of the aforesaid services in Class 41 in the present

objection letter.

Therefore, the sign describes the intended purpose and the subject matter of the services in question.

#### *Lack of distinctiveness*

Given that the sign has a clear descriptive meaning, it is also devoid of any distinctive character and therefore objectionable under Article 7(1)(b) EUTMR, as it is incapable of performing the essential function of a trade mark, which is to distinguish the goods or services of one undertaking from those of other undertakings.

Consequently, taken as a whole, the sign for which protection is sought is descriptive and devoid of any distinctive character, and is not capable of distinguishing the services to which an objection has been raised within the meaning of Article 7(1)(b) and (c) and Article 7(2) EUTMR.

## **II. Time Limit**

The holder of the international registration is hereby given a time limit of two months to overcome the ground for refusing protection indicated. Failure to do so will mean that after expiry of the time limit, the Office will render a decision in which it refuses the protection in whole or in part. Said decision may be appealed. The time limit of two months to reply to the present refusal will start on the day the present notification was issued by the Office [Article 193(2), (3) and (4) EUTMR]. Any such reply of the holder of the international registration shall be addressed to the EUIPO only.

If you do not submit any observations, the application will be rejected in part, namely for:

Class 35 *Business intermediary services relating to the matching of potential private investors with entrepreneurs needing funding; business management and organization consultancy; business organization consultancy; business management consultancy; professional business consultancy; business management of performing artists; business management of sports people; provision of an on-line marketplace for buyers and sellers of goods and services; presentation of goods on communication media, for retail purposes; promotion of goods and services through sponsorship of sports events; negotiation and conclusion of commercial transactions for third parties; interim business management; business management for freelance service providers; business management of reimbursement programs for others; business efficiency expert services.*

Class 36 *Capital investment; financial consultancy; online banking; electronic funds transfer; banking; financing services.*

Class 41 *Production of radio and television programmes; organization of competitions [education or entertainment]; organization of lotteries; organization of sports competitions; television entertainment; providing television programs, not downloadable, via video-on-demand services; radio entertainment; entertainment services; production of shows.*

The application will proceed accordingly for the following goods and services:

Class 16 *Fountain pens; aquarelles; albums; almanacs; mimeograph apparatus and machines; atlases; posters; banners of paper; forms, printed; note books; pamphlets; booklets; paper; wood pulp paper; copying paper [stationery]; parchment paper; rice paper; wrapping paper; signboards of paper or cardboard; newspapers; terrestrial globes; drawing sets; document holders [stationery]; pencil holders; page holders; galley racks [printing]; punches [office requisites]; magazines [periodicals]; pen clips; bookmarkers; periodicals; printed publications; paper shredders for office use; calendars; pencils; pictures; cardboard; geographical maps; catalogues; paintbrushes; glue for stationery or household purposes; books; comic books; drawing pins; envelopes [stationery]; boxes of paper or cardboard; drawing rulers; flyers; absorbent sheets of paper or plastic for foodstuff packaging; viscose sheets for wrapping; plastic bubble packs for wrapping or packaging; postage stamps; graphic prints; modelling materials; teaching materials [except apparatus]; sealing compounds for stationery purposes; stuffing of paper or cardboard; bookbinding material; packaging material made of starches; typewriters, electric or non-electric; garbage bags of paper or of plastics; bags [envelopes, pouches] of paper or plastics, for packaging; painters' easels; printing sets, portable [office requisites]; stickers [stationery]; paper knives [letter openers]; printed sheet music; numbering apparatus; bottle envelopes of paper or cardboard; covers [stationery]; musical greeting cards; greeting cards; conical paper bags; palettes for painters; folders for papers; papier mâché; modelling paste; pen cases; office perforators; seals [stamps]; clipboards; handkerchiefs of paper; desk mats; letter trays; bookends; stands for pens and pencils; photograph stands; obliterating stamps; towels of paper; writing cases [sets]; office requisites, except furniture; writing materials; school supplies [stationery]; printed matter; printed timetables; paper cutters [office requisites]; rubber erasers; marking pens [stationery]; penholders; place mats of paper; tablemats of paper; tablecloths of paper; paper clasps; document files [stationery]; scrapers [erasers] for offices; paper-clips; staples for offices; writing or drawing books; stationery; pencil sharpeners, electric or non-electric; cardboard tubes; chart pointers, non-electronic; manuals [handbooks]; flags of paper; photographs [printed]; ink; balls for ball-point pens; stamps [seals]; labels of paper or cardboard.*

Class 35 *Arranging subscriptions to telecommunication services for others; import-export agency services; commercial information agency services; advertising agency services; rental of advertising space; business auditing; financial auditing; employment agency services; outsourced administrative management for companies; demonstration of goods; opinion polling; market studies; commercial information and advice for consumers in the choice of products and services; business investigations; marketing research; consultancy regarding advertising communication strategies; consultancy regarding public relations communication strategies; marketing; marketing in the framework of software publishing; targeted marketing; scriptwriting for advertising purposes; updating and maintenance of information in registries; organization of exhibitions for commercial or advertising purposes; design of advertising materials; business appraisals; administrative assistance in responding to calls for tenders; business management assistance; web indexing for commercial or advertising purposes; sales promotion for others; production of teleshopping programmes; production of advertising films; rental of*

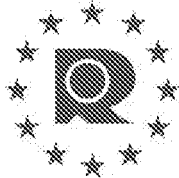
advertising time on communication media; publicity material rental; publication of publicity texts; radio advertising; dissemination of advertising matter; on-line advertising on a computer network; television advertising; negotiation of business contracts for others; compiling indexes of information for commercial or advertising purposes; telemarketing services; psychological testing for the selection of personnel; commercial administration of the licensing of the goods and services of others; administration of consumer loyalty programs; administration of frequent flyer programs; public relations; market intelligence services.

Class 36 Credit bureau services; debt collection agency services; real estate agency services; financial analysis; rental of offices for co-working; rental of real estate; lease-purchase financing; insurance information; financial information; debt advisory services; factoring; organization of collections; real estate appraisal; art appraisal; financial appraisals in responding to calls for tenders; financial evaluation [insurance, banking, real estate]; surety services; real estate brokerage; providing financial information via a web site; financial sponsorship; insurance underwriting; real estate management; financial management of reimbursement payments for others; trusteeship; bail-bonding; fiscal valuation.

Class 41 Booking of seats for shows; videotaping; production of music; publication of books; education information; recreation information; entertainment information; movie studio services; health club services [health and fitness training]; nightclub services [entertainment]; layout services, other than for advertising purposes; microfilming; videotape editing; screenplay writing; practical training [demonstration]; correspondence courses; training services provided via simulators; organization of exhibitions for cultural or educational purposes; providing recreation facilities; arranging and conducting of colloquiums; arranging and conducting of congresses; arranging and conducting of conferences; arranging and conducting of concerts; arranging and conducting of workshops [training]; arranging and conducting of in-person educational forums; arranging and conducting of seminars; arranging and conducting of symposiums; organization of cosplay entertainment events; vocational guidance [education or training advice]; providing on-line videos, not downloadable; providing on-line music, not downloadable; providing films, not downloadable, via video-on-demand services; cinema presentations; presentation of circus performances; presentation of live performances; theatre productions; conducting guided climbing tours; conducting fitness classes; educational examination; film production, other than advertising films; rental of audio equipment; rental of videotapes; rental of sound recordings; rental of cinematographic apparatus; rental of motion pictures; rental of radio and television sets; electronic desktop publishing; on-line publication of electronic books and journals; publication of texts, other than publicity texts; entertainer services; writing of texts; news reporters services; party planning [entertainment]; translation; scriptwriting, other than for advertising purposes; ticket agency services [entertainment]; coaching [training]; sport camp services; recording studio services; photographic reporting; timing of sports events.

Class 45 Detective agency services; arbitration services; leasing of Internet domain names; legal research; intellectual property consultancy; physical security consultancy; legal advice in responding to requests for proposals [RFPs]; monitoring intellectual property rights for legal advisory purposes;

*monitoring of burglar and security alarms; licensing of intellectual property; licensing of computer software [legal services]; licensing [legal services] in the framework of software publishing; inspection of factories for safety purposes; registration of domain names [legal services]; personal background investigations; copyright management; legal administration of licences; alternative dispute resolution services; legal document preparation services; on-line social networking services; legal services in relation to the negotiation of contracts for others; legal watching services.*



**Fabrice ROBERTS**