

**O-443-18**

**TRADE MARKS ACT 1994  
IN THE MATTER OF APPLICATION No. 3239362  
BY OMOLOLA JOSEPH  
TO REGISTER THE TRADE MARK**

**VOGUE**  
AFRICA

**IN CLASS16**

**AND**

**IN THE MATTER OF JOINT OPPOSITION THERETO  
UNDER No. 410473 BY  
ADVANCE MAGAZINE PUBLISHERS INC. AND  
THE CONDE NAST PUBLICATIONS LIMITED**

## BACKGROUND

- 1) On 24 June 2017, Omolola Jopseph (hereinafter the applicant) applied to register the trade mark shown on the front page of this decision in respect of the following goods:
  - In Class 16: 3D decals for use on any surface; Absorbent paper; Absorbent sheets of paper or plastic for foodstuff packaging; Account books; Account slip pads; Accounting forms; Acid-resistant paper; Activity books; Adding machine paper; Address books; Address labels; Address lists; Address plates; Address plates for addressing machines; Address stamps; Addressing machines; Adhesive bands for stationery or household purposes; Adhesive bands for stationery purposes; Adhesive corners for photographs; Adhesive foils stationery; Adhesive labels; Adhesive labels of paper; Adhesive lettering; Adhesive materials for office use; Adhesive note pads; Adhesive note paper; Adhesive notepads; Adhesive packaging tapes; Adhesive pads [stationery]; Adhesive paper; Adhesive plastic film for packaging; Adhesive plastic film for wrapping; Adhesive plastic film used for mounting images; Adhesive printed labels; Adhesive stickers; Adhesive tape dispensers for household or stationery use; Adhesive tape dispensers [office requisites]; Adhesive tape for stationery purposes; Adhesive tapes for stationery or household purposes; Adhesive tapes for stationery purposes; Adhesive transfers; Adhesive wall decorations of paper; Adhesive-backed letters and numbers; Adhesive-backed vinyl letters and numbers; Adhesives for art use; Adhesives for do-it-yourself purposes; Adhesives for household purposes; Adhesives for stationery; Adhesives for stationery and household use; Adhesives for stationery or household purposes; Adhesives for stationery or household use; Adhesives for stationery purposes; Adhesives [glues] for stationery or household purposes; Advent calendars; Advertisement boards of card; Advertisement boards of cardboard; Advertisement boards of paper; Advertisement boards of paper or cardboard; Advertising pamphlets; Advertising posters; Advertising publications; Advertising signs of cardboard; Advertising signs of paper; Advertising signs of paper or cardboard; Agenda books; Agendas; Air bubble plastics for packaging; Air bubble plastics for wrapping; Airtight packaging of cardboard; Airtight packaging of paper; Albums; Albums for stickers; Almanacs; Anatomical models for instructional and educational purposes; Angle guides [drawing instruments]; Angle plotters [drawing instruments]; Animation cels; Anniversary cards; Announcement cards; Announcement cards [stationery]; Annuals [printed publications]; Apparatus for mounting photographs; Appliques in the form of decals; Appliqués of

paper;Appointment books;Aquarelles;Architects' models;Architectural models;Architectural plans;Archival storage pages;Arithmetical tables;Aromatic modeling materials;Art etchings;Art mounts;Art paper;Art pictures;Art prints;Artists' brushes;Artists' canvas;Artists' charcoals;Artists' easels;Artists' materials;Artists' modelling materials;Artists' paint brushes;Artists' pastels;Artists' pencils;Artists' pens;Artists' water colour saucers;Artists' watercolor saucers;Artists' watercolor [watercolour] saucers;Artists' watercolour saucers;Arts, crafts and modelling equipment;Atlases;Attachments for pencils;Autograph albums;Autograph books;Automatic adhesive dispensers for office use;Automatic paper clip dispensing machines for office or stationery use;Automatic pencils;Babies' bibs of paper;Baby books;Baby books [storybooks];Baby memory books;Baggage tags of paper;Bags and articles for packaging, wrapping and storage of paper, cardboard or plastics;Bags (Conical paper -);Bags [envelopes, pouches] of paper or plastics, for packaging;Bags for microwave cooking;Bags (Garbage -) of paper or of plastics;Bags incorporating bubble plastics for packaging;Bags made of paper;Bags made of paper for packaging;Bags made of plastics for packaging;Bags of bubble plastics for packaging;Bags of paper;Bags of paper for foodstuffs;Bags of paper for roasting purposes;Bags of plastics for lining refuse bins;Baking paper;Baking parchment;Ball pens;Ball point pens;Ballpoint pen refills;Ballpoint pens;Ball-point pens;Ballpoint refill cartridges;Balls for ball-point pens;Bamboo rolls used as writing brush holders;Bank checks;Banknotes;Banners of paper;Barcode ribbons;Baseball cards;Bathroom tissue;Bathroom tissues;Beer mats;Beer mats of paper;Betting slips;Bibles;Bibs of paper;Bill books;Billbooks;Bin liners of paper;Bin liners of plastics;Binder clips;Binders;Binders for office use;Binders for the office;Binders (Loose-leaf -);Binders [office supplies];Binders (office supplies);Binders [stationery];Binding materials for books and papers;Binding strips [bookbinding];Biodegradable paper pulp-based to-go containers for food;Biological samples for use in microscopy [teaching materials];Birthday books;Birthday cards;Blackboard erasers [chalk erasers];Blackboard rulers;Blackboards;Blank cards;Blank flip charts;Blank forms;Blank journal books;Blank journals;Blank note cards;Blank paper computer tapes for recording programs;Blank paper notebooks;Blister cards;Blister packs for packaging;Block notepads;Blotter;Blotters;Blotting pads;Blotting paper;Blueprints;Bond paper;Book binders;Book binding materials;Book bindings;Book covers;Book ends;Book holders;Book jackets;Book markers;Book markers of precious metal;Book marks;Book wrappings;Bookbinding apparatus and machines [office equipment];Bookbinding cloth;Bookbinding cords;Bookbinding covers;Bookbinding machines for office use;Bookbinding material;Bookbinding materials;Bookbinding strips;Bookbinding tape;Bookbinding wire;Bookbindings;Book-cover paper;Bookends;Bookkeeping

forms;Booklets;Booklets relating to games;Bookmarkers;Bookmarks;Bookmarks, not of precious metal;Bookplates;Books;Books featuring fantasy stories;Books featuring fictional stories;Books for children;Books in the fields of games and gaming;Bottle envelopes of cardboard or paper;Bottle envelopes of paper or cardboard;Bottle wrappers of cardboard or paper;Bottle wrappers of paper or cardboard;Bows (Decorative -) for wrapping;Bows for decorating packaging;Bows (Paper -);Box files;Boxes for pens;Boxes made of cardboard;Boxes made of fibreboard;Boxes made of paper;Boxes of cardboard;Boxes of cardboard or paper;Boxes of paper;Boxes of paper or cardboard;Brag books [photo albums];Bristol boards;Broadsheets;Brochures;Brochures in the field of real estate sales;Brown paper for wrapping;Brush pens;Brushes for decorators;Brushes for the application of paints;Bubble packs;Bubble packs for packaging;Bubble packs for wrapping;Bubble packs (Plastic -) for wrapping or packaging;Bulk paper;Bulldog clips;Bulletins;Bumper stickers;Bunting of paper;Bunting [paper];Business card paper [semi-finished];Business cards;Business forms;Business record books;Cabinets for stationery [office requisites];Calculating tables;Calendar desk pads;Calendar desk stands;Calendar refills;Calendar stands;Calendars;Calendered paper;Calender-finished paper;Calligraphic works;Calligraphy ink;Calligraphy paper;Canvas boards;Canvas for painting;Canvas panels for artists;Canvas stretcher bars for artists;Cap erasers;Car stickers;Carbon paper;Carbon paper [finished products];Carbonising base paper;Carbonless copying paper;Carbonless paper;Card files;Card indexes;Cardboard;Cardboard backing for binding books;Cardboard badges;Cardboard boxes;Cardboard cake boxes;Cardboard cartons;Cardboard containers;Cardboard gift boxes;Cardboard hangtags;Cardboard household storage boxes;Cardboard labels;Cardboard made from paper mulberry (senkasi);Cardboard mailing tubes;Cardboard packaging;Cardboard packaging boxes in collapsible form;Cardboard packaging boxes in made-up form;Cardboard picture mounts;Cardboard pizza boxes;Cardboard shipping containers;Cardboard tubes;Cards;Caricatures;Carrier bags;Carrying cases made of paper;Cartons for eggs;Cartons made from corrugated board;Cartons of card for packaging;Cartons of cardboard for packaging;Cartoon prints;Cartoon strips;Cartoon strips [printed matter];Cartridges (Ink -) for writing instruments;Cases for passports;Cases for pens;Cases for stamps [seals];Cases for stationery;Cases made of corrugated cardboard;Cash receipt books;Cat box liners in the form of plastic bags;Catalogues;Catalogues relating to computer software;CD shredders for home or office use;Celestial globes;Cellophane paper;Cellulose acetate film for packaging;Cellulose acetate film for wrapping;Cellulose wipes;Chalk;Chalk boards;Chalk boards

[blackboards];Chalk erasers;Chalk for lithography;Chalk holders;Chalk (Marking -);Chalk sticks;Chalkboards;Chalks;Chalks for artists' use;Chalks for colouring;Chalks for drawing;Charcoal for drawing;Charcoal pencils;Chart pointers, non-electronic;Charts;Check book cases;Check book covers;Check book holders;Check books;Checkbook cases;Checkbook covers;Checkbook holders;Checkbooks [cheque books] (Holders for -);Cheque book cases;Cheque book covers;Cheque book holders;Cheque books;Chequebook cases;Chequebook covers;Chequebook holders;Chequebooks;Cheques;Children's activity books;Children's books;Children's books incorporating an audio component;Children's comics;Children's paint-boxes;Children's slates;Children's storybooks;Chinese ink sticks;Chinese inks;Christmas cards;Christmas gift wrap;Chromolithographs;Chromolithographs [chromos];Chromos;Cigar bands;City directories;Classified directories;Cliches [stereotypes];Cling film;Cling film plastics for packaging;Clip boards;Clipboards;Clips for letters;Clips for offices;Clips for paper [stationery];Clips (Money -);Cloth for bookbinding;Cloth paper;Clothing patterns;Coarse tissue [for toiletry use];Coarse tissue for toiletry use;Coasters made of paper;Coasters of cardboard;Coasters of paper;Coated paper;Cocktail mats of paper;Coffee filters of paper;Coffee filters (Paper -);Coffee table books;Coin albums;Coin mats;Coin wrappers;Collages;Collapsible boxes of paper;Collapsible cardboard boxes;Collators for office use;Collectable cards;Collectable trading cards;Collector albums;Collector's photographs of players;Color pencils;Color prints;Colorboard [colored paperboard];Colored craft and art sand;Coloring books;Coloring books for adults;Colour charts;Colour pencils;Colour pens;Colour sample cards;Coloured chalk;Coloured lead pencils;Coloured pencils;Coloured pens;Colouring books;Colouring crayons;Colouring pencils;Colouring pens;Comic books;Comic magazines;Comic strips;Comic strips' comic features;Comic strips [printed matter];Comics;Commemorative books;Commemorative postage stamps;Commemorative stamp sheets;Commemorative stamps [seals];Compasses for drawing;Composing frames [printing];Composing sticks;Composition books;Computer game hint books;Computer game instruction manuals;Computer handbooks;Computer hardware reference manuals;Computer hardware users guide;Computer instruction manuals;Computer magazines;Computer manuals;Computer paper;Computer printer ribbons;Computer printers (Inking ribbons for -);Computer programmes in printed form;Computer programmes (Paper tapes and cards for the recordal of -);Computer programs in printed form;Computer reference manuals;Computer software in printed form;Computer software operating manuals;Computer user manuals;Conference folders;Conical paper bags;Containers for ice made of paper or

cardboard;Containers of card for packaging;Containers of cardboard for packaging;Containers of paper for packaging;Containers of paper for packaging purposes;Cook books;Cookbooks;Cookery books;Copy books;Copybooks;Copyholders;Copying paper;Copying paper [stationery];Cords for bookbinding;Corkboard pins;Correcting and erasing implements;Correcting film for type;Correcting fluids [office requisites];Correcting ink [heliography];Correcting liquids for documents;Correcting liquids for printer's block;Correcting pencils;Correcting pencils for type;Correcting tape for type;Correcting tapes [office requisites];Correction fluid;Correction fluids for documents;Correction fluids for printing blocks;Correction pencils;Correction pens;Correction sticks;Correspondence cards;Correspondence folders;Correspondence holders;Correspondence racks;Corrugated board;Corrugated boxes;Corrugated cardboard;Corrugated cardboard boxes;Corrugated containers;Corrugated paper;Corrugated paperboard;Corrugated record storage boxes;Cosmetic pencil sharpeners;Coupon books;Coupons;Covering materials for books;Covers for agendas;Covers for books;Covers for cheque books;Covers for postage stamps;Covers for weekly planners;Covers of paper for flower pots;Covers [stationery];Craft paper;Crayons;Cream containers of paper;Credit card imprinters, non-electric;Credit cards without magnetic coding;Crepe paper;Crepe paper for domestic use;Crepe paper streamers;Crossword puzzles;Curve templates [drawing instruments];Cushioning or padding made of paper for packing purposes;Cutters (Paper -) [office requisites];Daily newspaper;Daily planners;Data books;Data processing programmes in printed form;Date books;Date indicators;Date stamps;Date stamps [daters];Day planners;Debit cards without magnetic coding;Decalcomanias;Decals;Decoration and art materials and media;Decorations for pencils;Decorations of cardboard for foodstuffs;Decorative paper bows for wrapping;Decorative paper centerpieces;Decorative paper garlands for parties;Decorative pencil-top ornaments;Decorative stickers for helmets;Decorative stickers for soles of shoes;Decorative wrapping paper;Decorators' paintbrushes;Desk agendas;Desk baskets for desk accessories;Desk blotters;Desk calendars;Desk diaries;Desk mats;Desk organisers;Desk pads;Desk sets;Desk tidies;Desk top organizers;Desk top planners;Desk trays;Desktop business card holders;Desktop document racks;Desktop document stands;Desktop revolving rotary card files;Diagrams;Diaries;Diaries [printed matter];Dictation books;Dictionaries;Die-cut paper shapes;Digital printing paper;Dinner mats of card;Dinner mats of cardboard;Dinner mats of paper;Directories;Directory paper;Dispensers (Adhesive tape -) [office requisites];Display banners made of cardboard;Display banners of paper;Display binders;Display boxes of cardboard;Disposable absorbent training pads for pets;Disposable absorbent underpads for

pets; Disposable napkins; Document binding machines for office use; Document covers; Document destroyers [office machines]; Document file racks; Document files; Document files [stationery]; Document folders in the form of wallets; Document holders being articles of stationery; Document holders [stationery]; Document laminators for office use; Document markers; Document page markers; Document portfolios; Document stamp racks; Dot matrix printer ribbons; Double sided adhesive tapes for household use; Double sided adhesive tapes for stationery use; Double-sided adhesive tapes for household use; Drafting compasses; Drafting curves; Drafting instruments; Drafting rulers; Drafting squares; Drafting templates; Drafting triangles; Drawer liners made of scented paper; Drawer liners of paper, perfumed or not; Drawing board pins; Drawing boards; Drawing boards [painters' article]; Drawing boards [painters' articles]; Drawing books; Drawing brushes; Drawing compasses; Drawing curves; Drawing ink; Drawing instruments; Drawing instruments for blackboards; Drawing materials; Drawing materials for blackboards; Drawing pads; Drawing paper; Drawing pencils; Drawing pens; Drawing pins; Drawing protractors; Drawing rulers; Drawing sets; Drawing shields; Drawing squares; Drawing stencils; Drawing tablets [drawing pads]; Drawing templates; Drawing triangles; Drawing T-squares; Drawings; Dress making patterns; Dressmakers' patterns; Dressmaking patterns for drawing; Dressmaking stencils for drawing; Drip mats of card; Drip mats of cardboard; Drip mats of paper; Dry erase markers; Dry erase writing boards; Dry transfer characters; Dry transfer lettering; Drying towels of paper; Duplicating inks; Duplicating paper; Duplicator (Inking sheets for - ); Duplicators; Duplicators (Inking sheets for -); Dustbin bags; Dustbin liner bags of plastic; Dye-sublimation print paper; Easel pads; Easels; Easels for use by artists; Easels (Painters' - ); Educational books; Educational equipment; Educational publications; Elastic bands for offices; Electric and electronic franking machines; Electric hole punches; Electric letter openers; Electric pencil sharpeners; Electric staplers for offices; Electric typewriters; Electrical and electronic typewriters; Electrical heat sealing apparatus for office use; Electrical wood burning artists' pens; Electrocardiograph paper; Electro-cardiograph paper; Electronic and electric franking machines; Electronic typewriters; Electrostatic paper; Electrotypes; Embroidery design patterns; Embroidery designs [patterns]; Encyclopaedias; Engraving plates; Engraving sheets; Engravings; Engravings and their reproductions; Engravings [prints]; Entry tickets; Envelope paper; Envelope papers; Envelope sealing machines, for offices; Envelope sealing machines for offices; Envelopes; Envelopes for stationery use; Envelopes [stationery]; Eraser dusting brushes; Erasers; Erasers (Writing board -); Erasing products; Erasing shields; Etching needles; Etching pens; Etching sheets; Etchings; Event albums; Event

programs;Events albums;Events programmes;Exercise books;Exercise-book covers;Expanding files;Expense books;Extensions for pencils;Fabric glue for household use;Fabrics for bookbinding;Face cloths made of paper;Face tissues of paper;Face towels of paper;Facial tissue;Facial tissues of paper;Facsimile transmission paper;Fantasy books;Felt marking pens;Felt pens;Felt tip markers;Felt tip pens;Felt writing pens;Felt-tip pens;Fiber paper;Fiberboard boxes;Fiber-tip markers;Fibertip pens;Fiber-tip pens;Fibre-tip markers;Fibre-tip pens;Fiction books;Figures made of paper;Figurines made from cardboard;Figurines made from paper;Figurines [statuettes] of papier mâché;File binders;File boxes for storage of business and personal records;File boxes for storage of magazines;File cards;File cases;File covers;File dividers;File folders;File guides;File indexes;File pockets for stationery use;File sorters;File sorters [office requisites];File trays;Files [office requisites];Files [stationery];Filing cards;Filing cases;Filing containers;Filler paper;Film pens;Film (Plastic cling -) extensible, for palletization;Films for wrapping foodstuffs;Filter material of paper;Filter paper;Filtering materials of paper;Filtering materials [paper];Filters (Paper coffee -);Fine art prints;Fine paper;Finger moisteners;Finger tip moisteners being office requisites;Fingerprint kits;Finger-stalls [office requisites];Flags of paper;Flash cards;Flip books;Flip chart carrying cases;Flip chart cases;Flipcharts;Flow sheets [printed matter];Flower-pot covers of paper;Fluorescent paper;Fluting paper [corrugating medium];Flyers;Foins of plastic for packaging;Foins of plastic for wrapping;Folders;Folders for blueprints;Folders for letters;Folders for papers;Folders [stationery];Folios;Food bag tape for freezer use;Food waste bags of paper for household use;Food wrappers;Food wrapping plastic film;Food wrapping plastic film for household use;Forms, printed;Fountain pen ink cartridges;Fountain pens;Franking machines for office use;Freezer bags;French curves;Galley racks [printing];Garbage bags of paper [for household use];Garbage bags of paper or of plastics;Garbage bags of plastic;Garbage bags of plastics [for household use];Garbage bags of vinyl for household use;Gazetteers;Gel roller pens;Gelatine glue for stationery or household purposes;General feature magazines;General purpose plastic bags;Geographical maps;Giclee prints;Gift bags;Gift books;Gift boxes;Gift boxes made of cardboard;Gift cards;Gift cartons;Gift cases for writing instruments;Gift certificates;Gift packaging;Gift paper;Gift stationery;Gift tags;Gift vouchers;Gift wrap;Gift wrap cards;Gift wrap paper;Gift wrapping foil;Gift wrapping paper;Gift wraps;Gift-wrapping paper;Glassine paper;Glitter glue for stationery purposes;Glitter pens for stationery purposes;Globes;Globes (Terrestrial -);Glue for stationery or household purposes;Glue for stationery or household use;Glue for the office;Glue pens for stationery purposes;Glues for office use;Glues for the office;Gluten [glue] for stationery or household purposes;Golf



scorecard holders;Golf scorecards;Golf yardage books;Graining combs;Graph paper;Graphic art books;Graphic art prints;Graphic art reproductions;Graphic drawings;Graphic novels;Graphic prints;Graphic prints and representations;Graphic representations;Graphic reproductions;Graphs;Greaseproof paper;Greeting cards;Greetings cards;Grocery paper;Guest books;Guide books;Guillotine machines for office use;Gum arabic glue for stationery or household purposes;Gummed cloth for stationery purposes;Gummed paper;Gummed tape [stationery];Gums [adhesives] for stationery or household purposes;Gunpowder wrapping paper;Hand labelling appliances;Hand towels of paper;Handbooks;Handbooks [manuals];Handbooks relating to computers;Handheld label printers [office requisites];Handkerchiefs made of paper;Handkerchiefs of paper;Handles made of plastics for paint brushes;Handpainted paper wine bottle labels;Hand-rests for painters;Handwriting specimens for copying;Hanging folders;Hat boxes of cardboard;Hat boxes of paper;Headed notepaper;Heat sensitive paper;Heat transfer paper;Heat transfers;Hectographs;Highlighter pens;Highlighters;Highlighting markers;Highlighting pens;Histological sections for teaching purposes;Holders for adhesive tapes;Holders for checkbooks;Holders for checkbooks [cheque books];Holders for cheque books;Holders for desk accessories;Holders for files;Holders for letters;Holders for notebooks;Holders for notepads;Holders for stamps [seals];Holders (Passport -);Hole punchers for office use;Hole punches for office use;Hole punches [office requisites];Holiday cards;Home shopping catalogs;Home shopping catalogues;Honeycomb paper;Hotel directories;House painters' roller brushes;House painters' rollers;Household paper;Humidity control sheets of paper or plastic for foodstuff packaging;Hygienic hand towels of paper;Hygienic paper;Hymn books;Ice cube bags;Illustrated notepads;Illustrated wall maps;Illustrated wall maps for educational purposes;Illustration boards;Imitation leather paper;Impression stamps;Imprinters (Credit card -), non-electric;Imprinters for office use;Index books;Index cards;Index cards [stationery];Index files;Indexes;India ink;India ink pens;India paper;Indian inks;Industrial packaging containers of paper;Industrial paper;Industrial paper and cardboard;Inflight magazines;Information booklets;Information books;Informational flyers;Informational letters;Informational sheets;Ink;Ink blotters;Ink cartridges for fountain pens;Ink cartridges for pens;Ink erasers;Ink for fountain pens;Ink for pens;Ink for writing instruments;Ink pads;Ink pads for seals;Ink pen refill cartridges;Ink pens;Ink reservoirs;Ink ribbons;Ink rollers for office machines;Ink sheets for use in reproducing images in the printing industry;Ink stamps;Ink sticks;Ink sticks (sumi);Ink stones;Ink stones [ink reservoirs];Inked ribbons for typewriters;Inking pads;Inking pads for seals;Inking ribbons;Inking ribbons for computer printers;Inking sheets for document reproducing machines;Inking sheets for

duplicators;Inks;Inks for pads;Inkstands;Inkstones;Inkstones [ink reservoirs];Ink wells;Instruction manuals;Instruction manuals for exercise equipment;Instruction manuals for music synthesizers;Instruction manuals relating to computer software;Instruction sheets;Instructional and teaching material (except apparatus);Instructional and teaching materials;Instructional manuals;Instructional manuals for teaching purposes;Instructional material (except apparatus);Invitation cards;Invitations;Iron-on transfers of paper;Isinglass for household purposes;Isinglass for stationery or household purposes;Ivory manila board;Ivory paper;Jackets for papers;Jackets of paper for books;Jacquard looms (Perforated cards for - );Japanese ceremonial paper strings (mizuhiki);Japanese handicraft paper;Japanese paper;Japanese paper (torinoko-gami);Japanese paper [torinoko-gami];Jotters;Journals;Kitchen paper;Kitchen rolls [paper];Knitting patterns;Knives (Paper -) [office requisites];Kraft paper;Label paper;Label printing machines for household and stationery use;Labelling machines for office use;Labels, not of textile;Labels of paper;Labels of paper or cardboard;Laminated paper;Laminators (Document -) for office use;Laser cut paper;Laser print paper;Laser printing paper;Latex glue for stationery or household purposes;Lavatory paper;Law digests;Law reports;Lead holders [propelling pencils];Leaflets;Leather appointment book covers;Leather book covers;Leather bookmarks;Leather covered diaries;Leather pencil cases;Ledger books;Ledgers [books];Legal journals;Legal pads;Lenticular postcards;Letter clips;Letter files;Letter holders;Letter openers;Letter openers of precious metal;Letter paper;Letter paper [finished products];Letter racks;Letter trays;Letterhead paper;Letterheads;Lettering guides;Lettering stencils;Letter-openers;Letters [type];Lever arch files;Linerboard for corrugated cardboard;Liners of paper for toilet boxes for domestic animals;Liners of paper for toilet trays for domestic animals;Liners of plastic for toilet boxes for domestic animals;Liners of plastic for toilet trays for domestic animals;Lining paper;Lining papers for packaging;Lining papers for wrapping;Lithographic engravings;Lithographic prints;Lithographic stones;Lithographic works of art;Lithographs;Log books;Logbooks [aviation];Logbooks [book-keeping];Logbooks [ship's log];Loose leaf binders;Loose leaf paper;Loose-leaf binders;Loose-leaf pads;Luggage tags of cardboard;Luggage tags of paper;Luminous paper;Machines for office use for folding documents;Machines for office use for sorting documents;Machines for office use for stamping mail;Machines for office use in addressing mail;Magazine covers;Magazine paper;Magazine supplements for newspapers;Magazines;Magazines featuring video and computer games;Magazines in the fields of games and gaming;Magazines [periodicals];Magnetic boards for scheduling activities and appointments;Mail order catalogues;Mailing labels;Make-up pads of paper for removing

make-up;Manga comic books;Manga graphic novels;Manifolds [stationery];Manila board;Manila envelopes;Manila folders;Manila paper;Manually operated credit card imprinters;Manuals;Manuals for computer software;Manuals for instructional purposes;Manuals for use with software;Manuals [handbooks];Manuscript books;Map cases;Map tacks;Mapping pins;Maps;Maps (Geographical -);Maps made of flexible plastics;Marine logs [printed matter];Marker caddies;Marker pens;Marking chalk;Marking ink containing biologics for use in authentication of objects;Marking inks;Marking pen refills;Marking pens;Marking pens [stationery];Marking stamps;Marking tabs;Marking templates;Masking paper;Mats for beer glasses;Mats of paper for beer glasses;Mats of paper for drinking glasses;Mechanical pencil sharpeners;Mechanical pencils;Mechanically operated pencils;Medical journals;Memo blocks;Memo pad holders;Memo pads;Memo sorters;Memorandum boards;Memorandum books;Memorandum pads;Menu cards;Menus;Metal drawing pins;Metal money clips;Metallic gift wrap;Metallic gift wrapping paper;Metallic paper party decorations;Microwave cooking bags;Microwave cooking (Bags for -);Mildewproof paper;Milk bottle caps [trading cards];Millboard;Mimeograph apparatus and machines;Mimeograph paper;Mimeograph stencils;Mimeographs;Mini photo albums;Modeling clay;Modeling clay for children;Modeling compounds;Modeling paste;Modeling wax, not for dental purposes;Modelling clay;Modelling clays (Molds for -) [artists' materials];Modelling clays (Moulds for -) [artists' materials];Modelling materials;Modelling paste;Modelling wax, not for dental purposes;Models (Architects' -);Moisteners for gummed surfaces [office requisites];Moisteners [office requisites];Moistureproof cellophane paper;Molds for modelling clays [artists' materials];Money clips;Money clips of precious metals;Money holders;Monographs;Monthly planners;Motivational cards;Moulds for modelling clays [artists' materials];Mounted and unmounted photographs;Mounted posters;Mounting boards;Mounting photographs (Apparatus for -);Mounts for stamps;Mounts for X-ray negatives for non-medical purposes;Mounts of paper for pictures;Mulch paper;Music books;Music in sheet form;Music instruction manuals;Music magazines;Music note books;Music scores;Music sheets;Musical greeting cards;Musical greetings cards;Musical score books;Musical scores;Nail stencils;Name cards;Napkin paper;Napkins made of paper for household use;Napkins of cellulose for cosmetic purposes;Napkins of cellulose for household purposes;Napkins of paper;Napkins of paper for removing make-up;Napkins of paper (Table -);Navigation charts for use in sailing craft;News bulletins;Newsletters;Newsletters in the fields of games and gaming;Newspaper cartoons;Newspaper comic strips;Newspapers;Newsprint paper;Nibs;Nibs for writing instruments;Nibs of gold;Nibs of gold for writing instruments;Non-electric chart pointers;Non-

fiction books;Note books;Note cards;Note pad holders;Note pads;Note paper;Note papers;Noteboards;Notebook covers;Notebook dividers;Notebook paper;Notebooks;Notelets;Notepads;Notepaper;Novels;Numbering apparatus;Numbering guides;Numbering stamps;Numbers [type];Obliterating stamps;Occasion cards;Office binders;Office decollating machines;Office glues;Office hole punchers;Office labeling machines;Office labelling machines;Office lettering machines;Office machines;Office paper drill machines;Office paper stationery;Office perforating machines;Office perforators;Office requisites;Office requisites, except furniture;Office seals;Office staplers;Office stationery;Offset paper;Offset printing paper for pamphlets;Oil pastels;Oiled paper for paper umbrellas (kasa-gami);Oilproof paper;Oleographs;Omikujii [sacred lots] [printed strips of paper used for fortune telling];Onion skin paper;Opaque paper;Operating manuals for use with computers;Order forms;Order forms for use in home shopping;Organizers for stationery use;Origami folding paper;Ornamental sculptures made of papier mache;Ovenproof paper;Packaging bags of paper;Packaging boxes of card;Packaging boxes of cardboard;Packaging boxes of paper;Packaging cartons of card;Packaging cartons of cardboard;Packaging containers of card;Packaging containers of paper;Packaging containers of regenerated cellulose;Packaging material made of starches;Packaging materials;Packaging materials made from mineral-based paper substitutes;Packaging materials made of cardboard;Packaging materials made of recycled paper;Packaging materials of plastic for sandwiches;Packaging wrappers of plastic;Packing cardboard;Packing cardboard containers;Packing containers of cardboard;Packing [cushioning, stuffing] materials of paper or cardboard;Packing paper;Padded bags of card;Padded bags of paper;Pads for applying paint;Pads of paper;Pads of party invitations;Pads [stationery];Pads (Writing -);Page holders;Page markers;Paint applicator pads;Paint applicator rollers;Paint applicators in the nature of sponges;Paint boxes;Paint boxes and brushes;Paint boxes [articles for use in school];Paint brushes;Paint paddles;Paint roller covers;Paint roller handles;Paint roller trays;Paint rollers;Paint stick markers;Paint trays;Paintbrushes;Painters' brushes;Painters' easels;Painting books;Painting canvas;Painting mitts for applying paint;Painting pencils;Painting sets for artists;Painting sets for children;Paintings;Paintings and calligraphic works;Paintings [pictures], framed or unframed;Palettes for painters;Pamphlets;Pantographs [drawing instruments];Paper;Paper and cardboard;Paper baby bibs;Paper badges;Paper bags;Paper bags and sacks;Paper bags for household use;Paper bags for packaging;Paper banners;Paper bibs;Paper bibs for babies;Paper binding machine for office use;Paper board;Paper bows;Paper bows for gift wrap;Paper boxes;Paper boxes for storing greeting cards;Paper bunting;Paper cake

decorations;Paper cake toppers;Paper carton sealing tape;Paper cartons for delivering goods;Paper clasps;Paper clip holders;Paper clips;Paper coasters;Paper cocktail parasols;Paper coffee filters;Paper containers;Paper containing mica;Paper crafts materials;Paper cutters;Paper cutters [office requisites];Paper doilies;Paper doylies;Paper drop cloths;Paper egg cartons;Paper (Electro-cardiograph -);Paper emblems;Paper embossers [office requisites];Paper envelopes for packaging;Paper expanding files;Paper face towels;Paper fasteners;Paper file jackets;Paper filters for coffee;Paper filters for coffee makers;Paper flags;Paper folders;Paper folders [stationery];Paper folding machines as office requisites;Paper for bags and sacks;Paper for Japanese indoor sliding partitions (fusuma-gami);Paper for Japanese sliding screens (shoji-gami);Paper for making bags and sacks;Paper for photocopies;Paper for photocopying;Paper for printing photographs;Paper for radiograms;Paper for recording machines;Paper for use as material of stock certificates (shokenshi);Paper for use in the graphic arts industry;Paper for use in the manufacture of surgical drapes;Paper for use in the manufacture of tea bags;Paper for use in the manufacture of wallpaper;Paper for use on examination tables;Paper for wrapping;Paper for wrapping and packaging;Paper for wrapping books;Paper garlands;Paper gift bags;Paper gift boxes;Paper gift tags;Paper gift wrap;Paper gift wrap bows;Paper gift wrapping ribbons;Paper hand towels;Paper handkerchiefs;Paper handtowels;Paper hand-towels;Paper hangtags;Paper hole punches;Paper hole punches [office requisites];Paper identification tags;Paper impregnated with oil for wrapping purposes;Paper knives [cutters] [office requisites];Paper knives [letter openers];Paper knives [office requisites];Paper labels;Paper lace;Paper letters and numbers;Paper loyalty cards;Paper lunch bags;Paper made from paper mulberry (kohzo-gami);Paper made from paper mulberry (tengujosi);Paper mail pouches;Paper name badges;Paper napkins;Paper padding;Paper pads;Paper pads for changing diapers;Paper party bags;Paper party decorations;Paper passe-partouts;Paper patterns;Paper pennants;Paper pennons;Paper pet crate mats;Paper picture mounts;Paper place mats;Paper pouches for packaging;Paper racks [office requisites];Paper report covers;Paper ribbon;Paper ribbons;Paper rolls for calculating machines;Paper sacks;Paper serviettes;Paper sheets for note taking;Paper sheets [stationery];Paper shopping bags;Paper shredders for office use;Paper signboards;Paper signs;Paper staples;Paper stationery;Paper stock;Paper stock [printing paper];Paper table cloths;Paper table covers;Paper table linen;Paper table mats;Paper table napkins;Paper tablecloths;Paper tags;Paper take-out cartons for food;Paper tapes;Paper tapes and cards for the recordal of computer programmes;Paper tapes for calculating machines;Paper tapes for calculators;Paper tea filters;Paper teaching

materials;Paper tissues;Paper tissues for cosmetic use;Paper toilet bowl liners;Paper toilet seat covers;Paper towels;Paper washcloths;Paper (Waxed -);Paper weights;Paper wine gift bags;Paper wipes;Paperboard;Paperboard blanks;Paperboard boxes [for industrial packaging];Paperboard boxes for industrial packaging;Paperboard [cardboard];Paperboard trays for packaging food;Paper-clips;Papers for use in the graphic arts industry;Paperweights;Papier mâché;Papier mache statuettes;Paraffined paper;Paraffined paper [waxed paper];Parchment;Parchment paper;Partially printed forms;Party favor boxes of cardboard;Party ornaments of paper;Party stationery;Passbook covers;Passenger tickets;Passport cases;Passport covers;Passport holders;Paste board;Paste for handicraft, for stationery or household purposes (banjaku-nori);Paste for stationery or household purposes;Pasteboard;Pastel crayons;Pastels;Pastels [crayons];Pastes and other adhesives for stationery or household purposes;Pastes for stationery or household purposes;Patterns for dressmaking;Patterns for embroidery;Patterns for making clothes;Pen and pencil boxes;Pen and pencil cases;Pen and pencil holders;Pen boxes;Pen cartridges;Pen cases;Pen clips;Pen holders;Pen ink cartridges;Pen ink refills;Pen nibs;Pen refills;Pen rests;Pen sets;Pen stands;Pen trays;Pen wipers;Pencil boxes;Pencil caps;Pencil cases;Pencil cups;Pencil eraser refills;Pencil erasers;Pencil extenders;Pencil holders;Pencil lead holders;Pencil lead refills;Pencil leads;Pencil ornaments [stationery];Pencil ornaments (stationery);Pencil point protectors;Pencil sets;Pencil sharpeners;Pencil sharpeners, electric or non-electric;Pencil sharpening machines;Pencil sharpening machines, electric or non-electric;Pencil tins;Pencil trays;Pencils;Pencils for colouring;Pencils with erasers;Penholders;Pennants of paper;Pens;Pens for marking;Pens of precious metal;Pens [office requisites];Perforated cards for jacquard looms;Perforated cards for Jacquard looms;Perfumed drawer liners;Periodical magazines;Periodical publications;Periodicals;Personal organisers;Personal organizers;Pharmaceutical information leaflets;Philatelic stamps;Photo albums;Photo albums and collectors' albums;Photo mounting corners;Photo storage boxes;Photocopy paper;Photocopy papers;Photo-engravings;Photograph album pages;Photograph albums;Photograph corners;Photograph mounts;Photograph stands;Photographic albums;Photographic or art mounts;Photographic prints;Photographs;Photographs (Apparatus for mounting -);Photographs [printed];Pictorial prints;Picture books;Picture cards;Picture postcards;Pictures;Pigeon holes;Pins [stationery];Placards of cardboard;Placards of paper;Placards of paper or cardboard;Place cards;Place mats made of paper;Place mats of paper;Planners [printed matter];Plans;Plastic adhesives for stationery or household purposes;Plastic bags for disposable diapers;Plastic bags for disposing of pet waste;Plastic

bags for general use;Plastic bags for household use;Plastic bags for packaging;Plastic bags for packaging ice;Plastic bags for packing;Plastic bags for pet waste disposal;Plastic bags for securing valuables;Plastic bags for undergarment disposal;Plastic baseball card holders;Plastic bin liners;Plastic bubble packs for wrapping;Plastic bubble packs for wrapping or packaging;Plastic cling film, extensible, for palletization;Plastic coated copying paper;Plastic disposable diaper bags;Plastic envelopes;Plastic film for packaging;Plastic film for wrapping;Plastic film roll stock for packaging;Plastic film roll stock for packaging electronic devices;Plastic film roll stock for packaging food;Plastic film roll stock for packaging pharmaceuticals;Plastic foil for packaging;Plastic foil for wrapping;Plastic food storage bags for household use;Plastic gift wrap;Plastic material for packaging;Plastic materials for packaging;Plastic oven cooking bags;Plastic pages with pockets for holding photographs;Plastic pages with pockets for holding receipts;Plastic pages with pockets for holding trading cards;Plastic sandwich bags;Plastic shopping bags;Plastic transparencies;Plastic wrap;Plastics for modelling;Plates for addressing machines;Plates for addressing machines (Address -);Plotting papers [graph paper as finished products];Pocket books [stationery];Pocket calendars;Pocket diaries;Pocket handkerchiefs of paper;Pocket memorandum books;Pocket notebooks;Pocket pen shields;Pocket secretaries;Pointers (Chart -), non-electronic;Polymer modelling clay;Polypropylene foil for packing;Polythene films for wrapping or packaging;Pop-up books;Pop-up greetings cards;Porous tip pens;Portable printing sets;Portraits;Post cards;Postage meters for office use;Postage stamps;Postcard paper;Postcards;Postcards and picture postcards;Poster magazines;Posters;Posters made of paper;Pouches for writing instruments;Pouches of plastic for wrapping;Prayer books;Precious metal money clips;Pre-paid purchase cards, not magnetically encoded;Pre-paid telephone calling cards, not magnetically encoded;Prescription reminder pads;Presentation folders;Price lists;Price tags;Print blocks;Print characters;Print letters;Print wheels;Printed advertisements;Printed advertising boards of cardboard;Printed advertising boards of paper;Printed answer sheets;Printed art reproductions;Printed award certificates;Printed awards;Printed booklets;Printed books;Printed books in the field of music education;Printed brochures;Printed calendars;Printed cardboard invitations;Printed certificates;Printed charts;Printed consumer reports;Printed correspondence course materials;Printed coupons;Printed curricula;Printed diagrams;Printed educational materials;Printed emblems;Printed emblems [decalcomanias];Printed flip charts;Printed flyers;Printed forms;Printed greeting cards with electronic information stored therein;Printed guides;Printed horoscopes;Printed information sheets;Printed informational cards;Printed informational

flyers;Printed informational folders;Printed informational sheets;Printed instructional material on telecommunications;Printed invitations;Printed leaflets;Printed lectures;Printed lessons;Printed luggage labels;Printed mail response cards;Printed manuals;Printed material in the nature of color samples;Printed matter;Printed matter for instructional purposes;Printed menus;Printed music;Printed music books;Printed news releases;Printed newsletters;Printed novelty wine labels;Printed packaging materials of paper;Printed pamphlets;Printed paper invitations;Printed paper labels;Printed paper signs;Printed paper signs featuring names for use for special events;Printed paper signs featuring table numbers for use for special events;Printed patterns;Printed patterns for costumes;Printed patterns for dressmaking;Printed periodical publications;Printed periodicals;Printed periodicals in the field of dance;Printed periodicals in the field of figurative arts;Printed periodicals in the field of movies;Printed periodicals in the field of music;Printed periodicals in the field of plays;Printed periodicals in the field of tourism;Printed photographs;Printed plans;Printed price lists; Printed programmes; Printed promotional material; Printed publications; Printed publications relating to computers; Printed questionnaires; Printed recipe cards; Printed recipes sold as a component of food packaging; Printed reports; Printed research reports; Printed seminar notes; Printed sheet music; Printed stationery; Printed stories in illustrated form; Printed survey answer sheets; Printed tables; Printed teaching activity guides; Printed teaching materials; Printed tickets; Printed timetables; Printed training materials; Printed visuals; Printed vouchers; Printers' blankets, not of textile; Printers' galley racks; Printers' letters [type];Printers' reglets; Printers' reglets [interline leads];Printer's type; Printers' type; Printing and bookbinding equipment; Printing blocks; Printing characters; Printing fonts; Printing paper; Printing papers; Printing sets; Printing sets, portable [office requisites]; Printing type; Prints; Prints [engravings];Prints in the nature of pictures; Printwheels for typewriters; Promotional publications; Proofing paper; Propelling pencils; Prospectuses; Protective covers for books; Protractors as drawing instruments; Protractors [for stationery and office use];Publication paper; Publications (Printed -);Punched cards for the recordal of computer programmes; Punches [office requisites]; Push pins; Quick reference pocket guides; Radiograms (Paper for -);Recipe binders; Recipe books; Record cards; Recycled bond paper; Recycled paper; Red algae gelatine glue, for stationery or household purposes (funori); Red algae gelatine glue, for stationery or household purposes [funori]; Red ink paste used for seals; Reel paper for printers; Reference books; Reference cards; Refills for ballpoint pens; Refuse bags of paper; Register files; Reinforced stationery tabs; Religious books; Religious circular letters; Removable self-stick notes; Removable tattoos [decalcomania];Reporters' notebooks; Reproduction paper; Reproductions (Graphic -



); Reproductions of paintings; Resource books; Retractable pencils; Revolving circular charts; Ribbons for handheld label printers [office requisites]; Ribbons for typewriters; Ribbons of paper; Ribbons (Paper -); Rice paper ; Ring binders; Ring files; Road maps; Role playing game equipment in the nature of manuals; Roller ball pens ; Rollerball pens; Rollers for applying paint; Rollers for typewriters; Rollers (House painters' -); Rolls of plastic film for packaging; Romance novels; Rosettes of paper; Rotary duplicators; Route maps; Rub down transfers; Rubber bands [office requisites]; Rubber bands [stationery]; Rubber cements for stationery; Rubber document stamps; Rubber erasers; Rubber finger tips; Rubber stamp; Rubber stamps; Rubbers for erasing written text; Rubbish bags; Rubbish bags (made of paper or plastic materials); Ruled paper [finished products]; Rulers; Rulers (Drawing -); Rulers for drawing; Rulers (Square -); Safety paper; Sandwich bags; Sandwich bags [paper]; Saucers (Watercolor [watercolour] -) for artists; Savings stamps; Scented paper drawer liners; Scented stationery; School cones, empty; School photographs; School supplies [stationery]; School writing books; School yearbooks; Scoops made of card for the disposal of pet excrement; Score books; Score charts; Score pads; Score sheets; Score-books; Score-cards; Scoring cards; Scrap books; Scrapbook albums; Scrapbook pages; Scrapbooks; Scrapers [erasers] for offices; Scratch pads; Scribble pads; Scribbling pads; Sculptures made from papier mache; Seal ink pads; Sealing compounds for stationery purposes; Sealing machines for offices; Sealing stamps; Sealing tape for stationery use; Sealing wafers; Sealing wax; Seals for offices; Seals for the office; Seals [stamps]; Seals [stationery]; Seaweed glue for stationery; Self-adhesive plastic sheets for lining shelves; Self-adhesive tapes for stationery and household purposes; Self-adhesive tapes for stationery or household purposes; Self-adhesive tapes for stationery use; Semi-processed paper; Series of computer game hint books; Series of fiction books; Series of non-fiction books; Serviettes of paper; Set squares for drawing; Sewing patterns; Sharpeners for cosmetic pencils; Sharpeners (Pencil -); Sheet music; Sheet music in printed form; Sheets for wrapping made of paper; Sheets for wrapping made of plastic material; Sheets of reclaimed cellulose for wrapping; Sheets of reclaimed cellulose for wrapping [cellophane paper]; Sheets of recycled cellulose for wrapping; Shelf paper; Shields (Erasing -); Shields of paper; Shields [paper seals]; Shipping labels; Ships logs [printed matter]; Shoji-gami [paper for Japanese sliding partitions]; Shredding machines for office use; Signature books; Signboards of paper or cardboard; Signed photographs; Silk canvas [painters' article]; Silk screen prints; Silver paper; Sketch boards; Sketch books; Sketch pads; Sketchbooks; Sketches; Sketching boards; Skin marker pens; Slate boards for writing; Slate pencils; Sleeves for holding and protecting stamps; Small blackboards; Social note cards; Software programmes in printed form; Song books;

Souvenir event programs; Souvenir programmes; Spiral-bound notebooks; Spirit gum for household use; Spirit gum for stationery purposes; Spirit masters for mimeographing; Spools for inking ribbons; Spools for typewriters; Sports trading cards; Spray chalk; Square rulers; Square rulers for drawing; Squares (Drawing -); Squares for drawing; Stamp albums; Stamp canceling machines; Stamp cases; Stamp holders; Stamp inks; Stamp mounts; Stamp pad inks; Stamp pads; Stamp stands; Stamping inks ;Stamping machines for office use; Stamps; Stamps (Address -); Stamps (Postage -); Stamps [seals]; Stamps [seals] (Cases for -); Stands for pen and pencil; Stands for pens; Stands for pens and pencils; Stands for writing implements; Staple removers; Stapler holders; Staplers (Electric -), for office use; Staplers for office use; Staplers for offices; Staplers [office machines];Staplers [office requisites]; Staples; Staples for offices; Staples [office requisites]; Stapling guns (Electric -) for stationery use; Stapling guns (Hand-operated -) for stationery use; Stapling presses [non-electric staplers];Stapling presses [office requisites];Starch paste [adhesive] for stationery or household purposes; Starch paste for stationery; Starches (Packaging material made of -); Stationery; Stationery and educational supplies; Stationery boxes; Stationery (Cabinets for -) [office requisites];Stationery cases; Stationery folders; Stationery-type portfolios; Statuettes of papier mache; Steatite [tailor's chalk];Steel letters; Steel pens; Steel pens [styluses or stencil pens];Stencil cases; Stencil paper; Stencil paper [finished product]; Stencil paper [finished products]; Stencil paper [mimeograph paper];Stencil plates; Stencils; Stencils for face painting; Stencils [stationery]; Stenographers' note books; Stick markers; Sticker activity books ;Sticker albums; Sticker books; Stickers; Stickers [decalcomanias]; Stickers [stationery];Sticky tape; Stipple applicators for use by painters; Stock certificate paper; Stones (Lithographic -);Storage containers made of paper; Story books; Straight edges; Straight edges for drawing; Strategy guide books for card games; Strategy guide books for computer games; Strategy guide magazines for card games; Strategy guide magazines for video games; Strategy guidebooks for video games; String dispensers for use in packaging; String dispensers for use in wrapping; Strips of fancy paper (tanzaku);Study guides; Stuffing of paper or cardboard; Stylographic pens; Supercalendered printing paper; Synthetic bond paper; Synthetic paper; Table cloths of paper; Table decorations of paper; Table linen of paper; Table mats of card;Table mats of cardboard;Table mats of paper;Table napkins of paper;Table place setting mats of card;Table place setting mats of cardboard;Table place setting mats paper;Table runners of cellulose;Table runners of paper;Tablecloths of paper;Tablemats of paper;Tables (Arithmetical -);Tables (Calculating -);Tags for index cards;Tailors' chalk;Tamper evident tapes of plastic;Tapes (adhesive -) [stationery];Tapes for typewriters;Teaching manuals;Teaching

materials [except apparatus];Tear-off calendars;Tee squares [drawing];Telephone books;Telephone directories;Television listing magazines;Temporary tattoo transfers;Temporary tattoos;Terrestrial globes;Textbooks;Thank you cards;Thermal paper;Thick Japanese paper [hosho-gami];Three dimensional models for educational purposes;Thumb tacks;Thumbtacks;Thumbtacks [stationery];Tickets;Till rolls;Timetables;Timetables (Printed -);Tips for ballpoint pens;Tissue paper;Tissue paper for making stencil paper;Tissue paper for use as material of stencil paper (ganpishi);Tissue papers;Tissues;Tissues of paper;Tissues of paper for removing make-up;Toilet paper;Toilet paper in roll form;Toilet rolls;Toilet tissue;Toilet tissue made of paper;Toilet tissues;Toilet tissues of paper;Towels of paper;Towels of paper for removing make-up;Toy putty;Tracing cloth;Tracing needles for drawing purposes;Tracing paper;Tracing papers;Tracing patterns;Trade journals;Trading card milk bottle caps;Trading cards;Trading cards other than for games;Trading cards, other than for games;Training manuals;Transfer paper;Transfers;Transfers [decalcomanias];Transparencies;Transparencies [stationery];Trash can liners;Travel guide books;Travel magazines;Travellers' cheques;Trays for holding drafting instruments;Trays for holding drawing instruments;Trays for sorting and counting money;Treated paper for wrapping flowers and floral displays;Triangles being drawing instruments;Trimming machines for office use;Trivia cards;T-squares (Drawing -);T-squares for drawing;Tubes (Cardboard -);Type fonts for typewriters;Type [numerals and letters];Typeface;Typefaces;Typewriter correction ribbons;Typewriter keys;Typewriter paper;Typewriter printwheels;Typewriter ribbons;Typewriter typeballs;Typewriter typing elements;Typewriters;Typewriters, electric or non-electric;Typographic characters;Unfitted furniture covers of paper;Ungraduated rulers;Unmounted and mounted photographs;User manuals;Vehicle bumper stickers;Vellum paper;Vignetting apparatus;Viscose sheets for wrapping;Visiting cards;Visitors books;Vouchers;Vouchers of value;Wall calendars;Wall charts;Wall decals;Wall planners;Wallcoverings (Books containing samples of -);Wallpaper pattern books;Wallpaper sample book;Wallpaper stencils;Washi;Water colours [finished painting];Watercolor boards;Watercolor paintings;Watercolor pictures;Watercolor saucers (Artists' -);Watercolor [watercolour] saucers for artists;Watercolors [paintings];Watercolour paintings;Watercolour saucers (Artists' -);Watercolours [finished paintings];Watercolours [paintings];Waterproof paper;Waterproof paper [other than for use in building];Waterproofing film (Plastic -) for packaging;Waterproofing film (Plastic -) for wrapping;Water-writing cloths for calligraphy practice;Wax bond paper;Wax paper;Wax (Sealing -);Waxed paper;Waxed paper [other than for use in building];Wedding albums;Wedding books;Weekly planners;Wet erase

markers;Wet erase paper labels;White paperboard;White papers;Whiteboard erasers;Whiteboards;Whiteboards having magnetic properties;Wirebound books;Wood glue for household use;Wood pulp board [stationery];Wood pulp paper;Workbooks containing exercises;Works of art and figurines of paper and cardboard, and architects' models;Works of art made of paper;Wrappers [stationery];Wrapping foils for books;Wrapping materials made of card;Wrapping materials made of cardboard;Wrapping materials made of paper;Wrapping paper;Wristbands for the retention of writing instruments;Writing and stamping implements;Writing board erasers;Writing books;Writing brush for calligraphy;Writing brush for Shodo;Writing brush hangers;Writing brush holders;Writing brush washers;Writing brush washing saucers;Writing brushes;Writing brushes for calligraphy;Writing cases [sets];Writing cases [stationery];Writing chalk;Writing grips;Writing implements;Writing implements [writing instruments];Writing ink;Writing instruments;Writing materials;Writing or drawing books;Writing pads;Writing paper;Writing paper holders;Writing paper pads;Writing sets;Writing slates;Writing stationery;Writing tablets;Writing utensils;Writing utensils made of fibres;Xerographic paper; Xuan paper for Chinese painting and calligraphy; Year planners.

2) The application was examined and accepted, and subsequently published for opposition purposes on 7 July 2017 in Trade Marks Journal No.2017/027.

3) On 9 October 2017 Advance Magazine Publishers Inc. (opponent 1) and Conde Nast Publication Limited, (opponent 2) jointly filed a notice of opposition. Opponent one owns and controls opponent two and they will henceforth be called the opponents. The opponents are the proprietors of the following trade marks:

Mark	Number	Dates of filing & registration	Class	Specification relied upon
<b>VOGUE</b>	EU 183756	01.04.96 28.05.14	16	Printed matter (magazines, newsletters, and books; computer programs); paper products (posters, paper patterns).
<b>VOGUE</b>	EU 4023041	02.09.04 12.11.17	16	Paper and cardboard; goods made from paper and cardboard; printed matter; bookbinding material; photographs; stationery; writing, drawing and marking instruments and cases therefore; adhesives

				for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites; instructional and teaching materials; wrapping and packaging materials; plastic materials for packaging; gift wrapping; paper and plastic bags; tissues; tissue paper; prints; posters; photographs; cards; greetings cards; gift tags; calendars; diaries; printers' type; printing blocks; publications; books; pamphlets; manuals; magazines; periodical publications; newspapers; newsletters; decalcomanias; pressure sensitive stickers; book covers; book marks; parts and fittings for all the aforesaid goods.
<b>VOGUE</b>	UK 696667	09.03.51 09.03.51	16	Printed publications, catalogues, and paper patterns for use in making clothes.

4) The grounds of opposition are, in summary:

- a) The word “Africa” is virtually invisible in the mark in suit and is simply descriptive of the geographical origin of the goods. The mark in suit is identical and/or similar to the opponents’ marks and sought to be registered for identical and/or similar goods. The mark in suit therefore offends against sections 5(1), 5(2)(a) & 5(2)(b) of the Act.
- b) The opponents have considerable reputation in respect of magazines in class 16 under the marks above. Use of the mark in suit would form a link between the applicant’s goods and those of the opponents such that it would take unfair advantage of the repute of the opponents’ marks. Such a link would damage or tarnish the reputation of the opponents marks and diminish its distinctiveness. The application therefore offends against section 5(3) of the Act.
- c) The magazine VOGUE has been published in the UK since 1916, and consists of photographs, articles, advertising, entertainment all based around fashion and style. It has become known as the “world’s fashion bible” and the “world’s arbiter of fashion”. The opponents own and operate many websites with the term VOGUE within them around the world, and have won many

awards for their magazine in a variety of countries world-wide. The opponents have goodwill and reputation in the mark VOGUE and as such use of the mark in suit would create misrepresentation, leading to damage to the opponents. As such the application offends against Section 5(4)(a) of the Act.

d) The opponents allege that the applicant was aware of the opponents' rights in the mark VOGUE at the time of submitting the application. They further contend that no business could possibly have a bona fide intention of using a mark upon all the goods which have been applied for by the applicant. The mark in suit therefore offends against section 3(6) of the Act.

5) On 3 November 2017 the applicant filed a counterstatement, subsequently amended, basically denying all the grounds, pointing out the differences between the parties' marks and in particular the differences in some of the goods and services of the two parties. She states that the opponents have many VOGUE subsidiaries such as Vogue Arabia, Vogue China, Vogue Netherlands etc. She states "Vogue Africa will not mind being a subsidiary of VOGUE. May I kindly ask you give VOGUE AFRICA the chance". She also claims that VOGUE is merely a dictionary word and that there are many businesses around the world that use the word VOGUE in their names such as hairdressers. She does not put the opponents to strict proof of use of its marks.

6) Both parties filed evidence. Both parties seek an award of costs in their favour. The matter came to be heard on 17 July 2018 when Mr Bartlett of Messrs BeckGreener represented the opponents; the applicant represented herself.

## **OPPONENTS' EVIDENCE**

7) The opponents filed two witness statements both having various exhibits, the first by their Trade Mark Attorney Mr Bartlett dated 13 March 2018 and the second, also dated 13 March 2018, is by David Geithner the Vice President of Advance Magazine Publishers Inc. a position he has held since 2014. I take the following facts from the evidence:

a) The applicant was aware of the reputation of the opponents due to previous proceedings between the parties. In a letter, dated 14 September 2017, to BeckGreener the applicant states "I appreciate VOGUE as one of the leading fashion and style magazine that is published worldwide but Africa is yet to be covered. There is a huge market for the magazine in Africa

and West Indies. As an indigene of Africa I will like to be a subsidiary member of VOGUE internationally”.

- b) Vogue magazine has been published in the UK since 1916 (virtually uninterrupted) and versions for different countries have been published as for instance: USA since 1892; Italy since 1965; Germany since 1979; Spain since 1988; Portugal since 2002 and the Netherlands since 2012. Many other countries also have specific editions. In the UK in 2015 each monthly edition was read by over 1.3 million people, with much greater numbers looking at the Internet version.
- c) UK sales of the magazine have generated an average of approximately £1.16 million per annum over the last nine years, and generated advertising revenue in the same period averaging approximately £24.31million per annum. The magazine has spent, over the same period, an average of approximately £622,000 per annum advertising the magazine in other publications, on news-stands and direct mail advertising.
- d) Top fashion models and photographers feature heavily in the magazine. The magazine is regarded as synonymous with fashion and style both in terms of clothing, accessories, beauty, interiors, food, drink, dining and lifestyle generally. The magazine is regarded as the world’s “fashion bible”. Advertising in Vogue covers clothing, accessories, perfume, watches, luggage, jewellery, cosmetics etc.
- e) The magazine generates a vast number of stories in the UK media and has been the subject of a considerable number of books. The UK edition of Vogue has also won numerous awards.
- f) Exhibits DG4 page 11 and DG5 page 2 show mark EU 4023041 with the words “DEUTSCH” and “Australia” within the letter “O” of Vogue precisely as used in the mark in suit.

## **APPLICANT’S EVIDENCE**

8) The applicant filed a witness statement by herself dated 21 April 2018. She dismisses all of the opponents’ evidence as it is about Vogue’s achievements. She contends that Vogue is a dictionary word, is inherently indistinctive and to give it protection “would amount to unwarranted fencing in of the common right to use ordinary words”. She states that there is currently no African edition of Vogue. She references a case determined under the 1938 Act (Nucleus) which is of no assistance to my decision under the current Trade Mark Act. She also states: “There are many VOGUE internationally e.g. VOGUE CHINA, ARABIA, NETHERLAND, SPAIN who are part of the conde nast subsidiaries and I don’t see the reason for an opposition with Vogue Africa trademark if others were granted”.

9) The applicant also included a witness statement, dated 5 February 2018 by Mrs Ulfoma Jikiemi a make-up artist living in Nigeria. She states that the webpages, images and documents included in the witness statement of Ms Joseph are true.

10) That concludes my summary of the evidence filed, insofar as I consider it necessary.

## DECISION

11) I turn first to the ground of opposition under section 3(6) which reads:

“3.(6) A trade mark shall not be registered if or to the extent that the application is made in bad faith.”

12) The law in relation to section 3(6) of the Act (“bad faith”) was summarised by Arnold J. in *Red Bull GmbH v Sun Mark Limited and Sea Air & Land Forwarding Limited* [2012] EWHC 1929 (Ch):

“130. A number of general principles concerning bad faith for the purposes of section 3(6) of the 1994 Act/Article 3(2)(d) of the Directive/Article 52(1)(b) of the Regulation are now fairly well established. (For a helpful discussion of many of these points, see N.M. Dawson, "Bad faith in European trade mark law" [2011] IPQ 229.)

131. First, the relevant date for assessing whether an application to register a trade mark was made in bad faith is the application date: see *Case C- 529/07 Chocoladenfabriken Lindt & Sprüngli AG v Franz Hauswirth GmbH* [2009] ECR I-4893 at [35].

132. Secondly, although the relevant date is the application date, later evidence is relevant if it casts light backwards on the position as at the application date: see *Hotel Cipriani Srl v Cipriani (Grosvenor Street) Ltd* [2008] EWHC 3032 (Ch), [2009] RPC 9 at [167] and cf. *Case C-259/02 La Mer Technology Inc v Laboratoires Goemar SA* [2004] ECR I-1159 at [31] and *Case C-192/03 Alcon Inc v OHIM* [2004] ECR I-8993 at [41].

133. Thirdly, a person is presumed to have acted in good faith unless the contrary is proved. An allegation of bad faith is a serious allegation which must be distinctly proved. The standard



of proof is on the balance of probabilities but cogent evidence is required due to the seriousness of the allegation. It is not enough to prove facts which are also consistent with good faith: see *BRUTT Trade Marks* [2007] RPC 19 at [29], *von Rossum v Heinrich Mack Nachf. GmbH & Co KG* (Case R 336/207-2, OHIM Second Board of Appeal, 13 November 2007) at [22] and *Funke Kunststoffe GmbH v Astral Property Pty Ltd* (Case R 1621/2006-4, OHIM Fourth Board of Appeal, 21 December 2009) at [22].

134. Fourthly, bad faith includes not only dishonesty, 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": see *Gromax Plastics Ltd v Don & Low Nonwovens Ltd* [1999] RPC 367 at 379 and *DAAWAT Trade Mark* (Case C000659037/1, OHIM Cancellation Division, 28 June 2004) at [8].

135. Fifthly, section 3(6) of the 1994 Act, Article 3(2)(d) of the Directive and Article 52(1)(b) of the Regulation are intended to prevent abuse of the trade mark system: see *Melly's Trade Mark Application* [2008] RPC 20 at [51] and *CHOOSI Trade Mark* (Case R 633/2007-2, OHIM Second Board of Appeal, 29 February 2008) at [21]. As the case law makes clear, there are two main classes of abuse. The first concerns abuse vis-à-vis the relevant office, for example where the applicant knowingly supplies untrue or misleading information in support of his application; and the second concerns abuse vis-à-vis third parties: see *Cipriani* at [185].

136. Sixthly, in order to determine whether the applicant acted in bad faith, the tribunal must make an overall assessment, taking into account all the factors relevant to the particular case: see *Lindt v Hauswirth* at [37].

137. Seventhly, the tribunal must first ascertain what the defendant knew about the matters in question and then decide whether, in the light of that knowledge, the defendant's conduct is dishonest (or otherwise falls short of the standards of acceptable commercial behaviour) judged by ordinary standards of honest people. The applicant's own standards of honesty (or acceptable commercial behaviour) are irrelevant to the enquiry: see *AJIT WEEKLY Trade Mark* [2006] RPC 25 at [35]-[41], *GERSON Trade Mark* (Case R 916/2004-1, OHIM First Board of Appeal, 4 June 2009) at [53] and *Campbell v Hughes* [2011] RPC 21 at [36].

138. Eighthly, consideration must be given to the applicant's intention. As the CJEU stated in *Lindt v Hauswirth*:

"41. ... 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.

42. 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.

43. Accordingly, the intention to prevent a third party from marketing a product may, in certain circumstances, be an element of bad faith on the part of the applicant.

44. That is in particular the case when it becomes apparent, subsequently, that the applicant applied for registration of a sign as a Community trade mark without intending to use it, his sole objective being to prevent a third party from entering the market.

45. In such a case, the mark does not fulfil its essential function, namely that of ensuring that the consumer or end-user can identify the origin of the product or service concerned by allowing him to distinguish that product or service from those of different origin, without any confusion (see, *inter alia*, Joined Cases C-456/01 P and C-457/01 P *Henkel v OHIM* [2004] ECR I-5089, paragraph 48)."

13) In the same case Arnold J. also held that a possible or contingent intention to use the mark in relation to the goods/services covered by the application would normally be sufficient to prevent a finding of bad faith on the grounds of no intention to use the mark. He stated:

"161. If the UK's requirement for a declaration of intention to use is compatible with the Directive, and the making by the applicant of a false declaration of intent to use can amount to bad faith, the next issue concerns the intention which the applicant must have in order to be able to declare in good faith that he intends to use the mark in relation to the goods or services specified in the application in the UK. Counsel for the Defendants submitted that a concrete present intention was required, whereas counsel for Red Bull submitted that a possible or contingent future intention was sufficient.

162. In *Knoll* Neuberger J. said that "whether a contemplated use, or a possible or conditional intention to use, can suffice must depend upon the circumstances". In that case, he found that the proprietor had had a definite intention to use the mark in relation to pharmaceutical preparations for the treatment of obesity and contemplated that it might use the mark in relation to other pharmaceutical products. In those circumstances he held that it was unarguable that the proprietor had acted in bad faith by making a false declaration that it intended to use the mark in relation to pharmaceutical preparations and dietetic substances. In *32Red* the Court of Appeal appears to have accepted that a possible future use of the mark in relation to the services applied for was enough to defeat an allegation of bad faith on the ground of lack of intention to use in the circumstances of that case, albeit without any detailed consideration of the law.

163. Neuberger J's statement in *Knoll* appears to me to be not only correct in principle, but also supported by the subsequent jurisprudence of the CJEU in *Lindt v Hauswirth* and *Internetportal v Schlicht*. I therefore conclude that a possible or contingent intention to use the mark at some future date may suffice. Whether it does suffice will depend on all the circumstances of the case, and in particular whether there are other factors present of the kind mentioned in paragraph 139 above". [i.e. whether the application is an attempt to gain protection for an unregistrable mark or to block others from using the mark]

14) However, in *Copernicus-Trademarks v EUIPO (LUCEO)* Case T-82/14, the General Court found that the filing of EU trade marks for the purposes of blocking applications by third parties, and without an intention to use the mark, was an act of bad faith.

15) It is clear from *Red Bull* at [131] and [138] that the relevant date for assessing the applicant's intention is the date of application. By signing the application form, the applicant confirmed, in accordance with s. 32(3), that the mark was being used or that there was a *bona fide* intention it would be used. In *CKL Holdings NV v Paper Stacked Limited* (BL O/036/18), Geoffrey Hobbs Q.C., sitting as the Appointed Person, said:

"22. [...] a declaration made pursuant to the requirements of s.32(3) can be false by reason of the absence of any bona fide intention to use a mark, with that in fact being indicative or symptomatic of the relevant mark having been put forward for registration in relation to goods or services of the kind specified in an improper manner or for an improper purpose, such as to justify refusal of the relevant application for registration on the ground of bad faith".

16) However, once a prima facie case has been established, it is incumbent on the applicant to answer the charges. The presumption of good faith and the burden of proof on the opponent are merely the starting point. As Ms Joseph did not address the issue of intention to use the mark in her evidence I wrote to her on 2 July 2018 in the following terms:

“One of the grounds of opposition is under section 3(6) of the Act, and the opponents contend that given the number of goods contained within your application no business could possibly have a bona fide intention of using its mark upon such a wide variety of goods. Having considered the specification applied for I have some sympathy with the opponents’ contention. I also note that you have been silent on this issue thus far. I therefore require you within the next seven working days to confirm your intention to use the mark in suit upon all the goods covered by the application, including a broad outline of your business plan which would encompass the vast array of goods. In the alternative you may wish to consider reducing the specification applied for under your mark to more accurately reflect the goods upon which you will be genuinely seeking to sell under your mark.”

17) The response from Ms Joseph merely stated, amongst other comments regarding the opponent:

“Vogue Africa is yet to be traded under and a business plan is yet to be drawn because it awaits the successful application of this trademark.

Like I previously said Vogue Africa is going to be an independent magazine publishing business whose success and customers are going to be achieved through hard-work. In terms of similarities and confusion, customers are never confused because they are smart, wise and intellectual species who knows how to use their purchasing power. The proprietorship can be treated separately from Vogue. Vogue Africa intend to use the mark upon all the goods covered in the application.”

18) At the hearing I asked Ms Joseph a series of questions regarding goods set out in her specification. The questions were;

- a) describe what these goods are;
- b) state who the users of such goods are;
- c) what is the market for such goods in the UK?
- d) who currently sells these goods in the UK and at what price?

19) The goods asked about were:

Term used in specification applied for	Actual meaning
Aquarelles	the technique of painting with thin, transparent watercolours
Bristol Boards	uncoated, machine-finished paperboard
Isinglass for stationery or household products	a kind of gelatin obtained from fish, especially sturgeon, and used in making jellies, glue, etc. and for fining real ale. mica or a similar material in thin transparent sheets.
kasa gami	oiled paper for umbrellas
Shoji-gami	paper for Japanese sliding doors
Torinoko-gami	A kind of Japanese paper
Xuan paper	Paper used for Chinese painting or calligraphy

20) In my opinion, a prima facie case of bad faith has been made, which has not been answered let alone rebutted. Ms Joseph could not answer any of the questions ranged in respect of these goods. At one point, bizarrely, she even denied that she had applied for the range of goods when shown a copy of her application by Mr Bartlett, although she later stated that she sought registration of the whole of class 16. This coupled with the statement in paragraph 16 above that “Vogue Africa is going to be an independent magazine publishing business” leads me to the inevitable conclusion that when applying for the whole of class 16 Ms Joseph was acting in bad faith as she could never have had any intention of using the mark in suit on the whole of the specification. As her intention was to produce a magazine the following terms were made in good faith “printed matter; periodical publications; magazines” all the other goods were not. I accept that some of the terms excluded could be said to relate to the production of a magazine but the above specification more than covers the true intention of the applicant at the point of submitting the application. I am aware of the questions raised in the *Sky v Skykick* case but believe that this case is significantly different and therefore not on all fours with that case. **The ground of opposition under section 3(6) succeeds in respect of all goods applied for, with the exception of “printed matter; periodical publications; magazines”.**

21) I next turn to the ground of opposition under section 5(3) which reads:

“5. (3) A trade mark which-

(a) is identical with or similar to an earlier trade mark, shall not be registered if, or to the extent that, the earlier trade mark has a reputation in the United Kingdom (or, in the case of a European Union trade mark or international trade mark (EC), in the European Union) and the use of the later mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark.”

22) When considering the above ground I take into account the following. The relevant case law can be found in the following judgments of the Court of Justice of the European Union (CJEU): Case C-375/97, *General Motors*, [1999] ETMR 950, Case 252/07, *Intel*, [2009] ETMR 13, Case C-408/01, *Addidas-Salomon*, [2004] ETMR 10 and C-487/07, *L'Oreal v Bellure* [2009] ETMR 55 and Case C-323/09, *Marks and Spencer v Interflora*. The law appears to be as follows.

a) The reputation of a trade mark must be established in relation to the relevant section of the public as regards the goods or services for which the mark is registered; *General Motors, paragraph 24*.

(b) The trade mark for which protection is sought must be known by a significant part of that relevant public; *General Motors, paragraph 26*.

(c) It is necessary for the public when confronted with the later mark to make a link with the earlier reputed mark, which is the case where the public calls the earlier mark to mind; *Adidas Saloman, paragraph 29* and *Intel, paragraph 63*.

(d) Whether such a link exists must be assessed globally taking account of all relevant factors, including the degree of similarity between the respective marks and between the goods/services, the extent of the overlap between the relevant consumers for those goods/services, and the strength of the earlier mark's reputation and distinctiveness; *Intel, paragraph 42*

(e) Where a link is established, the owner of the earlier mark must also establish the existence of one or more of the types of injury set out in the section, or there is a serious likelihood that such an injury will occur in the future; *Intel, paragraph 68*; whether this is the case must also be assessed globally, taking account of all relevant factors; *Intel, paragraph 79*.

(f) Detriment to the distinctive character of the earlier mark occurs when the mark's ability to identify the goods/services for which it is registered is weakened as a result of the use of the later mark, and requires evidence of a change in the economic behaviour of the average consumer of the goods/services for which the earlier mark is registered, or a serious risk that this will happen in future; *Intel, paragraphs 76 and 77*.

(g) The more unique the earlier mark appears, the greater the likelihood that the use of a later identical or similar mark will be detrimental to its distinctive character; *Intel, paragraph 74*.

(h) Detriment to the reputation of the earlier mark is caused when goods or services for which the later mark is used may be perceived by the public in such a way that the power of attraction of the earlier mark is reduced, and occurs particularly where the goods or services offered under the later mark have a characteristic or quality which is liable to have a negative impact of the earlier mark; *L'Oreal v Bellure NV, paragraph 40*.

(i) The advantage arising from the use by a third party of a sign similar to a mark with a reputation is an unfair advantage where it seeks to ride on the coat-tails of the senior mark in order to benefit from the power of attraction, the reputation and the prestige of that mark and to exploit, without paying any financial compensation, the marketing effort expended by the proprietor of the mark in order to create and maintain the mark's image. This covers, in particular, cases where, by reason of a transfer of the image of the mark or of the characteristics which it projects to the goods identified by the identical or similar sign, there is clear exploitation on the coat-tails of the mark with a reputation (*Marks and Spencer v Interflora, paragraph 74 and the court's answer to question 1 in L'Oreal v Bellure*).

23) I must first consider the issue of reputation. In *General Motors*, Case C-375/97, the CJEU held that:

“25. It cannot be inferred from either the letter or the spirit of Article 5(2) of the Directive that the trade mark must be known by a given percentage of the public so defined.

26. The degree of knowledge required must be considered to be reached when the earlier mark is known by a significant part of the public concerned by the products or services covered by that trade mark.

27. In examining whether this condition is fulfilled, the national court must take into consideration all the relevant facts of the case, in particular the market share held by the trade mark, the intensity, geographical extent and duration of its use, and the size of the investment made by the undertaking in promoting it.

28. Territorially, the condition is fulfilled when, in the terms of Article 5(2) of the Directive, the trade mark has a reputation 'in the Member State'. In the absence of any definition of the Community provision in this respect, a trade mark cannot be required to have a reputation 'throughout' the territory of the Member State. It is sufficient for it to exist in a substantial part of it."

24) Obviously, the reputation must exist in the goods covered by the trade mark (see General Court ruling in *Tulliallan Burlington Ltd v EUIPO*, Case T-123/16). In this instance I consider mark 696667 to provide the opponent with its strongest case. To my mind the evidence unequivocally shows **that the opponents have a reputation under the mark VOGUE in respect of "Printed publications"**. This would appear to be supported by the applicant, see 7(a) above.

25) Having got over the first hurdle I next must consider the issue of whether the public would make a link between the marks of the two parties. In Case C-408/01, *Addidas-Salomon*, the CJEU held that:

"28. The condition of similarity between the mark and the sign, referred to in Article 5(2) of the Directive, requires the existence, in particular, of elements of visual, aural or conceptual similarity (see, in respect of Article 5(1)(b) of the Directive, Case C-251/95 *SABEL* [1997] ECR I-6191, paragraph 23 in fine, and Case C-342/97 *Lloyd Schuhfabrik Meyer* [1999] ECR I-3819, paragraphs 25 and 27 in fine).

29. The infringements referred to in Article 5(2) of the Directive, where they occur, are the consequence of a certain degree of similarity between the mark and the sign, by virtue of which the relevant section of the public makes a connection between the sign and the mark, that is to





say, establishes a link between them even though it does not confuse them (see, to that effect, Case C-375/97 *General Motors* [1999] ECR I-5421, paragraph 23).”

26) The level of similarity required for the public to make a link between the marks for the purposes of 5(3) may be less than the level of similarity required to create a likelihood of confusion. In *Intra-Press SAS v OHIM*, Joined cases C-581/13P & C-582/13P, the CJEU stated (at paragraph 72 of its judgment) that:

“The Court has consistently held that the degree of similarity required under Article 8(1)(b) of Regulation No 40/94, on the one hand, and Article 8(5) of that regulation, on the other, is different. Whereas the implementation of the protection provided for under Article 8(1)(b) of Regulation No 40/94 is conditional upon a finding of a degree of similarity between the marks at issue so that there exists a likelihood of confusion between them on the part of the relevant section of the public, the existence of such a likelihood is not necessary for the protection conferred by Article 8(5) of that regulation. Accordingly, the types of injury referred to in Article 8(5) of Regulation No 40/94 may be the consequence of a lesser degree of similarity between the earlier and the later marks, provided that it is sufficient for the relevant section of the public to make a connection between those marks, that is to say, to establish a link between them (see judgment in *Ferrero v OHMI*, C-552/09 P, EU:C:2011:177, paragraph 53 and the case-law cited).”

27) In the instant case the marks of the two parties are shown below for ease of reference.

Applicant's mark	Opponents' mark
	

28) Clearly, the marks are highly similar in every respect, the only difference being the word “AFRICA” in minute text within the letter “O” of VOGUE. As Ms Joseph herself states in her counterstatement and evidence; “Vogue Africa will not mind being a subsidiary of VOGUE.” and “There are many VOGUE internationally e.g. VOGUE CHINA, ARABIA, NETHERLAND, SPAIN who are part of the

conde nast subsidiaries”. The goods for which the applicant seeks registration has been reduced earlier in this decision to “printed matter; periodical publications; magazines” which is identical to the goods for which the opponents have reputation. I have absolutely no doubt that the public would assume a link between the marks and goods, and assume they emanated from the same source.

29) I must next consider if the advantage taken would be unfair. In *Jack Wills Limited v House of Fraser (Stores) Limited* [2014] EWHC 110 (Ch) Arnold J. considered the earlier case law and concluded that:

“80. The arguments in the present case give rise to two questions with regard to taking unfair advantage. The first concerns the relevance of the defendant's intention. It is clear both from the wording of Article 5(2) of the Directive and Article 9(1)(c) of the Regulation and from the case law of the Court of Justice interpreting these provisions that this aspect of the legislation is directed at a particular form of unfair competition. It is also clear from the case law both of the Court of Justice and of the Court of Appeal that the defendant's conduct is most likely to be regarded as unfair where he intends to benefit from the reputation and goodwill of the trade mark. In my judgment, however, there is nothing in the case law to preclude the court from concluding in an appropriate case that the use of a sign the objective effect of which is to enable the defendant to benefit from the reputation and goodwill of the trade mark amounts to unfair advantage even if it is not proved that the defendant subjectively intended to exploit that reputation and goodwill.”

30) I also take into account the comments of the CJEU in *Aktieselskabet af 21. november 2001 v OHIM*, Case C-197/07P, where they stated that:

“22. With regard to the appellant's argument concerning the standard of proof required of the existence of unfair advantage taken of the repute of the earlier mark, it must be noted that it is not necessary to demonstrate actual and present injury to an earlier mark; it is sufficient that evidence be produced enabling it to be concluded prima facie that there is a risk, which is not hypothetical, of unfair advantage or detriment in the future (see, by analogy, concerning the provisions of Article 4(4)(a) of First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks (OJ 1989 L 40, p. 1), Case C-252/07 Intel Corporation [2008] ECR I-0000, paragraph 38).

23. In the present case, it is clear that the Court of First Instance, in paragraph 67 of the judgment under appeal, properly established the existence of an unfair advantage within the meaning of Article 8(5) of Regulation No 40/94 in correctly considering that it had available to it evidence enabling it to conclude prima facie that there was a risk, which was not hypothetical, of unfair advantage in the future.”

31) Whilst in *Mäurer + Wirtz GmbH & Co KG v OHIM*, Case T-63/07, the General Court held that:

“40. It is possible, particularly in the case of an opposition based on a mark with an exceptionally high reputation, that the probability of a future, non hypothetical risk of detriment to the earlier mark or of unfair advantage being taken of it by the mark applied for is so obvious that the opposing party does not need to put forward and prove any other fact to that end. However, it is also possible that the mark applied for does not, at first sight, appear capable of giving rise to one of the risks covered by Article 8(5) of Regulation No 40/94 with respect to the earlier mark with a reputation, even though it is identical with or similar to the earlier mark, in which case the non-hypothetical, future risk of detriment or unfair advantage must be established by other evidence, which it is for the opposing party to put forward and prove (Case T-215/03 *Sigla v OHIM –Elleni Holding (VIPS)* [2007] ECR II-711, paragraph 48).”

32) It is clear from the applicant’s comments that she is well aware of the reputation of the opponents and wishes to draw a direct link between her mark and theirs, hence the statement about being a subsidiary of the opponents. She is clearly seeking to take an unfair advantage of the opponent’s repute.

33) I next turn to the issue of detriment to the distinctive character of the opponents’ mark. In *Environmental Manufacturing LLP v OHIM*, Case C-383/12P, the CJEU stated that:

“34. According to the Court’s case-law, proof that the use of the later mark is, or would be, detrimental to the distinctive character of the earlier mark requires evidence of a change in the economic behaviour of the average consumer of the goods or services for which the earlier mark was registered, consequent on the use of the later mark, or a serious likelihood that such a change will occur in the future (*Intel Corporation*, paragraphs 77 and 81, and also paragraph 6 of the operative part of the judgment).

35. Admittedly, paragraph 77 of the *Intel Corporation* judgment, which begins with the words ‘[i]t follows that’, immediately follows the assessment of the weakening of the ability to identify and

the dispersion of the identity of the earlier mark; it could thus be considered to be merely an explanation of the previous paragraph. However, the same wording, reproduced in paragraph 81 and in the operative part of that judgment, is autonomous. The fact that it appears in the operative part of the judgment makes its importance clear.

36. The wording of the above case-law is explicit. It follows that, without adducing evidence that that condition is met, the detriment or the risk of detriment to the distinctive character of the earlier mark provided for in Article 8(5) of Regulation No 207/2009 cannot be established.

37. The concept of ‘change in the economic behaviour of the average consumer’ lays down an objective condition. That change cannot be deduced solely from subjective elements such as consumers’ perceptions. The mere fact that consumers note the presence of a new sign similar to an earlier sign is not sufficient of itself to establish the existence of a detriment or a risk of detriment to the distinctive character of the earlier mark within the meaning of Article 8(5) of Regulation No 207/2009, in as much as that similarity does not cause any confusion in their minds.

38 The General Court, at paragraph 53 of the judgment under appeal, dismissed the assessment of the condition laid down by the *Intel Corporation* judgment, and, consequently, erred in law.

39. The General Court found, at paragraph 62 of the judgment under appeal, that ‘the fact that competitors use somewhat similar signs for identical or similar goods compromises the immediate connection that the relevant public makes between the signs and the goods at issue, which is likely to undermine the earlier mark’s ability to identify the goods for which it is registered as coming from the proprietor of that mark’.

40. However, in its judgment in *Intel Corporation*, the Court clearly indicated that it was necessary to demand a higher standard of proof in order to find detriment or the risk of detriment to the distinctive character of the earlier mark, within the meaning of Article 8(5) of Regulation No 207/2009.

41. Accepting the criterion put forward by the General Court could, in addition, lead to a situation in which economic operators improperly appropriate certain signs, which could damage competition.

42. Admittedly, Regulation No 207/2009 and the Court's case-law do not require evidence to be adduced of actual detriment, but also admit the serious risk of such detriment, allowing the use of logical deductions.

43. None the less, such deductions must not be the result of mere suppositions but, as the General Court itself noted at paragraph 52 of the judgment under appeal, in citing an earlier judgment of the General Court, must be founded on 'an analysis of the probabilities and by taking account of the normal practice in the relevant commercial sector as well as all the other circumstances of the case'."

34) I note that the applicant has yet to use the mark in suit. In *32Red Plc v WHG (International) Limited and others* [2011] EWHC 665 (Ch), Henderson J. held that a change in consumers' economic behaviour could be inferred from the inherent probabilities of the situation. He said:

"133. Is there evidence of a change in economic behaviour brought about by the use of the Vegas signs? In the nature of things, direct evidence of such a change is likely to be hard to find in cases of the present type, although Mrs F provides a suggestive example of a customer who was nearly persuaded to change her allegiance as a result of a perceived connection between 32Red and 32Vegas. However, I see no reason why I should not have regard to the inherent probabilities of the situation, and in particular to the contrast between the marketing models of the two casinos. The similarity of their names, and the fact that 32Vegas was always operated as one of a number of linked casinos on the carousel model, lead me to conclude that an average online gambler would have been far readier to switch his allegiance from 32Red to 32Vegas, or to play with 32Vegas in the first place, than he would have been in the absence of such similarity. These are changes in economic behaviour, and I am satisfied on the balance of probabilities that such changes are likely to have occurred to a significant extent."

35) Part of the cache of the opponents' mark is that the models and photographers featured in the magazine are themselves very well-known and highly regarded. Given the similarity of goods and marks it is, to my mind, inconceivable that there would not be a change in the economic behaviour of consumers which would be detrimental to the opponents' business and mark. The applicant has not pleaded due cause and clearly has no reason to choose the mark other than to seek an association with the opponents.

**36) The opposition under section 5(3) succeeds against all of the goods applied for.**

37) In the light of this finding I decline to consider the other grounds of opposition.

## **CONCLUSION**

38) The opposition in relation to sections 3(6) and 5(3) has been successful. The result is that the application will be refused in relation to all the goods sought to be registered.

## **COSTS**

39) As the opponents have been successful they are entitled to a contribution towards their costs. Mr Bartlett requested that I award costs off the normal scale due to the element of bad faith and the fact that due to previous proceedings, regarding a domain name issue, between the parties Ms Joseph was well aware of the reputation and business of the opponents. Whilst I have some sympathy with the opponent and accept that some of her correspondence has been less than lucid or helpful I do not accept that these are grounds for an off the scale award.

Expenses	£200
Preparing a statement and considering the other side's statement	£400
Preparing evidence	£1,300
Attendance at the hearing	£800
<b>TOTAL</b>	<b>£2,700</b>

40) I order Ms Omolola Joseph to pay Advance Magazine Publishers Inc. and The Conde Nast Publications Limited the sum of £2,700. This sum to be paid within fourteen days of the expiry of the appeal period or within fourteen days of the final determination of this case if any appeal against this decision is unsuccessful.

**Dated this 20th day of July 2018**

**George W Salthouse**  
**For the Registrar,**  
**the Comptroller-General**