

O-150-16

Trade Marks Act 1994

**IN THE MATTER OF APPLICATION NO. 3070023
BY
PERSONALISED GIFT IDEAS LTD
TO REGISTER THE MARK**



IN CLASSES 6, 14, 16, 20, 21, 24, 25, 28 & 35

AND

**OPPOSITION 403980 THERETO
BY POLYMER GROUP, INC**

Background and pleadings

1. Personalised Gift Ideas Ltd (the applicant) applied to register the trade mark below in the UK on 26 August 2014. It was accepted and published in the Trade Marks Journal on 12 December 2014 in respect of the goods and services listed in Annex A.



2. Polymer Group, Inc (the opponent) partially oppose the trade mark on the basis of Section 5(2)(b) of the Trade Marks Act 1994 (the Act). This is on the basis of its earlier Community Trade Mark 9428293, which completed its registration procedure on 18 March 2011. The mark is shown below along with the list of goods relied upon. The opposition is directed only at the applicant's goods in class 24.



Class 24

Non-woven fabrics and cloths in sheet and roll form and composites of non-woven fabrics.

3. The opponent argues that the marks are closely similar visually and aurally and the respective goods are identical or similar.
4. The applicant filed a counterstatement denying the existence of the earlier mark and denying all claims made. The applicant also requested that the opponent provides proof of use of its earlier trade mark relied upon. Given its filing date of 6 October 2010 the opponent's mark is an earlier mark for the purposes of section 6A of the Act, however as it completed its registration less than five years prior to the publication of the application, the proof of use provisions do not apply and the opponent is entitled to rely on its mark as registered, without having to prove use.
5. Only the applicant filed evidence in these proceedings, comprising two witness statements and nineteen exhibits relating to the use of the marks and to the nature of the goods in question. Very little of this evidence is relevant to the question to be decided in this case, but for completeness I summarise it below. No hearing was requested and so this decision is taken on the basis of the papers.

Evidence

6. PER1-7 are summarised at paragraphs 12 – 16 below so I need say no more about them here.
7. PER8-14 are printouts dated 27/10/2015 showing Google, Yahoo and Bing search results for various terms including 'PGI' and 'PGI Personalised Gift Ideas'. It is not clear what this is supposed to show, and it is not relevant to the issue to be decided by these proceedings.
8. PER15-17 relate to the organisation 'AVINTIV', whom the applicant notes were 'previously PGI'. I am not clear from this evidence if this reference to 'PGI' relates to either party in these proceedings or is a third party. Either way these exhibits are not clear or specific enough to have any evidential value.
9. PER18-19 are printouts of the applicant's website dated 27/10/2015. There are references to 'personalised pillowcases'. These are the only reference to the applicant's class 24 goods in these exhibits.
10. PER20 is a witness statement from Robert O'Rourke, director of the applicant. There is a great deal of the history of the applicant's company along with marketing figures etc. Unfortunately this is not relevant evidence for these proceedings, which are concerned only with whether the applicant's mark, if registered for the goods for which it is applied for in class 24, would lead to confusion on the part of the average consumer in light of the opponent's existing registration of its mark for its own goods in class 24. This question cannot be overcome by reference to the history of the applicant's company and its marketing efforts already undertaken, but must be taken on the basis of a global assessment of the relevant factors, which are set out below.

DECISION

11. Section 5(2)(b) of the Act is as follows:

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

(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.

The principles

- (a) The likelihood of confusion must be appreciated globally, taking account of all relevant factors;
- (b) the matter must be judged through the eyes of the average consumer of the goods or services in question, 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, and whose attention varies according to the category of goods or services in question;

- (c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;
- (d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;
- (e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;
- (f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;
- (g) a lesser degree of similarity between the goods or services may be offset by a great degree of similarity between the marks, and vice versa;
- (h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;
- (i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;
- (j) 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;
- (k) if the association between the marks creates a risk that the public might believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

Comparison of goods

12. The relevant factors identified by Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, for assessing similarity were:

- a) The respective users of the respective goods or services;
- b) The physical nature of the goods or acts of services
- c) The respective trade channels through which the goods or services reach the market

- d) In the case of self-serve consumer items, where in practice they are respectively found or likely to be found in supermarkets and in particular whether they are, or are likely to be, found on the same or different shelves;
- e) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.

13. The goods to be compared are as follows, both being in Class 24:

Applicant	Opponent
Textiles and textile goods; bed and table covers; travellers' rugs, textiles for making articles of clothing; duvets; covers for pillows, cushions or duvets; place mats, not of paper.	Non-woven fabrics and cloths in sheet and roll form and composites of non-woven fabrics.

Relevant case law

14. In *YouView TV Ltd v Total Ltd* ,[2012] EWHC 3158 (Ch), Floyd J. (as he then was) stated that:

Trade mark registrations should not be allowed such a liberal interpretation that their limits become fuzzy and imprecise: see the observations of the CJEU in Case C-307/10 *The Chartered Institute of Patent Attorneys (Trademarks) (IP TRANSLATOR)* [2012] ETMR 42 at [47]-[49]. Nevertheless the principle should not be taken too far. Treat was decided the way it was because the ordinary and natural, or core, meaning of 'dessert sauce' did not include jam, or because the ordinary and natural description of jam was not 'a dessert sauce'. Each involved a straining of the relevant language, which is incorrect. Where words or phrases in their ordinary and natural meaning are apt to cover the category of goods in question, there is equally no justification for straining the language unnaturally so as to produce a narrow meaning which does not cover the goods in question.

15. In *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T-133/05, the General Court stated that:

29. [...] the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 *Institut für Lernsysteme v OHIM-Educational Services (ELS)* [2002] ECR II-4301, paragraph 53) or where the goods designated by the trade mark application are included in a more general category designated by the earlier mark.

Applicant's evidence

16. The applicant's evidence comprises at exhibits PER1 – PER 4 a number of undated printouts of google image search results. The terms searched include “non woven cloths”, bed and table covers, and “textiles for making articles of clothing”. There are also two exhibits PER5 and PER6 comprising google web search results for the phrases “where to buy duvet covers” and “where to buy non woven fabric”. I am also provided with a printout at PER7 of the Wikipedia entry for “Nonwoven fabric”.
17. This is somewhat unusual evidence for a case of this nature. In terms of exhibits PER1 – PER4, images which a particular search engine associates with a particular term are not necessarily evidence relating to the use of particular goods in trade. The Registry does not need photographs of bedclothes and tablecloths to understand those terms, nor are they helpful in determining whether those goods are similar or dissimilar to the goods for which the earlier mark is registered. The images of non-woven goods and the images of ‘textiles’ are arguably of greater interest, being relevant to the construction of the terms ‘textiles’ and ‘non-woven fabrics’, however these particular images are of limited evidential value, being as they are divorced from actual trade use, and in any event visually unclear. For example, whilst there are several pictures of looms present in the search result for ‘textiles for making articles of clothing’, the fourth picture from the left on the top row is of a series of rolls of material not dissimilar in appearance from the images present in the search results for ‘non-woven fabrics’. In all this evidence carries very little weight.
18. Exhibits PER5 – PER7 are more on-point therefore, being related directly to the channels of trade, respective users and nature of the goods.
19. In terms of PER5 and PER6, the evidence clearly shows that, for the named products i.e. Duvet covers and ‘non woven fabric’, none of the search results returned by Google for one term are also returned for the other, and vice versa. The inference is that the products are sold through different sources. However, these exhibits show only one form of trade (online offerings), and the absence of any other evidence should not be taken as evidence of absence of other methods of trade. Accordingly I cannot place much weight upon this evidence, and even if I could, it only relates to one of the applicant's goods.
20. In terms of PER7, being a printout of the Wikipedia entry for ‘Nonwoven fabric’, I note that Wikipedia is a famously user-generated resource which is intended as a research tool rather than as an authority. The website itself stresses that:

“Users should be aware that not all articles are of encyclopedic quality from the start: they may contain false or debatable information”.¹

This substantially limits the weight of this evidence and, whilst I take it into account, I must form my own view on the meaning of the term.

¹ https://en.wikipedia.org/wiki/Wikipedia:About#Using_Wikipedia_as_a_research_tool

21. The goods of the applicant may be separated into 'finished articles', and 'materials from which finished articles may be made'. 'Textile goods', 'bed and table covers', 'travellers' rugs', 'duvets', 'covers for pillows, cushions or duvets', and 'place mats, not of paper' are all finished articles. 'Textiles', and 'textiles for making articles of clothing', are materials from which finished articles may be made. The opponent's goods also fall into this latter category, being a material rather than a finished product.
22. The average consumer when picturing textiles will think of cotton, wool and silk and products made from them. I do not think the majority of average consumers would include non-woven materials in the category of textiles, though I do not discount that a significant proportion may. I am assisted by the Oxford English Dictionary's definition of the 'textile' (emphasis added):

Textile, n.

A woven fabric; any kind of cloth. Also, a synthetic material suitable for weaving; *any of various materials, as a bonded fabric, which do not require weaving.*

23. Accordingly, and bearing in mind the principle identified in *Gérard Meric* that the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application, I find that the applicant's goods 'textiles' and 'textiles for making articles of clothing' are identical to the opponent's goods, as the opponent's goods fall within the wider categories. The fact that the applicant's goods are designated for a specified purpose, making clothes, has a negligible impact as the opponent's goods are not limited in this way and may equally be used for making clothes.
24. In terms of the remainder of the applicant's goods, which I have termed finished articles, I note the decision in *Les Éditions Albert René v OHIM*, Case T-336/03, where the General Court found that:

61 The mere fact that a particular good is used as a part, element or component of another does not suffice in itself to show that the finished goods containing those components are similar since, in particular, their nature, intended purpose and the customers for those goods may be completely different.

25. However, the goods in question in the present case feature a degree of competition between them in so far as a consumer may either purchase material from a haberdashery or the like, in order to create their own finished articles, or they may buy articles already in the finished state, and in some cases those purchases may be from the same source, such that the channels of trade overlap. For these reasons, and bearing in mind that the finished articles of the applicant may be made from materials covered by the opponent's specification, I find that these goods are similar to the opponent's goods.

Average consumer and the purchasing act

26. The average consumer of the relevant goods are manufacturers (whether small or large-scale) of consumer products such as carpets, clothing etc., as well as the end consumers themselves where they are looking to make their own finished articles. The average consumer of the goods which I have termed finished articles is a member of the general public, as well as business users such as hoteliers. The goods are likely to be frequent purchases with an average level of care and attention. The goods will be selected primarily visually from swatches and catalogues, and perhaps via telephone where the aural considerations will be key. They will also frequently be purchased from stores (and online equivalents) where the goods will be selected after a visual inspection.



Comparison of marks

27. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The Court of Justice of the European Union stated at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

[...] it is necessary to ascertain, in each individual case, the overall impression made on the target public by the sign for which registration is sought, by means of, inter alia, an analysis of the components of a sign and of their relative weight in the perception of the target public, and then, in the light of that overall impression and all factors relevant to the circumstances of the case, to assess the likelihood of confusion.

28. It would be wrong, therefore, to artificially dissect the trade marks, although, it is necessary to take into account the distinctive and dominant components of the marks and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the marks.

29. The respective trade marks are shown below:

Earlier trade mark	Contested trade mark
	

30. The applied for mark is made up of the letters 'PGI', beneath which are the descriptive words 'PERSONALISED GIFT IDEAS' in a much smaller font. Beneath these words are two underscores of different lengths with stylised terminal points. The mark is presented in a shade of pink, but as the opponent's registration is not limited only to black and white, but may be used in any colour including the same shade of pink as the applicant's mark, the colour difference

should not be taken into account in the comparison. None of the elements are separate elements performing independent roles, however the size of the letters 'PGI' give them by far the greatest relative weight in the overall impression. The words 'PERSONALISED GIFT IDEAS' may not be noticed at all, as they are much smaller than the three letter element. Indeed in much of the evidence of the applicant showing the use of the mark the letters are quite clear whilst the words are almost impossible to make out. Where noticed, the word element will be recognised as the full name for which 'PGI' is the acronym.

31. The earlier mark has two principle elements; the letters pgi in lowercase, surmounted with the device of four roundels, the second of which forms the dot of the 'i'. I consider that the letters will have by far the greater relative weight, though the roundels are not to be considered as completely negligible.
32. Visually, the fact that both marks feature the same three letter acronym as the most prominent feature demonstrates some similarity. The visual differences to be taken into account are the roundels, the underscores and the words 'PERSONALISED GIFT IDEAS', as well as the fact that one mark uses capital letters and the other does not. Having regard to all the similarities and differences, I consider there to be a reasonably high level of visual similarity.
33. Aurally, the opponent's mark will be articulated as the three letters of which it comprises, and the roundels will not be articulated. The applicant's mark will be primarily articulated by the letters 'PGI', or less frequently as the full name 'PGI PERSONALISED GIFT IDEAS'. The underscores will not be articulated. Where both marks are articulated by the three-letter element only, they are aurally identical. Weighing all of these factors the marks have a reasonably high level of aural similarity.
34. Conceptually the applicant's mark includes a descriptive element which contributes to its conceptual identity, whereas the opponent's mark has no such element. However as I have already said this element plays by far the lesser part in the overall impression of the mark and may not be noticed at all by the average consumer. Where this is the case the two marks will have a shared conceptual identity based on the three letters of which they comprise. Having regard to all of the features of the respective marks I conclude that there is a reasonably high degree of conceptual similarity.

Distinctive character of the earlier trade mark

35. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97 the CJEU stated that:

22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in *Joined*

Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-0000, paragraph 49).

23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).

36. The opponent filed no evidence so I have only the inherent distinctiveness of the earlier mark to consider. The letters PGI have, as far as I am aware, no specific meaning in relation to the goods of the earlier mark, though strings of three letters are commonly used in various trades as acronyms. In my view the average consumer would regard the letters in the earlier mark as averagely distinctive.

37. Arguably the device of four roundels, one being the dot of the 'i', adds to the distinctiveness of the mark as a whole, however this added distinctiveness does not impact on the likelihood of confusion because it is the distinctiveness of the common element that is key. In *Kurt Geiger v A-List Corporate Limited*, BL O-075-13, Iain Purvis Q.C., sitting as the Appointed Person, pointed out that the level of distinctive character is only likely to increase the likelihood of confusion to the extent that it resides in the element(s) of the marks that are identical or similar. He said:

39. It is always important to bear in mind what it is about the earlier mark which gives it distinctive character. In particular, if distinctiveness is provided by an aspect of the mark which has no counterpart in the mark alleged to be confusingly similar, then the distinctiveness will not increase the likelihood of confusion at all. If anything it will reduce it.'

40. In other words, simply considering the level of distinctive character possessed by the earlier mark is not enough. It is important to ask 'in what does the distinctive character of the earlier mark lie?' Only after that has been done can a proper assessment of the likelihood of confusion be carried out.

38. The relevant distinctiveness is therefore average.

Conclusions on Likelihood of Confusion.

39. In assessing the likelihood of confusion, I must adopt the global approach set out in case-law and take into account the fact that marks are rarely recalled perfectly, the consumer relying instead on the imperfect picture of them he has kept in his mind. I must also keep in mind the average consumer for the goods, the nature of the purchasing process and have regard to the interdependency principle i.e. a

lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods and vice versa.

40. By way of summary I have found that:

- The average consumer is member of the general public, a business user or a manufacturer or other specialised tradesperson, all of whom select the goods with an average level of care and attention via a primarily visual process.
- Of the applicant's goods, 'textiles' and 'textiles for making articles of clothing' are identical to the goods of the opponent, and 'Textile goods', 'bed and table covers', 'travellers' rugs', 'duvets', 'covers for pillows, cushions or duvets', and 'place mats, not of paper' are similar to a medium degree.
- The marks are visually, aurally and conceptually similar to a reasonably degree.
- The earlier mark is possessed of an average degree of inherent distinctive character.

41. There are two types of relevant confusion to consider. Direct confusion (where one mark is mistaken for the other) and indirect confusion (where the respective similarities lead the consumer to believe that the respective goods come from the same, or related, trade source). In *L.A. Sugar Limited v By Back Beat Inc*, Case BL-O/375/10, Mr Iain Purvis Q.C. as the Appointed Person noted that:

16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: "The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark.

17. Instances where one may expect the average consumer to reach such a conclusion tend to fall into one or more of three categories:

- (a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right ("26 RED TESCO" would no doubt be such a case).

(b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as “LITE”, “EXPRESS”, “WORLDWIDE”, “MINI” etc.).

(c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension (“FAT FACE” to “BRAT FACE” for example).

42. Given the above findings and taking into account all the relevant factors, I find that the shared use of the letters ‘PGI’ by the two marks, will lead to indirect confusion by consumers of the goods, who will conclude that they emanate from linked economic undertakings; i.e. they will read the two marks and mistakenly form the view that there is some link between the two marks owing to the shared letters. The words ‘Personal Gift Ideas’ are a non-distinctive addition to the three-letter element shared by the earlier mark and consequently may lead consumers to view the later mark as a sub-brand or extension of the earlier mark.

Conclusion

43. The opposition under section 5(2)(b) of the act has been successful in respect of the applicant’s goods in Class 24. The application may proceed to registration for its remaining goods in Classes 6, 14, 16, 20, 21, 25, 28 and 35.

COSTS

44. The opponent has been successful and is entitled to a contribution towards its costs. In the circumstances I award the opponent the sum of £300 as a contribution towards the cost of the proceedings. The sum is calculated as follows:

Preparing a statement and considering the other side’s statement:	£200
Official fees:	£100

45. I therefore order Personalised Gift Ideas Ltd to pay Polymer Group Inc the sum of £300, payable within fourteen days of the expiry of the appeal period or within fourteen days of the final determination of the case if any appeal against this decision is unsuccessful.

Dated this 21st day of March 2016

**Andrew Wall
For the Registrar**

Annex A

Applicant's goods and services

6 Trophies of common metal; pewter figurines; Artistic castings of common metal; Action figures (Decorative -) of bronze; Action figures (Decorative -) of common metal; Figurines of common metal being works of art; Ornamental figurines of common metal; key rings.

14 Precious metals and their alloys; horological and chronometric instruments, clocks and watches; Key rings; Costume jewellery; Jewellery; Jewellery (Paste -); Jewellery ornaments; Fashion jewellery; Personal jewellery; Rings [jewellery]; Clocks; Gemstones, pearls and precious metals, and imitations thereof; Jewellery boxes and watch boxes; Time instruments; jewellery, costume jewellery, precious stones.

16 Paper, cardboard and goods made from these materials, not included in other classes, namely cardboard packaging articles, bags, envelopes, labels, stationery, paper gift wrap and paper gift wrapping ribbons; printed matter; printed publications; books; periodicals; brochures; magazines; newspapers; photographs; stationery; pens; pencils; book binding material; notebooks; wrapping paper; gift paper; gift bags; gift boxes; gift tags; gift vouchers; printed pictures; posters; calendars; cards; greeting cards; postcards; artists' materials; plastic materials for packaging (not included in other classes); printed matter relating to promotional, advertising, incentive and loyalty schemes, promotional material, brochures and pamphlets; cards for use in connection with the aforesaid schemes; advertising matter; Christmas cards.

20 Furniture, mirrors, picture frames; articles made of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum or plastic which are not included in other classes, namely wood boxes, corks, drawer pulls, stoppers, reeds, statues, sculptures, figurines, busts, ivory, whalebones, sea shells, raw mother of pearl, meerschaum, plastic doorknobs, decorative tags, ornaments not including Christmas tree ornaments; pillows and cushions; photograph frames.

21 Beer mugs; Ceramic mugs; China mugs; Coffee mugs; Cups and mugs; Drinking mugs made of porcelain; Earthenware mugs; Glass mugs; Mugs; Mugs made of ceramic materials; Mugs made of china; Mugs made of earthenware; Mugs made of fine bone china; Mugs made of plastic; Mugs made of porcelain; Porcelain mugs; Wine glasses; porcelain and earthenware; cups; glassware; larger glasses; hip flasks; tankards; wine coolers; pewter goblets; coasters (tableware); charms for attachment to beverage glassware for identification purposes.

24 Textiles and textile goods; bed and table covers; travellers' rugs, textiles for making articles of clothing; duvets; covers for pillows, cushions or duvets; place mats, not of paper.

25 Clothing, footwear, headgear; Aprons [clothing]; Athletics vests; Bath robes; Bathwraps; Beach robes; Beachwear; Bowties; Cloth bibs; Clothing for children; Dressing gowns; Football jerseys; Hooded pullovers; Hooded sweatshirts; Hooded tops; House coats; Kilts; Jumpers; Jogging suits; Jogging tops; Knickers; Knitted gloves; Knitwear [clothing]; Leisurewear; Lingerie; Loungewear; Lounging robes; Mackintoshes; Maternity clothing; Nighties; Nightwear; One-piece suits; Party hats [clothing]; Polo knit tops; Polo shirts; Polo sweaters; Ponchos; Pyjamas; Printed t-shirts; short-sleeved or long-sleeved t-shirts; Silk ties; Scarves; Woollen socks; Womens' outerclothing.

28 Festive decorations and artificial Christmas trees; Christmas stockings; Christmas tree decorations; Christmas tree ornaments; Non-edible Christmas tree ornaments; Decorations and ornaments for Christmas trees; Christmas trees (Ornaments for -), except illumination articles and confectionery; Christmas tree decorations [other than edible or for illumination]; Ornaments for Christmas trees, except illumination articles and confectionery.

35 Advertising; business management; business administration; office functions; organisation, operation and supervision of loyalty and incentive schemes; advertising services provided via the Internet; production of television and radio advertisements; trade fairs; opinion polling; data processing; provision of business information; retail services connected with the sale of headwear, footwear, beverage ware (namely, drinking glasses, mugs, cups, shot glasses, cocktail glasses, wine glasses, beer steins and beer mugs), aprons, petwear, magnets, buttons, messenger bags, computer peripherals, canvas bags, ornaments, calendars, toys, pillows, pillowcases, clocks, books, CD-Roms, blank DVDs and compact discs, framed prints, greeting cards, journals, keepsakes (namely, decorative tags made of wood and acrylic, plush toys, hair keepsake holders, tooth keepsake holders and blankets), printed calendars, poster prints, postcards, stickers and posters; computerised online retail store services featuring clothing, headwear, footwear, beverage ware (namely, drinking glasses, mugs, cups, shot glasses, cocktail glasses, wine glasses, beer steins and beer mugs), aprons, petwear, magnets, buttons, messenger bags, computer peripherals, canvas bags, ornaments, calendars, toys, pillows, pillowcases, clocks, books, CD-Roms, blank DVDs and compact discs, framed prints, greeting cards, journals, keepsakes (namely, decorative tags made of wood and acrylic, plush toys, hair keepsake holders, tooth keepsake holders and blankets), printed calendars, poster prints, postcards, stickers and posters; Retail services connected with stationery; Retail services in relation to headgear; Retail services in relation to fabrics; Retail services in relation to jewellery; Retail services in relation to luggage; Retail services in relation to bags; Retail services in relation to games; Retail services in relation to toys; Retail services in relation to festive decorations; Retail services in relation to disposable paper products; Presentation of goods on communications

media, for retail purposes; Communication media (Presentation of goods on -), for retail purposes; Retail purposes (Presentation of goods on communication media, for -); Presentation of goods on communication media, for retail purposes; Advertising via electronic media and specifically the internet; Business administration services for processing sales made on the internet; Commercial trading and consumer information services; Advertising, marketing and promotional services.