



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

Your Reference:
International Registration No:
WO0000001281232
Examiner: Annmarie Canniff
Direct Telephone: +44(0)1633811036
Date: 04 May 2016

Intl Reg No: WO0000001281232
Mark: ONE MORE THING
Holder: SWATCH AG (SWATCH SA)(SWATCH LTD.)
Class(es): 9, 14

**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 of the International Registration.

Please find attached a copy of the 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 and **return it to this office** within **two months** of the date of this letter, that is on or before 4 July 2016. This period cannot be extended, except in the circumstances described below. The holder should note that failure to file a 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 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

The 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 within this two month period.

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

Yours faithfully

Annmarie Canniff

Trade Marks Registry



Intellectual
Property
Office

M5-IP0-FAX
15/APR/2016

Form TM7

Notice of opposition and statement of grounds

J765394/ 0001 D04980 TM07.....
18APR16 200.00 ACCOUNT 0P000406449

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.

1. Trade mark number

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"

WO0000001281232

2. Full name of applicant/holder

Whose trade mark you are opposing

SWATCH AG (SWATCH SA)(SWATCH LTD.)

3. Full name of opponent

Person opposing the trade mark

Apple Inc

Address

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 these regions and complete section 4 below

1 Infinite Loop

Cupertino

California

United States

Postcode 95014

Email address

Complete if you have no representative and would like us to correspond with you by email

4. Representative name

If you have no representative, go to section 5.

Locke Lord LLP

Address

The address provided in this section must be in the UK, European Economic Area (EEA) or the Channel Islands.

201 Bishopsgate

London

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

Postcode EC2M 3AB

Email address

Complete if you would like us to correspond with you by email

UKTrademark@lockelord.com

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]

11 March 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



Name

(BLOCK CAPITALS)

BEN HITCHENS

Date

15 April 2016

8. Your reference

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

1476466.04187

Contact details

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

Ben Hitchens

020 7861 9271

Number of sheets attached to this form

Checklist

Please make sure you have remembered to:

- ☐ Sign and date the form
- ☐ Complete fee sheet (Form FS2)
- ☐ 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
NP10 8QQ

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**

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

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

ABOUT THE EARLIER UNREGISTERED TRADE MARK

Representation of your trade mark

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

ONE MORE THING

Q1. When and where was the earlier right first used in the UK?

Date used:

Enter date of first use

1998

Where used:

Enter name of city/region or specify
'throughout UK' if used nationally

Throughout UK

Q2. On which goods or services has the earlier right been used for?

Please see Annex 2

DETAILS OF THE TRADE MARK YOU ARE OPPOSING

Q3. For which goods or services (of the application that you are opposing) do you consider that use of the applicant's mark would amount to passing off?

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

Q4. Why would use of the applicant's trade mark be contrary to law, particularly the law of passing off?

Please see attached statement of grounds.

SECTION D: Opposition is based on section 3 of the Trade Marks Act on the basis that the trade mark fails to satisfy certain requirements of a trade mark.

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

Please tick and complete the relevant section(s) that apply. (Use a continuation sheet if necessary)

☐

3(1)(a) It is a sign that does not satisfy the requirements of section 1(1) because:

☐

3(1)(b) It is a trade mark that is devoid of any distinctive character because:

☐

3(1)(c) It is a trade mark which consists exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods or rendering of services, or other characteristics of goods or services because:

☐

3(1)(d) It is a trade mark which consists exclusively of signs or indications which have become customary in the current language or in the bona fide and established practices of the trade because:



3(6) It is a trade mark which should not be registered for some or all of the goods and services in the application as the application was made in bad faith:

Please see attached statement of grounds.



Other State any other part of section 3 you rely on and give your grounds:

State which of the applicant's goods or services you oppose under Section 3 grounds



All goods and services

Some goods and services (please specify below, use a continuation sheet if necessary)

TRADE MARKS ACT 1994

IN THE MATTER OF International
Registration No. 1281232 designating the
United Kingdom in Classes 9 and 14 ("the
Application") in the name of SWATCH
AG (SWATCH SA)(SWATCH LTD.)
("the Applicant")

AND

Opposition thereto by Apple Inc. ("the
Opponent")

Annex 1

STATEMENT OF GROUNDS

- 1 The Opponent is a world-renowned computer and consumer electronics company producing personal computers and a wide variety of associated hardware, computer software, digital music and/or video players and other consumer electronic devices. In addition, the Opponent provides a broad range of computer and telecommunication services.
- 2 The sign ONE MORE THING (the "Sign") was applied for as an International Registration by the Applicant on 24 November 2015, designating the United Kingdom as Trade Mark number 1281232 (the "Application"). The Opponent is the proprietor of the earlier rights set out in the Notice of Opposition for the mark ONE MORE THING (the "Earlier Rights") which are identical to the Sign.
- 3 The Opponent is the proprietor of the Earlier Rights which are and have been used in the course of trade in the United Kingdom as indicating the goods and/or services of the Opponent since at least as early as 1998. Through the Opponent's extensive use of the Earlier Rights, including within the United Kingdom, the ONE MORE THING sign has generated significant goodwill, which has inured to the benefit of the Opponent (further details of the Opponent's goodwill are outlined in paragraph 7 below). As such, the Applicant's use of an identical sign in relation to goods which are identical to those for which the Earlier Rights have been used constitutes a misrepresentation that the goods offered thereunder originate from the Opponent. Further and in the alternative, the Applicant's use/registration of the Sign will cause

consumers to believe mistakenly that the parties have engaged in a commercial arrangement under which use of the Earlier Rights have been licensed to the Applicant. The Applicant's misrepresentation will go on to cause damage to the Earlier Rights, including by way of lost profits. Furthermore, because of the reputation that the Opponent enjoys, any use by the Applicant of the Sign in the course of trade in connection with the relevant goods at the date of the Application would have traded on the notoriety of the Earlier Rights. In addition, due to the fame subsisting in the Earlier Rights, any unlicensed use of those rights by third parties is likely to dilute their distinctive character, causing damage to the Opponent. Therefore, the trade mark applied for offends the provisions of Section 5(4)(a) of the Trade Marks Act 1994.

4 Further and in the alternative, the Applicant has filed the Application in bad faith and therefore offends section 3(6) of the Act. According to the case law of the High Court of Justice (Chancery Division), the First Board of Appeal of the EUIPO and the Court of Justice of the European Union, the definition of bad faith will encompass a range of conduct:

- i. Bad faith includes not only dishonestly, but also *"some dealings which fall short of the standards of acceptable commercial behaviour observed by reasonable and experienced men in the particular area being examined"* (Gromax Plasticulture Ltd v Don & Low Nonwovens Ltd [1999] RPC 367 at paragraph 379, as cited in Hotel Cipriani SRL, v Cipriani (Grosvenor Street) Limited [2008] EWHC 3032 (Ch) ("Cipriani") at paragraph 166);
- ii. *"Bad faith may be defined as referring to the state of someone, who knowingly by doing something contrary to accepted principles of ethical behaviour or honest commercial and business practices, gains an unjust advantage or causes unjust damage to others"* (First Board of Appeal in Johnson Pump AB v Johnson Pump (UK) Ltd (case R255/2006-1, 31 May 2007), as cited in Cipriani at paragraph 171);
- iii. *"[...] in order to determine whether there was bad faith, consideration must also be given to the applicant's intention at the time when he files the application for registration."*

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

5 The Opponent is a world-renowned computer and consumer electronics company producing personal computers and a wide variety of associated hardware, computer

software, digital music and/or video players and other consumer electronic devices. In addition, the Opponent provides a broad range of computer and telecommunication services. In April 2015 the Opponent released its widely anticipated wrist watch offering, the Apple Watch, which further enhanced the Opponent's reputation around the world, including the United Kingdom. As a result of its extensive sales of goods/services falling into the category above, the general public throughout the United Kingdom will be extremely familiar with the Opponent and its activities.

- 6 As will be established in more detail in the Opponent's evidence, since at least as early as 1998, when the tradition was started by Apple's then CEO, Steve Jobs, the mark ONE MORE THING has been used to promote new releases announced by Apple at events such as the Worldwide Developers Conference, Macworld and Apple Expos. A typical Stevenote began with Mr. Jobs presenting sales figures for Apple products and a review of products released during the past few months. He then presented one or more new products. Reminiscent of Peter Falk's Columbo, he typically feigned some concluding remarks, turned as if to leave the stage and turned back, saying "But there's one more thing". The tradition of Stevenotes and most notably ONE MORE THING was continued by Mr. Tim Cook, Apple's current CEO, who still uses the phrase to this date.
- 7 Notably, the "One more thing..." slogan was featured at the following Apple product launches and events:
- Apple's return to profitability at MacWorld Expo San Francisco 1998
 - iMac in colours at MacWorld San Francisco 1999
 - 22-inch Apple Cinema Display at Seybold 1999
 - AirPort base station and card after iBook introduction at MacWorld Expo New York 1999
 - iMac DV, iMovie, and iMac DV special edition, October 1999
 - At MacWorld SF 2000, Aqua was introduced. Jobs announced that he would continue at Apple permanently, dropping the "i" (for "interim") from "iCEO"
 - Power Mac G4 Cube at MacWorld NY 2000
 - PowerBook G4 at MacWorld San Francisco 2001

- 17-inch iMac G4 at MacWorld New York 2002
- Power Mac G5 at WWDC 2003
- 12-inch Aluminium PowerBook G4 at MacWorld 2003
- iPod Mini at MacWorld 2004
- iPod Shuffle at MacWorld 2005
- Fifth-generation iPod with video, announced at a press conference entitled "One more thing..."
- MacBook Pro at Macworld Expo 2006
- Movie sales at the iTunes Store in September 2006; a second "One more thing..." in the same presentation unveiled iTV (renamed Apple TV at Macworld 2007). A third "One More Thing..." introduced a live performance of "Waiting for the World to Change" by John Mayer.
- Safari for Windows beta at WWDC 2007
- Aluminum Unibody MacBook, October 2008
- Video camera and speaker in fifth-generation iPod Nano at the Apple Music Event in September 2009
- FaceTime video calling for the iPhone 4 at WWDC 2010
- Second-generation Apple TV running on iOS at the September 2010 Apple Music Event
- Revised MacBook Air at a press event, "Back to the Mac", in October 2010
- iTunes Match service at WWDC 2011
- Apple Watch announcement in 2014 by Tim Cook

- Apple Music at WWDC 2015 by Tim Cook.

- 8 Therefore the mark ONE MORE THING has been used by Steve Jobs, Tim Cook and Apple in relation to a broad range of products, including the Apple Watch, continuously since at least as early as 1998.
- 9 As explained above, *"Bad faith may be defined as referring to the state of someone, who knowingly by doing something contrary to accepted principles of ethical behaviour or honest commercial and business practices, gains an unjust advantage or causes unjust damage to others"*. It is clear that as a result of the significant publicity generated, the ONE MORE THING mark has become extremely well-known to consumers, including within the UK, to the extent that it is indelibly linked with the Opponent and its products. It is therefore inconceivable that an organisation as large as the Applicant, which operates in the same geographical spheres as Apple (and increasingly in the same commercial sectors), would not have been aware of the existence and fame of the ONE MORE THING mark. In full knowledge of Apple's reputation in the ONE MORE THING mark, the Applicant has sought to hijack that mark for its own benefit, either to parody Apple, divert trade from Apple or make use of the reputation subsisting in that mark. The Applicant's conduct therefore evidently *"fall[s] short of the standards of acceptable commercial behaviour observed by reasonable and experienced men in the particular area being examined"*.
- 10 The Applicant has also recently filed International Registration Numbers 1280843 and 1279757 for TICK DIFFERENT, which are designed to allude to, or cause confusion with, the mark THINK DIFFERENT, which has been associated with Apple for many years. The mark THINK DIFFERENT was used originally by Apple in conjunction with an extremely famous and successful advertising campaign launched in 1997. The THINK DIFFERENT mark was used extensively in connection with Apple's marketing of its various products, featuring in a broad range of media, as well as on Apple's products themselves and its website. The advertising campaign was a significant success, and has been described as Apple's re-emergence as a marketing powerhouse. In the years leading up to the ad Apple had lost market share to the Wintel ecosystem which offered lower prices, more software choices, and higher-performance CPUs. The success of the "Think Different" campaign bolstered the Apple brand and re-established the "counter-culture" aura of its earlier days, setting the stage for the immensely successful iMac personal computer and later the Mac OS X operating system. In addition, since 2009, the packaging for iMac computers has included the branding "Think Different". Apple's ongoing use of the THINK DIFFERENT mark over many years has resulted in the phrase becoming unequivocally associated with Apple by consumers. As such, in combination with the Application, the Opponent will rely on these additional applications as evidence of the Applicant's state of mind, namely the act of filing the Application in full knowledge of

Apple's rights for a purpose that falls short of the standards of acceptable commercial behaviour.

- 11 The authorities on this point are clear, where a mark is filed in full knowledge of a strikingly similar or identical earlier mark, that application will be deemed to have been made in bad faith. The Applicant's course of conduct and its attempted registration of other well-known Apple marks merely confirms that its behaviour falls short of acceptable commercial standards.
- 12 In view of the above, the Opponent requests the refusal of the Application.
- 13 The Opponent also requests an award of costs in these proceedings.

LOCKE LORD (UK) LLP

15 April 2016

TRADE MARKS ACT 1994

IN THE MATTER OF International
Registration No. 1281232 designating the
United Kingdom in Classes 9 and 14 ("the
Application") in the name of SWATCH
AG (SWATCH SA)(SWATCH LTD.)
("the Applicant")

AND

Opposition thereto by Apple Inc. ("the
Opponent")

Annex 2

Goods and services for which the Earlier Marks are used in the course of trade, are well known and have reputation.

Class 9

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission and/or reproduction of sound or images or other data; magnetic data carriers; recording discs; cash registers, calculating machines, data processing equipment; apparatus, instruments and materials for transmitting and/or receiving and/or recording sound and/or images; downloadable audio and video recordings featuring music, comedy, drama, action, adventure and/or animation; computers, tablet computers, computer terminals, computer peripheral devices; computer hardware; computer networks; facsimile machines, answering machines, telephone-based information retrieval software and hardware; adapters, adapter cards, connectors and drivers; blank computer storage media; fonts, typefaces, type designs and symbols in the form of recorded data; chips, discs and tapes bearing or for recording computer programs and software; random access memory, read only memory; solid state memory apparatus; electronic communication equipment and instruments; telecommunications apparatus and instruments; telecommunications equipment, apparatus and instruments; computer and electronic games; computer software and computer hardware apparatus with multimedia and interactive functions; computer gaming machines; microprocessors, memory boards, monitors, displays, keyboards, cables, modems, printers, videophones, disk drives; central processing units; circuit boards; integrated circuits; magnetic, optical, and electronic data storage materials and devices; computer memory devices; blank computer storage media; solid-

state data storage devices; user manuals in electronically readable, machine readable or computer readable form for use with, and sold as a unit with, all the aforementioned goods; apparatus for data storage; hard drives; miniature hard disk drive storage units; pre-recorded vinyl records, audio tapes, audio-video tapes, audio video cassettes, audio video discs; audio tapes for sale with booklets; sound, video and data recordings; CD-ROMs; digital versatile discs; mouse pads; batteries; rechargeable batteries; chargers; chargers for electric batteries; headphones; stereo headphones; in-ear headphones; stereo speakers; audio speakers; audio speakers for home; monitor speakers; speakers for computers; personal stereo speaker apparatus; radio receivers, amplifiers, sound recording and reproducing apparatus, electric phonographs, record players, high fidelity stereo apparatus, tape recorders and reproducing apparatus, loudspeakers, multiple speaker units, microphones; digital audio and video players with multimedia and interactive functions; accessories, parts, fittings, and testing apparatus for all the aforementioned goods; digital audio and video devices; audio cassette recorders and players, video cassette recorders and players, compact disc players, digital versatile disc recorders and players, digital audio tape recorders and players; radios; audio, video, and digital mixers; radio transmitters; car audio apparatus; global positioning systems; navigation apparatus for vehicles (on board computers); cameras; video cameras; bags and cases adapted or shaped to contain cameras and/or video cameras; telephones; cordless telephones; mobile telephones; parts and accessories for mobile telephones; mobile telephone covers; mobile telephone cases; mobile telephone cases made of leather or imitations of leather; mobile telephone covers made of cloth or textile materials; portable digital electronic devices for data processing, information processing, storing and displaying data, transmitting and receiving data, transmission of data between computers, and software related thereto; handheld digital electronic devices for data processing, information processing, storing and displaying data, transmitting and receiving data, transmission of data between computers, and software related thereto; digital music and/or video players; MP3 and other digital format audio players; hand held computers, personal digital assistants, electronic organizers, electronic notepads; handheld and mobile digital electronic devices for the sending and receiving of telephone calls, faxes, electronic mail, video, instant messaging, music, audiovisual and other multimedia works, and other digital data; global positioning system (GPS) devices, telephones; handheld and mobile digital electronic devices for the sending and receiving telephone calls, faxes, electronic mail, and other digital media; bags and cases adapted or shaped to contain digital music and/or video players, hand held computers, personal digital assistants, electronic organizers and electronic notepads; holders, straps, armbands, lanyards and clips for portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, audio, image and video files; computer software; computer programs; pre-recorded computer programs for personal information management, database management software, character recognition software, telephony management software, electronic mail and messaging software, paging software, mobile telephone software; database synchronization software, computer programs for accessing, browsing and searching online databases, computer software for use in connection with online music subscription service, software that enables users to play and program music and entertainment-related audio, video, text and multi-media content, software featuring

musical sound recordings, entertainment-related audio, video, text and multi-media content, computer software and firmware for operating system programs, data synchronization programs, and application development tool programs for personal and handheld computers; computer software for authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, displaying, storing and organizing text, graphics, images, and electronic publications; downloadable electronic publications in the nature of books, plays, pamphlets, brochures, newsletters, journals, magazines, and periodicals on a wide range of topics of general interest; computer hardware and software for providing integrated telephone communication with computerised global information networks; electronic handheld devices for the wireless receipt, storage and/or transmission of data and messages, and electronic devices that enable the user to keep track of or manage personal information; software for the redirection of messages, Internet e-mail, and/or other data to one or more electronic handheld devices from a data store on or associated with a personal computer or a server; computer software for the synchronization of data between a remote station or device and a fixed or remote station or device; sound effect apparatus and instruments (computer software); electronic tone generators (computer software); computer desktop utility software; screen saver software; software for detecting, eradicating and preventing computer viruses; software for data encryption; software for analysing and recovering data; software for computer system backup, data processing, data storage, file management and database management; software for telecommunication and communication via local or global communications networks, including the Internet, intranets, extranets, television, mobile communication, cellular and satellite networks; software for creating and delivering electronic greeting cards, messages and electronic mail; software for web design, creation, publishing and hosting; software for access to communications networks including the Internet; instructional material relating to the foregoing; computer disk holders; computer equipment for use with all of the aforesaid goods; electronic apparatus with multimedia functions for use with all of the aforesaid goods; electronic apparatus with interactive functions for use with all of the aforesaid goods; accessories, parts, fittings, and testing apparatus for all of the aforesaid goods; covers, bags and cases adapted or shaped to contain all of the aforesaid goods, made of leather, imitations of leather, cloth, or textile materials.

Class 14

Horological and chronometric instruments; watches; clocks; timepieces; chronographs for use as timepieces; chronometers; watchstraps; watch bands; cases for watches, clocks, and horological and chronometric instruments; parts for watches, clocks, and horological and chronometric instruments; jewelry.

Class 16

Paper, cardboard and goods made from these materials, not included in other classes; printed matter; photographs; stationery; stickers; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printed matter in the field of

computers; printed matter in the field of tablet computers; printed matter in the field of multi-media products, interactive products and online services; printed publications; books; magazines; newsletters; periodicals; brochures; booklets; pamphlets; manuals; journals; leaflets; greeting cards; advertising and promotional material; catalogues; catalogues relating to computer software; computer brochures; computer handbooks; computer hardware publications; computer hardware reference manuals; computer hardware users guide; computer instruction manuals; computer manuals; publications relating to technology, digital technology and gadgets; catalogues relating to musical apparatus and instruments; catalogues relating to telecommunications apparatus, mobile phones, handheld and mobile digital electronic devices for the sending and receiving of telephone calls, faxes, electronic mail, video, instant messaging, music, audiovisual and other multimedia works, and other digital data; music books; music instruction manuals; music magazines; desk accessories, telephone and address books, agendas, diaries, calendars, posters, mounted and unmounted photographs, display materials, decals and bumper stickers; booklets for sale with audio tapes; parts and fittings for the aforesaid goods.

Class 38

Telecommunications; communication and telecommunication services; telecommunication access services; communications by computer; communications by tablet computer; communication between computers; electronic sending of data and documentation via the Internet or other databases; supply of data and news by electronic transmission; providing access to websites and electronic news services online allowing the download of information and data; providing access to web sites on the Internet; serving and transmitting audio, video, multimedia, and advertising content to computers, mobile telephones, media players, and other mobile digital devices; delivery of digital music by telecommunications; providing temporary internet access to use on-line non-downloadable software to enable users to program audio, video, text and other multimedia content, including music, concerts, videos, radio, television, news, sports, games, cultural events, and entertainment-related programs; providing wireless telecommunications via electronic communications networks; wireless digital messaging, paging services, and electronic mail services, including services that enable a user to send and/or receive messages through a wireless data network; one-way and two-way paging services; communication by computer, computer intercommunication; telex, telegram and telephone services; broadcasting or transmission of radio and television programmes; time sharing services for communication apparatus; provision of telecommunications access and links to computer databases and the Internet; electronic transmission of streamed and downloadable audio and video files via computer and other communications networks; webcasting services (transmission); delivery of messages by electronic transmission; provision of connectivity services and access to electronic communications networks, for transmission or reception of audio, video or multimedia content; provision of telecommunications connections to electronic communication networks, for transmission or reception of audio, video or multimedia content; providing access to digital music web sites on the Internet; providing access to MP3 web sites on the Internet; delivery of digital music by telecommunications; provision of telecommunications

connections to the Internet or computer databases; providing user access to the Internet (service providers); electronic mail services; telecommunication of information (including web pages), computer programs and any other data; video broadcasting, broadcasting pre-recorded videos featuring music and entertainment, television programs, motion pictures, news, sports, games, cultural events, and entertainment-related programs of all kinds, via a global computer network, computer and other communications networks; streaming of video content via a global computer network; subscription audio broadcasting via a global computer network; audio broadcasting; audio broadcasting of spoken word, music, concerts, and radio programmes; streaming of audio content via a global computer network; electronic transmission of audio and video files via communications networks; communication services, namely, matching users for the transfer of music, video and audio recordings via communication networks; electronic bulletin board services; providing computer bulletin board in the fields of music, video, film, books, television, games and sports; providing on-line bulletin boards for the transmission of messages among computer users concerning entertainment, music, concerts, videos, radio, television, film, news, sports, games and cultural events; rental and hire and leasing of communication apparatus and electronic mail-boxes; electronic news services; electronic communications consultancy; facsimile, message collection and transmission services; transmission of data and of information by electronic means, computer, cable, radio, teleprinter, teletext, electronic mail, telecopier, television, microwave, laser beam, communications satellite or electronic communication means; transmission of data by audio-visual apparatus controlled by data processing apparatus or computers; provision of access time to web-sites featuring multimedia materials; providing access to databases and directories via communications networks for obtaining data in the fields of music, video, film, books, television, games and sports; providing users with access time to electronic communications networks with means of identifying, locating, grouping, distributing, and managing data and links to third-party computer servers, computer processors and computer users; organizing and conducting video conferences; provision of access time to web-sites featuring multimedia materials; providing users with access time to electronic communications networks with means of identifying, locating, grouping, distributing, and managing data and links to third-party computer servers, computer processors and computer users; providing computer data bases in the nature of a bulletin board in the fields of music, video, film, books, television, games and sports; providing an online searchable database of text, data, image, audio, video and multimedia content in the fields of telecommunications, mobile phones; providing temporary internet access to use on-line non-downloadable software to enable users to program audio, video, text and other multimedia content, including music, concerts, videos, radio, television, news, sports, games, cultural events, and entertainment-related programs; information, advisory and consultancy services relating to all the aforesaid.

Class 41

Education; providing of training; entertainment; sporting and cultural activities; educational and entertainment services; entertainment and educational services, namely, providing text, video, audio, and multimedia materials; entertainment services, namely, providing computer

games; entertainment and educational services, namely, providing electronic books, magazines, newspapers, journals, periodicals, and other publications; entertainment and educational services, namely, providing information, databases, directories, and podcasts in the fields of entertainment, news, current events, history, sports, games, the media, cultural events and activities, hobbies, publications; entertainment and educational services, namely, live performances, sporting events, cultural events, and lectures; provision of electronic publications (not downloadable); providing on-line electronic publications; publication of electronic books and journals on-line; providing publications from a global computer network or the Internet which may be browsed; computer-based and computer-assisted educational, teaching, and training services; computer assisted education services; computer assisted teaching services; computer assisted training services; computer based educational services; tablet computer assisted teaching services; tablet computer assisted training services; tablet computer based educational services; education services, providing of training, instruction and entertainment relating to computers, tablet computers, computer software, multimedia products, interactive products and online services, telecommunications apparatus, mobile phones, handheld and mobile digital electronic devices for the sending and receiving of telephone calls, faxes, electronic mail, video, instant messaging, music, audiovisual and other multimedia works, and other digital data, and distributing course materials therewith; education and training services, namely, conducting classes, workshops, and seminars in the field of computers, tablet computers, computer software, online services, information technology, internet website design, music, photography and video products and consumer electronics; arranging professional workshop and training courses; computer education training services; training in the use and operation of computers, tablet computers, computer software and consumer electronics; education services relating to online exhibitions and displays and interactive exhibits in the fields of computers, computer software, computer peripherals, portable and/or electronic devices, online services, high technology, communications, information technology, information services, music, entertainment and publishing; production of radio, television and Internet broadcasts of exhibitions; editing of audio-tapes; editing of cine-films; editing of video-tapes; editing of written text; film editing (photographic); videotape editing; digital imaging services; providing digital music (not downloadable) from MP3 web sites on the Internet; providing digital music (not downloadable) from the Internet; arranging and conducting of commercial, trade and business conferences; organising and conducting exhibitions, workshops, seminars, training and conferences; publication of printed matter and of instructional and teaching materials; entertainment in relation to contests, competitions, quizzes and lotteries; gaming and gambling services; organisation and presentation of contests, competitions, games, quizzes and lotteries; electronic contests, competitions, games, quizzes and lotteries provided by means of the Internet or on-line from a computer database or network; electronic publishing services; providing downloadable pre-recorded music and video for a fee or pre-paid subscription via the Internet or pre-bundled with computing devices; electronic games services provided by means of the Internet; providing computer databases in the fields of music, video, film, books, television, games and sports; entertainment services in the nature of musical, video, audio-video, and textual materials, namely books, plays, pamphlets, brochures, newsletters, journals, and magazines, on the subjects of

sporting and cultural activities and a wide range of topics of general interest offered in-person and distributed over computer networks; providing electronic publications for browsing and downloading over computer networks, namely books, pamphlets, brochures, newsletters, journals, and magazines, on the subjects of computer hardware and software applications, telecommunications apparatus, mobile phones, handheld and mobile digital electronic devices for the sending and receiving of telephone calls, faxes, electronic mail, video, instant messaging, music, audiovisual and other multimedia works, and other digital data, and a wide range of topics of general interest; providing databases and directories via communications networks for obtaining data in the fields of music, video, film, books, television, games and sports; providing on-line facilities, via a global computer network, to enable users to program the scheduling of audio, video, text and other multimedia content, including music, concerts, videos, radio, television, news, sports, games, cultural events, and entertainment-related programs as they will be aired; providing an online searchable database of text, data, image, audio, video, and multimedia content in the field of entertainment featuring music, video, film, books, periodicals, television, games, and sports; providing an online searchable database of text, data, image, audio, video and multimedia content in the fields of consumer electronics; information, advisory and consultancy services relating to all the aforesaid.

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M5-IPO-FAX
15/APR/2016

15 April 2016

Your ref

Our ref BFA/BH/1476466/04187

Dear Sirs

Apple Inc, Opposition to International Registration No. 1281232 ONE MORE THING designating the United Kingdom in Classes 9 and 14 in the name of SWATCH AG (SWATCH SA)(SWATCH LTD.)

We write in relation to the above-referenced matter.

We attach a notice of opposition with statement of grounds and accompanying fee sheet for your attention.

We look forward to receiving confirmation that our opposition has been found admissible.

Yours faithfully,

Locke Lord (UK) LLP

Locke Lord (UK) LLP

Enc. Form TM7 - Notice of opposition
Annex 1 - Statement of Grounds
Annex 2
Fee sheet

EUR 16573285.1

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