

O/680/19

TRADE MARKS ACT 1994

IN THE MATTER OF TRADE MARK APPLICATION NO. 3340461

BY

SARANYA CONSULTING LTD

TO REGISTER THE FOLLOWING TRADE MARK IN CLASS 18

Lilton

AND OPPOSITION THERETO (NO. 414525)

BY

CBM CREATIVE BRANDS MARKEN GMBH

Background and Pleadings

1. SARANYA CONSULTING LTD (“The Applicant”) applied to register the trade mark “Lilton” on the 23 September 2018 for goods in class 18, the full specification for which is contained in the Annex to this decision. It was accepted and published on the 28 September 2018.

2. CBM CREATIVE BRANDS MARKEN GMBH (“The Opponent”) opposes the application under section 5(2)(b) of the Trade Marks Act 1994 (the Act) relying on its earlier EU registered trade mark for goods and services in classes 18, 25 and 35 shown below:

EU trademark registration no. 12584223

Wilton

Filed: 10 February 2014

Published: 29 April 2014

Registered: 6 August 2014

Class 18: Leather and imitations of leather, and goods made of these materials, namely trunks and travelling bags, bags, handbags, pocket wallets, purses, key cases, backpacks, pouches, shoulder straps, leather straps, leather laces, bandoliers, worked or semi-worked hides and other leather, sheets of imitation leather for use in manufacture, tanned leather; Animal skins, hides; Trunks and travelling bags, bags, handbags, pocket wallets, purses, key cases, rucksacks, bags; Umbrellas, big umbrellas and walking sticks; Whips, harness and saddlery.

Class 25: Clothing, footwear, headgear.

Class 35: Advertising; Business management; Business administration; Office functions; Retailing, including via websites and teleshopping, in relation to clothing, footwear, headgear, bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, sunglasses, precious metals and their alloys, jewellery, precious stones, horological and chronometric instruments, leather and imitations of leather, and goods made of these materials, namely trunks and travelling bags, bags, handbags, pocket wallets, purses, key cases, backpacks, pouches, shoulder straps, leather straps, leather laces, bandoliers, worked or semi-worked hides and other leather, sheets of imitation leather for use in manufacture, tanned leather, animal skins, hides, trunks and travelling bags, bags, handbags, pocket wallets, purses, key cases, backpacks, pouches, umbrellas and parasols, walking sticks, whips, harness and saddlery; Arranging and conducting of advertising events and customer loyalty programmes.

3. The Opponent relies on all its goods and services for which the mark is registered, claiming that there is a likelihood of confusion under section 5(2)(b) of the Act because the trade marks are similar and are to be registered for goods identical or similar to those for which the earlier mark is protected.

4. The Applicant filed a defence and counterstatement denying the claims made. I have reproduced below the entirety of the Applicant's submissions contained in its counterstatement, as it filed no further submissions:

"1. There is one trade mark (EU004599916 "Milton") already exists in same category before the "Wilton", hence I do not think there should an issue. There are many more similar trade marks in the category.

2. There are many other trade marks in the same category with the words “Wilton” in them.

3. The two trademarks are very different in appearance, Spelling and pronunciations hence I think the opposition is uncalled for.

Wilton vs Lilton

4. Opponents are not using the trademark, which they got in 2014, hence apprehension that new trade mark will utilize the existing brand value or confuse consumers is not correct.”

5. The Opponent is represented by Bird and Bird LLP whereas the Applicant is unrepresented. Neither party filed evidence or requested a hearing and only the Opponent filed submissions in lieu of a hearing. I have taken both parties’ submissions into account in reaching my decision and will refer to them where necessary.

Decision

6. The opposition is based on section 5(2)(b) of the Act which states:

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

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

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

7. In these proceedings, the Opponent is relying upon its EU trade mark registration, no. 12584223, which qualifies as an earlier mark under section 6 of the Act because it was applied for at an earlier date than the Applicant’s contested mark. Despite the

Applicant's submissions that the Opponent has failed to use its mark, the earlier mark has not been registered for more than five years at the date the application was published and therefore it is not subject to the proof of use provisions contained in section 6A of the Act. Consequently, the Opponent is entitled to rely upon all the goods and services of its registration, without having to show that it has used the mark.

8. The following principles are gleaned from the decisions of the EU courts in *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v OHIM*, Case C-3/03, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH*, Case C-120/04, *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P.

The principles:

(a) The likelihood of confusion must be appreciated globally, taking account of all relevant factors;

(b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;

(c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;

(d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other

components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;

(e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;

(f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;

(g) a lesser degree of similarity between the goods or services may be offset by a greater degree of similarity between the marks, and vice versa;

(h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;

(i) mere association, in the strict sense that the later mark brings to mind the earlier mark, is not sufficient;

(j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;

(k) if the association between the marks creates a risk that the public will wrongly believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

Comparison of goods and services

9. When conducting a goods and services comparison, all relevant factors should be considered as per the judgment of the Court of Justice of the European Union (“CJEU”) in *Canon Kabushiki Kaisha v Metro Goldwyn Mayer Inc* Case C-39/97, where the court stated at paragraph 23 of its judgment that:

“In assessing the similarity of the goods or services concerned, as the French and United Kingdom Governments and the Commission have pointed out, all the relevant factors relating to those goods or services themselves should be taken into account. Those factors include, inter alia, their nature, their intended purpose and their method of use and whether they are in competition with each other or are complementary”.

10. I am also guided by the relevant factors for assessing similarity identified by Jacob J in *Treat*, [1996] R.P.C. 281 namely:

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

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

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

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

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

13. In order to determine whether there is a likelihood of confusion the competing specifications must either be identical or share similarity. Settled caselaw requires that goods and services be considered identical, either where the identical words are used or where one party's broad description of its goods and services encompasses the specific goods and services covered by the other party's description or vice versa.

14. The Opponent's goods specified in class 18 include "Leather and imitations of leather, and goods made of these materials" followed by the word "namely" and then by a list of goods; the effect of the word namely is to confine the scope of its protection only to those specifically listed goods.¹ Whilst I note that the Opponent relies on all its goods and services for which its mark is registered, I will begin by focusing on the Opponent's goods in class 18 as this offers the Opponent its best case. Its goods under this class are as follows:

Class 18: Leather and imitations of leather, and goods made of these materials, namely trunks and travelling bags, bags, handbags, pocket wallets, purses, key cases, backpacks, pouches, shoulder straps, leather straps, leather laces, bandoliers, worked or semi-worked hides and other leather, sheets of imitation leather for use in manufacture, tanned leather; Animal skins, hides; Trunks and travelling bags, bags, handbags, pocket wallets, purses, key cases, rucksacks, bags; Umbrellas, big umbrellas and walking sticks; Whips, harness and saddlery.

15. The Opponent submits that "most of the broad terms in the Opponent's specification are not limited in any way to a particular commercial field or area, instead covering all" and furthermore that the opposed goods are identical or similar relating to "leather goods or goods made principally wholly or partly of leather which are all covered in the Earlier Mark. The goods and services overlap in nature and purpose distribution channels and sales outlets as well as shared methods of use and complementary nature to each other."

16. The Applicant has not sought to explain its terms or made any comment as to the identity or otherwise of the respective goods and services. It seeks registration for the entirety of the alphabetical list as specified in the Annex to this decision.

¹ *Praktiker Bau-und Heimwerkermärkte AG v Deutsches Patent-und Markenamt C-418/02.*

17. Taking into account the caselaw, the respective parties' goods, as set out below, are either self-evidently identical, using the same term or are considered as identical under the *Meric* principle, the goods being caught by the other party's broader term.

18. The Opponent's *Leather and imitations of leather, and goods made of these materials, namely trunks and travelling bags; Trunks and travelling bags* are identical to:

“ Airline travel bags; Bags for travel; Bags (Garment -) for travel; Duffel bags for travel; Flight bags; Garment bags for travel; Garment bags for travel made of leather; Shoe bags for travel; Tie cases for travel; Travel baggage; Travel bags; Travel bags made of plastic materials; Travel cases; Travel garment covers; Travel luggage; Traveling bags; Traveling sets; Traveling sets [leatherware]; Traveling trunks; Travelling bags; Travelling bags [leatherware]; Travelling bags made of imitation leather; Travelling bags made of leather; Travelling cases; Travelling cases of leather; Travelling sets; Travelling sets [leatherware]; Travelling trunks; Trunks and suitcases; Trunks and traveling bags; Trunks and travelling bags; Trunks [luggage]; Leather suitcases; Motorized suitcases; Roller suitcases; Overnight suitcases; Small suitcases; Suitcases; Suitcases, motorized, rideable; Suitcases with wheels; Wheeled suitcases; Articles of luggage; Luggage; Luggage bags; Luggage, bags, ~~wallets~~ and other carriers; Luggage trunks; Nightwear cases [overnight cases]; Wheeled luggage; Carry-on bags; Cabin bags; Overnight bags; Overnight cases; Holdalls; Hold-alls.”

19. The Opponent's *Leather and imitations of leather, and goods made of these materials, namely bags; Bags* are identical to:

“Bucket bags; Bum bags; Bumbags; Cabin bags; Camping bags; Canvas bags; Canvas shopping bags; Carry-all bags; Casual bags; Changing bags; Charm bags (omamori-ire); Charm bags [omamori-ire]; Children's shoulder bags; Cloth bags; Clutch bags; Cosmetic bags; Cosmetic bags sold empty; Courier bags; All purpose sport bags; All-purpose athletic bags; All-purpose carrying bags; All-purpose sports bags; Animal carriers [bags]; Artificial fur bags; Athletic bags; Athletics bags; Attaché bags; Baby carrying bags; Baggage; Bags; Bags [envelopes, pouches] for packaging

of leather; Bags [envelopes, pouches] of leather for packaging; Bags [envelopes, pouches] of leather, for packaging; Bags for campers; Bags for carrying animals; Bags for carrying pets; Bags for climbers; Bags for clothes; Bags for school; Bags for sports; Bags for sports clothing; Bags for umbrellas; Bags (Game -) [hunting accessories]; Bags made of imitation leather; Bags made of leather; Bags (Net -) for shopping; Bags (Nose -) [feed bags]; Barrel bags; Beach bags; Beachbags; Belt bags; Belt bags and hip bags; Book bags; Boot bags; Boston bags; Briefbags; All purpose sport bags; All-purpose athletic bags; All-purpose carrying bags; All-purpose sports bags; Animal carriers [bags]; Crossbody bags; Cross-body bags; Diaper bags; Diplomatic bags; Drawstring bags; Duffel bags; Evening bags; Fanny packs; Feed bags; Feed bags for animals; Flexible bags for garments; Game bags; Game bags [hunting accessories]; Garment bags; General purpose sport trolley bags; Gladstone bags; Grocery tote bags; Gym bags; Hiking bags; Hip bags; Hunters' game bags; Hunting bags; Imitation leather bags; Key bags; Kit bags; Knitted bags; Knitted bags, not of precious metals; Knitting bags; Leather bags; Leather bags ~~and wallets~~; Leather shopping bags; Makeup bags; Make-up bags; Make-up bags sold empty; Mesh shopping bags; Messenger bags; Music bags; Nappy bags; Net bags for shopping; Nose bags; Nose bags [feed bags]; Reusable shopping bags; Roll bags; Roller bags; Saddlebags; School bags; School book bags; Schoolbags; Shaving bags sold empty; Shoe bags; Shopping bags; Shopping bags made of skin; Shopping bags with wheels attached; Shoulder bags; Sling bags; Sling bags for carrying babies; Sling bags for carrying infants; Small bags for men; Souvenir bags; Sport bags; Sports bags; Sports [Bags for -]; String bags for shopping; Suit bags; Textile shopping bags; Toilet bags; Toiletry bags; Toiletry bags sold empty; Tool bags, empty; Tool bags [empty] for motor cycles; Tool bags of leather, empty; Tool bags sold empty; Tote bags; Towelling bags; Two-wheeled shopping bags; Umbrella bags; Waist bags; Wash bags for carrying toiletries; Wash bags (not fitted); Waterproof bags; Weekend bags; Wheeled bags; Wheeled shopping bags; Work bags; Wrist mounted carryall bags.”

20. The Opponent’s *Leather and imitations of leather, and goods made of these materials, namely handbags; Handbags* are identical to:

“Handbags made of imitation leather; Handbags made of leather; Clutch handbags; Clutch purses [handbags]; Evening handbags; Fashion handbags; Gentlemen's handbags; Gent's handbags; Handbags; Handbags for ladies; Handbags for men; Handbags made of imitations leather; Handbags made of leather; Handbags, not made of precious metal; Handbags, not of precious metal; Ladies handbags; Ladies' handbags; Leather handbags; Pocketbooks [handbags]; Slouch handbags.”

21. The Opponent's *Leather and imitations of leather, and goods made of these materials, namely pocket wallets; Pocket wallets* are identical to:

“Business card holders in the nature of wallets; Card wallets; Card wallets [leatherware]; Credit card cases [wallets]; Pocket wallets; Leather wallets; Wallets; Wallets including card holders; Wallets incorporating card holders; Wallets, not of precious metal; Wallets [not of precious metal]; Wallets (Pocket -); Wallets with card compartments; Card wallets; Card wallets [leatherware].”

22. The Opponent's *Leather and imitations of leather, and goods made of these materials, namely purses; Purses* are identical to:

“Chain mesh purses; Change purses of precious metal; Change purses; Purses; Clutch purses; Clutch purses [handbags]; Clutches [purses]; Coin purses; Coin purses not made of precious metal; Coin purses, not of precious metal; Coin purses, not of precious metals; Cosmetic purses; Evening purses; Leather coin purses; Leather purses; Multi-purpose purses; Purses; Purses [leatherware]; Purses made of precious metal; Purses, not made of precious metal; Purses not made of precious metal; Purses, not made of precious metal [handbags]; Purses [not of precious metal]; Purses, not of precious metal; Purses, not of precious metal [handbags]; Purses of precious metal; Small clutch purses; Small purses; Wrist mounted purses.”

23. The Opponent's *Leather and imitations of leather, and goods made of these materials, namely key cases; Key cases* are identical to:

“Key cases; Key cases [leather goods]; Key cases made of leather; Key cases of imitation leather; Key cases of leather; Keycases; Key-cases; Key-cases of leather and skins; Leather key cases; Cases for holding keys; Cases for keys; Leather cases for keys.”

24. The Opponent’s *Leather and imitations of leather, and goods made of these materials, namely backpacks; Rucksacks* are identical to:

“Baby backpacks; Back packs; Backpacks; Backpacks for carrying babies; Backpacks[rucksacks]; Daypacks; Haversacks; School backpacks; Schoolchildren’s backpacks; Small backpacks. Hiking rucksacks; Ruck sacks; Rucksacks; Rucksacks for mountaineers; Rucksacks on castors; Small rucksacks; Knapsacks: Knap sacks; School knapsacks.”

25. The Opponent’s *Pouches* are identical to:

“Belt pouches; Drawstring pouches; Japanese utility pouches (shingen-bukuro); Key Pouches; Leather Pouches; Pouches; Pouches for holding make-up, keys and other personal items; Pouches of leather; Pouches, of leather, for packaging; Tool pouches, sold empty; Tool pouches sold empty; Waist pouches.”

26. The Opponent’s *Shoulder straps, leather straps* are identical to:

“All-purpose leather straps; Cribbing straps for horses; Handbag straps; Leather straps; Leather shoulder straps; Luggage straps; Leather luggage straps; Lockable luggage straps; Shoulder straps; Straps of leather [saddlery]; Chin straps, of leather; Spur straps; Stirrup straps; Straps for coin purses; Straps for handbags; Straps for luggage; Straps for skates; Straps for soldiers' equipment; Straps for suitcases; Straps (Harness -); Straps (Leather -); Straps (Leather shoulder -); Straps made of imitation leather; Straps of leather [saddlery].”

27. The Opponent's *Leather laces* are identical to "Leather laces; Laces (Leather-); Leather thread."

28. The Opponent's *Bandoliers* are identical to "Bandoliers."

29. The Opponent's *Leather and imitations of leather, and goods made of these materials namely worked or semi-worked hides and other leather, sheets of imitation leather for use in manufacture, tanned leather; Animal skins, hides* are identical to:

"Butts [parts of hides]; Animal hides; Animal skins; Animal skins and hides; Animal skins, hides; Hides; Imitation hides; Imitation hide; Imitation leather; Imitation leather sold in bulk; Imitations of leather; Rawhides; Skins and hides; Worked or semi-worked hides and other leather; Cattle skins; Chamois leather, other than for cleaning purposes; Curried skins; Faux fur; Fur; Fur pelts; Furs sold in bulk; Fur-skins; Kid; Leather; Leather and imitation leather; Leather and imitations of leather; Leather for furniture; Leather for harnesses; Leather for shoes; Leather (Imitation -); Leather sold in bulk; Leather, unworked or semi-worked; Leather [unworked or semi-worked]; Raw skins; Semi-worked fur; Skins (Animal-) Skins (Cattle-); Skins of chamois, other than for cleaning purposes; Gold beaters' skin; Goldbeaters' skin; Moleskin [imitation leather]; Moleskin [imitation of leather]; Skin (Goldbeaters' -); Synthetic leather; Tanned leather; Sheets of imitation leather for use in manufacture; Sheets of leather for use in manufacture; Unworked leather."

30. The Opponent's *Umbrellas, big umbrellas and walking sticks* are identical to:

"Beach umbrellas; Beach umbrellas [beach parasols]; Garden umbrellas; Golf umbrellas; Japanese oiled-paper umbrellas (janome-gasa); Japanese paper umbrellas (karakasa); Japanese paper umbrellas [karakasa]; Mountaineering sticks; Outdoor umbrellas; Parasols; Parasols [sun umbrellas]; Patio umbrellas; Rainproof parasols; Sun umbrellas; Sun umbrellas [hand-held]; Telescopic umbrellas; Umbrellas; Umbrellas and parasols; Umbrellas for children; Combination walking

sticks and umbrellas; Folding walking sticks; Hiking Sticks; Mountaineering sticks; Sticks (Mountaineering -); Trekking sticks; Walking sticks; Alpenstocks.”

31. The Opponent’s *Whips, harness and saddlery* are identical to:

“Hunting crops; Jockey sticks; Lashes [whips]; Riding crop; Riding whips; Whips ~~and~~ ~~apparel~~ for animals; Whips; Animal harnesses; Bits for animals [harness]; Bits [harness]; Blinders [harness]; Blinkers [harness]; Bridles [harness]; Bridles [harnessing]; Horse bridles; Fittings (Harness -); Halters; Horse halters; Harness; Harness for animals; Harness for horses; Harness made from leather; Harness straps; Harness traces; Harnesses; Harnesses for animals; Reins [harness]; Saddlery; Saddlery of leather; Straps (Harness -); Traces [harness]; Riding saddles; Saddles.”

32. As I have found the above goods to be identical the assessment under section 5(2)(b) of the Act will proceed on the basis that all the goods are identical. I do not propose to undertake any further comparison, at this stage, regarding the remaining contested goods and whether they are similar or to what extent to the Opponent’s goods and services, as this will not put the Opponent in any stronger position. I will return to this analysis only if it becomes necessary to my decision.

Average consumer

33. When considering the opposing marks, I must determine first of all who the average consumer is for the goods and the purchasing process. The average consumer is deemed reasonably informed and reasonably observant and circumspect.

34. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch), Birss J described the average consumer in these terms:

“60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The words “average” denotes that the person is typical. The term “average” does not denote some form of numerical mean, mode or median.”

35. The Opponent considers that the relevant public for the contested goods will “display a relatively low degree of attention” and “in respect of the goods in the Application, the visual impact and perception of any trade marks or branding on the general public will have a substantial role as the choice of these items is generally made visually”.

36. I agree that the purchasing process for the contested goods is predominantly visual. I consider that the average consumer for the respective goods is likely to be a member of the general public selecting the goods through self-selection from a display stand in retail outlets or from an online or catalogue equivalent. The purchasing process will therefore be dominated primarily by visual considerations. I do not discount aural considerations however, where consumers may seek assistance from sales assistants.

37. However, I do not agree with the Opponent’s assessment of the level of attention paid by the average consumer. Taking into account the nature of the products, the level of attention may vary² depending on the frequency of the purchase and the price. Handbags for example vary in price from cheaper mass-produced bags sold in high

² Lloyd Schuhfabrik Meyer, case c- 342/97.

street stores, to designer “it bags” seen as investment pieces, exclusive and much sought after. Whilst designer handbags carry a higher than average level of attention this would not be the case where the goods fulfil a purely functional purpose. Shopping bags, sports bags, wallets and the like, for example, are purchased not for their aesthetic qualities but for the purpose of carrying shopping and belongings. These type of goods, would still involve a reasonable degree of attention in the purchasing process, however, no higher or lower than the norm since considerations such as price, quality and suitability would play a part.

38. I do not discount that a portion of the public may be a business user, a manufacturer or craftsperson purchasing sheets of leather or animal skins to produce goods for sale (such as those highlighted in paragraph 29) and that as manufacturers their level of attention may be higher than the general public. However, despite this I do not consider that they would undertake a considerably higher level of attention, as the same considerations would apply in the purchasing process such as cost and quality. Regardless of whether the consumer is a business user or a member of the general public, due to the nature of the goods, at least an average level of attention would be used in the purchasing process albeit slightly higher for the business user.

Comparison of the marks

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

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

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

41. The respective trade marks are shown below:

Applicant's mark	Opponent's mark
Lilton	Wilton

42. The Applicant's mark consists of the six-letter word Lilton. There are no other elements to contribute to the overall impression which is contained in the word itself.

43. Similarly, the Opponent's mark also consists of a six-letter word Wilton and again there are no other elements to contribute to the overall impression which is contained in the word itself.

Visual comparison

44. The Opponent argues that the marks are visually similar because they share an identical structure and close sequence of letters resulting in “a clear obvious undoubted visual link between the two word elements”. The Applicant is silent on this particular point other than submitting that the “trade marks are very different in appearance, spelling and pronunciation”.

45. Both marks present visually as word marks of identical length each consisting of six letters. The marks coincide with the last five letters namely “I- L- T- O-N”, differing only in the first letter of each mark; a letter “L” as opposed to a “W”. Neither letter is similar in composition or visual resemblance. As a rule of thumb, beginnings of marks are generally more noticeable than their ends³ and therefore have more visual and aural impact. The average UK consumer also reads words from left to right and therefore a difference in the first letter will be more noticeable.

46. I accept that the shared presence of the letter pattern/suffix *ILTON creates a certain degree of visual similarity, however, the words commence with noticeable different letters and the impact created by this difference cannot be discounted, especially as the words are not particularly long. A one letter difference in a short word is likely to stand out more, particularly when it is at the beginning, unlike a single letter difference in the middle or end of a word. Taking into account these factors I consider that the visual similarity of the marks is between medium and high (above medium but not the highest) due to the marks beginning with different letters.

³ *El Corte Inglés, SA v OHIM, Cases T-183/02*

Aural comparison

47. The Opponent submits that there is a high aural similarity between the respective marks as a result of the common -ILTON part which would be pronounced identically. As with the visual comparison the same or similar considerations apply regarding the points of similarity and difference. Both marks will be given their ordinary pronunciation namely WIL-TON and LIL-TON. The rhythm and intonation of the words are almost identical but nevertheless there is a marked difference in the voicing and manner of articulation of the letters L and W. The difference in sound is at the start of the respective marks which again cannot be discounted. For these reasons I do not believe that the marks are easily capable of being misheard due to the way in which the structure of the letters L and W are formed. As a result of these differences, in my view the degree of aural similarity is assessed as medium.

Conceptual comparison

48. The Opponent argues that the marks are devoid of any conceptual meaning so the conceptual comparison should be neutral. In my view the respective marks will be perceived as place names or in the alternative surnames. It is not unusual for trademarks especially in relation to bags and leather goods to include a place name/family name to denote trade origin.

49. I am also mindful of the recent case of Luciano Sandrone v EUIPO Case T-268/18, where the GC upheld the current view that names which do not convey a 'general and abstract idea' lack any "concept" thus making a conceptual comparison impossible. It stated:

“85 ... a first name or a surname which does not convey a 'general and abstract idea' and which is devoid of semantic content, is lacking any 'concept', so that a conceptual comparison between two signs consisting solely of such first names or surnames is not possible.

86. Conversely, a conceptual comparison remains possible where the first name or surname in question has become the symbol of a concept, due, for example, to the celebrity of the person carrying that first name or surname, or where that first name or that surname has a clear and immediately recognisable semantic content.

87. The Court has thus previously held that the relevant public would perceive marks containing surnames or first names of persons as having no specific conceptual meaning, unless the first name or surname is particularly well known as the name of a famous person (see, to that effect, judgments of 18 May 2011, IIC v OHIM - McKenzie (McKENZIE), T-502/07, not published, EU:T:2011:223, paragraph 40; of 8 May 2014, Pedro Group v OHIM - Cortefiel (PEDRO), T-38/13, not published, EU:T:2014:241, paragraphs 71 to 73; and of 11 July 2018, ANTONIO RUBINI, T-707/16, not published, EU:T:2018:424, paragraph 65)."

50. Whilst this case concerned names and surnames the same principles can be applied equally to place names. In my view even if the average UK consumer is not particularly familiar with the names Lilton/Wilton they will still consider the respective marks as the name of the founder of the business, if a surname or the geographical origin of the business, if a place name. Neither name, however, has a clear and immediately recognisable semantic content and therefore in light of this, the position in terms of assessing conceptual similarity of the marks is neutral.

Distinctive Character

51. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods or services, to those with high inherent distinctive character, such as

invented words which have no allusive qualities. The degree of distinctiveness is an important factor as it directly relates to whether there is a likelihood of confusion; the more distinctive the earlier mark the greater the likelihood of confusion.

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

“22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-0000, paragraph 49).

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

53. In *Becker v Harman International Industries*, Case C-51/09 P, the distinctive character of a surname was considered and the CJEU stated as follows:

“Although it is possible that, in part of the European Union, surnames have, as a general rule, a more distinctive character than forenames, it is appropriate to take account of factors specific to the case and, in particular, to the fact that the surname concerned is unusual or, on the contrary, very common, which is likely to have an effect on that distinctive character.”

54. The Opponent submits its mark has “no descriptive character or laudatory meaning in relation to its goods and services, and is fully distinctive. It has a high inherent capacity to identify the goods and services for which they have been registered...It has an above normal level of distinctiveness”. Since the Opponent has not filed evidence or claimed an enhanced level of distinctive character I have only the inherent position to consider.

55. The earlier mark consists of the word Wilton which I am aware is an English town/stately home in the county of Wiltshire, however this is not a well-known fact of the kind which would allow me to take judicial notice of this point. As outlined above, I consider that the earlier mark will be seen by the average UK consumer, as a place name indicative of the geographical location of the business or a surname indicative of a family business. Names be they place names or surnames are commonly used as trade marks and are therefore not considered as greatly distinctive. The more common the place name/surname, the less distinctive the character of the mark. The place name/surname Wilton will not be considered as particularly common within the UK, but neither is it particularly unusual that it enhances the mark’s level of distinctive character. Overall, I place the level of distinctive character of the mark at no higher than average.

Likelihood of confusion

56. A likelihood of confusion may arise in a form that may be direct or indirect. Before I set out my own global assessment of the likelihood of confusion, I note the following relevant points from case law. Indirect confusion (and its distinction from direct

confusion), was considered by Mr Iain Purvis QC, sitting as the Appointed Person,⁴ in *L.A. Sugar Limited v By Back Beat Inc*⁵, where he noted that:

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

57. In determining whether there is a likelihood of confusion there are a number of factors to bear in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods or services and vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the Opponent’s trade mark, the average consumer for the goods and the nature of the purchasing process. In doing so, I must consider that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

58. I have identified the average consumer to be a member of the general public or a business user/manufacturer, who would primarily select the goods via visual means

⁴ An Appointed Person is a senior lawyer, expert in intellectual property law, who hears appeals against decisions of the trade mark tribunal.

⁵ Case BL-O/375/10

but with aural considerations not being discounted. I have found at least an average level of attention being paid in the purchasing process (slightly higher for the business user but not considerably so) and the degree of inherent distinctive character of the earlier mark as average. Visually the marks are similar, to between a medium and high degree and aurally no more than medium and conceptually I found the position to be neutral.

59. In making my assessment of a likelihood of confusion, I bear in mind the purpose of a trade mark namely to distinguish the goods and services of one undertaking from another. I also bear in mind that my assessment is based on identical goods.

60. For there to be a likelihood of direct confusion the average UK consumer would have to mistake one mark for the other as a result of misremembering or mishearing the marks. Despite the aural and visual similarities, I discount the possibility that the marks will be imperfectly recalled due to the marked difference between the letter L and the letter W at the beginning of the respective marks. As I have already outlined, beginnings of words have greater visual and aural impact and whilst I have considered the identity of the remaining letters, the impact of the beginning of the marks on predominantly visual goods cannot be underplayed. For leather goods, bags and the like, the visual influence in the purchasing process overrides any possibility that the marks would be misheard. I do not believe that consumers within the UK would see Lilton and directly confuse it with Wilton despite the overlap in letters. In my view the difference in the first letter is so noticeable both visually and phonetically that no consumer would misremember one for the other, even for identical goods. This is especially so where the conceptual comparison is neutral. I have taken into account the possibility of mishearing or misreading the respective marks but consider this to be unlikely since the letter W and L are noticeably different in appearance and sound.

61. In so far as indirect confusion is concerned, if consumers note that the marks are different, I find it improbable that they then would acknowledge those differences but

conclude that the one mark is a brand extension or sub brand of the other or that the goods and services are provided by one and the same undertaking. It would be highly unusual for a sub brand to adopt a name which is different to the original, other than some overlap in their letters. In my view it would be implausible for consumers to believe that there is an economic link between them, merely because they share the same letter pattern. There is nothing to suggest that the two are connected.

62. This position is strengthened by the decision in *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17, where Mr James Mellor Q.C., as the Appointed Person, stressed that a finding of indirect confusion should not be made merely because two marks share a common element. He pointed out that it is not sufficient that a mark merely calls to mind another mark; this is association not indirect confusion. This is the position in the case before me. In my view as a result of the common letter pattern ILTON, consumers may call to mind the other party's mark but they would not think that the goods came from the same source.

63. Finally, for clarification, since I have found no confusion in respect of those goods assessed as being identical, applying the same reasoning, the position would be the same for any goods and services that are similar to those of the Opponent.

64. On this basis the opposition fails and subject to any successful appeal, the application can proceed to registration for all the goods set out in the Annex.

Costs

65. As the Applicant has been successful ordinarily it would be entitled to an award of costs. However, as it has not instructed solicitors it was invited by the tribunal to indicate whether it intended to make a request for an award of costs, including accurate estimates of the number of hours spent on a range of given activities relating to defending the proceedings. It was made clear by letter dated the 17 June 2019 that

if the pro-forma was not completed, no costs would be awarded. No response was received to this letter, neither was a completed pro forma returned. On this basis no costs are awarded to the Applicant.

Dated this 6th day of November 2019

Leisa Davies

For the Registrar

Annex Applicant's goods class 18

Briefcases for documents; Briefcases [leather goods]; Briefcases [leatherware]; Briefcases made of leather; Briefcase-type portfolios; Bucket bags; Bum bags; Bumbags; Business card cases; Business card holders in the nature of card cases; Business card holders in the nature of wallets; Business cases; Butts [parts of hides]; Cabin bags; Calling card cases; Camping bags; Cane handles; Canes; Canvas bags; Canvas shopping bags; Card cases [notecases]; Card holders made of imitation leather; Card holders made of leather; Card wallets; Card wallets [leatherware]; Carriers for suits, for shirts and for dresses; Carriers for suits, shirts and dresses; Carry-all bags; Carryalls; Carrying cases; Carrying cases for documents; Carry-on bags; Cases for business cards; Cases for holding keys; Cases for keys; Cases of imitation leather; Cases of leather or leatherboard; Cases, of leather or leatherboard; Casings, of leather, for plate springs; Casings, of leather, for springs; Casual bags; Cat o' nine tails; Cattle skins; Chain mesh purses; Chamois leather, other than for cleaning purposes; Change purses; Change purses of precious metal; Changing bags; Charm bags (omamori-ire); Charm bags [omamori-ire]; Children's shoulder bags; Chin straps, of leather; Cloth bags; Clothes for animals; Clothing for animals; Clothing for dogs; Clothing for domestic pets; Clothing for pets; Cloths for saddles; Clutch bags; Clutch handbags; Clutch purses; Clutch purses [handbags]; Clutches [purses]; Coats for cats; Coats for dogs; Coin holders; Coin purse frames; Coin purses; Coin purses not made of precious metal; Coin purses, not of precious metal; Coin purses, not of precious metals; Collars for animals; Collars for cats; Collars for pets; Collars for pets bearing medical information; Collars of animals; Combination walking sticks and umbrellas; Commutation-ticket holders; Compression cubes adapted for luggage; Conference folders; Conference portfolios; Cosmetic bags; Cosmetic bags sold empty; Cosmetic cases sold empty; Cosmetic purses; Costumes for animals; Courier bags; Coverings (Furniture -) of leather; Covers and wraps for animals; Covers for animals; Covers for horse saddles; Covers for horse-saddles; Covers for parasols; Covers for umbrellas; Covers (Umbrella -); Credit card cases; Credit card cases [wallets]; Credit card holders; Credit card holders made of imitation leather; Airline travel bags; All purpose sport bags; All-purpose athletic bags; All-purpose carrying bags; All-purpose leather straps; All-purpose sports bags; Alpenstocks; Animal

apparel; Animal carriers [bags]; Animal covers; Animal harnesses; Animal hides; Animal leads; Animal leashes; Animal skins; Animal skins and hides; Animal skins, hides; Ankle-mounted wallets; Art portfolios [cases]; Articles of clothing for horses; Articles of luggage; Artificial fur bags; Athletic bags; Athletics bags; Attaché bags; Attache cases; Attaché cases; Attache cases made of imitation leather; Attache cases made of leather; Baby backpacks; Baby carriers [slings or harnesses]; Baby carriers worn on the body; Baby carrying bags; Back frames for carrying children; Back packs; Backpacks; Backpacks for carrying babies; Backpacks [rucksacks]; Baggage; Bags; Bags [envelopes, pouches] for packaging of leather; Bags [envelopes, pouches] of leather for packaging; Bags for campers; Bags for carrying animals; Bags for carrying pets; Bags for climbers; Bags for clothes; Bags for school; Bags for sports; Bags for sports clothing; Bags for travel; Bags for umbrellas; Bags (Game -) [hunting accessories]; Bags (Garment -) for travel; Bags made of imitation leather; Bags made of leather; Bags (Net -) for shopping; Bags (Nose -) [feed bags]; Bandoliers; Bands of leather; Banknote holders; Barrel bags; Beach bags; Beach umbrellas; Beach umbrellas [beach parasols]; Beachbags; Beauty cases; Beauty cases [not fitted]; Belt bags; Belt bags and hip bags; Belt pouches; Belts (Leather shoulder -); Billfolds; Bits for animals; Bits for animals [harness]; Bits [harness]; Blankets for horses; Blinders for horses; Blinders [harness]; Blinkers for horses [blinders for horses]; Blinkers [harness]; Book bags; Boot bags; Boston bags; Boxes made of leather; Boxes of leather; Boxes of leather (Hat -); Boxes of leather or leather board; Boxes of leather or leatherboard; Boxes of vulcanised fibre; Boxes of vulcanized fiber; Boxes of vulcanized fibre; Bridles [harness]; Bridles [harnessing]; Bridoons; Brief cases; Briefbags; Briefcases; Briefcases and attache cases; Airline travel bags; All purpose sport bags; All-purpose athletic bags; All-purpose carrying bags; All-purpose leather straps; All-purpose sports bags; Alpenstocks; Animal apparel; Animal carriers [bags]; Animal covers; Animal harnesses; Animal hides; Animal leads; Animal leashes; Animal skins; Animal skins and hides; Animal skins, hides; Ankle-mounted wallets; Art portfolios [cases]; Articles of clothing for horses; Articles of luggage; Artificial fur bags; Athletic bags; Athletics bags; Attaché bags; Attache cases; Attaché cases; Attache cases made of imitation leather; Attache cases made of leather; Baby backpacks; Baby carriers [slings or harnesses]; Baby carriers worn on the body; Baby carrying bags; Back frames for carrying children; Back packs; Backpacks; Backpacks for carrying babies; Backpacks [rucksacks]; Baggage; Bags;

Bags [envelopes, pouches] for packaging of leather; Bags [envelopes, pouches] of leather for packaging; Bags [envelopes, pouches] of leather, for packaging; Bags for campers; Bags for carrying animals; Bags for carrying pets; Bags for climbers; Bags for clothes; Bags for school; Bags for sports; Bags for sports clothing; Bags for travel; Bags for umbrellas; Bags (Game -) [hunting accessories]; Bags (Garment -) for travel; Bags made of imitation leather; Bags made of leather; Bags (Net -) for shopping; Bags (Nose -) [feed bags]; Bandoliers; Bands of leather; Banknote holders; Barrel bags; Beach bags; Beach umbrellas; Beach umbrellas [beach parasols]; Beachbags; Beauty cases; Beauty cases [not fitted]; Belt bags; Belt bags and hip bags; Belt pouches; Belts (Leather shoulder -); Billfolds; Bits for animals; Bits for animals [harness]; Bits [harness]; Blankets for horses; Blinders for horses; Blinders [harness]; Blinkers for horses [blinders for horses]; Blinkers [harness]; Book bags; Boot bags; Boston bags; Boxes made of leather; Boxes of leather; Boxes of leather (Hat -); Boxes of leather or leather board; Boxes of leather or leatherboard; Boxes of vulcanised fibre; Boxes of vulcanized fiber; Boxes of vulcanized fibre; Bridles [harness]; Bridles [harnessing]; Bridoons; Brief cases; Briefbags; Briefcases; Briefcases and attache cases; Briefcases for documents; Briefcases [leather goods]; Briefcases [leatherware]; Briefcases made of leather; Briefcase-type portfolios; Bucket bags; Bum bags; Bumbags; Business card cases; Business card holders in the nature of card cases; Business card holders in the nature of wallets; Business cases; Butts [parts of hides]; Cabin bags; Calling card cases; Camping bags; Cane handles; Canes; Canvas bags; Canvas shopping bags; Card cases [notecases]; Card holders made of imitation leather; Card holders made of leather; Card wallets; Card wallets [leatherware]; Carriers for suits, for shirts and for dresses; Carriers for suits, shirts and dresses; Carry-all bags; Carryalls; Carrying cases; Carrying cases for documents; Carry-on bags; Cases for business cards; Cases for holding keys; Cases for keys; Cases of imitation leather; Cases of leather or leatherboard; Cases, of leather or leatherboard; Casings, of leather, for plate springs; Casings, of leather, for springs; Casual bags; Cat o' nine tails; Cattle skins; Chain mesh purses; Chamois leather, other than for cleaning purposes; Change purses; Change purses of precious metal; Changing bags; Charm bags (omamori-ire); Charm bags [omamori-ire]; Children's shoulder bags; Chin straps, of leather; Cloth bags; Clothes for animals; Clothing for animals; Clothing for dogs; Clothing for domestic pets; Clothing for pets; Cloths for saddles; Clutch bags; Clutch handbags; Clutch purses; Clutch purses [handbags]; Clutches [purses]; Coats

for cats; Coats for dogs; Coin holders; Coin purse frames; Coin purses; Coin purses not made of precious metal; Coin purses, not of precious metal; Coin purses, not of precious metals; Collars for animals; Collars for cats; Collars for pets; Collars for pets bearing medical information; Collars of animals; Combination walking sticks and umbrellas; Commutation-ticket holders; Compression cubes adapted for luggage; Conference folders; Conference portfolios; Cosmetic bags; Cosmetic bags sold empty; Cosmetic cases sold empty; Cosmetic purses; Costumes for animals; Courier bags; Coverings (Furniture -) of leather; Covers and wraps for animals; Covers for animals; Covers for horse saddles; Covers for horse-saddles; Covers for parasols; Covers for umbrellas; Covers (Umbrella -); Credit card cases; Credit card cases [wallets]; Credit card holders; Credit card holders made of imitation leather; Airline travel bags; All purpose sport bags; All-purpose athletic bags; All-purpose carrying bags; All-purpose leather straps; All-purpose sports bags; Alpenstocks; Animal apparel; Animal carriers [bags]; Animal covers; Animal harnesses; Animal hides; Animal leads; Animal leashes; Animal skins; Animal skins and hides; Animal skins, hides; Ankle-mounted wallets; Art portfolios [cases]; Articles of clothing for horses; Articles of luggage; Artificial fur bags; Athletic bags; Athletics bags; Attaché bags; Attache cases; Attaché cases; Attache cases made of imitation leather; Attache cases made of leather; Baby backpacks; Baby carriers [slings or harnesses]; Baby carriers worn on the body; Baby carrying bags; Back frames for carrying children; Back packs; Backpacks; Backpacks for carrying babies; Backpacks [rucksacks]; Baggage; Bags; Bags [envelopes, pouches] for packaging of leather; Bags [envelopes, pouches] of leather for packaging; Bags [envelopes, pouches] of leather, for packaging; Bags for campers; Bags for carrying animals; Bags for carrying pets; Bags for climbers; Bags for clothes; Bags for school; Bags for sports; Bags for sports clothing; Bags for travel; Bags for umbrellas; Bags (Game -) [hunting accessories]; Bags (Garment -) for travel; Bags made of imitation leather; Bags made of leather; Bags (Net -) for shopping; Bags (Nose -) [feed bags]; Bandoliers; Bands of leather; Banknote holders; Barrel bags; Beach bags; Beach umbrellas; Beach umbrellas [beach parasols]; Beachbags; Beauty cases; Beauty cases [not fitted]; Belt bags; Belt bags and hip bags; Belt pouches; Belts (Leather shoulder -); Billfolds; Bits for animals; Bits for animals [harness]; Bits [harness]; Blankets for horses; Blinders for horses; Blinders [harness]; Blinkers for horses [blinders for horses]; Blinkers [harness]; Book bags; Boot bags; Boston bags; Boxes made of leather; Boxes of leather; Boxes of leather (Hat -); Boxes of leather or

leather board; Boxes of leather or leatherboard; Boxes of vulcanised fibre; Boxes of vulcanized fiber; Boxes of vulcanized fibre; Bridles [harness]; Bridles [harnessing]; Bidoons; Brief cases; Briefbags; Briefcases; Briefcases and attache cases; Briefcases for documents; Briefcases [leather goods]; Briefcases [leatherware]; Briefcases made of leather; Briefcase-type portfolios; Bucket bags; Bum bags; Bumbags; Business card cases; Business card holders in the nature of card cases; Business card holders in the nature of wallets; Business cases; Butts [parts of hides]; Cabin bags; Calling card cases; Camping bags; Cane handles; Canes; Canvas bags; Canvas shopping bags; Card cases [notecases]; Card holders made of imitation leather; Card holders made of leather; Card wallets; Card wallets [leatherware]; Carriers for suits, for shirts and for dresses; Carriers for suits, shirts and dresses; Carry-all bags; Carryalls; Carrying cases; Carrying cases for documents; Carry-on bags; Cases for business cards; Cases for holding keys; Cases for keys; Cases of imitation leather; Cases of leather or leatherboard; Cases, of leather or leatherboard; Casings, of leather, for plate springs; Casings, of leather, for springs; Casual bags; Cat o' nine tails; Cattle skins; Chain mesh purses; Chamois leather, other than for cleaning purposes; Change purses; Change purses of precious metal; Changing bags; Charm bags (omamori-ire); Charm bags [omamori-ire]; Children's shoulder bags; Chin straps, of leather; Cloth bags; Clothes for animals; Clothing for animals; Clothing for dogs; Clothing for domestic pets; Clothing for pets; Cloths for saddles; Clutch bags; Clutch handbags; Clutch purses; Clutch purses [handbags]; Clutches [purses]; Coats for cats; Coats for dogs; Coin holders; Coin purse frames; Coin purses; Coin purses not made of precious metal; Coin purses, not of precious metal; Coin purses, not of precious metals; Collars for animals; Collars for cats; Collars for pets; Collars for pets bearing medical information; Collars of animals; Combination walking sticks and umbrellas; Commutation-ticket holders; Compression cubes adapted for luggage; Conference folders; Conference portfolios; Cosmetic bags; Cosmetic bags sold empty; Cosmetic cases sold empty; Cosmetic purses; Costumes for animals; Courier bags; Coverings (Furniture -) of leather; Covers and wraps for animals; Covers for animals; Covers for horse saddles; Covers for horse-saddles; Covers for parasols; Covers for umbrellas; Covers (Umbrella -); Credit card cases; Credit card cases [wallets]; Credit card holders; Credit card holders made of imitation leather; Credit card holders made of leather; Credit-card holders; Cribbing straps for horses; Crossbody bags; Cross-body bags; Curried skins; Daypacks; Diaper bags; Diplomatic bags;

Document cases; Document cases of leather; Document holders [carrying cases]; Dog apparel; Dog bellybands; Dog clothing; Dog coats; Dog collars; Dog leads; Dog leashes; Dog parkas; Dog shoes; Draw reins; Drawstring bags; Drawstring pouches; Driving licence cases; Duffel bags; Duffel bags for travel; Duffle bags; Electronic pet collars; Empty instrument cases for use by doctors; Envelopes, of leather, for packaging; Equine boots; Equine leg wraps; Evening bags; Evening handbags; Evening purses; Face masks for equines; Fanny packs; Fashion handbags; Fastenings for saddles; Faux fur; Feed bags; Feed bags for animals; Fitted belts for luggage; Fitted protective covers for luggage; Fittings (Harness -); Flexible bags for garments; Flight bags; Fly masks for animals; Fly masks for horses; Foal slips; Folding briefcases; Folding walking sticks; Folio cases; Frames for umbrellas; Frames for umbrellas or parasols; Frames (Handbag -); Fur; Fur pelts; Furniture coverings of leather; Furniture (Leather trimmings for -); Furs sold in bulk; Fur-skins; Game bags; Game bags [hunting accessories]; Garden umbrellas; Garment bags; Garment bags for travel; Garment bags for travel made of leather; Garment carriers; Garments for pets; General purpose sport trolley bags; Gentlemen's handbags; Gent's handbags; Girths of leather; Gladstone bags; Gold beaters' skin; Goldbeaters' skin; Golf bag tags of leather; Golf umbrellas; Grips [bags]; Grips for holding shopping bags; Grocery tote bags; Gym bags; Halters; Hand bags; Handbag frames; Handbag straps; Handbags; Handbags for ladies; Handbags for men; Handbags made of imitations leather; Handbags made of leather; Handbags, not made of precious metal; Handbags, not of precious metal; Handbags, purses and wallets; Handles for canes; Handles for walking-sticks; Handles (Suitcase -); Handles (Walking stick -); Harness; Harness fittings; Harness fittings of iron; Harness for animals; Harness for horses; Harness made from leather; Harness straps; Harness traces; Harnesses; Harnesses for animals; Hat boxes for travel; Hat boxes of leather; Haversacks; Headbands for horses; Head-stalls; Hides; Hiking bags; Hiking poles; Hiking rucksacks; Hiking sticks; Hip bags; Hipsacks; Holdalls; Hold-alls; Holdalls for sports clothing; Holders in the nature of cases for keys; Holders in the nature of wallets for keys; Hoof guards; Horse bits; Horse blankets; Horse bridles; Horse cloths; Horse collars; Horse covers; Horse fly sheets; Horse halters; Horse leg wraps; Horse quarter sheets; Horse rugs; Horse sheets; Horse tail wraps; Horseshoes; Horseshoes made of plastic; Hunters' game bags; Hunting bags; Hunting crops; Imitation hide; Imitation hides; Imitation leather; Imitation leather bags; Imitation leather hat boxes; Imitation leather sold in bulk;

Imitations of leather; Industrial packaging containers of leather; Infant carriers worn on the body; Inserts for luggage in the form of compression cubes; Japanese oiled-paper umbrellas (janome-gasa); Japanese paper umbrellas (karakasa); Japanese paper umbrellas [karakasa]; Japanese utility pouches (shingen-bukuro); Jockey sticks; Key bags; Key cases; Key cases [leather goods]; Key cases made of leather; Key cases of imitation leather; Key cases of leather; Key pouches; Key wallets; Keycases; Key-cases; Key-cases of leather and skins; Kid; Kit bags; Knap sacks; Knapsacks; Kneepads for horses; Knitted bags; Knitted bags, not of precious metals; Knitting bags; Kori wicker trunks; Labels for luggage; Labels of leather; Laces (Leather -); Ladies handbags; Ladies' handbags; Lashes [whips]; Lead reins; Leads for animals; Leads (Leather -); Leashes for animals; Leashes (Leather -); Leather; Leather and imitation leather; Leather and imitations of leather; Leather bags; Leather bags and wallets; Leather boxes; Leather briefcases; Leather cases; Leather cases for keys; Leather cloth; Leather coin purses; Leather cords; Leather credit card cases; Leather credit card holder; Leather credit card wallets; Leather for furniture; Leather for harnesses; Leather for shoes; Leather handbags; Leather (Imitation -); Leather key cases; Leather laces; Leather leads; Leather leashes; Leather luggage straps; Leather or leather-board boxes; Leather pouches; Leather purses; Leather shopping bags; Leather shoulder belts; Leather shoulder straps; Leather sold in bulk; Leather straps; Leather suitcases; Leather thongs; Leather thread; Leather trimmings for furniture; Leather twist; Leather, unworked or semi-worked; Leather [unworked or semi-worked]; Leather, unwrought or semi-wrought; Leather wallets; Leatherboard; Leathers (Stirrup -); Leggings for animals; Lockable luggage straps; Luggage; Luggage bags; Luggage, bags, wallets and other carriers; Luggage covers; Luggage label holders; Luggage labels; Luggage straps; Luggage tags; Luggage tags [leatherware]; Luggage trunks; Lunge reins; Makeup bags; Make-up bags; Make-up bags sold empty; Make-up boxes; Make-up cases; Martingales; Mesh shopping bags; Messenger bags; Metal horseshoes; Metal luggage tags; Metal parts of umbrellas; Minaudieres; Moleskin [imitation leather]; Moleskin [imitation of leather]; Motorized suitcases; Mountaineering sticks; Multi-purpose purses; Music bags; Music cases; Muzzles; Nappy bags; Nappy wallets; Net bags for shopping; Nightwear cases [overnight cases]; Non-metal horseshoes; Nose bags; Nose bags [feed bags]; Nose bands; Notecases; Numnahs; Outdoor umbrellas; Overnight bags; Overnight cases; Overnight suitcases; Pads for horse saddles; Parasols; Parasols [sun umbrellas]; Parts of rubber for stirrups; Patio

umbrellas; Peltry; Pelts; Pet clothing; Pet hair bows; Pet leads; Pets (Clothing for -); Plastic luggage tags; Pochettes; Pocket wallets; Pocketbooks; Pocketbooks [handbags]; Polyurethane leather; Portfolio cases [briefcases]; Portmanteaus; Portmanteaux; Pouch baby carriers; Pouches; Pouches for holding make-up, keys and other personal items; Pouches of leather; Pouches, of leather, for packaging; Pouchettes; Poultry blinders to prevent fighting; Protective suit carriers; Purse frames; Purse frames [handbags]; Purses; Purses [leatherware]; Purses made of precious metal; Purses, not made of precious metal; Purses not made of precious metal; Purses, not made of precious metal [handbags]; Purses [not of precious metal]; Purses, not of precious metal; Purses, not of precious metal [handbags]; Purses of precious metal; Rainproof parasols; Randsels; Randsels [Japanese school satchels]; Rattan canes; Raw skins; Rawhide chews for dogs; Rawhides; Reins; Reins for guiding children; Reins [harness]; Reticules; Reusable shopping bags; Ribs (Umbrella or parasol -); Riding crops; Riding saddles; Riding whips; Roll bags; Roller bags; Roller suitcases; Rubber luggage tags; Rubber parts for stirrups; Ruck sacks; Rucksacks; Rucksacks for mountaineers; Rucksacks on castors; Saddle belts; Saddle blankets; Saddle cloths; Saddle cloths for horses; Saddle covers; Saddle pads; Saddle trees; Saddlebags; Saddlecloths for horses; Saddlery; Saddlery of leather; Saddlery, whips and apparel for animals; Saddles (Pads for horse -); Saddletrees; Satchels; Satchels (School -); School backpacks; School bags; School book bags; School knapsacks; School satchels; Schoolbags; Schoolchildren's backpacks; Semi-worked fur; Shaving bags sold empty; Sheets of imitation leather for use in manufacture; Sheets of leather for use in manufacture; Shoe bags; Shoe bags for travel; Shooting sticks; Shopping bags; Shopping bags made of skin; Shopping bags with wheels attached; Shoulder bags; Shoulder belts; Shoulder belts [straps] of leather; Shoulder straps; Skates (Straps for -); Skin (Goldbeaters' -); Skins and hides; Skins (Animal -); Skins (Cattle -); Skins of chamois, other than for cleaning purposes; Sling bags; Sling bags for carrying babies; Sling bags for carrying infants; Slings for babies; Slings for carrying babies; Slings for carrying infants; Slouch handbags; Small backpacks; Small bags for men; Small clutch purses; Small purses; Small rucksacks; Small suitcases; Soldiers' equipment (Straps for -); Souvenir bags; Spats and knee bandages for horses; Specialty holsters adapted for carrying folding walking sticks; Sporrans; Sport bags; Sports bags; Sports [Bags for -]; Sports packs; Springs (Casings, of leather, for plate -); Spur straps; Sticks incorporating seats; Sticks (Mountaineering -); Stirrup leathers;

Stirrup straps; Stirrups; Stirrups of metal; Stirrups (Parts of rubber for -); Straps for coin purses; Straps for handbags; Straps for luggage; Straps for skates; Straps for soldiers' equipment; Straps for suitcases; Straps (Harness -); Straps (Leather -); Straps (Leather shoulder -); Straps made of imitation leather; Straps of leather [saddlery]; String bags for shopping; Stud hole plugs for horseshoes; Studs of leather; Suit bags; Suit carriers; Suitcase handles; Suitcases; Suitcases, motorized, rideable; Suitcases with wheels; Sun umbrellas; Sun umbrellas [hand-held]; Sunshade parasols; Synthetic leather; Tags for luggage; Tanned leather; Tefillin [phylacteries]; Telescopic umbrellas; Textile shopping bags; Thread (Leather -); Tie cases; Tie cases for travel; Toilet bags; Toiletry bags; Toiletry bags sold empty; Toiletry cases sold empty; Tool bags, empty; Tool bags [empty] for motor cycles; Tool bags of leather, empty; Tool bags sold empty; Tool pouches, sold empty; Tool pouches sold empty; Tote bags; Towelling bags; Traces [harness]; Training leads for horses; Travel baggage; Travel bags; Travel bags made of plastic materials; Travel cases; Travel garment covers; Travel luggage; Traveling bags; Traveling sets; Traveling sets [leatherware]; Travelling trunks; Travelling bags; Travelling bags [leatherware]; Travelling bags made of imitation leather; Travelling bags made of leather; Travelling cases; Travelling cases of leather; Travelling sets; Travelling sets [leatherware]; Travelling trunks; Trekking sticks; Trimmings of leather for furniture; Trolley duffels; Trunks and suitcases; Trunks and traveling bags; Trunks and travelling bags; Trunks [luggage]; Two-wheeled shopping bags; Umbrella bags; Umbrella covers; Umbrella frames; Umbrella handles; Umbrella or parasol ribs; Umbrella rings; Umbrella sticks; Umbrellas; Umbrellas and parasols; Umbrellas for children; Unfitted vanity cases; Unworked leather; Valises; Valves of leather; Vanity cases, not fitted; Vanity cases sold empty; Wading staffs; Waist bags; Waist packs; Waist pouches; Walking cane handles; Walking staffs; Walking stick handles; Walking stick seats; Walking sticks; Wallets; Wallets for attachment to belts; Wallets including card holders; Wallets incorporating card holders; Wallets, not of precious metal; Wallets [not of precious metal]; Wallets of precious metal; Wallets (Pocket -); Wallets with card compartments; Wash bags for carrying toiletries; Wash bags (not fitted); Waterproof bags; Weekend bags; Wheeled bags; Wheeled luggage; Wheeled shopping bags; Wheeled suitcases; Whips; Work bags; Worked or semi-worked hides and other leather; Wrist mounted carryall bags; Wrist mounted purses; Wrist-mounted wallets.