

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NUMBER 2138169
BY GARY STEVEN BERLYN TRADING AS REPLAY PROMOTIONS
TO REGISTER A TRADE MARK IN CLASS 35**

AND

**IN THE MATTER OF OPPOSITION THERETO UNDER
NUMBER 48083 BY FASHION BOX SpA**

TRADE MARKS ACT 1994

**IN THE MATTER OF Application Number 2138169
by Gary Steven Berlyn Trading as Replay Promotions
to register a Trade Mark in Class 35**

and

**IN THE MATTER OF Opposition thereto under
Number 48083 by Fashion Box SpA**

BACKGROUND

1. On 7 July 1997, Gary Steven Berlyn trading as Replay Promotions applied to register the trade mark REPLAY PROMOTIONS in Class 35 for a specification of: "Promotional services; business consultancy; publicity and advertising services."
2. The application was accepted by the Registrar and published in the Trade Marks Journal. On 21 January 1998, Fashion Box SpA filed a Notice of Opposition against the application stating that the opponent is the registered proprietor of Community Trademark Application Numbers 000519819 (REPLAY COUNTRY STORE) and 000520080 (REPLAY), both filed on 18 April in respect of goods and services, including services in Class 35. Since the filing of the Opposition, No 000519819 (Replay Country Store) has been registered as a Community Trade Mark, the date of registration being 6 November 2000. Details on these marks are at Annex One to this decision. Furthermore, the opponents point out that they are the proprietors of UK trade mark registrations number: 1201267 (REPLAY; Class 25); 1339509 (REPLAY plus device, Class 25); 1487705 (REPLAY, Class 3); 1487706 (REPLAY, Class 9); 1487707 (REPLAY, Class 14); 1487709 (REPLAY, Class 18); 1551752 (REPLAY, Class 25); and 2020579 (REPLAY GAZETTE, Class 16). Details of these registrations are at Annex two to this decision.

In summary the grounds of opposition were:

- (i) Under Section 5(2)(b) of the Act because the mark applied for is confusingly similar to the opponent's application and registrations mentioned above which cover the same services and similar goods/services.
- (ii) Under Section 5(3) of the Act because the trade mark applied for is similar to the opponent's application and registrations and that these earlier trade marks have a reputation in the United Kingdom is that use of the applicant's mark without due course would take unfair advantage of or be detrimental to the distinctive character and repute of the earlier mark.

- (iii) Under Section 5(4)(a) of the Act because use of the mark applied for would be liable to be prevented by the law of passing off.
- (iv) Under Section 3(1)(a) and Section 3(1)(b) of the Act as the mark applied for is not capable of distinguishing the applicant's services and is devoid of distinctive character.
- (v) Under Section 3(3)(b) of the Act in that use of the mark applied for by the applicant following registration would result in deception on the part of the public.
- (vi) Under Section 3(6) of the Act by reason of the application being made in bad faith.

3. The applicant filed a counterstatement denying the above grounds. Both sides have filed evidence and have asked for an award of costs in their favour. The matter came to be heard on 25 June 2001 when the applicants for registration were represented by Mr Walters of Trade Mark Consultants Co and the opponents by Ms Clark of Counsel instructed by Marks & Clerk.

Opponent's Evidence

4. This consists of a statutory declaration by Attilio Biancardi dated 21 October 1998. Mr Biancardi is Managing Director of Fashion Box SpA, a position he has held since 1992. Firstly, he draws attention to Exhibit AB1 to his declaration which consists of a Company Profile showing that Fashion Box is primarily a "fashion house" dealing in clothing under the REPLAY trade mark.

5. Mr Biancardi states that goods bearing the trade mark REPLAY have been sold by his company in the UK continuously since at least 1984 on a nationwide basis. He explains that the goods are imported into the UK by a company called Elanmain Limited (trading as Options) and distributed by them to retail outlets throughout the UK. In addition, sales of articles bearing the REPLAY trade marks have been sold in the UK by Fashion Box's controlled subsidiaries New Mills SpA, Fashion Toys SpA and Knit Box Srl through their respective UK distributors.

6. Mr Biancardi goes on to state that the mark REPLAY has been used on a wide range of men's, women's and children's clothing and accessories sold throughout the UK and that each year his company markets summer and winter collections of clothing and accessories.

7. Mr Biancardi explains that the use of the REPLAY mark is very prominent on the clothing and accessories, in so far as it appears on graphics applied to the garments themselves, to fabric and paper labels attached to the garments and on packaging. Exhibit AB2 of his declaration contains copies of tags and labels used on goods sold in the UK. He continues, the REPLAY mark also appears prominently on catalogues distributed to clients within the UK on a twice yearly basis. Exhibit AB3 comprises copies of the front pages of such catalogues.

8. Mr Biancardi states that the approximate turnover of goods bearing the trade mark REPLAY sold by his company in the UK since 1984 taking an average exchange rate for each year of £ Sterling = number of Italian Lira specified, is as follows:-

<u>Year</u>	<u>Italian lira</u>	<u>£ Sterling</u>	<u>Average Rate</u>
1984	703,000,000	300,520	2,339.28
1985	1,088,000,000	442,066	2,461.17
1986	1,373,000,000	627,763	2,187.13
1987	1,448,000,000	682,253	2,122.38
1988	1,458,000,000	629,993	2,314.31
1989	770,000,000	342,624	2,247.36
1990	1,144,000,000	536,480	2,132.42
1991	1,494,000,000	683,274	2,186.53
1992	2,381,000,000	1,099,911	2,164.72
1993	4,188,000,000	1,775,163	2,359.22
1994	5,401,000,000	2,188,997	2,467.34
1995	5,697,000,000	2,215,637	2,571.27
1996	5,741,000,000	2,383,166	2,408.98
1997	6,922,000,000	2,482,187	2,788.67

and that the approximate turnover of goods bearing the mark REPLAY sold by his company's controlled subsidiaries in the UK were as follows:

- "(a) New Mills S.p.A. in 1996 sold articles in United Kingdom for a total value of Lit. 1,089,015,000 =, in 1997 sold articles for a total value of Lit 309,673,000=
- (b) Fashion Toys S.p.A. in 1995 sold articles in United Kingdom for a total value of Lit. 455,732,000=, in 1996 sold articles for a total value of Lit 742,647,000=, in 1997 sold articles for a total value of Lit 709,716,000=
- (c) Knit Box Srl in 1996 sold articles in United Kingdom for a total value of Lit 278,464,362=, in 1997 sold articles for a total value of Lit 781, 826,970="

Exhibit AB4 to Mr Biancardi's declaration contains copies of selected invoices relating to sales of the goods in the UK since 1984.

9. Next, Mr Biancardi states that the trade mark REPLAY has also been used in the UK in relation to the provision of services for retail clothing shops since as early as 1994 and he adds that the mark appears prominently within and on the exterior of retail outlets and in window displays. At Exhibit AB5 are photographs of some of the REPLAY shops in the UK and at Exhibit AB6 are copies illustrating displays and use of the mark within the shops.

10. Mr Biancardi states that furnishing and fittings are specially designed with the REPLAY trade mark for use in the REPLAY shops and are designed and produced by his company's wholly owned subsidiary company, New Trading Company Srl. He adds that, in the UK, New

Trading Company Srl has been responsible for fitting out a section of the Selfridges department store in London which sells REPLAY clothing.

11. In addition to the use of the REPLAY trade mark, Mr Biancardi draws attention to the promotion of the mark. In particular, he states that advertisements for goods sold under the mark have appeared in various magazines circulating in the UK, such as:-

Arena (April, 1989)
Glamour (July, 1990)
Sportswear International (Winter, 1992/93)
The Face (March, 1993)
Sky Magazine (November, 1994)
Esquire (December, 1994)
More! (November - December, 1994)
GQ (December, 1994)
GQ (February, 1995)
The Observer, Life Section (14.04.1996)
Clothes Show Magazine (May, 1996)
Marie Claire (May, 1996)
Loaded (May, 1996)
Loaded (July, 1996)
FHM (July, 1996)
GQ (July, 1996)

Applicants Evidence

12. This consists of statutory declarations by Gary Steven Berlyn and Anne Belinda Lea dated 21 July 1999 and 19 July 1999 respectively.

13. Mr Berlyn is the sole proprietor of Replay Promotions, the applicant in these proceedings. He explains that Replay Promotions started trading in April 1993 and that he has used the trade mark REPLAY PROMOTIONS in respect of the services of his application since that date.

14. Mr Berlyn has read the statutory declaration filed by Mr Biancardi and states that while Fashion Box, through its subsidiary New Trading Company Srl, promotes and advertises its own goods, it does not offer Class 35 services to third parties. He adds that, Fashion Box's primary activity is the sale of clothing and the promotion and sale of these goods does not fall within Class 35 services but relates to the sale of these items under Class 25. Mr Berlyn states that the opponent's two Community Trade Marks covering Class 35, are being opposed by him as these services are not offered to third parties.

15. Mr Berlyn explains that his present clients include Brooke Bond Foods Limited, Canon Lincoln Insurance, Unipart Group Limited, Lyons Tetley Limited, Black Horse Financial Services, British Telecommunications plc and Unilever PLC. Replay Promotions advises its clients on a consultancy basis, on the best means to publicise and advertise its client's business and procedures for its clients various goods as promotional items. Mr Berlyn refers to

documents 2 to 8 of Exhibit GSB 1 to his declaration which consists of examples of invoices for his company's services from 1993 onwards. He adds that every year, Replay Promotions markets its brochure listing around 800 promotional products and an example is at Exhibit GSB 2.

16. Mr Berlyn provides the following turnover figures for Replay Promotions:

<u>DATE</u>	<u>TURNOVER FIGURE</u>
14 th April 1993 - 31 st December 1994	£551,626
Year ending 31 st December 1995	£600,000
Year ending 31 st December 1996	£642,663
Year ending 31 December 1997	£725,070

and advertising for Replay Promotions was as follows:

<u>YEAR</u>	<u>ADVERTISING FIGURE</u>
Year ending 31 st December 1994	£6,666
Year ending 31 st December 1995	£7,421
Year ending 31 st December 1996	£8,809
Year ending 31 st December 1997	£10,074

17. He continues, advertisements are placed regularly in various marketing magazines, such as "Marketing Week", "Incentive Today", "Promotions & Incentives", and "Sales Promotion". Replay Promotions' advertisement has run weekly in "Marketing Week" since September 1994 and a copy of this advertisement is attached as document 11 of Exhibit GSB1 to Mr Berlyn's declaration.

18. Mr Berlyn concludes by stating that no instances have ever been brought to his attention between Fashion Box's use of its trade mark REPLAY and the services offered to others under the trade mark REPLAY PROMOTIONS. He says that in the six years in which Replay Promotions has been trading, Fashion Box has never approached Replay Promotions to suggest that confusion has taken place and that the first time that Fashion Box raised any form of objection was when Replay Promotion's trade mark was advertised in the UK Trade Marks Journal.

19. The applicants other statutory declaration is by Anne Belinda Lea who is the Business Manager of T-Print Limited, a position she has held since October 1994.

20. Ms Lea explains that T-Print Limited uses silk screen printing and embroidery methods to attach designs, logos and trade marks to clothing. She states that Replay Promotions is one of T-Print's most regular customers and recalls first hearing of Replay Promotions around January or February 1995. Ms Lea adds that in the course of her employment she deals with many companies offering promotional services but the only company in the promotional field she has come across using the name REPLAY is Replay Promotions.

21. While Ms Lea confirms that she would associate the trade mark REPLAY attached to clothing with an Italian Company, Fashion Box SpA, she is not aware of that company offering promotional services.

Applicant's Additional Evidence

22. This is a further statutory declaration by Mr Berlyn and is dated 20 November 1999. It is intended to clarify matters raised in his previous declaration in relation to the two Community Trade Mark applications made by the opponent, where Mr Berlyn had stated "these trade marks are being opposed by me." Mr Berlyn wishes to make it clear that he used the word "opposed" in its broadest meaning and not to indicate that he had filed opposition proceedings against both Community Trade Mark Applications. He adds that he has filed opposition against the mark 519819 only and that it is his intention to file invalidity proceedings against 520080 in so far as Class 35 is concerned.

23. This completes my summary of the evidence filed in this case. I now turn to the decision.

DECISION

24. Prior to the hearing Ms Clark withdrew the grounds of opposition under Section 3(1)(a) and (b) and Section 3(3)(b) of the Act.

25. I turn first to the ground of opposition under Section 5(2)(b) which reads as follows:

"5.-(2) A trade mark shall not be registered if because -

- (a) it is identical with an earlier trade mark and is to be registered for goods or services similar to those for which the earlier trade mark is protected, or
- (b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected,

there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark."

26. An earlier right is defined in Section 6, the relevant parts of which state:

6.-(1)

- (a) a registered trade mark, international trade mark (UK) or Community trade mark which has a date of application for registration earlier than that of the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks,.....”

27. I take into account the guidance provided by the European Court of Justice (ECJ) in *Sabel BV v. Puma AG* [1998] E.T.M.R. 1, *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc* [1999] E.T.M.R. 1, *Lloyd Schufabrik Meyer & Co. GmbH v. Klijsen Handel B.V.* [2000] F.S.R. 77 and *Marca Mode CV v. Adidas AG* [2000] E.T.M.R. 723.

It is clear from these cases that:-

- (a) the likelihood of confusion must be appreciated globally, taking account of all relevant factors; *Sabel BV v. Puma AG*, paragraph 22;
- (b) the matter must be judged through the eyes of the average consumer of the goods/services in question; *Sabel BV v. Puma AG*, paragraph 23, who is deemed to be reasonably well informed and reasonably circumspect and observant - but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind; *Lloyd Schufabrik Meyer & Co. GmbH v. Klijsen Handel B.V.* paragraph 27;
- (c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details; *Sabel BV v. Puma AG*, paragraph 23;
- (d) the visual, aural and conceptual similarities of the marks must therefore be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components; *Sabel BV v. Puma AG*, paragraph 23;
- (e) a lesser degree of similarity between the marks may be offset by a greater degree of similarity between the goods, and vice versa; *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc*, paragraph 17;
- (f) there is a greater likelihood of confusion where the earlier trade mark has a highly distinctive character, either per se or because of the use that has been made of it; *Sabel BV v. Puma AG*, paragraph 24;
- (g) mere association, in the sense that the later mark brings the earlier mark to mind, is not sufficient for the purposes of Section 5(2); *Sabel BV v. Puma AG*, paragraph 26;
- (h) further, the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense; *Marca Mode CV v. Adidas AG*, paragraph 41;

- (i) but if the association between the marks causes the public to wrongly believe that the respective goods come from the same or economically linked undertakings, there is a likelihood of confusion within the meaning of the section; *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc*, paragraph 29.

28. At the hearing, Ms Clark commenced her submissions by drawing attention to the opponent's Community Trade Mark Registration (No 519819), pointing out that this mark is registered for identical and similar services to the application in suit. She went on to argue that in comparing the respective marks I should pay particular attention to their dominant and distinctive components, which in the case of both the registered mark and the mark in suit, was the word REPLAY.

29. In Ms Clark's view, REPLAY was a highly distinctive element in relation to the services at issue, and as it appeared at the beginning of both marks was likely to be retained in the mind of the customer. She contended that visual, aural and conceptual confusion was likely and that such confusion would be accentuated by imperfect recollection of the marks.

30. In response, Mr Walters concentrated upon the use made of the applicant's mark since April 1993, arguing that use was significant and that the opponent had not demonstrated any instances of confusion in the market place. He submitted that in the actual market place, the activities of the opponent are related to their clothing and fashion accessories while the applicant's activities are related to promotional activities for third parties, largely through identifying and providing promotional items and gifts bearing the logos or slogans of customers. He concluded that confusion in the actual market place was not therefore a likelihood, especially as the potential customer for the services in question is likely to be informed and knowledgeable.

31. Turning to the points raised by Mr Walters, firstly I agree that the applicant's use of the mark is not insignificant and is of note. However, as Ms Clark accepted during the hearing, the opponent's use of their mark in Class 35 is only evidenced in relation to some activities undertaken in relation to promoting its own clothing and fashion items for which no charge is made eg window displays for REPLAY stores. Accordingly, I do not consider that there has been any real concurrent use of the respective marks in relation to Class 35 and this obviously impacts upon the potential for confusion to date. I must also bear in mind that in my comparisons of the mark applied for and the opponent's registration(s) I must consider fair and notional use of both marks. On this point, there is nothing to prevent the opponent from undertaking the full range of services covered by their Class 35 specification, including activities identical to those of the applicant. I must take this into account in my decision.

32. In essence the test under Section 5(2)(b) is whether there are similarities in marks and services which would combine to create a likelihood of confusion. In my consideration of whether there are similarities sufficient to show a likelihood of confusion, I am guided by the recent judgements of the European Court of Justice mentioned earlier in this decision. The likelihood of confusion must be appreciated globally and I need to address the degree of visual, aural or conceptual similarity between the marks, evaluating the importance to be attached to those different elements, taking into account the category of services in question and how they are marketed.

33. The mark applied for consists of two dictionary words which are meaningless in their totality. The first word in the mark, REPLAY, has no reference to the services in question and is distinctive, while the second word, PROMOTIONS, has a direct reference to promotional services and adds little to the totality of the trade mark in suit as, solus, it would not be perceived as trade mark material. The mark covered by the opponent's registration No 519819 consists of three dictionary words. As before, REPLAY is a distinctive component and the mark in its totality is meaningless. Turning to the words COUNTRY STORE, their meaning is not totally obvious but they could directly allude to a store in a particular country, or a store in the country as opposed to the town, or a store which deals in country goods eg for country pursuits. It is, of course, possible to over analyse marks and in doing so shift away from the real test which is how marks would be perceived by customers in the normal course and circumstances of trade and I must bear this in mind when making the comparisons.

34. How then should I approach the comparison of the marks. Ms Clark argued that I should pay particular attention to the dominant and distinctive components of the marks, commenting that the words PROMOTIONS and COUNTRY STORE in the respective marks were weak elements which would not have any significant impact upon customers. It is right in my view to give additional weight to arbitrary and distinctive features in assessing the impact a mark has in the mind of an average customer and I am fortified in this by the guidance of the European Court of Justice in *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel BV*, paragraphs 24 and 26. However, even elements which are descriptive cannot be entirely discounted as respective marks must be considered in their totality.

35. Turning first to a visual and aural comparison of the marks, it seems to me that the word REPLAY is a dominant and distinctive component (appearing as the first word in both marks) which is likely to be quickly recognised and retained by customers. The remaining elements of the marks, the words PROMOTIONS and COUNTRY STORE respectively, are in my view less striking (especially as the word PROMOTIONS has a direct reference to the services), although they assist in distinguishing the marks on a side-by-side comparison. Taking into account the prominence of the word REPLAY in the respective marks I have little doubt that, in their totality, there is a likelihood of confusion resulting from both aural and visual use of the marks, particularly when imperfect recollection is taken into account. Many persons may consider the common element in the marks ie REPLAY, to be an indication that the services come from the same undertaking or economically linked undertakings.

36. On a conceptual comparison of the marks it, once again, seems to me that the distinctive word REPLAY will be remembered and retained by customers and notwithstanding the additional elements in both marks, it is likely that customers, particularly when imperfect recollection it taken into account, would not distinguish the origin of the respective services through the respective marks.

37. On a global appreciation, taking into account the relevant factors, I come to the following conclusions on the Section 5(2) ground in relation to the opponent's registered community mark No 519819:

- (i) The respective marks are visually, aurally and conceptually similar, particularly when imperfect recollection is taken into account;

- (ii) The respective specification of services cover the same and similar services and on the basis of fair and notional use the opponent's specification includes services currently undertaken by the applicant.
- (iii) While the customer for the services are likely to be relatively discerning and sophisticated, there remains a likelihood of confusion given the similarity of the marks and the identical services covered by the specifications. It is likely, especially when imperfect recollection is taken into account, that customers would regard the service being provided under the marks as coming from the same undertaking or economically linked undertakings and they would not distinguish the origin of the services through the respective marks.

38. The opposition under Section 5(2)(b) of the Act is successful.

39. I do not lose sight of the fact that the opponent has a Community Trade Mark application (No 520820) for the mark REPLAY in Class 35. In view of my decision in relation to the opponent's registration No 519819, it follows that I regard this application as forming a successful barrier to registration of the application in suit under Section 5(2)(b) of the Act. Indeed, as No 520820 consists merely of the word REPLAY, I consider this mark to be almost identical to the mark in suit given the non-distinctive nature of the word PROMOTIONS in the applicant's mark. However, by virtue of the provisions of Section 6(2) of the Act an opposition based solely on this application would be dependent upon the application securing registration in due course and would require a provisional decision. Given my decision under Section 5(2)(b), based upon the opponent's registration No 519819, a provisional decision on the opposition is not necessary.

40. While the opponent has also based their Section 5(2)(b) ground on a number of registrations for goods (Annex 2 to this decision) I do not consider these registrations put the opponent in any stronger position in relation to Section 5(2)(b).

41. As I have found for the opponent under Section 5(2) of the Act, I have no need to consider the grounds of opposition raised under Section 5(3), Section 5(4) and Section 3(6).

42. The opponent are entitled to a contribution towards their costs and I therefore order the applicants to pay them the sum of **£850**. This sum is to be paid within seven days of the expiry of the appeal period or within seven days of the final determination of the case if any appeal against this decision is unsuccessful.

Dated this 31 Day of July 2001

J MAC GILLIVRAY
For the Registrar
the Comptroller-General

1. APPLICATION NUMBER: 519819
- MARK: REPLAY COUNTRY STORE
- FILING DATE: 18 April 1997
- DATE OF REGISTRATION: 6 November 2000
- LIST OF GOODS AND SERVICES -

Nice classification:	25
List of goods and services:	Clothing, footwear, headgear.
Nice classification:	35
List of goods and services:	Shop window dressing. Publicity; business management; business administration; office functions.
Nice classification:	42
List of goods and services:	Transfer of know-how and licensing, consultancy relating to the installation and setting up of shops, exterior and interior design and furnishing of shops and related signs (except shop window dressing), cafeterias, cafés, catering, cocktail lounges, snack-bars, refreshments, restaurants, self-service restaurants, providing of food and drink.

OWNER: FASHION BOX SpA

2. APPLICATION NUMBER: 520080
 MARK: REPLAY
 FILING DATE: 18 April 1997

LIST OF GOODS AND SERVICES -

Nice classification:	3
List of goods and services:	Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.
Nice classification:	9
List of goods and services:	Spectacles; scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

ANNEX ONE (CONT)

Nice classification:	14
List of goods and services:	Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.
Nice classification:	16
List of goods and services:	Magazines, newspapers, periodicals, printed publications; paper, cardboard, articles of paper, office requisites except magazines and periodicals relating to crosswords and puzzles, writing and drawing implements and all related articles.
Nice classification:	18
List of goods and services:	Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins; hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.
Nice classification:	24
List of goods and services:	Textiles and textile goods, not included in other classes; bed and table covers.

ANNEX ONE (CONT)

Nice classification:	25
List of goods and services:	Clothing, footwear, headgear.
Nice classification:	28
List of goods and services:	Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.
Nice classification:	35
List of goods and services:	Advertising; business management; business administration; office functions; shop window dressing.
Nice classification:	42
List of goods and services:	Transfer of know-how and licensing, consultancy relating to the installation and setting up of shops, exterior and interior design and furnishing of shops and related signs (except shop window dressing), cafeterias, cafés, catering, cocktail lounges, snack-bars, refreshments, restaurants, self-service restaurants, providing of food and drink.

OWNER: FASHION BOX SpA

ANNEX TWO

REGISTRATION NUMBER: 1201267

DATE OF REGISTRATION: 5 AUGUST 1983

MARK: REPLAY

SPECIFICATION: CLASS 25: Articles of outerclothing, but not including skirts or slacks for women, or any goods of the same description as skirts or slacks for women.

REGISTRATION NUMBER: 1339509

DATE OF REGISTRATION: 24 MARCH 1988

MARK:



SPECIFICATION: CLASS 25: Articles of outerclothing included in Class 25.

REGISTRATION NUMBER: 1487705

DATE OF REGISTRATION: 8 JANUARY 1992

MARK: REPLAY

SPECIFICATION: CLASS 3: Perfumes and perfumery; soaps, toilet soaps; essential oils for personal use; cosmetics; deodorants for personal use; creams, lotions and oils for the face and the body; cleansing milks, creams and oils; make-up creams; beauty masks; make-up removers; eye shadows; lipsticks; mascara; rouge; crayons for the eyes and the lips; powders, creams, oils and lotions, all for suntanning and after sun exposure; pre and after shave creams and lotions; talcum powders; bath salts, foams and oils; after-bath creams and lotions; shampoos; depilatory preparations; nail polishes; hair lotions; dentifrices; all included in Class 3.

REGISTRATION NUMBER: 1487706

DATE OF REGISTRATION: 8 JANUARY 1992

MARK: REPLAY

SPECIFICATION: CLASS 9: Spectacles; spectacle frames; spectacle cases; parts and fittings for all the aforesaid goods; all included in Class 9.

REGISTRATION NUMBER: 1487707

DATE OF REGISTRATION: 8 JANUARY 1992

MARK: REPLAY

SPECIFICATION: CLASS 14: Jewellery and costume jewellery; rings, bracelets, necklaces, hair-clips, tie-bars, scarf rings, pendants, clips, cufflinks, earrings, keyholders, brooches, pins; watches, clocks; horological and chronometric instruments; parts and fittings for the aforesaid goods; all included in Class 14.

REGISTRATION NUMBER: 1487709

DATE OF REGISTRATION: 8 JANUARY 1992

MARK: REPLAY

SPECIFICATION: CLASS 3: Perfumes and perfumery; soaps, toilet soaps; essential oils for personal use; cosmetics; deodorants for personal use; creams, lotions and oils for the face and the body; cleansing milks, creams and oils; make-up creams; beauty masks; make-up removers; eye shadows; lipsticks; mascara; rouge; crayons for the eyes and the lips; powders, creams, oils and lotions, all for suntanning and after sun exposure; pre and after shave creams and lotions; talcum powders; bath salts, foams and oils; after-bath creams and lotions; shampoos; depilatory preparations; nail polishes; hair lotions; dentifrices; all included in Class 3.

CLASS 9: Spectacles; spectacle frames; spectacle cases; parts and fittings for all the aforesaid goods; all included in Class 9.

CLASS 14: Jewellery and costume jewellery; rings, bracelets, necklaces, hair-clips, tie-bars, scarf rings, pendants, clips, cufflinks, earrings, keyholders, brooches, pins; watches, clocks; horological and chronometric instruments; parts and fittings for the aforesaid goods; all included in Class 14.

CLASS 18: Handbags, suitcases, trunks, travelling bags, vanity cases sold empty, purses, billfolds, attache cases, wallets, briefcases, belts, key-cases, passport cases, business and credit card cases; umbrellas; all included in Class 18.

REGISTRATION NO: 1551752

DATE OF REGISTRATION: 27 OCTOBER 1993

MARK: REPLAY

SPECIFICATION: CLASS 25: Coats, overcoats, jerkins, jackets, trousers, skirts, shirts and blouses, hosiery, pullovers, sweaters, cardigans, tracksuits, sweatshirts, foulards, ties, socks and stockings, hats, caps, boots, shoes and slippers; all included in Class 25.

REGISTRATION NO: 2020579

DATE OF REGISTRATION: 15 MAY 1995

MARK: REPLAY GAZETTE

SPECIFICATION: CLASS 16: Magazines, newspapers, periodicals, and printed publications; but not including magazines relating to puzzles and crosswords.