

BL O/689/19

TRADE MARKS ACT 1994

IN THE MATTER OF TRADE MARK APPLICATION 3335300

BY

KATRIINA KIVIMAKI-LUUKONEN, EMI HIILOSMÄÄ & MIA HIILOSMÄÄ

TO REGISTER THE FOLLOWING TRADE MARK:



IN CLASSES 03, 25 AND 44

AND

OPPOSITION THERETO (NO. 414435)

BY

EVEDEN INC

Background and pleadings

1. Katriina Kivimäki-Luukkonen, Emi Hiilosmaa and Mia Hiilosmaa (hereafter “the applicants”) applied to register the trade mark:



in the UK on 31 August 2018. It was accepted and published in the Trade Marks Journal on 21 September 2018, for a wide range of goods and services in classes 03, 25 and 44 (the full list of the contested goods can be found in Annex A below).

2. Eveden Inc (“the opponent”) opposes the trade mark on the basis of Section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The opposition is raised only against the applicant’s goods in class 25. Classes 03 and 44 of the contested application are free of opposition.
3. The opposition is based on earlier United Kingdom Trade Mark 3172514, which was filed on 01 July 2016 and registered on 07 April 2017, in class 25 for the following mark:

GODDESS

4. Given the date of registration, the opponent’s mark qualifies as an earlier mark in accordance with section 6 of the Act but is not subject to proof of use.
5. In its statement of grounds, the opponent claims that the goods at issue are identical and the marks, as the contested mark is dominated by the word ‘GODDESS’, are confusingly similar.
6. In its counterstatement the applicants state that the marks at issue are not remotely similar. The applicants refer to exhibit EH1, which it submitted with its defence. In respect of that exhibit, which shows the contested mark alongside the earlier mark,

the applicants state that due to differences in name, font, style and colour, the marks at issue are not similar visually or aurally and would not be mistaken for each other.

7. The applicants also state that:

- They selected the commonly used word 'GODDESS', describing their business in the beauty industry.
- The applicants have differentiated their mark from other 'GODDESS' marks by using a different 'look' and using a 3-part name which incorporates the word 'HILLS' that is taken from their Finnish surname, which is translated as such.
- The family business operated in Finland for 25 years and then relocated to the UK in May 2018. The main area of business interest is practising in Scandinavian beauty treatments and massages.
- There is a small offering of clothing in a Scandinavian design, but this is a sub-set of the main business.
- There is no similarity between the class 25 goods the applicants provide and the kind of class 25 goods the opponent provides, such as sports bras or lingerie.

8. The applicants refer to exhibits EH2 and EH3, but these exhibits do not appear to have been submitted. I am unable, therefore, to make any comment with regard to those exhibits, and subsequently they do not form any part of my deliberations in this matter.

9. The opponent filed written submissions and requested a hearing.

10. In its submissions, the opponent withdraws the grounds of 5(3) and 5(4)(a), which had initially formed a part of the opposition, leaving just the ground of 5(2)(b).

11. The opponent also:

- Disagrees with the claim of the applicants that, due to the additional verbal elements in the contested mark; the colour, font and style; the marks at issue

would not be confused and are not similar. In fact, the opponent states that the marks at issue are highly similar. Applying the 'global appreciation' approach laid down in *Sabel v Puma*, when assessed as a whole the average consumer would appreciate that the word 'GODDESS' in the contested mark is the dominant and distinctive component of the mark.

- States that its earlier mark is entirely subsumed in the applicants later mark and the word 'GODDESS' constitutes the dominant and distinctive component of the later mark. The opponent accepts that the contested mark is a device mark that includes several elements of stylisation such as a specific font and roses incorporated within the letter 'G', however the visual assessment of the composite mark will focus on the textual element, as words speak louder than devices.
- Points out that the first seven letters of the contested mark are identical to the earlier mark. Whilst the contested mark contains a further seven letters, making up the words 'By Hill's', as those words are presented in much smaller font, the lengths of the marks at issue appear to be very similar.
- Claims that the average consumer would focus on the larger, dominant element which is the word 'GODDESS'. As such the opponent states that the marks are visually similar to a high degree and the minor differences in stylisation are not enough to avoid a likelihood of confusion.
- States that aurally the marks have two and four syllables respectively, however the first two syllables of the contested mark are identical to the two syllables that make up the entirety of the earlier mark. The opponent claims therefore, that as the beginning of a mark has more influence, the marks are aurally similar to a high degree.
- Suggests that conceptually the marks at issue will be perceived to convey the same message, i.e. that of a Goddess. The opponent also claims that it is common practice in the fashion industry to release collections in collaboration with different designers and/or celebrities, often naming them by adding e.g. 'By Hill's' to the main brand. Therefore, the opponent believes that the

average consumer will perceive the contested mark as a sub brand of 'GODDESS' rendering the marks conceptually highly similar. In conclusion the opponent claims that the marks at issue are visually, aurally and conceptually highly similar.

- Notes that the applicants have denied that the goods concerned are similar. The opponent disagrees entirely with this assessment. As the applicants appear to have applied for every item of goods that fall within class 25 and, as the opponent's earlier mark covers a very broad church of goods under class 25, it stands to reason that all of the contested goods in class 25 are either identical or similar to the goods of the opponent.

12. A hearing to determine the claim was requested and took place before me on 22 October 2019.

13. Throughout the proceedings the applicants have represented themselves, whilst the opponent has been represented by Mathys & Squire LLP. At the hearing the opponent was represented by Ms Laura West of Mathys & Squire LLP. The applicants were not represented at the hearing.

Decision

Section 5(2)(b) of the Act

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

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

(a)

(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.”

15. The following principles are gleaned from the decisions of the CJEU 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 great degree of similarity between the marks, and vice versa;

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

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

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

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

Comparison of goods and services

16. In the judgment of the Court of Justice of the European Union in *Canon*, Case C-39/97, 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”.

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

(a) The respective 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.

18. In *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T-133/05, the General Court 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”.

19. In relation to assessing whether the goods may be regarded as “complementary”, I refer to *Boston Scientific Ltd v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*¹ where it was stated that complementarity means that:

“...there is a close connection between them, in the sense that one is indispensable or important for the use of the other in such a way that customers may think that the responsibility for those goods lies with the same undertaking.”

20. The parties’ respective goods are:

Opponent’s goods	Contested goods
<p>Class 25: Articles of clothing; articles of outer clothing; sportswear and leisurewear; casual wear; headgear; none of the aforesaid being t-shirts, sweatshirts or baseball caps; articles of underclothing; footwear; swimwear; beachwear; corsetry; articles of lingerie; ladies' underwear; corsets; girdles; brassieres; ladies' foundation wear; hosiery; vests, knickers, petticoats; nightdresses; pyjamas and housecoats; articles of knitted outerclothing; bathing suits; stockings and pantihose; bath robes.</p>	<p>Class 25: the contested goods appear to be the entire alphabetical list of goods provided under the NICE classification system. As it is an extremely lengthy list, I have set the contested goods out in Annex A below.</p>

21. The opponent’s earlier goods include the terms ‘*articles of clothing*’, ‘*footwear*’ and ‘*headgear*’, which are the general indications of the class heading according to the NICE classification system.

¹ Case T-325/06. See also *Sandra Amelia Mary Elliot v LRC Holdings Limited* BL 0/255/13.

22. I have separated the entire list of contested goods (**Annex A**) into four distinct groups, presented in Annexes B, C, D and E below.
23. **Annex B** lists all of the contested goods that naturally fall under the general indication '*clothing*'. I find that all of these goods (with the exception of '*T-shirts; Short-sleeved T-shirts; Printed t-shirts; Tee-shirts; Hooded sweat shirts; Hooded sweatshirts; Sweat shirts and sweatshirts*' which are excluded from the opponent's goods), are identical to the opponent's earlier '*articles of clothing*'.
24. **Annex C** lists all of the contested goods which naturally fall under the general indication '*footwear*' and are therefore identical to the opponent's '*footwear*'.
25. **Annex D** lists all of the contested goods which naturally fall under the general indication '*headgear*'. I find all of these goods (with the exception of '*baseball caps*' that are excluded from the opponent's goods) to be identical to the opponent's earlier '*headgear*'.
26. Consequently, I find that all of the goods listed in Annexes B, C and D are identical to the opponent's earlier '*Articles of clothing*' or '*headgear*' or '*footwear*'.
27. **Annex E** lists the contested goods that I find do not fall naturally under either of the terms '*articles of clothing*'; '*footwear*' or '*headgear*', but that can be said to be parts and fittings of those finished goods.
28. I bear in mind the General Court's finding in *Les Éditions Albert René v OHIM*²:
- "61. The mere fact that a particular good is used as a part, element or component of another does not suffice in itself to show that the finished goods containing those components are similar since, in particular, their nature, intended purpose and the customers for those goods may be completely different."
29. The contested goods set out in **Annex E** are not items of clothing, footwear or headgear, rather, they are parts for those items. The intended nature and purpose of those goods differ from the finished article and they cannot be said to be in

² Case T-336/03

competition with one another. However, they are complementary in the sense that parts of goods are important and often indispensable for the whole, which may lead consumers to believe they are from the same undertaking. At the hearing, Ms West referred to consumers of shoes as an illustration of where there may be an overlap in the channels of trade. In that regard Ms West suggested that a consumer might, when a shoe required repair or a refresh, return to the retailer with an expectation that the retailer would be in a position to replace e.g. the soles, heels or uppers of the shoe. In such a scenario, the manufacturer is quite likely, and often found to be, the retailer of that item. I agree with the position put forward by Ms West in this matter.

30. Overall, I find the applicants goods in **Annex E** to be similar to the opponent's '*articles of clothing; footwear; headgear*', however, to only a low degree.
31. The applied for '*T-shirts; Short-sleeved T-shirts; Printed t-shirts; Tee-shirts; Hooded sweat shirts; Hooded sweatshirts; Sweat shirts; sweatshirts*' and '*baseball caps*', share nature, purpose, channels of trade, manufacturer and end-user, with the earlier goods and can also be said to be in competition. These goods are found to be similar.
32. In conclusion, the majority of the contested goods (those set out below in Annexes B, C and D) have been found to be identical to the opponent's goods. The remaining contested goods have been found to be either similar, or similar to a low degree to the opponent's goods.

Average consumer and the purchasing act

33. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purpose of assessing the likelihood of confusion, it must be borne in mind that the average consumer's level of attention is likely to vary according to the category of goods or services in question: *Lloyd Schuhfabrik Meyer, Case C-342/97*.

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 word “average” denotes that the person is typical. The term “average” does not denote some form of numerical mean, mode or median.”

35. The average consumer of clothing, footwear and headgear will predominantly be the general public but could also be a professional consumer, buying on behalf of others.

36. The selection of such goods is largely a visual process, as the average consumer (general public) will wish to physically handle the goods and try on articles of interest, to ensure a correct fit, whilst simultaneously appraising the overall aesthetic impact.

37. The professional consumer will also make a primarily visual assessment of the goods, whether they be clothing, footwear or headgear; as it is essential that any items they select match the requirements of their clients. I do not, however, ignore the potential for the marks to be spoken, for example, by sales assistants in a retail establishment or when making a purchase from a catalogue, over the telephone. However, in those circumstances, the consumer will have had an opportunity to view the goods, perhaps electronically via an online catalogue or website, or on paper in the traditional sense of catalogue shopping.³ Therefore, when considering the aural impact of the marks, the visual impression of these goods will already have played a part in the consumer’s mind.

38. The cost of the goods is likely to vary depending on the precise item in question. However, I would expect both professionals and the general public to take into account factors such as size, fit and material for all of the goods, regardless of their

³ *Quelle AG v OHIM*, Case T-88/05, paragraph 69

cost. I would therefore expect at least a medium degree of attention to be paid in relation to all of the goods.


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

41. The marks to be compared are:

Earlier mark	Contested mark
GODDESS	 The contested mark is a stylized logo. The word "Goddess" is written in a large, golden, serif font. To the left of the letter 'G' is a small, circular emblem containing a figure. Below "Goddess", the words "By Hills" are written in a smaller, golden, cursive script.

42. The earlier mark is comprised solely of the plain word 'GODDESS' in a standard type-face, as such the overall impression in the mark lies in that word.

43. The contested mark is comprised of the words 'Goddess By Hill's', presented in a stylised script and in gold colour. The letter 'G' of 'Goddess' contains within it a small line drawing of two rose flowers. The word 'Goddess' is readily understood by the English-speaking public to mean a female god; a feminine deity or a woman greatly admired for her beauty.⁴ The verbal elements 'By Hill's' are presented underneath the word 'Goddess' and in a much smaller font. Within the context of the contested mark, the word 'By' will be understood to be acting as a preposition, indicating something done by, or coming from, a person or entity. In this case, because of the grammatical construction of the mark, the person or entity will be understood to be named 'Hill's'. The element 'Goddess' forms the initial element in the mark and comprises the largest part of the mark. It can therefore be said that the word 'Goddess' is the dominant element in the contested mark and will subsequently play a greater role than the other elements in the mark.
44. The line drawing of two rose flowers has no clear link to the contested goods in class 25 and as such that element can be said to be distinctive within the mark to a certain degree, although it is not uncommon for manufacturers to adorn clothing or headgear with designs of flowers.

Visual similarity

45. The marks at issue are visually similar inasmuch as they both contain the word 'GODDESS'. The marks differ in the words 'By Hill's' of the contested mark, which have no counterpart in the earlier mark, and in the image of two rose flowers, the gold lettering and the stylised script of the contested mark. However, whilst all of the elements making up the contested mark have been taken into account in an overall assessment, due to the dominance of the word 'Goddess' in that mark, the marks at issue are found to be visually similar to at least a medium degree.

Aural similarity

46. The opponent's earlier mark will be articulated as *GOD/ES*. The contested mark will be articulated as *GOD/ES/BY/HILZ*. Due to the fact that the whole of the earlier mark

⁴ Collins English dictionary

forms the first half of the contested mark identically, the marks are considered to be aurally similar to a medium degree.

Conceptual similarity

47. Conceptually, both marks share the word 'GODDESS' which will be understood to refer to a female god; a feminine deity or a woman greatly admired for her beauty. This term has no clear link to the contested goods, but may allude to a certain quality of clothing, footwear or headgear, e.g. wedding attire that is intended to make the wearer as beautiful as possible.
48. The contested mark also contains the words 'By Hill's' which will be perceived by the average consumer as indicating that a person or entity named 'Hill' or 'Hills' is responsible for the goods provided under the brand 'Goddess'. The inclusion of the drawing of two rose flowers adds nothing conceptually to the whole and is likely to be understood simply as a decorative feature within the mark.
49. I therefore consider that there is a high degree of conceptual similarity between the marks at issue, due to the dominance of the element 'Goddess' in the contested mark, a concept shared entirely by the earlier mark. The element 'By Hill's' of the contested mark serves as a point of conceptual difference between the marks, however, even with that conceptual difference, there is still a high degree of conceptual similarity, owing to the common concept of a Goddess.
50. In conclusion, the marks have been found to be visually similar to at least a medium degree, aurally similar to a medium degree and conceptually similar to a high degree.

Distinctive character of the earlier trade mark

51. 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).”

52. The opponent has not claimed that its earlier mark has enhanced distinctive character through use, I therefore have to consider only the question of inherent distinctive character.

53. The earlier mark is comprised solely of the plain word ‘GODDESS’. The word ‘GODDESS’ will be understood as referring to a female god; a feminine deity or a woman greatly admired for her beauty. The term has no clear or obvious link to the goods at issue, other than a suggestion or allusion to a level of quality in the goods on offer, e.g. clothing, footwear or headgear that will greatly enhance the beauty of the wearer.

54. I therefore conclude that the earlier mark is inherently distinctive to a medium degree.

Likelihood of Confusion

55. I now draw together my earlier findings into a global assessment of the likelihood of confusion, keeping in mind the legal principles established previously in paragraph 15.
56. In determining whether there is a likelihood of confusion, a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the respective marks may be offset by a greater degree of similarity between the respective goods and vice versa. As I mentioned above, it is also necessary for me to keep in mind the distinctive character of the opponent's trade mark as the more distinctive it is, the greater the likelihood of confusion. I must also keep in mind the average consumer for the goods, the nature of the purchasing process and the fact that the average consumer rarely has the opportunity to make direct comparisons between marks side by side but must instead rely upon the imperfect picture of them he has retained in his mind.
57. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one trade mark for the other, whilst indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and goods/services down to the responsible undertakings being the same or related.
58. I have already found that:
- the goods are identical, similar or similar to a low degree;
 - the marks are visually similar to at least a medium degree, aurally similar to a medium degree and conceptually similar to a high degree;
 - the average consumer will be a member of the general public or a professional;
 - the average consumer, both the general public and a professional consumer, can be expected to be paying at least a medium degree of attention when selecting the goods at issue;
 - during the selection process, the visual and aural considerations will both be important however the visual element will likely play the greater role;

- the earlier mark has a medium degree of distinctiveness;

59. Having weighed up all of the factors, I conclude that there is no likelihood of direct confusion between the marks. The additional verbal elements and the stylised presentation of the contested mark will not go unnoticed and the average consumer will not mistake one mark for the other.

60. I must therefore go on to consider the potential for indirect confusion between the marks.

61. In *L.A. Sugar Limited v By Back Beat Inc*, Case BL O/375/10, Mr Iain Purvis Q.C., as the Appointed Person, explained that:

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

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

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

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

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

62. These examples are not exhaustive but provide helpful focus.

63. In considering the likelihood of confusion I also take into account the guidance provided in *Whyte and Mackay Ltd v Origin Wine UK Ltd and Another* [2015] EWHC 1271 (Ch), where Arnold J. considered the impact of the CJEU’s judgment in *Bimbo*, Case C-591/12P, on the court’s earlier judgment in *Medion v Thomson*. The judge said:

“18 The judgment in *Bimbo* confirms that the principle established in *Medion v Thomson* is not confined to the situation where the composite trade mark for which registration is sought contains an element which is identical to an earlier trade mark but extends to the situation where the composite mark contains an element which is similar to the earlier mark. More importantly for present purposes, it also confirms three other points.

19 The first is that the assessment of likelihood of confusion must be made by considering and comparing the respective marks — visually, aurally and conceptually — as a whole. In *Medion v Thomson* and subsequent case law, the Court of Justice has recognised that there are situations in which the average consumer, while perceiving a composite mark as a whole, will also perceive that it consists of two (or more) signs one (or more) of which has a distinctive significance which is independent of the significance of the whole, and thus may be confused as a result of the identity or similarity of that sign to the earlier mark.

20 The second point is that this principle can only apply in circumstances where the average consumer would perceive the relevant part of the composite mark to have distinctive significance independently of the whole. It does not apply where the average consumer would perceive the composite mark as a unit having a different meaning to the meanings of the separate components. That includes the situation where the meaning of one of the components is qualified by another component, as with a surname and a first name (e.g. BECKER and BARBARA BECKER).

21 The third point is that, even where an element of the composite mark which is identical or similar to the earlier trade mark has an independent distinctive role, it does not automatically follow that there is a likelihood of confusion. It remains necessary for the competent authority to carry out a global assessment taking into account all relevant factors.”

64. Applying this case law to the matter before me, I find that the word ‘Goddess’ plays an independent distinctive role in the contested mark.
65. The presentation of the other verbal elements in the contested mark serves to enforce the dominance of the word ‘Goddess’ in that mark, because of their much smaller size and their placement beneath the larger element. I conclude therefore that the element ‘Goddess’ in the contested mark has a distinctive significance which is independent of the significance of the whole.
66. I acknowledge that confusion is not an automatic result of the shared element having an independent distinctive role, and I have borne in mind the guidance of Mr James Mellor Q.C.⁵ in *Duebros Limited*, that a finding of indirect confusion should not be made merely because the two marks share a common element. It is still a whole mark comparison that must be made. However, in this instance the common element ‘GODDESS’ has sufficient distinctiveness and dominance in the contested mark that, when considered alongside the other factors, the consumer will consider that the marks, being visually similar to at least a medium degree, aurally similar to a medium degree and conceptually similar to a high degree, are variant marks used or

⁵ Sitting as the Appointed Person in *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17

controlled by the same undertaking. I find this to be the case even for goods with a low degree of similarity. There is a likelihood of indirect confusion.

Conclusion

67. The opposition has succeeded. The application is refused in respect of the entire class 25 element. The application will proceed to registration in respect of the class 03 and class 44 elements, which were not the subject of opposition.

Costs

68. The opponent has been successful and is entitled to a contribution towards its costs, which are sought on the usual scale (contained in Tribunal Practice Notice 2/2016). I award the opponent the sum of £800 as a contribution towards the cost of the proceedings. The sum is calculated as follows:

Official fee for opposition*	£100
Preparing the statement of case and considering the counterstatement	£200
Preparing for and attending a hearing	£500
Total	£800

69. *I note that the opposition fee paid was £200 as the initial grounds of opposition included Section 5(3) and Section 5(4)(a) of the Act. However, as these grounds were voluntarily withdrawn, I am reducing the costs in this regard to the basic fee of £100, which is the correct fee to be paid when relying only on the ground of Section 5(2)(b).

70. I therefore order Katriina Kivimäki-Luukkonen, Emi Hiilosmaa and Mia Hiilosmaa, being jointly and severally liable, to pay Eveden Inc the sum of £800. The above sum should be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

Dated this 12th day of November 2019

Andrew Feldon

For the Registrar

The Comptroller-General

ANNEX A - Full list of the class 25 contested goods:

Class 25: Bodysuits; Boiler suits; Boleros; Bolo ties; Bolo ties with precious metal tips; Bomber jackets; Bonnets; Bonnets [headwear]; Boot cuffs; Boot uppers; Bootees (woollen baby shoes); Booties; Boots; Boots for motorcycling; Boots for sport; Boots for sports; Boots (Ski -); Bottoms [clothing]; Bow ties; Bowling shoes; Bowties; Boxer briefs; Boxer shorts; Boxing shoes; Boxing shorts; Boy shorts [underwear]; Boys' clothing; Bra straps; Bra straps [parts of clothing]; Braces as suspenders; Braces for clothing; Braces for clothing [suspenders]; Braces [suspenders]; Bralettes; Bras; Brassieres; Breeches; Breeches for wear; Bridal garters; Bridal gowns; Bridesmaid dresses; Bridesmaids wear; Briefs; Briefs [underwear]; Bucket caps; Bucket hats; Burnouses; Bushjackets; Bustiers; Bustle holder bands for obi (obiage); Bustles for obi-knots (obiage-shin); Button down shirts; Button-front aloha shirts; Combative sports uniforms; Combinations [clothing]; Corduroy pants; Corduroy shirts; Corduroy trousers; Corselets; Corsets; Corsets [clothing, foundation garments]; Corsets [foundation clothing]; Corsets [underclothing]; Costumes; Costumes for use in children's dress up play; Costumes for use in role-playing games; Costumes (Masquerade -); Cotton coats; Coveralls; Coverups; Cover-ups; Cowls [clothing]; Cravates; Cravats; Crew neck sweaters; Crinolines; Crop tops; Cuffs; Culotte skirts; Culottes; Cummerbunds; Cycling caps; Cycling Gloves; Cycling pants; Cycling shoes; Cycling shorts; Cycling tops; Cyclists' clothing; Sliding shorts; Slip-on shoes; Slipovers; Slipovers [clothing]; Slipper socks; Slipper soles; Slippers; Slippers made of leather; Slips; Slips [clothing]; Slips [underclothing]; Slips [undergarments]; Small hats; Smocks; Smoking jackets; Snap crotch shirts for infants and toddlers; Sneakers; Sneakers [footwear]; Snoods [scarves]; Snow boarding suits; Snow boots; Snow pants; Snow suits; Snowboard boots; Snowboard gloves; Snowboard jackets; Snowboard mittens; Snowboard shoes; Snowboard trousers; Snowsuits; Soccer bibs; Soccer boots; Soccer shirts; Soccer shoes; Sock suspenders; Socks; Socks and stockings; Socks for infants and toddlers; Socks for men; Soles for footwear; Soles for japanese style sandals; Soles [Inner]; Spats; Spiked running shoes; Sport coats; Sport shirts; Sport shoes; Sport stockings; Sports bibs; Sports [Boots for -]; Sports bras; Sports caps; Sports caps and hats; Sports clothing; Sports clothing [other than golf gloves]; Sports footwear;

Sports garments; Sports headgear [other than helmets]; Sports jackets; Sports jerseys; Sports jerseys and breeches for sports; Sports over uniforms; Sports overuniforms; Sports pants; Sports shirts; Sports shirts with short sleeves; Sports shoes; Sports singlets; Sports socks; Sports vests; Sports wear; Sportswear; Stiffeners for boots; Stiffeners for shoes; Stocking suspenders; Stockings; Stockings (Heel pieces for -); Stockings [sweat-absorbent]; Stockings (Sweat-absorbent -); Stoles; Stoles (Fur -); Strapless bras; Strapless brassieres; Straps (Gaiter -); Stretch pants; String fasteners for haori (haori-himo); Studs for football boots; Stuff jackets; Stuff jackets [clothing]; Suede jackets; Suit coats; Suits; Suits (Bathing -); Suits made of leather; Suits of leather; Sun hats; Sun visors; Sun visors [headwear]; Sundresses; Sunsuits; Surf wear; Surfwear; Suspender belts; Suspender belts for men; Suspender belts for women; Suspenders; Suspenders [braces]; Swaddling clothes; Sweat bands; Sweat bands for the head; Sweat bands for the wrist; Sweat bottoms; Sweat jackets; Sweat pants; Sweat shirts; Sweat shorts; Sweat suits; Sweat-absorbent socks; Sweat-absorbent stockings; Sweat-absorbent underclothing; Sweat-absorbent underclothing [underwear]; Sweat-absorbent underwear; Sweatbands; Sweaters; Sweatjackets; Sweatpants; Sweatshirts; Sweatshorts; Sweatsuits; Swim briefs; Swim caps; Swim shorts; Swim suits; Swim trunks; Swim wear for children; Swim wear for gentlemen and ladies; Swimming caps; Swimming caps [bathing caps]; Swimming costumes; Swimming suits; Swimming trunks; Swimsuits; Swimwear; Synthetic fur stoles; Yashmaghs; Yashmaks; Yoga bottoms; Yoga pants; Yoga shirts; Yoga shoes; Yokes (Shirt -); Zoot suits; Zori; Waders; Waist belts; Waist cinchers; Waist strings for kimonos (koshihimo); Waistbands; Waistcoats; Waistcoats [vests]; Walking boots; Walking breeches; Walking shoes; Walking shorts; Warm up suits; Warm-up jackets; Warm-up pants; Warm-up suits; Warm-up tops; Water socks; Waterpolo caps; Waterproof boots; Waterproof boots for fishing; Waterproof capes; Waterproof clothing; Waterproof jackets; Waterproof outerclothing; Waterproof pants; Waterproof shoes; Waterproof suits for motorcyclists; Waterproof trousers; Water-resistant clothing; Waterskiing suits; Weather resistant outer clothing; Weatherproof clothing; Weatherproof jackets; Weatherproof pants; Wedding dresses; Wedding gowns; Wellington boots; Wellingtons; Welts for footwear; Wet suits; Wet suits for surfing; Wet suits for water-skiing; Wet suits for water-skiing and sub-aqua; Wet suits for

windsurfing; Wetsuit gloves; Wetsuits; Wetsuits for surface watersports; Wetsuits for surfing; Wetsuits for water-skiing; White coats for hospital use; Wimples; Wind coats; Wind jackets; Wind pants; Wind resistant jackets; Wind suits; Wind vests; Windcheaters; Wind-jackets; Windproof clothing; Windproof jackets; Wind-resistant jackets; Wind-resistant vests; Windshirts; Winter boots; Winter coats; Winter gloves; Women's ceremonial dresses; Women's clothing; Women's foldable slippers; Womens' outerclothing; Women's shoes; Women's suits; Womens' underclothing; Womens' undergarments; Women's underwear; Wooden bodies for Japanese style clogs; Wooden main bodies of Japanese style wooden clogs; Wooden shoes; Wooden shoes [footwear]; Wooden supports of Japanese style wooden clogs; Woolen clothing; Woollen socks; Woollen tights; Woolly hats; Work boots; Work clothes; Work overalls; Work shoes; Working overalls; Woven clothing; Woven shirts; Wrap belts for kimonos (datemaki); Wraps [clothing]; Wrist bands; Wrist warmers; Wristbands; Wristbands [clothing]; Valenki [felted boots]; Veils; Veils [clothing]; Vest tops; Vests; Vests (Fishing -); Vests for use in barber shops and salons; Visors; Visors [clothing]; Visors [hatmaking]; Visors [headwear]; V-neck sweaters; Volleyball jerseys; Volleyball shoes; Umpires uniforms; Under garments; Under shirts; Underarm gussets [parts of clothing]; Underclothes; Underclothing; Underclothing (Anti-sweat -); Underclothing for women; Undergarments; Underpants; Underpants for babies; Undershirts; Undershirts for kimonos (juban); Undershirts for kimonos (koshimaki); Undershirts for kimonos [koshimaki]; Underskirts; Underwear; Underwear (Anti-sweat -); Underwear for women; Uniforms; Uniforms for commercial use; Uniforms for nurses; Union suits; Unitards; Uppers (Footwear -); Uppers for Japanese style sandals; Uppers of woven rattan for Japanese style sandals; Ushankas [fur hats]; Tabards; Taekwondo suits; Taekwondo uniforms; Tail coats; Tam o'shanter; Tams; Tank tops; Tankinis; Tank-tops; Tap pants; Tap shoes; Tartan kilts; Teddies; Teddies [underclothing]; Teddies [undergarments]; Tee-shirts; Tennis dresses; Tennis pullovers; Tennis shirts; Tennis shoes; Tennis shorts; Tennis skirts; Tennis socks; Tennis sweatbands; Tennis wear; Theatrical costumes; Thermal clothing; Thermal headgear; Thermal socks; Thermal underwear; Thermally insulated clothing; Thobes; Thong sandals; Thongs; Three piece suits [clothing]; Ties; Ties [clothing]; Tightening-up strings for kimonos (datejime); Tights; Tips for footwear; Toe boxes; Toe socks; Toe straps for Japanese style sandals [zori]; Toe

straps for Japanese style wooden clogs; Toe straps for zori [Japanese style sandals]; Togas; Tongues for shoes and boots; Top coats; Top hats; Topcoats; Tops; Tops [clothing]; Toques [hats]; Track and field shoes; Track jackets; Track pants; Track suits; Tracksuit bottoms; Tracksuit tops; Tracksuits; Traction attachments for footwear; Trainers; Trainers [footwear]; Training shoes; Training suits; Trekking boots; Trench coats; Trenchcoats; Trews; Triathlon clothing; Trouser socks; Trouser straps; Trousers; Trousers for children; Trousers for sweating; Trousers of leather; Trousers shorts; Trunks; Trunks (Bathing -); Trunks [underwear]; T-shirts; Tube tops; Tunics; Turbans; Turtleneck pullovers; Turtleneck shirts; Turtleneck sweaters; Turtleneck tops; Turtlenecks; Tutus; Tuxedo belts; Tuxedos; Twin sets; Sabots; Safari jackets; Sailing wet weather clothing; Sailor suits; Salopettes; Sandal-clogs; Sandals; Sandals and beach shoes; Sarees; Saris; Sarongs; Sash bands for kimono (obi); Sashes for wear; Scarfs; Scarves; School uniforms; Scrimmage vests; Sedge hats (suge-gasa); Serapes; Shampoo capes; Shapewear; Shawls; Shawls and headscarves; Shawls and stoles; Shawls [from tricot only]; Sheepskin coats; Sheepskin jackets; Shell jackets; Shell suits; Shields (Dress -); Shift dresses; Shirt fronts; Shirt yokes; Shirt-jacs; Shirts; Shirts and slips; Shirts for suits; Shoe covers, other than for medical purposes; Shoe inserts for non-orthopedic purposes; Shoe soles; Shoe soles for repair; Shoe straps; Shoe uppers; Shoes; Shoes for casual wear; Shoes for foot volleyball; Shoes for infants; Shoes for leisurewear; Shoes soles for repair; Shoes with hook and pile fastening tapes; Short overcoat for kimono (haori); Short petticoats; Short sets [clothing]; Short trousers; Shortalls; Shorts; Shorts [clothing]; Short-sleeve shirts; Short-sleeved shirts; Short-sleeved T-shirts; Shoulder scarves; Shoulder straps for clothing; Shoulder wraps; Shoulder wraps [clothing]; Shoulder wraps for clothing; Shower caps; Shrugs; Silk clothing; Silk scarves; Silk ties; Singlets; Skating outfits; Ski and snowboard shoes and parts thereof; Ski balaclavas; Ski boot bags; Ski boots; Ski gloves; Ski hats; Ski jackets; Ski pants; Ski suits; Ski suits for competition; Ski trousers; Ski wear; Skiing shoes; Skirt suits; Skirts; Skorts; Skull caps; Slacks; Sleep masks; Sleep pants; Sleep shirts; Sleeping garments; Sleepsuits; Sleepwear; Sleeved jackets; Sleeveless jackets; Sleeveless jerseys; Sleeveless pullovers; Rain boots; Rain coats; Rain hats; Rain jackets; Rain ponchos; Rain shoes; Rain slickers; Rain suits; Rain trousers; Rain wear; Raincoats; Rainproof clothing; Rainproof jackets; Rainshoes; Rainwear;

Ramie shirts; Rash guards; Ready-made clothing; Ready-made linings [parts of clothing]; Ready-to-wear clothing; Referees uniforms; Religious garments; Removable collars; Replica football kits; Reversible jackets; Riding boots; Riding gloves; Riding Gloves; Riding jackets; Riding shoes; Riding trousers; Robes; Robes (Bath -); Roll necks [clothing]; Roller shoes; Romper suits; Rompers; Ruanas; Rubber fishing boots; Rubber shoes; Rubber soles for jikatabi; Rubbers [footwear]; Rugby boots; Rugby jerseys; Rugby shirts; Rugby shoes; Rugby shorts; Rugby tops; Running shoes; Running Suits; Running vests; Russian felted boots (Valenki); Quilted jackets [clothing]; Quilted vests; Padded jackets; Padded pants for athletic use; Padded shirts for athletic use; Padded shorts for athletic use; Pajama bottoms; Pajamas; Pajamas (Am.); Pantaloons; Pantie-girdles; Panties; Pants; Pants (Am.); Pantsuits; Panty hose; Pantyhose; Paper aprons; Paper clothing; Paper hats [clothing]; Paper hats for use as clothing items; Paper hats for wear by chefs; Paper hats for wear by nurses; Pareos; Pareus; Parkas; Party hats [clothing]; Pea coats; Peaked caps; Peaked headwear; Peaks (Cap -); Pedal pushers; Pedicure sandals; Pedicure slippers; Peignoirs; Pelerines; Pelisses; Petticoats; Petti-pants; Pinafore dresses; Pinafores; Pique shirts; Pirate pants; Plastic aprons; Plastic baby bibs; Plastic slippers; Platform shoes; Play suits; Playsuits [clothing]; Pleated skirts; Pleated skirts for formal kimonos (hakama); Plimsolls; Plus fours; Plush clothing; Pocket kerchiefs; Pocket squares; Pocket squares [clothing]; Pockets for clothing; Polar fleece jackets; Polo boots; Polo knit tops; Polo neck jumpers; Polo shirts; Polo sweaters; Ponchos; Pop socks; Pram suits; Printed t-shirts; Protective metal members for shoes and boots; Pullovers; Pullstraps for shoes and boots; Pumps [footwear]; Puttees; Puttees and gaiters; Pyjamas; Pyjamas [from tricot only]; Oilskins [clothing]; One-piece clothing for infants and toddlers; One-piece playsuits; One-piece suits; Open-necked shirts; Outer clothing; Outer soles; Outerclimbing; Outerclimbing for boys; Outerclimbing for girls; Outerclimbing for men; Outerwear; Overalls; Overalls for infants and toddlers; Overcoats; Overshirts; Overshoes; Overtrousers; Over-trousers; Nappy pants [clothing]; Neck scarfs [mufflers]; Neck scarves; Neck scarves [mufflers]; Neck tubes; Neckbands; Neckerchiefs; Neckerchieves; Neckties; Neckwear; Negligees; Night gowns; Night shirts; Nightcaps; Nightdresses; Nightgowns; Nighties; Nightshirts; Nightwear; Niqabs; Non-slip socks; Non-slipping devices for footwear; Nurse dresses; Nurse overalls; Nurse

pants; Nurses' uniforms; Mackintoshes; Maillots; Maillots [hosiery]; Maniples; Mankinis; Mantillas; Mantles; Martial arts uniforms; Masks (Sleep -); Masquerade costumes; Maternity bands; Maternity clothing; Maternity dresses; Maternity leggings; Maternity lingerie; Maternity pants; Maternity shirts; Maternity shorts; Maternity sleepwear; Maternity smocks; Maternity tops; Maternity underwear; Maternity wear; Men's and women's jackets, coats, trousers, vests; Men's clothing; Men's dress socks; Men's sandals; Men's socks; Men's suits; Men's underwear; Menswear; Metal fittings for Japanese style wooden clogs; Military boots; Millinery; Miniskirts; Miters [hats]; Mitres [hats]; Mittens; Mitts [clothing]; Moccasins; Mock turtleneck shirts; Mock turtleneck sweaters; Mock turtlenecks; Moisture-wicking sports bras; Moisture-wicking sports pants; Moisture-wicking sports shirts; Money belts [clothing]; Monokinis; Morning coats; Motorcycle gloves; Motorcycle jackets; Motorcycle rain suits; Motorcycle riding suits; Motorcyclist boots; Motorcyclists' clothing; Motorcyclists' clothing of leather; Motorists' clothing; Mountaineering boots; Mountaineering shoes; Mufflers; Mufflers as neck scarves; Mufflers [clothing]; Mufflers [neck scarves]; Muffs; Muffs [clothing]; Mukluks; Mules; Muumuus; Laboratory coats; Lace boots; Ladies' boots; Ladies' clothing; Ladies' dresses; Ladies' footwear; Ladies' outerclothing; Ladies' sandals; Ladies' suits; Ladies' underwear; Ladies wear; Layette; Layette [clothing]; Leather belts [clothing]; Leather clothing; Leather (Clothing of -); Leather (Clothing of imitations of -); Leather coats; Leather dresses; Leather garments; Leather headwear; Leather jackets; Leather pants; Leather shoes; Leather slippers; Leather suits; Leather waistcoats; Leg warmers; Leggings [leg warmers]; Leggings [trousers]; Legwarmers; Legwarmers; Leisure clothing; Leisure footwear; Leisure shoes; Leisure suits; Leisure wear; Leisurewear; Leotards; Light-reflecting coats; Light-reflecting jackets; Linen (Body -) [garments]; Linen clothing; Lingerie; Linings (Ready-made -) [parts of clothing]; Liveries; Long jackets; Long johns; Long sleeve pullovers; Long sleeved vests; Long-sleeved shirts; Lounge pants; Loungewear; Lounging robes; Low wooden clogs (hiyori-geta); Low wooden clogs (koma-geta); Low wooden clogs [koma-geta]; Lumberjackets; Kaftans; Karate suits; Karate uniforms; Kendo outfits; Kerchiefs; Kerchiefs [clothing]; Khakis; Khimars; Kilts; Kimonos; Knee warmers [clothing]; Knee-high stockings; Knickerbockers; Knickers; Knit jackets; Knit shirts; Knit tops; Knitted baby shoes; Knitted caps; Knitted clothing; Knitted gloves; Knitted

tops; Knitted underwear; Knitwear; Knitwear [clothing]; Knot caps; Korean outer jackets worn over basic garment [Magoja]; Korean topcoats [Durumagi]; Korean traditional women's waistcoats [Baeja]; Jacket liners; Jackets; Jackets being sports clothing; Jackets [clothing]; Jackets (Stuff -) [clothing]; Japanese footwear of rice straw (waraji); Japanese kimonos; Japanese sleeping robes (nemaki); Japanese sleeping robes [nemaki]; Japanese split-toed work footwear (jikatabi); Japanese style clogs and sandals; Japanese style sandals of felt; Japanese style sandals of leather; Japanese style sandals (zori); Japanese style socks (tabi); Japanese style socks (tabi covers); Japanese style wooden clogs (geta); Japanese toe-strap sandals (asaura-zori); Japanese traditional clothing; Jeans; Jerkins; Jerseys; Jerseys [clothing]; Jockstraps [underwear]; Jodhpurs; Jogging bottoms; Jogging bottoms [clothing]; Jogging outfits; Jogging pants; Jogging sets [clothing]; Jogging shoes; Jogging suits; Jogging tops; Judo suits; Judo uniforms; Jump Suits; Jumper dresses; Jumper suits; Jumpers; Jumpers [pullovers]; Jumpers [sweaters]; Jumpsuits; Imitation leather dresses; Infant clothing; Infant wear; Infants' boots; Infants' clothing; Infants' footwear; Infants' shoes; Infants' trousers; Infantwear; Inner socks for footwear; Inner soles; Innersocks; Insoles; Insoles for footwear; Insoles for shoes and boots; Insoles [for shoes and boots]; Intermediate soles; Hairdressing capes; Half-boots; Halloween costumes; Halter tops; Handball shoes; Handwarmers [clothing]; Haneri [detachable neckpieces for kimonos]; Hat frames [skeletons]; Hats; Hats (Paper -) [clothing]; Head bands; Head scarves; Head sweatbands; Head wear; Headbands; Headbands against sweating; Headbands [clothing]; Headbands for clothing; Headdresses [veils]; Headgear; Headgear for wear; Headscarfs; Headscarves; Headshawls; Headsquares; Headwear; Heavy coats; Heavy jackets; Heel inserts; Heel pieces for shoes; Heel pieces for stockings; Heelpieces for footwear; Heelpieces for stockings; Heels; Hidden heel shoes; High rain clogs (ashida); High-heeled shoes; Hijabs; Hiking boots; Hiking shoes; Hockey shoes; Hooded pullovers; Hooded sweat shirts; Hooded sweatshirts; Hooded tops; Hoodies; Hoods; Hoods [clothing]; Horse-riding boots; Horse-riding pants; Hosiery; House coats; Housecoats; Hunting boot bags; Hunting boots; Hunting jackets; Hunting pants; Hunting shirts; Hunting vests; Gabardines; Gabardines [clothing]; Gaiter straps; Gaiters; Galoshes; Garments for protecting clothing; Garrison caps; Garter belts; Garters; Gauchos; Gilets; Girdles; Girdles [corsets]; Girls' clothing; Gloves;

Gloves as clothing; Gloves [clothing]; Gloves for apparel; Gloves for cyclists; Gloves including those made of skin, hide or fur; Gloves with conductive fingertips that may be worn while using handheld electronic touch screen devices; Golf caps; Golf clothing, other than gloves; Golf footwear; Golf pants, shirts and skirts; Golf shirts; Golf shoes; Golf shorts; Golf skirts; Golf trousers; Goloshes; Gowns; Gowns for doctors; Greatcoats; G-strings; Guernseys; Gussets for bathing suits [parts of clothing]; Gussets for footlets [parts of clothing]; Gussets for leotards [parts of clothing]; Gussets for stockings [parts of clothing]; Gussets for tights [parts of clothing]; Gussets for underwear [parts of clothing]; Gussets [parts of clothing]; Gym boots; Gym shorts; Gym suits; Gymnastic shoes; Gymshoes; Gymwear; Fabric belts; Fabric belts [clothing]; Fake fur hats; Fancy dress costumes; Fascinator hats; Fashion hats; Fedoras; Fezzes; Figure skating clothing; Fingerless gloves; Fingerless gloves as clothing; Fishermen's jackets; Fishing boots; Fishing clothing; Fishing footwear; Fishing headwear; Fishing jackets; Fishing shirts; Fishing smocks; Fishing vests; Fishing waders; Fitted swimming costumes with bra cups; Fittings of metal for boots and shoes; Fittings of metal for footwear; Flat caps; Flat shoes; Fleece jackets; Fleece pullovers; Fleece shorts; Fleece tops; Fleece vests; Fleeces; Flip-flops; Flip-flops for use as footwear; Flying suits; Foam pedicure slippers; Folk costumes; Foot volleyball shoes; Football boots; Football boots (Studs for -); Football jerseys; Football shirts; Football shoes; Footless socks; Footless tights; Footmuffs, not electrically heated; Footwear; Footwear [excluding orthopedic footwear]; Footwear (Fittings of metal for -); Footwear for men; Footwear for men and women; Footwear for snowboarding; Footwear for sport; Footwear for sports; Footwear for track and field athletics; Footwear for use in sport; Footwear for women; Footwear made of vinyl; Footwear made of wood; Footwear (Non-slipping devices for -); Footwear not for sports; Footwear soles; Footwear (Tips for -); Footwear uppers; Footwear (Welts for -); Formal evening wear; Formal wear; Formalwear; Foulards [clothing articles]; Foundation garments; Frames (Hat -) [skeletons]; Frock coats; Full-length kimonos (nagagi); Functional underwear; Fur cloaks; Fur coats; Fur coats and jackets; Fur hats; Fur jackets; Fur muffs; Fur stoles; Furs [clothing]; Ear muffs; Ear muffs [clothing]; Ear warmers; Earbands; Earmuffs; Embossed heels of rubber or of plastic materials; Embossed soles of rubber or of plastic materials; Espadrilles; Esparto shoes or sandals; Esparto shoes or sandals; Evening coats; Evening

dresses; Evening gowns; Evening suits; Evening wear; Exercise wear; Eye masks; Dance clothing; Dance costumes; Dance shoes; Dance slippers; Deck shoes; Deckshoes; Denim coats; Denim jackets; Denim jeans; Denim pants; Denims [clothing]; Desert boots; Detachable collars; Detachable neckpieces for kimonos (haneri); Dinner jackets; Dinner suits; Disposable slippers; Disposable underwear; Donkey jackets; Down jackets; Down vests; Drawers as clothing; Drawers [clothing]; Dress pants; Dress shields; Dress shirts; Dress shoes; Dress suits; Dresses; Dresses for evening wear; Dresses for infants and toddlers; Dresses made from skins; Dressing gowns; Driving gloves; Driving shoes; Dry suits; Duffel coats; Duffle coats; Dungarees; Dust coats; Caftans; Cagoules; Camiknickers; Camisoles; Camouflage gloves; Camouflage jackets; Camouflage pants; Camouflage shirts; Camouflage vests; Canvas shoes; Cap peaks; Cap visors; Capelets; Capes; Capes (clothing); Caps; Caps being headwear; Caps [headwear]; Caps (Shower -); Caps with visors; Car coats; Cardigans; Cargo pants; Cashmere clothing; Cashmere scarves; Cassocks; Casual clothing; Casual footwear; Casual jackets; Casual shirts; Casual trousers; Casual wear; Casualwear; Chadors; Chaps; Chaps (clothing); Chasubles; Chefs' hats; Chefs' whites; Chemise tops; Chemises; Chemisettes; Cheongsams (Chinese gowns); Children's clothing; Childrens' clothing; Children's footwear; Children's headwear; Children's outerclothing; Children's wear; Chino pants; Choir robes; Christening gowns; Christening robes; Cleats for attachment to sports shoes; Climbing boots; Climbing boots [mountaineering boots]; Climbing footwear; Cloaks; Clogs; Cloth bibs; Cloth bibs for adult diners; Clothes; Clothes for sport; Clothes for sports; Clothing; Clothing for babies; Clothing for children; Clothing for cycling; Clothing for cyclists; Clothing for fishermen; Clothing for gymnastics; Clothing for horse-riding [other than riding hats]; Clothing for infants; Clothing for leisure wear; Clothing for martial arts; Clothing for men, women and children; Clothing for skiing; Clothing for sports; Clothing for wear in judo practices; Clothing for wear in wrestling games; Clothing layettes; Clothing made of fur; Clothing made of imitation leather; Clothing made of leather; Clothing of imitations of leather; Clothing of leather; Coats; Coats for men; Coats for women; Coats made of cotton; Coats of denim; Coats (Top -); Cocktail dresses; Collar guards for protecting clothing collars; Collar liners for protecting clothing collars; Collar protectors; Collared shirts; Collars; Collars [clothing]; Collars for dresses; Babies' clothing; Babies' outerclothing; Babies' pants

[clothing]; Babies' pants [underwear]; Babies' undergarments; Babushkas; Baby bibs [not of paper]; Baby bodysuits; Baby boots; Baby bottoms; Baby clothes; Baby doll pyjamas; Baby layettes for clothing; Baby pants; Baby sandals; Baby tops; Balaclavas; Ball gowns; Ballet shoes; Ballet slippers; Ballet suits; Ballroom dancing shoes; Bandanas; Bandanas [neckerchiefs]; Bandannas; Bandeaux [clothing]; Barber smocks; Baseball caps; Baseball caps and hats; Baseball hats; Baseball shoes; Baseball uniforms; Baselayer bottoms; Baselayer tops; Basic upper garment of Korean traditional clothes [Jeogori]; Basketball shoes; Basketball sneakers; Bath robes; Bath sandals; Bath shoes; Bath slippers; Bathing caps; Bathing costumes; Bathing costumes for women; Bathing drawers; Bathing suit cover-ups; Bathing suits; Bathing suits for men; Bathing trunks; Bathrobes; Bathwraps; Beach clothes; Beach clothing; Beach cover-ups; Beach footwear; Beach hats; Beach robes; Beach shoes; Beach wraps; Beachwear; Beanie hats; Beanies; Bed jackets; Bed socks; Belts [clothing]; Belts for clothing; Belts made from imitation leather; Belts made of leather; Belts made out of cloth; Belts (Money -) [clothing]; Belts of textile; Berets; Bermuda shorts; Bib overalls for hunting; Bib shorts; Bib tights; Bibs, not of paper; Bibs, sleeved, not of paper; Bikinis; Blazers; Bloomers; Blouses; Blouson jackets; Blousons; Blue jeans; Board shorts; Boardshorts; Boas; Boas [clothing]; Boas [necklets]; Boaters; Bobble hats; Bodices; Bodices [lingerie]; Bodies [clothing]; Bodies [underclothing]; Body linen [garments]; Body stockings; Body suits; Body warmers; Adhesive bras; After ski boots; Aikido suits; Aikido uniforms; Albs; Aloha shirts; American football bibs; American football pants; American football shirts; American football shorts; American football socks; Anglers' shoes; Ankle boots; Ankle socks; Anklets [socks]; Anoraks; Anoraks [parkas]; Anti-perspirant socks; Anti-sweat underclothing; Anti-sweat underwear; Après-ski boots; Apres-ski shoes; Aprons; Aprons [clothing]; Aqua shoes; Arm warmers [clothing]; Army boots; Articles of clothing; Articles of clothing for theatrical use; Articles of clothing made of hides; Articles of clothing made of leather; Articles of outer clothing; Articles of sports clothing; Articles of underclothing; Ascots; Ascots (ties); Athletic clothing; Athletic footwear; Athletic shoes; Athletic tights; Athletic uniforms; Athletics footwear; Athletics hose; Athletics shoes; Athletics vests.

Annex B – contested goods falling naturally under the term ‘clothing’

Bodysuits; Boiler suits; Boleros; Bolo ties; Bolo ties with precious metal tips; Bomber jackets; Bottoms [clothing]; Bow ties; Bowties; Boxer briefs; Boxer shorts; Boxing shorts; Boy shorts [underwear]; Boys' clothing; Bra straps; Bra straps [parts of clothing]; Braces as suspenders; Braces for clothing; Braces for clothing [suspenders]; Braces [suspenders]; Bralettes; Bras; Brassieres; Breeches; Breeches for wear; Bridal garters; Bridal gowns; Bridesmaid dresses; Bridesmaids wear; Briefs; Briefs [underwear]; Burnouses; Bushjackets; Bustiers; Bustle holder bands for obi (obiage); Bustles for obi-knots (obiage-shin); Button down shirts; Button-front aloha shirts; Combative sports uniforms; Combinations [clothing]; Corduroy pants; Corduroy shirts; Corduroy trousers; Corselets; Corsets; Corsets [clothing, foundation garments]; Corsets [foundation clothing]; Corsets [underclothing]; Costumes; Costumes for use in children's dress up play; Costumes for use in role-playing games; Costumes (Masquerade -); Cotton coats; Coveralls; Coverups; Cover-ups; Cowls [clothing]; Cravates; Cravats; Crew neck sweaters; Crinolines; Crop tops; Culotte skirts; Culottes; Cummerbunds; Cycling Gloves; Cycling pants; Cycling shorts; Cycling tops; Cyclists' clothing; Sliding shorts; Slipovers; Slipovers [clothing]; Slips; Slips [clothing]; Slips [underclothing]; Slips [undergarments]; Smocks; Smoking jackets; Snap crotch shirts for infants and toddlers; Snoods [scarves]; Snow boarding suits; Snow pants; Snow suits; Snowboard gloves; Snowboard jackets; Snowboard mittens; Snowboard trousers; Snowsuits; Soccer bibs; Soccer shirts; Sock suspenders; Socks; Socks and stockings; Socks for infants and toddlers; Socks for men; Spats; Sport coats; Sport shirts; Sport stockings; Sports bibs; Sports bras; Sports clothing; Sports clothing [other than golf gloves]; Sports garments; Sports jackets; Sports jerseys; Sports jerseys and breeches for sports; Sports over uniforms; Sports overuniforms; Sports pants; Sports shirts; Sports shirts with short sleeves; Sports singlets; Sports socks; Sports vests; Sports wear; Sportswear; Stocking suspenders; Stockings; Stockings [sweat-absorbent]; Stockings (Sweat-absorbent -); Stoles; Stoles (Fur -); Strapless bras; Strapless brassieres; Stretch pants; String fasteners for haori (haori-himo); Stuff jackets; Stuff jackets [clothing]; Suede jackets; Suit coats; Suits; Suits (Bathing -); Suits made of leather; Suits of leather; Sundresses; Sunsuits; Surf wear; Surfwear; Suspender belts; Suspender

belts for men; Suspender belts for women; Suspenders; Suspenders [braces]; Swaddling clothes; Sweat bands; Sweat bands for the wrist; Sweat bottoms; Sweat jackets; Sweat pants; Sweat shorts; Sweat suits; Sweat-absorbent socks; Sweat-absorbent stockings; Sweat-absorbent underclothing; Sweat-absorbent underclothing [underwear]; Sweat-absorbent underwear; Sweatbands; Sweaters; Sweatjackets; Sweatpants; Sweatshorts; Sweatsuits; Swim briefs; Swim shorts; Swim suits; Swim trunks; Swim wear for children; Swim wear for gentlemen and ladies; Swimming costumes; Swimming suits; Swimming trunks; Swimsuits; Swimwear; Synthetic fur stoles; Yashmaghs; Yashmaks; Yoga bottoms; Yoga pants; Yoga shirts; Zoot suits; Zori; Waders; Waist belts; Waist cinchers; Waist strings for kimonos (koshihimo); Waistbands; Waistcoats; Waistcoats [vests]; Walking breeches; Walking shorts; Warm up suits; Warm-up jackets; Warm-up pants; Warm-up suits; Warm-up tops; Water socks; Waterproof capes; Waterproof clothing; Waterproof jackets; Waterproof outerclothing; Waterproof pants; Waterproof suits for motorcyclists; Waterproof trousers; Water-resistant clothing; Waterskiing suits; Weather resistant outer clothing; Weatherproof clothing; Weatherproof jackets; Weatherproof pants; Wedding dresses; Wedding gowns; Wet suits; Wet suits for surfing; Wet suits for water-skiing; Wet suits for water-skiing and sub-aqua; Wet suits for windsurfing; Wetsuit gloves; Wetsuits; Wetsuits for surface watersports; Wetsuits for surfing; Wetsuits for water-skiing; White coats for hospital use; Wimples; Wind coats; Wind jackets; Wind pants; Wind resistant jackets; Wind suits; Wind vests; Windcheaters; Wind-jackets; Windproof clothing; Windproof jackets; Wind-resistant jackets; Wind-resistant vests; Windshirts; Winter coats; Winter gloves; Women's ceremonial dresses; Women's clothing; Womens' outerclothing; Women's suits; Womens' underclothing; Womens' undergarments; Women's underwear; Woollen clothing; Woollen socks; Woollen tights; Work clothes; Work overalls; Working overalls; Woven clothing; Woven shirts; Wrap belts for kimonos (datemaki); Wraps [clothing]; Wrist bands; Wrist warmers; Wristbands; Wristbands [clothing]; Veils; Veils [clothing]; Vest tops; Vests; Vests (Fishing -); Vests for use in barber shops and salons; Visors [clothing]; V-neck sweaters; Volleyball jerseys; Umpires uniforms; Under garments; Under shirts; Underclothes; Underclothing; Underclothing (Anti-sweat -); Underclothing for women; Undergarments; Underpants; Underpants for babies; Undershirts; Undershirts for kimonos (juban); Undershirts for kimonos

(koshimaki); Undershirts for kimonos [koshimaki]; Underskirts; Underwear; Underwear (Anti-sweat -); Underwear for women; Uniforms; Uniforms for commercial use; Uniforms for nurses; Union suits; Unitards; Tabards; Taekwondo suits; Taekwondo uniforms; Tail coats; Tank tops; Tankinis; Tank-tops; Tap pants; Tartan kilts; Teddies; Teddies [underclothing]; Teddies [undergarments]; Tennis dresses; Tennis pullovers; Tennis shirts; Tennis shorts; Tennis skirts; Tennis socks; Tennis sweatbands; Tennis wear; Theatrical costumes; Thermal clothing; Thermal socks; Thermal underwear; Thermally insulated clothing; Thobes; Thongs; Three piece suits [clothing]; Ties; Ties [clothing]; Tightening-up strings for kimonos (datejime); Tights; Toe socks; Togas; Top coats; Topcoats; Tops; Tops [clothing]; Track jackets; Track pants; Track suits; Tracksuit bottoms; Tracksuit tops; Tracksuits; Training suits; Trench coats; Trenchcoats; Trews; Triathlon clothing; Trouser socks; Trousers; Trousers for children; Trousers for sweating; Trousers of leather; Trousers shorts; Trunks; Trunks (Bathing -); Trunks [underwear]; Tube tops; Tunics; Turtleneck pullovers; Turtleneck shirts; Turtleneck sweaters; Turtleneck tops; Turtlenecks; Tutus; Tuxedo belts; Tuxedos; Twin sets; Safari jackets; Sailing wet weather clothing; Sailor suits; Salopettes; Sarees; Saris; Sarongs; Sash bands for kimono (obi); Sashes for wear; Scarfs; Scarves; School uniforms; Scrimmage vests; Serapes; Shampoo capes; Shapewear; Shawls; Shawls; Shawls and stoles; Shawls [from tricot only]; Sheepskin coats; Sheepskin jackets; Shell jackets; Shell suits; Shields (Dress -); Shift dresses; Shirt-jacs; Shirts; Shirts and slips; Shirts for suits; Short overcoat for kimono (haori); Short petticoats; Short sets [clothing]; Short trousers; Shortalls; Shorts; Shorts [clothing]; Short-sleeve shirts; Short-sleeved shirts; Shoulder scarves; Shoulder straps for clothing; Shoulder wraps; Shoulder wraps [clothing]; Shoulder wraps for clothing; Shrugs; Silk clothing; Silk scarves; Silk ties; Singlets; Skating outfits; Ski gloves; Skirt suits; Skirts; Skorts; Slacks; Sleep masks; Sleep pants; Sleep shirts; Sleeping garments; Sleepsuits; Sleepwear; Sleeved jackets; Sleeveless jackets; Sleeveless jerseys; Sleeveless pullovers; Ski jackets; Ski pants; Ski suits; Ski suits for competition; Ski trousers; Ski wear; Rain coats; Rain jackets; Rain ponchos; Rain slickers; Rain suits; Rain trousers; Rain wear; Raincoats; Rainproof clothing; Rainproof jackets; Rainwear; Ramie shirts; Rash guards; Ready-made clothing; Ready-to-wear clothing; Referees uniforms; Religious garments; Replica football kits; Reversible jackets; Riding gloves; Riding

Gloves; Riding jackets; Riding trousers; Robes; Robes (Bath -); Roll necks [clothing]; Romper suits; Rompers; Ruanas; Rugby jerseys; Rugby shirts; Rugby shorts; Rugby tops; Running Suits; Running vests; Quilted jackets [clothing]; Quilted vests; Padded jackets; Padded pants for athletic use; Padded shirts for athletic use; Padded shorts for athletic use; Pajama bottoms; Pajamas; Pajamas (Am.); Pantaloons; Pantie-girdles; Panties; Pants; Pants (Am.); Pantsuits; Panty hose; Pantyhose; Paper aprons; Paper clothing; Pareos; Pareus; Parkas; Pea coats; Pedal pushers; Peignoirs; Pelerines; Pelisses; Petticoats; Petti-pants; Pinafore dresses; Pinafores; Pique shirts; Pirate pants; Plastic aprons; Plastic baby bibs; Play suits; Playsuits [clothing]; Pleated skirts; Pleated skirts for formal kimonos (hakama); Plus fours; Plush clothing; Pocket kerchiefs; Pocket squares; Pocket squares [clothing]; Pockets for clothing; Polar fleece jackets; Polo knit tops; Polo neck jumpers; Polo shirts; Polo sweaters; Ponchos; Pop socks; Pram suits; Pullovers; Puttees; Puttees and gaiters; Pyjamas; Pyjamas [from tricot only]; Oilskins [clothing]; One-piece clothing for infants and toddlers; One-piece playsuits; One-piece suits; Open-necked shirts; Outer clothing; Outerclotthing; Outerclotthing for boys; Outerclotthing for girls; Outerclotthing for men; Outerwear; Overalls; Overalls for infants and toddlers; Overcoats; Overshirts; Overshoes; Overtrousers; Over-trousers; Nappy pants [clothing]; Neck scarfs [mufflers]; Neck scarves; Neck scarves [mufflers]; Neck tubes; Neckbands; Neckerchiefs; Neckerchieves; Neckties; Neckwear; Negligees; Night gowns; Night shirts; Nightdresses; Nightgowns; Nighties; Nightshirts; Nightwear; Niqabs; Non-slip socks; Nurse dresses; Nurse overalls; Nurse pants; Nurses' uniforms; Mackintoshes; Maillots; Maillots [hosiery]; Maniples; Mankinis; Mantillas; Mantles; Martial arts uniforms; Masks (Sleep -); Masquerade costumes; Maternity bands; Maternity clothing; Maternity dresses; Maternity leggings; Maternity lingerie; Maternity pants; Maternity shirts; Maternity shorts; Maternity sleepwear; Maternity smocks; Maternity tops; Maternity underwear; Maternity wear; Men's and women's jackets, coats, trousers, vests; Men's clothing; Men's dress socks; Men's socks; Men's suits; Men's underwear; Menswear; Miniskirts; Mittens; Mitts [clothing]; Mock turtleneck shirts; Mock turtleneck sweaters; Mock turtlenecks; Moisture-wicking sports bras; Moisture-wicking sports pants; Moisture-wicking sports shirts; Money belts [clothing]; Monokinis; Morning coats; Motorcycle gloves; Motorcycle jackets; Motorcycle rain suits; Motorcycle riding suits; Motorcyclists' clothing; Motorcyclists' clothing of

leather; Motorists' clothing; Mufflers; Mufflers as neck scarves; Mufflers [clothing]; Mufflers [neck scarves]; Muffs; Muffs [clothing]; Muumuus; Laboratory coats; Ladies' clothing; Ladies' dresses; Ladies' outerclothing; Ladies' suits; Ladies' underwear; Ladies wear; Layettes; Layettes [clothing]; Leather belts [clothing]; Leather clothing; Leather (Clothing of -); Leather (Clothing of imitations of -); Leather coats; Leather dresses; Leather garments; Leather headwear; Leather jackets; Leather pants; Leather suits; Leather waistcoats; Leg warmers; Leggings [leg warmers]; Leggings [trousers]; Legwarmers; Leg-warmers; Leisure clothing; Leisure suits; Leisure wear; Leisurewear; Leotards; Light-reflecting coats; Light-reflecting jackets; Linen (Body -) [garments]; Linen clothing; Lingerie; Liveries; Long jackets; Long johns; Long sleeve pullovers; Long sleeved vests; Long-sleeved shirts; Lounge pants; Loungewear; Lounging robes; Lumberjackets; Kaftans; Karate suits; Karate uniforms; Kendo outfits; Kerchiefs; Kerchiefs [clothing]; Khakis; Khimars; Kilts; Kimonos; Knee warmers [clothing]; Knee-high stockings; Knickerbockers; Knickers; Knit jackets; Knit shirts; Knit tops; Knitted clothing; Knitted gloves; Knitted tops; Knitted underwear; Knitwear; Knitwear [clothing]; Korean outer jackets worn over basic garment [Magoja]; Korean topcoats [Durumagi]; Korean traditional women's waistcoats [Baeja]; Jackets; Jackets being sports clothing; Jackets [clothing]; Jackets (Stuff -) [clothing]; Japanese kimonos; Japanese sleeping robes (nemaki); Japanese sleeping robes [nemaki]; Japanese style socks (tabi); Japanese style socks (tabi covers); Japanese traditional clothing; Jeans; Jerkins; Jerseys; Jerseys [clothing]; Jockstraps [underwear]; Jodhpurs; Jogging bottoms; Jogging bottoms [clothing]; Jogging outfits; Jogging pants; Jogging sets [clothing]; Jogging suits; Jogging tops; Judo suits; Judo uniforms; Jump Suits; Jumper dresses; Jumper suits; Jumpers; Jumpers [pullovers]; Jumpers [sweaters]; Jumpsuits; Imitation leather dresses; Infant clothing; Infant wear; Infants' clothing; Infants' trousers; Infantwear; Inner socks for footwear; Innersocks; Hairdressing capes; Halloween costumes; Halter tops; Handwarmers [clothing]; Haneri [detachable neckpieces for kimonos]; Heavy coats; Heavy jackets; Hooded pullovers; Hooded tops; Hoodies; Hoods; Hoods [clothing]; Horse-riding pants; Hosiery; House coats; Housecoats; Hunting jackets; Hunting pants; Hunting shirts; Hunting vests; Gabardines; Gabardines [clothing]; Garments for protecting clothing; Garter belts; Garters; Gauchos; Gilets; Girdles; Girdles [corsets]; Girls' clothing; Gloves; Gloves as clothing; Gloves [clothing]; Gloves for

apparel; Gloves for cyclists; Gloves including those made of skin, hide or fur; Gloves with conductive fingertips that may be worn while using handheld electronic touch screen devices; Golf clothing, other than gloves; Golf pants, shirts and skirts; Golf shirts; Golf shorts; Golf skirts; Golf trousers; Gowns; Gowns for doctors; Greatcoats; G-strings; Guernseys; Gym shorts; Gym suits; Gymwear; Fabric belts; Fabric belts [clothing]; Fancy dress costumes; Figure skating clothing; Fingerless gloves; Fingerless gloves as clothing; Fishermen's jackets; Fishing clothing; Fishing jackets; Fishing shirts; Fishing smocks; Fishing vests; Fishing waders; Fitted swimming costumes with bra cups; Fleece jackets; Fleece pullovers; Fleece shorts; Fleece tops; Fleece vests; Fleeces; Flying suits; Folk costumes; Football jerseys; Football shirts; Footless socks; Footless tights; Footmuffs, not electrically heated; Formal evening wear; Formal wear; Formalwear; Foulards [clothing articles]; Foundation garments; Frock coats; Full-length kimonos (nagagi); Functional underwear; Fur cloaks; Fur coats; Fur coats and jackets; Fur hats; Fur jackets; Fur muffs; Fur stoles; Furs [clothing]; Ear muffs; Ear muffs [clothing]; Ear warmers; Earbands; Earmuffs; Evening coats; Evening dresses; Evening gowns; Evening suits; Evening wear; Exercise wear; Eye masks; Dance clothing; Dance costumes; Denim coats; Denim jackets; Denim jeans; Denim pants; Denims [clothing]; Dinner jackets; Dinner suits; Disposable underwear; Donkey jackets; Down jackets; Down vests; Drawers as clothing; Drawers [clothing]; Dress pants; Dress shields; Dress shirts; Dress suits; Dresses; Dresses for evening wear; Dresses for infants and toddlers; Dresses made from skins; Dressing gowns; Driving gloves; Dry suits; Duffel coats; Duffle coats; Dungarees; Dust coats; Caftans; Cagoules; Camiknickers; Camisoles; Camouflage gloves; Camouflage jackets; Camouflage pants; Camouflage shirts; Camouflage vests; Capelets; Capes; Capes (clothing); Car coats; Cardigans; Cargo pants; Cashmere clothing; Cashmere scarves; Cassocks; Casual clothing; Casual jackets; Casual shirts; Casual trousers; Casual wear; Casualwear; Chadors; Chaps; Chaps (clothing); Chasubles; Chefs' hats; Chefs' whites; Chemise tops; Chemises; Chemisettes; Cheongsams (Chinese gowns); Children's clothing; Childrens' clothing; Children's outerclothing; Children's wear; Chino pants; Choir robes; Christening gowns; Christening robes; Cloaks; Cloth bibs; Cloth bibs for adult diners; Clothes; Clothes for sport; Clothes for sports; Clothing; Clothing for babies; Clothing for children; Clothing for cycling; Clothing for cyclists; Clothing for fishermen; Clothing

for gymnastics; Clothing for horse-riding [other than riding hats]; Clothing for infants; Clothing for leisure wear; Clothing for martial arts; Clothing for men, women and children; Clothing for skiing; Clothing for sports; Clothing for wear in judo practices; Clothing for wear in wrestling games; Clothing layettes; Clothing made of fur; Clothing made of imitation leather; Clothing made of leather; Clothing of imitations of leather; Clothing of leather; Coats; Coats for men; Coats for women; Coats made of cotton; Coats of denim; Coats (Top -); Cocktail dresses; Collared shirts; Collars; Collars [clothing]; Collars for dresses; Babies' clothing; Babies' outerclothing; Babies' pants [clothing]; Babies' pants [underwear]; Babies' undergarments; Babushkas; Baby bibs [not of paper]; Baby bodysuits; Baby bottoms; Baby clothes; Baby doll pyjamas; Baby layettes for clothing; Baby pants; Baby tops; Ball gowns; Ballet suits; Bandanas; Bandanas [neckerchiefs]; Bandannas; Bandeaux [clothing]; Barber smocks; Baseball uniforms; Baselayer bottoms; Baselayer tops; Basic upper garment of Korean traditional clothes [Jeogori]; Bath robes; Bathing costumes; Bathing costumes for women; Bathing drawers; Bathing suit cover-ups; Bathing suits; Bathing suits for men; Bathing trunks; Bathrobes; Bathwraps; Beach clothes; Beach clothing; Beach cover-ups; Beach robes; Beach wraps; Beachwear; Bed jackets; Bed socks; Belts [clothing]; Belts for clothing; Belts made from imitation leather; Belts made of leather; Belts made out of cloth; Belts (Money -) [clothing]; Belts of textile; Bermuda shorts; Bib overalls for hunting; Bib shorts; Bib tights; Bibs, not of paper; Bibs, sleeved, not of paper; Bikinis; Blazers; Bloomers; Blouses; Blouson jackets; Blousons; Blue jeans; Board shorts; Boardshorts; Boas; Boas [clothing]; Boas [necklets]; Bodices; Bodices [lingerie]; Bodies [clothing]; Bodies [underclothing]; Body linen [garments]; Body stockings; Body suits; Body warmers; Adhesive bras; Aikido suits; Aikido uniforms; Albs; Aloha shirts; American football bibs; American football pants; American football shirts; American football shorts; American football socks; Ankle socks; Anklets [socks]; Anoraks; Anoraks [parkas]; Anti-perspirant socks; Anti-sweat underclothing; Anti-sweat underwear; Aprons; Aprons [clothing]; Arm warmers [clothing]; Articles of clothing; Articles of clothing for theatrical use; Articles of clothing made of hides; Articles of clothing made of leather; Articles of outer clothing; Articles of sports clothing; Articles of underclothing; Ascots; Ascots (ties); Athletic clothing; Athletic tights; Athletic uniforms; Athletics hose; Athletics vests.

Annex C – contested goods falling naturally under the term ‘footwear’

Bootees (woollen baby shoes); Booties; Boots; Boots for motorcycling; Boots for sport; Boots for sports; Boots (Ski -); Bowling shoes; Boxing shoes; Cycling shoes; Slip-on shoes; Slipper socks; Slippers; Slippers made of leather; Mukluks; Mules; Inner soles; Insoles; Insoles for footwear; Insoles for shoes and boots; Insoles [for shoes and boots]; Intermediate soles; Sneakers; Sneakers [footwear]; Snow boots; Snowboard boots; Snowboard shoes; Soccer boots; Soccer shoes; Spiked running shoes; Sport shoes; Sports [Boots for -]; Sports footwear; Sports shoes; Yoga shoes; Walking boots; Walking shoes; Waterproof boots; Waterproof boots for fishing; Waterproof shoes; Wellington boots; Wellingtons; Winter boots; Women's foldable slippers; Women's shoes; Wooden shoes; Wooden shoes [footwear]; Work boots; Work shoes; Valenki [felted boots]; Volleyball shoes; Tap shoes; Tennis shoes; Thong sandals; Track and field shoes; Trainers; Trainers [footwear]; Training shoes; Trekking boots; Sandal-clogs; Sandals; Sandals and beach shoes; Sabots; Shoes; Shoes for casual wear; Shoes for foot volleyball; Shoes for infants; Shoes for leisurewear; Shoes with hook and pile fastening tapes; Ski and snowboard shoes and parts thereof; Ski boots; Skiing shoes; Rain boots; Rain shoes; Rainshoes; Riding boots; Riding shoes; Roller shoes; Rubber fishing boots; Rubber shoes; Rubbers [footwear]; Rugby boots; Rugby shoes; Running shoes; Russian felted boots (Valenki); Pedicure sandals; Pedicure slippers; Plastic slippers; Platform shoes; Plimsolls; Polo boots; Pumps [footwear]; Men's sandals; Military boots; Moccasins; Motorcyclist boots; Mountaineering boots; Mountaineering shoes; Lace boots; Ladies' boots; Ladies' footwear; Ladies' sandals; Leather shoes; Leather slippers; Leisure footwear; Leisure shoes; Low wooden clogs (hiyori-geta); Low wooden clogs (koma-geta); Low wooden clogs [koma-geta]; Knitted baby shoes; Japanese footwear of rice straw (waraji); Japanese split-toed work footwear (jikatabi); Japanese style clogs and sandals; Japanese style sandals of felt; Japanese style sandals of leather; Japanese style sandals (zori); Japanese style wooden clogs (geta); Japanese toe-strap sandals (asaura-zori); Jogging shoes; Infants' boots; Infants' footwear; Infants' shoes; Half-boots; Handball shoes; Hiking boots; Hiking shoes; Hockey shoes; Horse-riding boots; Hunting boots; Gaiters; Galoshes; Golf footwear; Golf shoes; Goloshes; Gym boots; Gymnastic shoes;

Gymshoes; Fishing boots; Fishing footwear; Flat shoes; Flip-flops; Flip-flops for use as footwear; Foam pedicure slippers; Foot volleyball shoes; Football boots; Football shoes; Footwear; Footwear [excluding orthopedic footwear]; Footwear for men; Footwear for men and women; Footwear for snowboarding; Footwear for sport; Footwear for sports; Footwear for track and field athletics; Footwear for use in sport; Footwear for women; Footwear made of vinyl; Footwear made of wood; Footwear not for sports; Espadrilles; Esparto shoes or sandals; Esparto shoes or sandals; Dance shoes; Dance slippers; Deck shoes; Deck-shoes; Desert boots; Disposable slippers; Dress shoes; Driving shoes; Canvas shoes; Casual footwear; Children's footwear; Climbing boots; Climbing boots [mountaineering boots]; Climbing footwear; Clogs; Baby boots; Baby sandals; Ballet shoes; Ballet slippers; Ballroom dancing shoes; Baseball shoes; Basketball shoes; Basketball sneakers; Bath sandals; Bath shoes; Bath slippers; Beach footwear; Beach shoes; After ski boots; Anglers' shoes; Ankle boots; Après-ski boots; Apres-ski shoes; Aqua shoes; Army boots; Athletic footwear; Athletic shoes; Athletics footwear; Athletics shoes.

Annex D – contested goods falling naturally under the term ‘headgear’

Bonnets; Bonnets [headwear]; Bucket caps; Bucket hats; Cycling caps; headscarves; Small hats; Sports caps; Sports caps and hats; Sports headgear [other than helmets]; Sun hats; Sun visors; Sun visors [headwear]; Sweat bands for the head; Swim caps; Swimming caps; Swimming caps [bathing caps]; Waterpolo caps; Woolly hats; Visors; Visors [hatmaking]; Visors [headwear]; Ushankas [fur hats]; Tam o'shanters; Tams; Thermal headgear; Top hats; Toques [hats]; Turbans; Sedge hats (suge-gasa); Shower caps; Ski balaclavas; Ski hats; Skull caps; Rain hats; Paper hats [clothing]; Paper hats for use as clothing items; Paper hats for wear by chefs; Paper hats for wear by nurses; Party hats [clothing]; Peaked caps; Peaked headwear; Peaks (Cap -); Nightcaps; Millinery; Miters [hats]; Mitres [hats]; Knitted caps; Knot caps; Hats; Hats (Paper -) [clothing]; Head bands; Head scarves; Head sweatbands; Head wear; Headbands; Headbands against sweating; Headbands [clothing]; Headbands for clothing; Headdresses [veils]; Headgear; Headgear for wear; Headscarfs; Headscarves; Headshawls; Headsquares; Headwear; Hijabs; Garrison caps; Golf caps; Fake fur hats; Fascinator hats; Fashion hats; Fedoras; Fezzes; Fishing headwear; Flat caps; Caps; Caps being headwear; Caps [headwear]; Caps (Shower -); Caps with visors; Children's headwear; Balaclavas; Baseball hats; Baseball hats; Bathing caps; Beach hats; Beanie hats; Beanies; Berets; Boaters; Bobble hats.

Annex E – contested goods considered to be parts and fittings

Boot cuffs; Boot uppers; Cuffs; Slipper soles; Soles for footwear; Soles for Japanese style sandals; Soles [Inner]; Stiffeners for boots; Stiffeners for shoes; Stockings (Heel pieces for -); Straps (Gaiter -); Yokes (Shirt -); Welts for footwear; Wooden bodies for Japanese style clogs; Wooden main bodies of Japanese style wooden clogs; Wooden supports of Japanese style wooden clogs; Underarm gussets [parts of clothing]; Uppers (Footwear -); Uppers for Japanese style sandals; Uppers of woven rattan for Japanese style sandals; Tips for footwear; Toe boxes; Tongues for shoes and boots; Traction attachments for footwear; Trouser straps; Shirt fronts; Shirt yokes; Shoe covers, other than for medical purposes; Shoe inserts for non-orthopedic purposes; Shoe soles; Shoe soles for repair; Shoe straps; Shoe uppers; Shoes soles for repair; Ski boot bags; Ready-made linings [parts of clothing]; Removable collars; Rubber soles for jikatabi; Protective metal members for shoes and boots; Pullstraps for shoes and boots; Non-slipping devices for footwear; Metal fittings for Japanese style wooden clogs; Linings (Ready-made -) [parts of clothing]; Jacket liners; Hat frames [skeletons]; Heel inserts; Heel pieces for shoes; Heel pieces for stockings; Heelpieces for footwear; Heelpieces for stockings; Hunting boot bags; Gussets for bathing suits [parts of clothing]; Gussets for footlets [parts of clothing]; Gussets for leotards [parts of clothing]; Gussets for stockings [parts of clothing]; Gussets for tights [parts of clothing]; Gussets for underwear [parts of clothing]; Gussets [parts of clothing]; Fittings of metal for boots and shoes; Fittings of metal for footwear; Footwear (Fittings of metal for -); Footwear (Non-slipping devices for -); Footwear soles; Footwear (Tips for -); Footwear uppers; Footwear (Welts for -); Frames (Hat -) [skeletons]; Embossed heels of rubber or of plastic materials; Embossed soles of rubber or of plastic materials; Detachable collars; Detachable neckpieces for kimonos (haneri); Cap peaks; Cap visors; Collar guards for protecting clothing collars; Collar liners for protecting clothing collars; Collar protectors; Studs for football boots; Toe straps for Japanese style sandals [zori]; Toe straps for Japanese style wooden clogs; Toe straps for zori [Japanese style sandals]; Outer soles; Football boots (Studs for -); Cleats for attachment to sports shoes; Gaiter straps.