

O/115/21

TRADE MARKS ACT 1994

IN THE MATTER OF TRADE MARK APPLICATION NO. 3432792  
BY ICE COOL DESIGNERS LIMITED

TO REGISTER:

**icecoolfashion**

AS A TRADE MARK IN CLASS 25

AND


IN THE MATTER OF THE OPPOSITION THERETO  
UNDER NO. 419127 BY  
GILMAR S.P.A.

## BACKGROUND AND PLEADINGS

1. Ice Cool Designers Limited (“the applicant”) applied to register **icecoolfashion** as a trade mark in the United Kingdom on 30 September 2019. The application was accepted and published on 18 October 2019 in respect of the goods in Class 25 listed in Annex A to this decision.

2. On 17 January 2020, the application was opposed by Gilmar S.p.A. (“the opponent”). The opposition is based on sections 5(2)(b) and 5(4)(a) of the Trade Marks Act 1994 (“the Act”) and concerns all the goods in the application.

3. For the purposes of its claim under section 5(2)(b), the opponent is relying on the following marks:

| Mark  | Goods and Services Relied Upon   |
|---|--|
| <p>EUTM No. 010941615<sup>1</sup></p>  <p>Application date: 6 June 2012<br/>Registration date: 9 June 2017</p> | <p><u>Class 9</u><br/><i>Sunglasses</i></p> <p><u>Class 18</u><br/><i>Leather and imitations of leather, and goods made of these materials and not included in other classes; Animal skins, hides; Trunks and travelling bags; Umbrellas, parasols and walking sticks.</i></p> <p><u>Class 25</u><br/><i>Clothing, footwear, headgear.</i></p> <p><u>Class 35</u><br/><i>Sales services for bringing together, for others, of a variety of goods, (excluding the transport thereof), enabling customers to conveniently view and purchase those goods, in particular, leatherware, clothing, footwear, headgear.</i></p> |

<sup>1</sup> Although the UK has left the EU and the transition period has now expired, EUTMs and International Marks which have designated the EU for protection are still relevant in these proceedings given the impact of the transitional provisions of The Trade Marks (Amendment etc.) (EU Exit) Regulations 2019, SI 2019 No. 269, Schedule 5. Further information is provided in Tribunal Practice Notice 2/2020.

| Mark  | Goods and Services Relied Upon  |
|---|---|
| <p data-bbox="204 248 655 282">EU Trade Mark No. 015402266</p> <p data-bbox="204 360 355 394"><b>ICE PLAY</b></p> <p data-bbox="204 472 544 506">Priority date: 21 March 2016</p> <p data-bbox="204 517 552 551">Application date: 5 May 2016</p> <p data-bbox="204 562 611 595">Registration date: 6 October 2016</p>  | <p data-bbox="738 248 847 282"><u>Class 18</u></p> <p data-bbox="738 293 1382 875"><i>Hand bags; Travel bags; Card holder and briefcases; Leather briefcases; Leather credit cards holders; Wallets; File folders made of leather; Leather key cases; Bags; Suitcases; Empty bags for cosmetics; Sports bags included in this class; Bags for athletics; Shoulder bags for ladies; Leather bags for shopping; School bags; Travel garment bags; Shoe bags for travel; Beach bags; Backpacks; Boston bags; Travelling trunks; Canvas bags; Briefcase bags; Trolleys; Folders; Beauty cases sold empty; Leather; Leather cases and boxes; Leather covers; Leather straps; Umbrellas; Leather leashes; Purses belts; Faux furs; Semi-worked furs.</i></p> <p data-bbox="738 936 847 969"><u>Class 25</u></p> <p data-bbox="738 981 1382 1429"><i>Clothing; Footwear; Headgear; Caps; Headbands; Sun visors; Clothing for men and women; Clothing for babies and children; Clothing for kids; Sportswear; Dresses; Bathrobes; Leisurewear; Bandanas; Headscarves; Underwear; Socks; Trousers; Shirts; Coats; Fur coats; Stoles; Jackets; Belts; Ties; Sweatshirts; Jackets; Skirts; Jeans; Jerseys; Knitwear; T-shirts; Sweaters; Trousers; Scarves; Tee-shirts; Suits; Leather clothing; Pajamas; Swimwear; Shorts; Sarongs; Boots; Sandals; Slippers.</i></p> |
| <p data-bbox="204 1447 440 1480">IR(EU) 0942787</p> <p data-bbox="209 1559 467 1738"><b>ICE</b><br/><b>ICEBERG</b></p> <p data-bbox="204 1809 520 1843">Priority date: 31 July 2007</p> <p data-bbox="204 1854 711 1933">Designation for protection in the EU: 9 October 2007</p> <p data-bbox="204 1944 703 1977">Date protection granted: 26 October 2009</p> | <p data-bbox="738 1447 847 1480"><u>Class 25</u></p> <p data-bbox="738 1491 970 1525"><i>Clothing, headgear.</i></p>  |

3. The opponent claims that “ice” is the distinctive element of the contested mark and that element is identical to its ICE mark and to the first elements of the ICE PLAY and ICE ICEBERG marks. Its position is that the contested mark is “very highly similar” to the earlier marks and the contested goods are identical and/or similar to the earlier goods and services. Consequently, it claims that there is a likelihood of confusion on the part of the public, and that this is increased by the enhanced distinctive character of the earlier marks.

4. Under section 5(4)(a), the opponent claims that use of the contested mark for all the goods and services in the application would be prevented under the law of passing off. It claims to have used the sign **ICE** throughout the UK for *Clothing and headgear* since 2000 and to have acquired significant goodwill in the business under this sign. It considers that use of the contested mark would amount to a misrepresentation that would damage its goodwill and/or cause damage through a loss or diversion of trade.

5. The applicant filed a defence and counterstatement denying the claims made. It denies that the end consumer would be confused between the marks and asserts that the earlier marks “have no true resemblance to icecoolfashion”.

6. Both parties filed evidence. I shall summarise this to the extent that I consider it necessary.

7. Neither party requested a hearing and both filed written submissions in lieu on 18 December 2020. I shall not summarise these but will refer to them where appropriate in my decision, which I have taken following a careful consideration of all the papers.

8. In these proceedings, the opponent is represented by Boulton Wade Tennant and the applicant is unrepresented.

## EVIDENCE

### *Opponent's Evidence*

9. The opponent's evidence comes from Massimo Marani, Chief Financial Officer of Gilmar S.p.A. and it is dated 30 July 2020.

10. Mr Marani describes his company as "a leading fashion house, which produces and sells a range of clothing, from high-end ready-to-wear fashion to youth lines, and accessories".<sup>2</sup> He states that the clothing has been sold under a family of ICE marks, with the first of these being ICEBERG, launched in 1974 and first used in the UK in 1982. Other marks include ICE JEANS, SPORT ICE, ICE J, ICE B, ICE ICE ICEBERG, ICE ICEBERG and ICE PLAY.

11. Exhibits MM1-MM7 contain 2 catalogues for ICE JEANS, 1 for ICE B and 4 for ICE PLAY. The clothing shown includes tops, trousers, skirts, dresses, shirts and jackets. The earliest of the catalogues covers the autumn/winter 2000/2001 season and the latest is for spring/summer 2019. Mr Marani confirms that these catalogues were sent to UK distributors. He also states that:

"World-famous celebrities have modelled for the catalogues, including media personality Paris Hilton, singer, songwriter and actress Mya, and DJ and producer David Morales."<sup>3</sup>

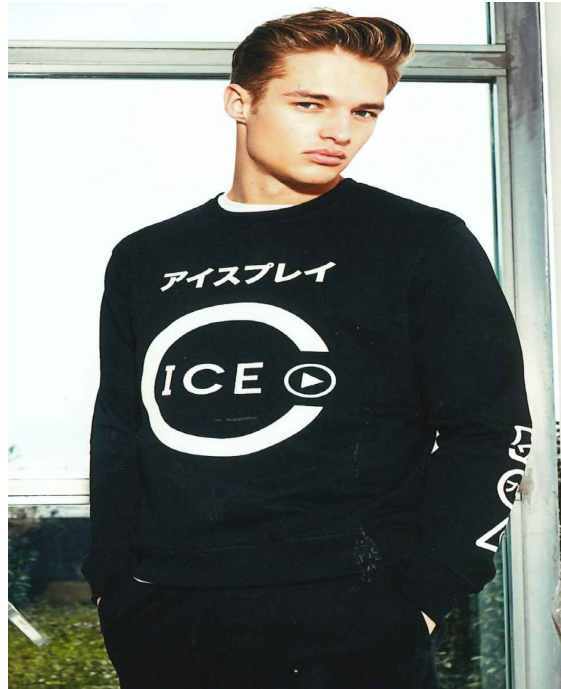
12. The ICE PLAY catalogues show the marks used on clothing in the following forms:<sup>4</sup>

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<sup>2</sup> Paragraph 3.

<sup>3</sup> Paragraph 9.

<sup>4</sup> Images are taken from Exhibits MM4, MM5 and MM6.



13. The goods have been sold through a variety of retailers. A 2009-2019 customer list in Exhibit MM11 includes ASOS PLC and Selfridge's, and Exhibit MM10 contains a photograph of a London bus advertising ICEBERG products for sale at Harvey Nichols. Mr Marani says that this campaign dates from 1999. Clothing could also be purchased through the company's websites, with print-outs from 2016 and 2018 obtained via the Internet Archive Wayback Machine, being found in Exhibit MM9. However, none of these show goods for sale in sterling.

14. Exhibit MM17 contains details of the annual turnover figures (rounded to the nearest €50,000) for clothing and accessories sold under the ICE marks. Mr Marani states that approximately 95% of sales revenue relates to clothing, with 5% being accounted for by accessories.

| Year | UK turnover |
|------|-------------|
| 1998 | 5,350,000   |
| 1999 | 6,250,000   |
| 2000 | 8,650,000   |
| 2001 | 5,550,000   |
| 2002 | 6,700,000   |
| 2003 | 6,350,000   |
| 2004 | 5,500,000   |
| 2005 | 2,100,000   |
| 2006 | 1,350,000   |
| 2007 | 700,000     |
| 2008 | 650,000     |
| 2009 | 550,000     |
| 2010 | 50,000      |
| 2011 | 100,000     |
| 2012 | 100,000     |
| 2013 | 150,000     |
| 2014 | 350,000     |
| 2015 | 900,000     |
| 2016 | 1,000,000   |
| 2017 | 250,000     |
| 2018 | 400,000     |
| 2019 | 1,650,000   |

15. Mr Marani supplies a collection of 36 invoices showing sales to customers in the UK.<sup>5</sup> The earliest dates from 16 July 1992 and the latest from 1 April 2019. These invoices cover clothing, belts, bags, hats, bracelets, necklaces and keyrings.

16. Mr Marani gives the following information on the company's marketing activities:

"Between 1998 and 2006, my Company's average annual marketing expenditure in the UK for clothing sold under the mark ICEBERG was over 215,000 Euros. The average annual marketing expenditure during the same period in the UK for clothing sold under the remaining ICE marks was over 100,000 Euros, which has remained the case until 2020."<sup>6</sup>

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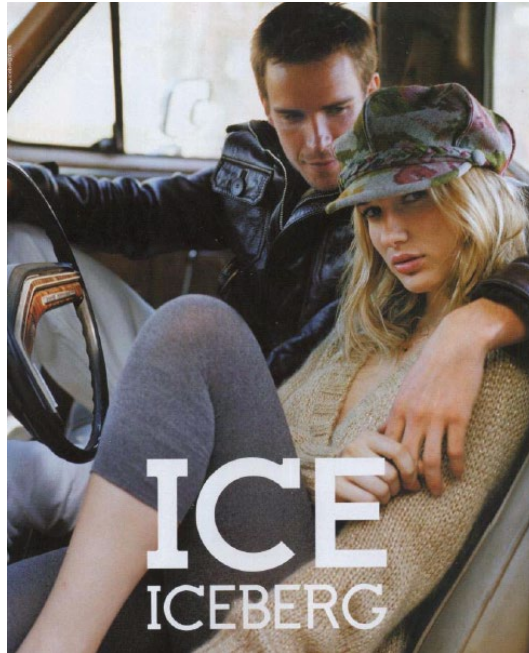
<sup>5</sup> Exhibit MM18.

<sup>6</sup> Paragraph 17.

17. Examples of advertising can be found in Exhibit MM12. Publications where adverts appeared include *GQ*, *Vogue*, *Elle*, *Marie Claire*, *Dazed & Confused* and *Maxim*. The earliest UK publication is dated September 1990 and the latest Autumn 2013. The following examples are taken from the March 1992 issue of *Marie Claire*, the October 2003 issue of *The Face* and the October 2007 issue of *Dazed & Confused* and they show the ICE marks used in three sub-brands:







18. The opponent also uses social media to engage with its customers. Exhibits MM15 and MM16 contain screenshots from the YouTube, Facebook, Instagram and Twitter accounts of ICEBERG and ICE PLAY. Mr Marani states that the YouTube videos have had a significant number of views (2.6 million in one case), but the screenshots were taken on 24 July 2020, which is after the date of application for the contested mark, and there is nothing to tell me where these viewers were located.

19. Mr Marani also states that ICEBERG has over 115,000 followers on Facebook, 222,000 followers on Instagram and almost 8,000 followers on Twitter. ICE PLAY has over 2,600 followers on Facebook and over 14,000 followers on Instagram. He says that the screenshots in Exhibit MM16 show posts from before September 2019. That is clear from the Twitter screenshot and the Instagram posts on the following pages. However, as the screenshots were produced in July 2020, it is unlikely that the numbers of followers shown are the same as they were in September 2019. I am also unable to tell where the followers are located.

20. The ICE brands also appear in a series of articles from online media. These date from 2012 to June 2019. Mr Marani notes that some of these are taken from the websites of *Vogue*, *The Telegraph*, Reuters and *The Face*. The majority, however, appear to be from specialist fashion sites, such as Fashion Network, and I have no

evidence on the numbers of hits received on these websites. The articles are mostly reports from fashion shows in Milan and London.

### ***Applicant's Evidence***

21. The applicant's evidence comes from Mr Paul Stepaniuk, the director of Ice Cool Designers Limited. His witness statement is dated 25 September 2020.

22. Mr Stepaniuk states that his firm began trading as "ICE" in retail shops in shopping centres in Essex and Kent from the mid-1990s and as "ICE-cool-ICE-cool" on eBay from 2007. The domain names icecoolfashion.co.uk and icecoolfashion.com were registered in February 2010.<sup>7</sup> The firm began trading on Amazon as icecoolfashion in 2011.

23. The exhibits show photographs of the shops, information on the incorporation of the companies, screen-shots from eBay and Amazon, and images of adverts placed in *LOOK* magazine in 2014. Mr Stepaniuk says that the applicant also advertised in *Woman & Home* and *Marie Claire* during this period.

### **DECISION**

24. Although the UK has left the EU, section 6(3)(a) of the European (Withdrawal) Act 2018 requires tribunals to apply EU-derived national law in accordance with EU law as it stood at the end of the transition period. The provisions of the Trade Marks Act relied on in these proceedings are derived from an EU Directive. Therefore this decision continues to make reference to the trade mark case-law of EU courts.

### **Section 5(2)**

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

"A trade mark shall not be registered if because –

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<sup>7</sup> Exhibit PS5.

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

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

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

26. An “earlier trade mark” is defined in section 6(1) of the Act as:

“(a) a registered trade mark, international trade mark (UK), a European Union trade mark or international trade mark (EC) which has a date of application for registration earlier than that of the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks,

(b) a European Union trade mark or international trade mark (EC) which has a valid claim to seniority from an earlier registered trade mark or international trade mark (UK) even where the earlier trade mark has been surrendered or its registration has expired,

(ba) a registered trade mark or international trade mark (UK) which –

(i) has been converted from a European Union trade mark or international trade mark (EC) which itself had a valid claim to seniority within paragraph (b) from an earlier trade mark, and

(ii) accordingly has the same claim to seniority, or

(c) a trade mark which, at the date of application for registration of the trade mark in question or (where appropriate) of the priority claimed in respect of

the application, was entitled to protection under the Paris Convention or the WTO agreement as a well known trade mark.”

27. The registrations upon which the opponent relies qualify as earlier trade marks under the above provision. As the ICE and ICE PLAY marks were registered within the five years before the date on which the applicant’s mark was filed, they are not subject to proof of use and the opponent is therefore entitled to rely on all the goods and services for which those marks stand registered.

28. The ICE ICEBERG mark was registered more than five years before the application date of the contested mark, and so the applicant could have required the opponent to provide proof of use of this mark. However, it declined to do so, and consequently the opponent may rely on all the goods designated for protection in the EU.

29. In considering the opposition under this section, I am guided by the following principles, gleaned from the decisions of the Court of Justice of the European Union (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 BV* (Case C-342/97), *Marca Mode CV v Adidas AG & Adidas Benelux BV* (Case C-425/98), *Matratzen Concord GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (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-334/05 P) and *Bimbo SA v OHIM* (Case C-519/12 P):

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. The average consumer is deemed to be reasonably well informed and reasonably circumspect and observant, but someone who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them they have kept in their

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 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; and

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***

30. It is well established by the case law that I must make my comparison of the goods and services on the basis of all relevant factors. These include the nature of the goods and services, their purpose, their users and method of use, the trade channels through which they reach the market, and whether they are in competition with each other or complementary: see *Canon*, paragraph 23, and *British Sugar Plc v James Robertson & Sons Limited (TREAT Trade Mark)* [1996] RPC 281 at [296]. Goods and services are complementary when

“... 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.”<sup>8</sup>

### ***Comparison with the ICE and ICE PLAY goods and services***

31. Where goods and services are included in a more general category in the other party’s specification, they can be considered to be identical: see *Gérard Meric v OHIM*, Case T-133/05, paragraph 29. Most of the goods in the applicant’s specification are identical, on this principle, to *Clothing, footwear and headgear* in the specification of the earlier ICE and ICE PLAY marks. The remaining terms I have separated into groups in Annex B, as permitted in *SEPARODE Trade Mark*, BL O-399-10, where Mr Geoffrey Hobbs QC, sitting as the Appointed Person, stated:

“The determination must be made with reference to each of the different species of goods listed in the opposed application for registration; if and to the extent that the list includes goods which are sufficiently comparable to

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<sup>8</sup> *Boston Scientific Ltd v OHIM*, Case T-325/06, paragraph 82.

be assessable for registration in essentially the same way for essentially the same reasons, the decision taker may address them collectively in his or her decision.”<sup>9</sup>

32. Three of the four groups comprise parts and fittings for clothing, headgear and footwear. In *Les Éditions Albert René v OHIM*, Case T-336/03, the General Court (GC) said that:

“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.”<sup>10</sup>

33. The intended purpose and nature of these parts and fittings are different from those of the finished article and they cannot be said to be in competition with each other. The lining of a jacket, for example, is not in competition with a jacket. However, they are complementary in the sense that the parts and fittings are important and often indispensable for the whole, which may lead the consumer to believe that they come from the same undertaking. I find that these goods are similar to the opponent’s *Clothing, footwear and headgear* but to a low to medium degree.

34. The final group is made up of *Hunting boot bags* and *Ski boot bags*. The purpose of these goods differs from that of clothing, headgear or shoes, although they may be made from similar materials. They are not in competition with any of the goods that the opponent is relying on under this section; but there is a degree of complementarity, as the opponent’s *footwear* includes the *hunting boots* and *ski boots* that would be indispensable for their use. I also consider that the average consumer would expect an undertaking selling those boots also to supply the bags in which to store them. I find that the bags are similar to a medium degree to the opponent’s *footwear*.

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<sup>9</sup> Paragraph 5.

<sup>10</sup> Paragraph 61.

### *Comparison with the goods of the ICE ICEBERG mark*

35. As above, I find that many of the contested goods are identical on the *Meric* principle to the earlier goods. All those goods that I have not listed in Annexes B and C to this decision are encompassed by the broader categories of *Clothing* or *Headgear*.

36. Now I shall consider the groups containing Parts and fittings for clothing and headgear (Annex B). I can deal with these quickly, as the reasoning set out above in paragraph 33 applies. They are similar to the opponent's *Clothing* and *Headgear* to a low to medium degree.

37. I turn now to the goods within the group *Footwear* (i.e. those at Annex C). These goods are worn to protect the feet from the elements and so they have a similar purpose to *Clothing* and *headgear* which cover different parts of the body. The users are the same. Footwear is sold by specialist retailers, but also in shops selling clothes, although they may be found in a separate part of the store. The nature of the goods is different, as footwear will tend to be made from more durable materials. Clothing and footwear are not in competition with each other but there is a degree of complementarity. Overall, though, I find that *footwear* is similar to a fairly high degree to *clothing*.

38. The parts and fittings for footwear, and boot bags, are different in nature and purpose from *Clothing* or *Headgear* and, in my view, there is unlikely to be an overlap in trade channels. They are not in competition and neither are they complementary. I find them to be dissimilar to the opponent's goods, although I remind myself that I did find them to be similar to a medium degree to *Footwear* in the specifications of the ICE and ICE PLAY marks.

### ***Average consumer and the purchasing process***

39. In *Hearst Holdings Inc & Anor v A.V.E.L.A. Inc & Ors* [2014] EWHC 439 (Ch), Birss J described the average consumer in these terms:



“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.”<sup>11</sup>

40. The average consumer of clothing, footwear, headgear and ski and hunting boot bags is a member of the general public. They will buy them from a specialist retailer or a general clothing or department store, either visiting a physical shop or ordering from the internet or a printed catalogue. This means that the mark will be seen and so the visual element will be the most significant: see *New Look Limited v OHIM*, Joined cases T-117/03 to T-119/03 and T-171/03, paragraph 50. However, I do not discount the aural element, as the consumer may in some cases be assisted by a member of staff. The price varies, but in many cases these goods will be frequent purchases. The consumer will pay attention to the size, the materials, the style and colours to ensure they buy a garment or item of footwear or headwear that fits them and achieves the effect they desire. In my view, the average consumer of these goods will be paying an average level of attention.

41. The average consumer of the parts and fittings for clothing, footwear and headgear is a business or individual who makes those items. Where these are parts that will be incorporated into a garment, headwear or footwear (for example, gussets), they are unlikely to be purchased by the general public. They will be bought fairly frequently and are likely to be relatively inexpensive. The purchaser will use catalogues and websites to choose their purchase and so the visual element will be most significant. An individual may, however, buy items designed to protect that finished article, such as dress shields or collar protectors. These will be bought less often, but will still be relatively inexpensive. The consumer will see them in shops or on the internet, so the visual element will, again, be most important. In my view, the average consumer of both these types of goods will be paying no more than an average level of attention.

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<sup>11</sup> Paragraph 60.


## **Comparison of marks**

42. It is clear from *SABEL* (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 in *Bimbo* that:

“... it is necessary to ascertain in each individual case, the overall impression made on the target public by the sign for which the 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.”<sup>12</sup>


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

44. The respective marks are shown below:

| <b>Earlier marks</b>  | <b>Contested mark</b> |
|---|-----------------------|
| EUTM No. 010941615:<br><br><br><br>EUTM No. 015402266: | icecoolfashion        |

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<sup>12</sup> Paragraph 34.

| Earlier marks  | Contested mark |
|--|----------------|
| <p data-bbox="284 309 427 338">ICE PLAY</p> <p data-bbox="284 421 517 450">IR No. 0942787:</p>  |                |

*Overall impression of the contested mark*

45. The contested mark consists of the words “ice”, “cool” and “fashion” combined into a single word. The opponent submits that the dominant and distinctive element of this mark is the word “ice”, as, in its view, “cool fashion” is low in distinctive character for the goods at issue. Although the average consumer will view the mark as a whole, they will also recognise that it is a single word constructed by joining three smaller words. In *Soulcycle Inc v Matalan Ltd* [2017] EWHC 496 (Ch), Mann J held that there was no “single meaning” rule in trade mark law.<sup>13</sup> It seems to me that a proportion of consumers will consider that the first three letters (ICE) make the biggest contribution to the overall impression of the mark, with “cool” and “fashion” being allusive and descriptive; even so, the conjunction of the words is not negligible. Another group of consumers is likely to see the mark as referring to fashion that is “ice cool”, with “fashion” being descriptive. For this group too the conjunction of the words plays a role in the overall impression of the mark.

*EUTM No. 010941615: The ICE mark*

46. The ICE mark consists of that word in large, bold capital letters in a standard font. The overall impression of that mark lies in the word itself.

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<sup>13</sup> Paragraph 27.

47. The opponent submits that the contested mark is highly similar to the earlier marks. I consider that the differences in font and capitalisation do not make a difference to my comparison: see *Bentley Motors Limited v Bentley 1962 Limited*, BL O/158/17. The contested mark is considerably longer than the earlier ICE mark, but it does begin with the same three letters that make up the whole of the mark. The beginnings of words tend to have more visual and aural impact than the ends: see *El Corte Inglés SA v OHIM*, Cases T-183/02 and T-184/02. Consequently, I find that the marks are visually similar to a medium degree, notwithstanding the differences in length. When the marks are spoken, the average consumer is likely to articulate the whole of the contested mark, given its presentation as a single word. Taking into account the identical beginnings, I find the marks to be aurally similar to a medium degree.

48. Turning now to the conceptual comparison, I note that the word “ice” refers to frozen water, which is self-evidently at a very low temperature, and one of the coldest substances the average consumer would encounter in everyday life. For some consumers, the mark would convey the message that the goods sold under it are so exceptionally fashionable and attractive (or “cool”) that they are as cool as ice – a concept that plays on the multiple meanings of the word “cool”. For those consumers, the marks are conceptually similar to a fairly low degree. Other consumers will think that “ice” has the same meaning as it does in the earlier mark, with “cool” and “fashion” being allusive and descriptive. For these consumers, the marks will be conceptually similar to a high degree.

*EUTM No. 015402266: The ICE PLAY mark*

49. The ICE PLAY mark consists of the two words presented in capital letters in a standard font. Both words make an equal contribution to the overall impression of the mark.

50. This mark shares its first three letters with the contested mark; thereafter the marks differ, with the remaining four letters of the earlier mark shown as a separate word. I find that the marks are visually and aurally similar to a low to medium degree.

51. “PLAY” in the earlier mark suggests games and amusements. While it could also mean a dramatic work of art, I consider that the former meaning will be the one that is brought to the mind of the average consumer. Some consumers will understand the concept of the earlier mark to be that of fun in wintry or cold conditions, while for others the two words will have independent distinctive roles. Either way, this is a point of difference with the contested mark. In my view, the marks are conceptually similar to a fairly low degree.

*IR No. 0942787: The ICE ICEBERG mark*

52. This mark consists of the word ICE in the same large bold capital letters and font as in the ICE mark. This word is placed above the word ICEBERG in the same font but in smaller bold capital letters. Because of the size and position of the respective elements, it is, in my view, the word ICE that makes the larger contribution to the overall impression of the mark, with ICEBERG playing a lesser role.

53. The way this earlier mark is laid out is a point of visual difference between the marks. I find that they are visually similar to a low degree. When the mark is spoken, it is likely that both the words would be articulated: “ICE ICEBERG”. There will therefore be a repeated syllable, while the contested mark has four different syllables: “ICE-COOL-FASH-UN”. I find that they are aurally similar to a low to medium degree.

54. An iceberg is mass of ice in the sea and the larger part of that mass is found below the water. I find that the marks are conceptually similar to the contested mark to a medium degree.

***Distinctive character of the earlier marks***

55. In *Lloyd Schuhfabrik Meyer*, 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 Alternberger* [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).”

56. Registered trade marks possess varying degrees of inherent distinctive character from the very low, because they are suggestive of, or allude to, a characteristic of the goods or services, to those with high inherent distinctive character, such as invented words which have no allusive qualities.

57. The word “ICE” is neither descriptive of, nor does it allude to, a characteristic of the goods at issue, and so it has a medium level of inherent distinctive character. The same applies in the case of the “ICE ICEBERG” mark. The level of inherent distinctiveness of the “ICE PLAY” mark will, in my view, be marginally lower, as the word “PLAY” suggests clothing that may be particularly suitable for leisure activities. It is my view that some average consumers will understand “ICE PLAY” to allude to clothes that would be worn for winter activities, while for others the two parts of the mark will have independent distinctive roles.

58. The opponent submits that the inherent distinctiveness of the marks has been enhanced through the use made of them. In paragraph 14 above, I have reproduced the UK turnover figures from 1998 onwards for clothing and accessories under the ICE marks. I recall that Mr Marani stated that clothing made up around 95% of the sales. I

have been provided with no data on the size of the UK clothing market, but it is likely to be substantial, running into billions. In my view, then, the figures in the table appear to be relatively small.

59. I can see from the evidence that the opponent has advertised its goods in a range of national lifestyle and fashion magazines aimed at men and women. I have already quoted from paragraph 17 of Mr Marani's witness statement, but I find it helpful to reproduce it again here:

“Between 1998 and 2006, my Company's average annual marketing expenditure in the UK for clothing sold under the mark ICEBERG was over 215,000 Euros. The average annual marketing expenditure during the same period in the UK for clothing sold under the remaining ICE marks was over 100,000 Euros, which has remained the case until 2020.”

60. It is not clear from this statement whether anything was spent on marketing the ICEBERG mark following 2006. Furthermore, the sum spent (at €100,000 per annum) seems relatively small. I also note that the most recent advert provided in the evidence comes from the Autumn 2013 issue of a magazine called *TANK*. I have no information on the circulation figures for that publication. The evidence is light on promotional activities carried out after this date. The picture suggests a sustained marketing effort during the late 1990s and 2000s and little after that.

61. On the basis of the evidence before me it is not apparent what proportion of the relevant public for clothing (which is the general public as a whole) would on the basis of the mark identify the goods as originating from the opponent. The articles in Exhibit MM13 for the most part come from specialist fashion sites and there is nothing to tell me how widely viewed these sites are in the UK. Taking the evidence as a whole, I find that the opponent has not shown that the distinctiveness of the marks has been enhanced through use.

### ***Conclusions on likelihood of confusion***

62. There is no scientific formula to apply in determining whether there is a likelihood of confusion. It is a global assessment where 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 trade marks may be offset by a greater degree of similarity between the respective goods or vice versa. It is necessary for me to take account of the distinctive character of the opponent's marks, the average consumer and the nature of the purchasing process for the contested goods. In doing so, I must be aware 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 they have in their mind.

63. There are two types of confusion: direct and indirect. In *L.A. Sugar Limited v Back Beat Inc*, BL O/375/10, Mr Iain Purvis QC, sitting as the Appointed Person, explained that:

“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 as a whole, I conclude that it is another brand of the owner of the earlier mark.’”<sup>14</sup>

64. In *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17, Mr James Mellor QC, sitting as the Appointed Person, stressed that a likelihood of confusion should not be found simply because the marks share a common element.

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<sup>14</sup> Paragraph 16.



65. Earlier in my decision I made the following findings:

- The contested goods are either identical or similar to the opponent's goods;
- The average consumer will be paying an average degree of attention (or, in the case of parts and fittings for clothing, no more than an average degree of attention) and the visual element will be the most significant part of the mark;
- The contested mark is visually and aurally similar to a medium degree and conceptually similar to at least a medium degree to the ICE mark;
- The contested mark is visually and aurally similar to a low to medium degree and conceptually similar to a fairly low degree to the ICE PLAY mark;
- The contested mark is visually and aurally similar to a low to medium degree and conceptually similar to a medium degree to the ICE ICEBERG mark; and
- The earlier marks have a medium, or in the case of ICE PLAY, a slightly lower than medium, degree of inherent distinctiveness, and the evidence does now show that this has been enhanced through use.

66. The opponent submits that the likelihood of confusion is increased by its ownership of a family of ICE marks. In *Il Ponte Finanziaria SpA v OHIM*, Case C-234/06, the CJEU stated that:

“62. While it is true that, in case of opposition to an application for registration of a Community trade mark based on the existence of only one earlier trade mark that is not yet subject to an obligation of use, the assessment of the likelihood of confusion is to be carried out by comparing the two marks as they were registered, the same does not apply where the opposition is based on the existence of several trade marks possessing common characteristics which made it possible for them to be regarded as part of a ‘family’ or ‘series’ of marks.

63. The risk that the public might believe that the goods or services in question come from the same undertaking or, as the case may be, from economically-linked undertakings, constitutes a likelihood of confusion

within the meaning of Article 8(1)(b) of Regulation No 40/94 (see *Alcon v OHIM*, paragraph 55, and, to that effect, *Canon*, paragraph 29). Where there is a ‘family’ or ‘series’ of trade marks, the likelihood of confusion results more specifically from the possibility that the consumer may be mistaken as to the provenance or origin of goods or services covered by the trade mark applied for or considers erroneously that that trade mark is part of that family or series of marks.

64. As the Advocate General stated at paragraph 101 of her Opinion, no consumer can be expected, in the absence of use of a sufficient number of trade marks capable of constituting a family or a series, to detect a common element in such a family or series and/or to associate with that family or series another trade mark containing the same common element. Accordingly, in order for there to be a likelihood that the public may be mistaken as to whether the trade mark applied for belongs to a ‘family’ or ‘series’, the earlier trade marks which are part of that ‘family’ or ‘series’ must be present on the market.

65. Thus, contrary to what the appellant maintains, the Court of First Instance did not require proof of use as such of the earlier trade marks but only of use of a sufficient number of them as to be capable of constituting a family or series of trade marks and therefore of demonstrating that such a family or series exists for the purposes of the assessment of the likelihood of confusion.

66. It follows that, having found that there was no such use, the Court of First Instance was properly able to conclude that the Board of Appeal was entitled to disregard the arguments by which the appellant claimed the protection that could be due to ‘marks in a series’.”

67. While the evidence shows that the opponent has used a number of marks beginning with the word “ICE”, there is limited evidence of their presence on the market. In *Monster Energy Company v Smith*, BL O/768/18, Mr Iain Purvis QC, sitting as the Appointed Person, said:

“In fact, more than mere use on the market must be shown. It is hard to see how the argument could possibly stand without evidence of sufficient use for the tribunal to conclude that the average consumer will have become aware of the existence of the different marks and will have understood them to form a ‘family’.”<sup>15</sup>

68. When considering the opponent’s claim to enhanced distinctiveness, I found the evidence insufficient to show that the public would identify the goods as coming from the opponent on the basis of the earlier marks. For a family of marks claim to be successful, the consumer must be able to identify a common element in such a family and associate another trade mark containing the same element with that family. Given the evidence before me, it is not clear that they would do so. As will be seen, though, this point is not determinative.

69. Earlier in my decision, I found that a group of average consumers would see the contested mark as referring to “cool fashion” sold under the name “ice”, while others would see it as referring to “fashion” that is “ice cool”. In *Comic Enterprises Ltd v Twentieth Century Fox Film Corporation* [2016] EWCA Civ 41, Kitchin LJ held that if the court concludes that a significant proportion of the relevant public is likely to be confused such as to warrant the intervention of the court, then it may properly find infringement. The principle applies equally under section 5(2)(b).

70. Notwithstanding the identity and similarity of the goods, the differences between the marks are sufficient, in my view, for me to find that the average consumer is unlikely to mistake the contested mark for any of the earlier marks. I find there is no likelihood of direct confusion.

71. I move now to consider indirect confusion. To my mind, the group that sees “cool and “fashion” as descriptive words will assume that the contested mark belongs to the same undertaking as the one that uses the “ICE” mark or, at the least, to a connected business. This group represents, in my view, a significant proportion of consumers and

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<sup>15</sup> Paragraph 16.

it is likely that these would be indirectly confused were the contested mark to be used for all the goods for which registration is sought.

72. The applicant submits that there is no evidence that over its past 20 years of trading that consumers have been confused. This does not help its case as an absence of evidence of confusion may be down to reasons that have nothing to do with the trade mark. In *Roger Maier & Anor v ASOS & Anor* [2015] EWCA Civ 220, Kitchen LJ gave the following examples:

“...The reason for the absence of confusion may be that the mark has only been used to a limited extent or in relation to only some of the goods or services for which it is registered, or in such a way that there has been no possibility of the one being taken for the other. So there may, in truth, have been limited opportunity for real confusion to occur.”<sup>16</sup>

### ***Outcome of section 5(2)(b) ground***

73. The opposition has succeeded under section 5(2)(b) and the application will be refused.

### **Section 5(4)(a)**

74. As the opposition has succeeded in its entirety under section 5(2)(b), considering the section 5(4)(a) claim will not materially improve the opponent's position. However, for the sake of completeness, I shall deal with the claims briefly.

75. Section 5(4)(a) of the Act states that:

“A trade mark shall not be registered if, or to the extent that, its use in the United Kingdom is liable to be prevented –

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<sup>16</sup> Paragraph 80.

(a) by virtue of any rule or law (in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade, where the condition in subsection 4(A) is met

...”

76. Subsection 4(A) is as follows:

“The condition mentioned in subsection (4)(a) is that the rights to the unregistered trade mark or other sign were acquired prior to the date of application for registration of the trade mark or date of the priority claimed for that application.”

77. In *Reckitt & Colman Products v Borden* [1990] RPC 341, HL, Lord Oliver described the ‘classical trinity’ that must be proved in order to reach a finding of passing off:

“First, he must establish a goodwill or reputation attached to the goods or services which he supplies in the mind of the purchasing public by association with the identifying ‘get-up’ (whether it consists simply of a brand name or a trade description, or the individual features of labelling or packaging) under which his particular goods or services are offered to the public, such that the get-up is recognised by the public as distinctive specifically of the plaintiff’s goods or services.

Secondly, he must demonstrate a misrepresentation by the defendant to the public (whether or not intentional) leading or likely to lead the public to believe that the goods or services offered by him are the goods or services of the plaintiff.

Thirdly, he must demonstrate that he suffers or, in a quia timet action, that he is likely to suffer damage by reason of the erroneous belief engendered by the defendant’s misrepresentation that the source of the defendant’s goods or services is the same as the source of those offered by the plaintiff.”

## **Relevant Date**

78. A claim for passing off must be judged at a particular point (or points) in time. In *Advanced Perimeter Systems v Multisys Computers Limited*, BL O-410-11, Mr Daniel Alexander QC, sitting as the Appointed Person, quoted with approval the summary made by Mr Allan James, acting for the Registrar, in *SWORDERS Trade Mark*, BL O/212/06:

“Strictly, the relevant date for assessing whether s.5(4)(a) applies is always the date of the application for registration or, if there is a priority date, that date: see Article 4 of Directive 89/104. However, where the applicant has used the mark before the date of the application it is necessary to consider what the position would have been at the date of the start of the behaviour complained about, and then to assess whether the position would have been any different at the later date when the application was made.”<sup>17</sup>

79. The applicant claims to have been trading under the name “icecoolfashion” since 2011. Exhibit PS6 contains a screenshot showing the applicant’s storefront on amazon.co.uk, but the only dates shown relate to two reviews posted in 2020. The adverts from 2014 in Exhibit PS8 show the contested mark as part of a web address and also suggest that it is “ICE” that is used as the badge of origin of the goods.

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<sup>17</sup> Quoted in paragraph 43 of BL O-410-11.

10% off

ICE

Sizes 6-18 & 10-22 in selected styles

Facebook Twitter

Christmas Outfits & Gift Ideas

10% OFF ENTER CODE: LOOK 10

Skirt £15 Top £15 Clutch £18 Belt £10

£14 £10 £23 £13

www.icecoolfashion.co.uk

80. In the event that the use in the web address is a mark of origin, I shall consider whether the opponent would have had a claim under the law of passing off at the date of the first of these adverts (3 November 2014), as well as considering what the position would be at the date of application for the contested mark.

### **Goodwill**

81. The concept of goodwill was considered by the House of Lords in *Inland Revenue Commissioners v Muller & Co's Margarine Ltd* [1901] AC 217:

“What is goodwill? It is a thing very easy to describe, very difficult to define. It is the benefit and advantages of the good name, reputation and connection of a business. It is the attractive force which brings in custom. It is the one thing which distinguishes an old-established business from a new business at its first start. The goodwill of a business must emanate from a particular centre or source. However widely extended or diffused its influence may be, goodwill is worth nothing unless it has the power of attraction sufficient to bring customers home to the source from which it emanates.”

82. The evidence I have summarised earlier in this decision shows a record of UK sales between the years 1998 and 2019, and advertising in nationally distributed media. While it is the case that turnover has decreased since the early 2000s, I have no doubt that the figures are sufficient for the opponent to have protectable goodwill in relation to *Clothing* and *Headgear*. Various items of headgear, such as hats and caps, appear on the invoices in Exhibit MM18.<sup>18</sup> Mr Marani states that these invoices relate to sales of goods bearing the ICE marks and this statement has not been challenged. The opponent's goods are known by the use of the sign **ICE** in conjunction with other words such as PLAY. In my view, the opponent's goodwill was at both 3 November 2014 and 30 September 2019 protectable under the law of passing off.

### **Misrepresentation**

83. The relevant test was set out by Morritt LJ in *Neutrogena Corporation & Anor v Golden Limited & Anor* [1996] RPC 473:

“There is no dispute as to what the correct legal principle is. As stated by Lord Oliver of Aylmerton in *Reckitt & Colman Products Ltd v Borden Inc* [1990] RPC 341 at page 407 the question on the issue of deception or confusion is:

‘is it, on a balance of probabilities, likely that, if the appellants are not restrained as they have been, a substantial number of members of the public will be misled into purchasing the defendants’ [product] in the belief that it is the respondents’ [product].

The same proposition is stated in Halsbury's Laws of England 4<sup>th</sup> Edition Vol. 48 para. 148. The necessity for a substantial number is brought out also in *Saville Perfumery Ltd v June Perfect Ltd* (1941) 58 RPC 147 at page 175; and *Re Smith Hayden's Application* (1945) 63 RPC 97 at page 101.”

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<sup>18</sup> See the invoices dated 7 August 2002, 9 January 2007 and 16 January 2017



84. The question is therefore whether a substantial number of members of the public would be misled into purchasing the applicant's goods in the belief that they are the opponent's. It is important to note that I must consider the notional use of the contested mark in relation to all the goods covered by the application. This means that any fair use of that mark is relevant. I also remind myself that it is not necessary for there to have been an intention to deceive for there to be misrepresentation.

85. Under section 5(2)(b), I found that most of the contested goods were identical or similar to the opponent's *Clothing and Headgear*, except for those goods that fell within the group comprising parts and fittings for footwear, which I found to be dissimilar. It is not essential that the parties trade in the same field: see *Harrods Limited v Harrodian School Limited* [1996] RPC 697 (CA).

86. Another important point to note is that it is the opponent's customers or potential customers who must be confused for there to be an effect on the opponent's trade: see *Neutrogena Corporation*.

87. Many of the applicant's goods fall under the broad headings of the opponent's *Clothing and Headgear*, and, given the similarity between the opponent's sign and the contested mark that I have already found under section 5(2)(b), I consider that there would be misrepresentation. I also take the view that *Footwear* is a closely related field and that a significant proportion of the opponent's customers on seeing footwear bearing the contested sign would be misled into believing that the footwear came from the opponent.

88. I found there was no overlap in trade channels between boot bags and clothing. The strength of the opponent's goodwill is not such as to lead me to find misrepresentation in respect of these goods.

89. The customers of the applicant's parts and fittings are likely to be individuals and companies involved in the fashion and clothing businesses. Consequently, it seems to me that there is unlikely to be a misrepresentation that would cause a substantial number of members of the public to purchase the applicant's parts and fittings in the

belief that they come from the opponent, or that would cause damage to the goodwill in the opponent's business.

### ***Damage***

90. In *Harrods*, Millett LJ described the requirements for damage in passing off cases as follows:

“In the classic case of passing off, where the defendant represents his goods or business as the goods or business of the plaintiff, there is an obvious risk of damage to the plaintiff's business by substitution. Customers and potential customers will be lost to the plaintiff if they transfer their custom to the defendant in the belief that they are dealing with the plaintiff. But this is not the only kind of damage which may be caused to the plaintiff's goodwill by the deception of the public. Where the parties are not in competition with each other, the plaintiff's reputation and goodwill may be damaged without any corresponding gain to the defendant. In the *Lego* case, for example, a customer who was dissatisfied with the defendant's plastic irrigation equipment might be dissuaded from buying one of the plaintiff's plastic toy construction kits for his children if he believed that it was made by the defendant. The danger in such a case is that the plaintiff loses control over his own reputation.”<sup>19</sup>

91. In the case of *Clothing and Headgear*, there is a clear risk of damage to the opponent by substitution. I stress again that in Registry proceedings it is important to consider all possible uses of the contested mark. The damage that is likely to occur if the contested mark were used for footwear is that a customer unhappy with the quality of a pair of shoes or boots might be deterred from buying the opponent's clothes.

### ***Outcome of section 5(4)(a) ground***

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<sup>19</sup> Page 715

92. The opposition succeeds under section 5(4)(a) in respect of all the goods except those listed in the “Parts and fittings” and “Boot bags” groups in Annex B. However, as will be recalled, it has succeeded in its entirety under section 5(2)(b) of the Act.

## **CONCLUSION**

93. The opposition has succeeded and Application No. 3432792 will be refused.

## **COSTS**

94. The opponent has been successful and is entitled to a contribution towards its costs in line with the scale set out in Tribunal Practice Notice (TPN) 2/2016. In the circumstances, I award the opponent the sum of £1550 as a contribution towards the cost of the proceedings. The sum is calculated as follows:

*Preparing a statement and considering the other side’s statement: £250*

*Preparing evidence and considering the other side’s evidence: £800*

*Preparation of written submission in lieu of a hearing: £300*

*Official fees: £200*

***TOTAL: £1550***

95. I therefore order Ice Cool Designers Limited to pay Gilmar S.p.A. the sum of £1550, which should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

**Dated this 23<sup>rd</sup> day of February 2021**

**Clare Boucher**

**For the Registrar,**

**Comptroller-General**



## ANNEX A

### Applicant's Specification

#### Class 25

Adhesive bras; Adhesive brassieres; 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; 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 slippers; Bathing caps; Bathing costumes; Bathing costumes for women; Bathing drawers; Bathing suit cover-ups; Bathing suits; Bathing suits for men; Bathing trunks; Bathrobes; 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; 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; Burkas; Burnouses; Bushjackets; Bustiers; Bustle holder bands for obi (obiage); Bustles for obi-knots (obiage-shin); Button down shirts; Button-front aloha

shirts; Caftans; Cagoules; Camiknickers; Camisoles; Camouflage gloves; Camouflage jackets; Camouflage pants; Camouflage shirts; Camouflage vests; Canvas shoes; Cap peaks; Cap visors; Capelets; Capes; Capes (clothing); Capri pants; 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; Cloche hats; Clogs; Cloth bibs; Cloth bibs for adult diners; Clothes; Clothes for sport; Clothes for sports; Clothing; Clothing containing slimming substances; 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; 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; Cumberbunds; Cycling caps; Cycling Gloves; Cycling pants; Cycling shoes; Cycling shorts; Cycling tops; Cyclists' clothing; Dance clothing; Dance costumes; Dance shoes; Dance slippers; Deck shoes; Deck-shoes; 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; Duffel coats; Duffle coats; Dungarees; Dust coats; Ear muffs; Ear muffs [clothing]; Ear warmers; Ear warmers being clothes; Earbands; Earmuffs; Embossed heels of rubber or of plastic materials; Embossed soles of rubber or of plastic materials; Embroidered clothing; Espadrilles; Esparto shoes or sandals; Esparto shoes or sandles; Evening coats; Evening dresses; Evening gowns; Evening suits; Evening wear; Exercise wear; Eye masks; 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]; 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 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; 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; Heel protectors for shoes; 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; 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; 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 (asaurazori); 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; 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]; 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; Leg-warmers; 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 underwear; Long-sleeved shirts; Lounge pants; Loungewear; Lounging robes; Low wooden clogs (hiyori-geta); Low wooden clogs (koma-geta); Low wooden clogs [koma-geta]; Lumberjackets; Mackintoshes; Maillots; Maillots [hosiery]; Maniples; Mankinis; Mantillas; Mantles; Martial arts uniforms; Masks (Sleep -); Masquerade and halloween costumes; 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; Nappy pants [clothing]; Neck scarfs [mufflers]; Neck scarves; Neck scarves [mufflers]; Neck tubes; Neck warmers; Neckbands; Neckerchiefs; Neckerchieves; Neckties; Neckwear; Negligees; Night gowns; Night shirts; Nightcaps; Nightdresses; Nightgowns; Nighties; Nightshirts; Nightwear; Nipple pasties; Niqabs; Non-slip socks; Non-slipping devices for boots; Non-slipping devices for footwear; Nurse dresses; Nurse overalls; Nurse pants; Nurses' uniforms; Nursing shoes; Oilskins [clothing]; One-piece clothing for infants and toddlers; One-piece playsuits; One-piece suits; Open-necked shirts; Outer clothing; Outer soles; Outerclothing; Outerclothing for boys;



Outerclotthing for girls; Outerclotthing for men; Outerwear; Overalls; Overalls for infants and toddlers; Overcoats; Overshirts; Overshoes; Overtrousers; Over-trousers; 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; Pyjamas; Pyjamas [from tricot only]; Quilted jackets [clothing]; Quilted vests; 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); 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; 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; Tabards; Taekwondo suits; Taekwondo uniforms; Tail coats; Tailleurs; 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 being clothing; Trunks [underwear]; T-shirts; Tube tops; Tunics; Turbans; Turtleneck pullovers; Turtleneck

shirts; Turtleneck sweaters; Turtleneck tops; Turtlenecks; Tutus; Tuxedo belts; Tuxedos; Twin sets; 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]; Valenki [felted boots]; Veils; Veils [clothing]; Vest tops; Vests; Vests (Fishing -); Vests for use in barber shops and salons; Visors; Visors being headwear; Visors [clothing]; Visors [hatmaking]; Visors [headwear]; V-neck sweaters; Volleyball jerseys; Volleyball shoes; 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; Wedge sneakers; 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]; Yashmaghs; Yashmaks; Yoga bottoms; Yoga pants; Yoga shirts; Yoga shoes; Yoga socks; Yoga tops; Yokes (Shirt -); Zoot suits; Zori.

## **Annex B**

### **Applicant's Goods: Groupings for Comparison with ICE and ICE PLAY marks**

#### Parts and fittings for clothing

Collar guards for protecting clothing collars; Collar liners for protecting clothing collars; Collar protectors; Dress shields; 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]; Heel pieces for stockings; Heelpieces for stockings; Jacket liners; Linings (Ready-made -) [parts of clothing]; Ready-made linings [parts of clothing]; Shields (Dress -); Shirt yokes; Shoulder straps for clothing; Stockings (Heel pieces for -); Underarm gussets [parts of clothing]; Waistbands; Yokes (Shirt -); Bra straps; Bra straps [parts of clothing].

#### Parts and fittings for headgear

Cap peaks; cap visors; Frames (Hat -) [skeletons]; Hat frames [skeletons]; Peaks (Cap -); Visors [hatmaking].

#### Parts and fittings for footwear

Cleats for attachment to sports shoes; Embossed heels of rubber or of plastic materials; Embossed soles of rubber or of plastic materials; Fittings of metal for boots and shoes; Fittings of metal for footwear; Football boots (studs for -); Footwear (fittings of metal for -); Footwear (non-slipping devices for -); Footwear soles; Footwear (Tips for -); Footwear uppers; Footwear (Welts for -); Heel inserts; Heel pieces for shoes; Heel protectors for shoes; Heelpieces for footwear; Heels; Inner soles; Insoles; Insoles for footwear; Insoles for shoes and boots; Insoles [for shoes and boots]; Intermediate soles; Metal fittings for Japanese style wooden clogs; Non-slipping devices for footwear; Protective metal members for shoes and boots; Pullstraps for shoes and boots; 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 and snowboard shoes, parts thereof; Slipper soles; Soles for footwear; Soles for Japanese style sandals; Soles [Inner]; Spats; Stiffeners for boots; Stiffeners for shoes; Studs for football boots; Toe boxes; Toe straps for Japanese style sandals (zori); Toe straps for Japanese style wooden clogs; Toe straps for zori (Japanese style sandals); Tongues for shoes and boots; Uppers [Footwear -]; Uppers for Japanese style sandals; Uppers of woven rattan for Japanese-style sandals; Welts for footwear; Wooden bodies for Japanese style clogs; Wooden main bodies of Japanese style wooden clogs; Wooden supports of Japanese style wooden clogs; Boot uppers.

#### Boot bags

Hunting boot bags; Ski boot bags.

## Annex C

### Applicant's Goods: Additional Grouping for Comparison with the ICE ICEBERG mark

#### Footwear

Anglers' shoes; Ankle boots; Après-ski boots; Après-ski shoes; Aqua shoes; Army boots; Athletic footwear; Athletic shoes; Athletics footwear; Athletics shoes; Baby boots; Baby sandals; Ballet shoes; Ballet slippers; Ballroom dancing shoes; Baseball shoes; Basketball shoes; Basketball sneakers; Bath sandals; Bath slippers; Beach footwear; Beach shoes; Bootees (woollen baby shoes); Booties; Boots; Boots for motorcycling; Boots for sport; Boots for sports; Boots (Ski -); Bowling shoes; Boxing shoes; Canvas shoes; Casual footwear; Climbing boots; Climbing boots (mountaineering boots); Climbing footwear; Clogs; Cycling shoes; Dance shoes; Dance slippers; Deck shoes; Deck-shoes; Desert boots; Disposable slippers; Dress shoes; Driving shoes; Espadrilles; Esparto shoes or sandals; Esparto shoes or sandals; Fishing boots; Fishing footwear; Fishing waders; Flat shoes; Flip-flops; Flip-flops for use as footwear; Foam pedicure slippers; Foot volleyball shoes; Football boots; Football shoes; Footwear; Footwear [excluding orthopaedic 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; Golf footwear; Golf shoes; Gym boots; Gymnastic shoes; Gymshoes; Half-boots; Handball shoes; Hidden heel shoes; High rain clogs (ashida); High-heeled shoes; Hiking boots; Hiking shoes; Hockey shoes; Horse-riding boots; Hunting boots; Infants' boots; Infants' footwear; Infants' 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); Knitted baby shoes; Lace boots; Ladies' boots; Ladies' footwear; Ladies' sandals; Leather shoes; Leisure shoes; Low wooden clogs (hiyori-geta); Low wooden clogs (koma-geta); Low wooden clogs [koma-geta]; Men's sandals; Moccasins; Motorcyclist boots; Mountaineering boots; Mountaineering shoes; Mukluks; Mules; Overshoes; Pedicure sandals; Pedicure slippers; Plastic slippers; Platform shoes; Plimsolls; Polo boots; Rain boots; Rain shoes; Rainshoes; Riding boots; Riding shoes; Roller shoes; Rubber fishing boots; Rubber shoes; Rugby boots; Rugby shoes; Running shoes; Russian felted boots (Valenki); Sabots; Sandal-clogs; Sandals; Sandals and beach shoes; 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; Ski boots; Skiing shoes; Slip-on shoes; Slippers; Slippers made of leather; 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; Tap shoes; Tennis shoes; Thong sandals; Track and field shoes; Trainers; Trainers [footwear]; Training shoes; Trekking boots; Valenki [felted boots]; Volleyball shoes; Waders; Walking boots; Walking shoes; Waterproof boots; Waterproof boots for fishing; Waterproof

shoes; Wedge sneakers; Wellington boots; Wellingtons; Winter boots; Women's foldable slippers; Women's shoes; Wooden shoes; Wooden shoes [footwear]; Work boots; Work shoes; Yoga shoes; Zori.