

O/912/21

**TRADE MARKS ACT 1994**

**IN THE MATTER OF  
TRADE MARK APPLICATION NO. 3485228  
BY JADE RYAN  
TO REGISTER AS A TRADE MARK:**

**#NoRules**

**IN CLASSES 25 & 35**

**AND**

**IN THE MATTER OF OPPOSITION THERETO  
UNDER NO. 422544  
BY JOHN LABAYSSE**

## **BACKGROUND AND PLEADINGS**

1. On 29 April 2020, Jade Ryan (“the applicant”) applied to register the trade mark **#NoRules** in the UK, under number 3485228 (“the contested mark”). The contested mark was published for opposition purposes on 25 September 2020. Registration is sought for a wide range of goods and services in classes 25 and 35, as set out in the annex to this decision.

2. On 23 December 2020, John Labaysse (“the opponent”) opposed the application under sections 5(2)(b) and 3(6) of the Trade Marks Act 1994 (“the Act”).

3. Under section 5(2)(b), the opponent relies upon their European Union trade mark number 747808, **NO RULES** (“the earlier mark”). The earlier mark was filed on 27 January 1998 and became registered on 24 September 1999 in respect of goods in classes 16, 25 and 28. For the purposes of their claim under 5(2)(b), the opponent relies upon some of those goods, namely:

Class 16: Folders and portfolios for papers; notebooks and binders; pen and pencil holders; stationery holders; pencil bags.

Class 25: Articles of clothing; footwear; headgear; jeans; shirts; jackets; vests; pants; sweaters; jumpsuits; shorts; hats; caps; dresses; blouses; sweatshirts; T-shirts; sweatpants; bathing suits; robes; pyjamas; belts; briefs; coats; gloves; scarves; ponchos; sun visors; outerwear; underwear; skirts; headbands for wear incorporating peaks; children's clothing; trousers; shoes; socks; bibs; booties; coverups; jumpers; infants' and babies clothing; swimwear.

Class 28: Toys, games, playthings and sporting goods.

4. Given the respective filing dates, the opponent’s mark is an earlier mark, in accordance with section 6 of the Act.<sup>1</sup> As it had been registered for more than five

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<sup>1</sup> Although the UK has left the EU and the transition period has now expired, EUTMs, such as the earlier mark, are still relevant in these proceedings given the impact of the transitional provisions of the Trade Marks (Amendment etc.) (EU Exit) Regulations 2019. Tribunal Practice Notice 2/2020 refers.

years at the filing date of the application, it is subject to the proof of use requirements as specified within section 6A of the Act. In their notice of opposition, the opponent made a statement of use in relation to all the goods listed at paragraph 3.

5. The opponent contends that all of the applied-for goods in class 25 and some of the applied-for services in class 35 (as outlined below at paragraph 53) are identical or similar to the goods covered by the earlier mark. Moreover, the opponent argues that the competing marks are similar. Based upon these factors, the opponent submits that for the identified goods and services, there is a likelihood of confusion, including the likelihood of association.

6. Under section 3(6), the opponent claims that the applicant has no intention to use the contested mark in respect of any of the applied-for goods or services, save for *'clothing', 'footwear' and 'retail services connected with the sale of clothing and clothing accessories'*. The opponent argues that there is no foreseeable prospect that the contested mark would be used for any of the other goods or services, that the applicant has sought registration of the contested mark as a legal weapon against third parties and that they have made a false declaration under section 32(3) of the Act. For these reasons, the opponent claims that the application was filed in bad faith.

7. The applicant filed a counterstatement denying the grounds of opposition. The applicant also indicated that they would require the opponent to provide proof of use of their earlier mark.

8. The opponent has been professionally represented throughout these proceedings by Briffa. The applicant represents itself, though I note they were professionally represented by Surjj Legal until 1 July 2021. Only the opponent filed evidence in these proceedings. This will be summarised to the extent that it is considered necessary. Both parties were given the option of an oral hearing, though neither asked to be heard on this matter. Only the opponent elected to file written submissions in lieu of a hearing. Whilst I do not intend to summarise these, I have taken them into consideration and will refer to them below, as and where necessary. This decision is taken following a careful perusal of the papers.

9. Although the UK has left the EU, section 6(3)(a) of the European Union (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 Act relied upon in these proceedings are derived from an EU Directive and, therefore, this decision continues to refer to the trade mark case law of the EU courts.

### **PRELIMINARY REMARKS**

10. In their counterstatement, the applicant argues that there has been a lack of actual confusion by consumers. While I acknowledge the applicant's comments, I must, at this early stage, clarify that a perceived absence of confusion will not have any bearing on whether there exists a likelihood of confusion between the contested mark and the opponent's earlier mark. Although evidence of actual confusion may be persuasive where it exists, the absence of confusion on the marketplace is rarely significant. In *Roger Maier and Another v ASOS*, [2015] EWCA Civ 220, Kitchen L.J. stated that:

“80. [...] the likelihood of confusion must be assessed globally taking into account all relevant factors and having regard to the matters set out in *Specsavers* at paragraph [52] and repeated above. If the mark and the sign have both been used and there has been actual confusion between them, this may be powerful evidence that their similarity is such that there exists a likelihood of confusion. But conversely, the absence of actual confusion despite side by side use may be powerful evidence that they are not sufficiently similar to give rise to a likelihood of confusion. This may not always be so, however. 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.”

11. It is important to note that the provisions in the Act are not merely a reflection of what is happening in the market. Even in cases where there is no confusion in practice, it remains possible for there to be a finding of a likelihood of confusion. My assessment of the opponent's claim under 5(2)(b) of the Act must only take into account the

applied-for mark – and its specification – and any *potential* conflict with the opponent’s earlier mark. The applicant’s argument that there has been no *actual* confusion is not relevant for the purposes of that assessment.

## **EVIDENCE**

12. The opponent’s evidence consists of the witness statement of Mr John Labaysse, dated 3 June 2021, together with Exhibits JB01 to JB09. As noted above, Mr Labaysse is the opponent in these proceedings.

13. Mr Labaysse says that he licenses the use of the earlier mark and that it has been used extensively since 2005 with his consent.<sup>2</sup> He states that his main licensee during the five-year period preceding the filing date of the contested mark was a German company called Authentic Sports & Toys GmbH (“the licensee”).<sup>3</sup> According to Mr Labaysse, the licensee sold goods under the earlier mark in Germany, France, Spain, Portugal, Poland and the UK during this period.<sup>4</sup>

14. He provides documents described as “royalty reports” to illustrate the licensee’s use of the mark. From these reports I note that the licensee made the following commission payments to “No Rules International Eurl, John Labaysse”:<sup>5</sup>

<b>Year</b>	<b>Payment</b>	<b>Units sold</b>
2015	€10,735	23,617
2016	€28,718.58	63,511
2017	€3,185.04	7,453
2018	€6,787.99	15,688
2019	€2,222.27	4,889
<b>Total</b>	<b>€51,648.88</b>	<b>115,158</b>

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<sup>2</sup> Witness statement of Mr John Labaysse, §5

<sup>3</sup> Labaysse, §11

<sup>4</sup> Labaysse, §12

<sup>5</sup> Exhibits JB01 – JB05

15. The reports concern the sale of “No Rules” scooters, skateboards and longboards by the licensee. Although longboards can also refer to a kind of surfboard, I note that these goods are listed under “No Rules Skateboards” in the reports. The reports do not include any geographical breakdown of the sales figures. Some of the reports include what appear to be confirmations of corresponding bank transfers, though these are in German and no English translations have been provided.

16. Mr Labaysse also evidences a presentation from 2016.<sup>6</sup> The presentation provides an overview of the ‘NO RULES’ brand and contains images of a schoolbag, a lunch bag, pencil cases, a folder, a skateboard, a toy figurine, a miniature toy skateboard, t-shirts, a skateboard bag, hats and a poster, all adorned with ‘NO RULES’ branding. Also pictured are bottles, bicycles and scooters, though their branding is less clear. The presentation contains prints from the ‘NO RULES’ website at [www.norules.com](http://www.norules.com) in which the words “NO RULES” (in word-only and in stylised form) are visible. A number of catalogues can also be seen in the presentation; clothing – predominantly t-shirts – and skateboards feature on their front covers. Finally, photographs of a ‘NO RULES’ store are included in the presentation; children’s clothing, skateboards, toys, footwear, bags, helmets and kneepads are all pictured. However, I note that there is no indication as to the location of this store. Mr Labaysse does not contextualise the presentation or give any information as to its use or purpose.

17. Mr Labaysse states that ‘NO RULES’ branded goods have also been sold on Amazon since 2019.<sup>7</sup> He provides prints from Amazon UK and Amazon France, which show a number of t-shirts and hooded sweatshirts adorned with the words “NO RULES”.<sup>8</sup> I note that the prints are undated and there is nothing to connect the goods shown to the opponent or the licensee.

18. In addition, Mr Labaysse says that the earlier mark is used on the ‘NO RULES’ website. He exhibits a news update from the website dated 30 March 2018.<sup>9</sup> According to Mr Labaysse, the news update shows items of clothing available in 2017 and 2018.

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<sup>6</sup> Exhibit JB06

<sup>7</sup> Labaysse, §14

<sup>8</sup> Exhibits JB07 & JB08

<sup>9</sup> Exhibit JB09

The news update contains images of a number of t-shirts, the designs of which feature the words “NO RULES” in various forms.

19. I note that Mr Labaysse also provides his opinions regarding the similarity of the competing marks, the similarity between the respective goods and services, and bad faith. These are submissions, rather than evidence of fact, and will be treated as such. While I do not propose to summarise these here, I have taken them into account and will refer to them below, as and where necessary.

## **DECISION**

### **Proof of use**

20. The relevant statutory provisions are as follows:

“6A - (1) This section applies where

- (a) an application for registration of a trade mark has been published,
- (b) there is an earlier trade mark of a kind falling within section 6(1)(a), (b) or (ba) in relation to which the conditions set out in section 5(1), (2) or (3) obtain, and
- (c) the registration procedure for the earlier trade mark was completed before the start of the relevant period.

(1A) In this section “the relevant period” means the period of 5 years ending with the date of the application for registration mentioned in subsection (1)(a) or (where applicable) the date of the priority claimed for that application.

(2) In opposition proceedings, the registrar shall not refuse to register the trade mark by reason of the earlier trade mark unless the use conditions are met.

(3) The use conditions are met if –

(a) within the relevant period the earlier trade mark has been put to genuine use in the United Kingdom by the proprietor or with his consent in relation to the goods or services for which it is registered, or

(b) the earlier trade mark has not been so used, but there are proper reasons for non- use.

(4) For these purposes -

(a) use of a trade mark includes use in a form (the “variant form”) differing in elements which do not alter the distinctive character of the mark in the form in which it was registered (regardless of whether or not the trade mark in the variant form is also registered in the name of the proprietor), and

(b) use in the United Kingdom includes affixing the trade mark to goods or to the packaging of goods in the United Kingdom solely for export purposes.

(5) In relation to a European Union trade mark or international trade mark (EC), any reference in subsection (3) or (4) to the United Kingdom shall be construed as a reference to the European Community.

(5A) In relation to an international trade mark (EC) the reference in subsection (1)(c) to the completion of the registration procedure is to be construed as a reference to the publication by the European Union Intellectual Property Office of the matters referred to in Article 190(2) of the European Union Trade Mark Regulation.

(6) Where an earlier trade mark satisfies the use conditions in respect of some only of the goods or services for which it is registered, it shall be treated for the purposes of this section as if it were registered only in respect of those goods or services.”



21. The onus is on the opponent, as the proprietor of the earlier mark, to show use made of the mark because section 100 of the Act states:

“If in any civil proceedings under this Act a question arises as to the use to which a registered trade mark has been put, it is for the proprietor to show what use has been made of it.”

22. Pursuant to section 6A of the Act, the relevant period for assessing whether there has been genuine use of the earlier mark is the five-year period ending with the filing date of the application at issue, i.e. 30 April 2015 to 29 April 2020.

23. In *Walton International Ltd & Anor v Verweij Fashion BV* [2018] EWHC 1608 (Ch) Arnold J summarised the law relating to genuine use as follows:

“114. [...] The CJEU has considered what amounts to “genuine use” of a trade mark in a series of cases: Case C-40/01 *Ansul BV v Ajax Brandbeveiliging BV* [2003] ECR I-2439, *La Mer* (cited above), Case C-416/04 P *Sunrider Corp v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [2006] ECR I-4237, Case C-442/07 *Verein Radetsky-Order v Bunderversvereinigung Kamaradschaft ‘Feldmarschall Radetsky’* [2008] ECR I-9223, Case C-495/07 *Silberquelle GmbH v Maselli-Strickmode GmbH* [2009] ECR I-2759, Case C-149/11 *Leno Merken BV v Hagelkruis Beheer BV* [EU:C:2012:816], [2013] ETMR 16, Case C-609/11 P *Centrotherm Systemtechnik GmbH v Centrotherm Clean Solutions GmbH & Co KG* [EU:C:2013:592], [2014] ETMR, Case C-141/13 P *Reber Holding & Co KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [EU:C:2014:2089] and Case C-689/15 *W.F. Gözze Frottierweberei GmbH v Verein Bremer Baumwollbörse* [EU:C:2017:434], [2017] Bus LR 1795.

115. The principles established by these cases may be summarised as follows:

(1) Genuine use means actual use of the trade mark by the proprietor or by a third party with authority to use the mark: *Ansul* at [35] and [37].

(2) The use must be more than merely token, that is to say, serving solely to preserve the rights conferred by the registration of the mark: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Leno* at [29]; *Centrotherm* at [71]; *Reber* at [29].

(3) The use must be consistent with the essential function of a trade mark, which is to guarantee the identity of the origin of the goods or services to the consumer or end user by enabling him to distinguish the goods or services from others which have another origin: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Silberquelle* at [17]; *Leno* at [29]; *Centrotherm* at [71]. Accordingly, affixing of a trade mark on goods as a label of quality is not genuine use unless it guarantees, additionally and simultaneously, to consumers that those goods come from a single undertaking under the control of which the goods are manufactured and which is responsible for their quality: *Gözze* at [43]-[51].

(4) Use of the mark must relate to goods or services which are already marketed or which are about to be marketed and for which preparations to secure customers are under way, particularly in the form of advertising campaigns: *Ansul* at [37]. Internal use by the proprietor does not suffice: *Ansul* at [37]; *Verein* at [14] and [22]. Nor does the distribution of promotional items as a reward for the purchase of other goods and to encourage the sale of the latter: *Silberquelle* at [20]-[21]. But use by a non-profit making association can constitute genuine use: *Verein* at [16]-[23].

(5) The use must be by way of real commercial exploitation of the mark on the market for the relevant goods or services, that is to say, use in accordance with the commercial *raison d'être* of the mark, which is to create or preserve an outlet for the goods or services that bear the mark: *Ansul* at [37]-[38]; *Verein* at [14]; *Silberquelle* at [18]; *Centrotherm* at [71]; *Reber* at [29].

(6) All the relevant facts and circumstances must be taken into account in determining whether there is real commercial exploitation of the mark, including: (a) whether such use is viewed as warranted in the economic sector concerned to maintain or create a share in the market for the goods and services in question; (b) the nature of the goods or services; (c) the characteristics of the market concerned; (d) the scale and frequency of use of the mark; (e) whether the mark is used for the purpose of marketing all the goods and services covered by the mark or just some of them; (f) the evidence that the proprietor is able to provide; and (g) the territorial extent of the use: *Ansul* at [38] and [39]; *La Mer* at [22]-[23]; *Sunrider* at [70]-[71], [76]; *Leno* at [29]-[30], [56]; *Centrotherm* at [72]-[76]; *Reber* at [29], [32]-[34].

(7) Use of the mark need not always be quantitatively significant for it to be deemed genuine. Even minimal use may qualify as genuine use if it is deemed to be justified in the economic sector concerned for the purpose of creating or preserving market share for the relevant goods or services. For example, use of the mark by a single client which imports the relevant goods can be sufficient to demonstrate that such use is genuine, if it appears that the import operation has a genuine commercial justification for the proprietor. Thus there is no *de minimis* rule: *Ansul* at [39]; *La Mer* at [21], [24] and [25]; *Sunrider* at [72] and [76]-[77]; *Leno* at [55].

(8) It is not the case that every proven commercial use of the mark may automatically be deemed to constitute genuine use: *Reber* at [32].”

24. Whether the use shown is sufficient for this purpose will depend on whether there has been real commercial exploitation of the earlier mark, in the course of trade, sufficient to create or maintain a market for the goods/services at issue in the EU during the relevant five-year period. In making this assessment, I am required to consider all relevant factors, including the scale and frequency of the use shown; the nature of the use shown; the goods and services for which use has been shown; the

nature of those goods/services and the market(s) for them; and the geographical extent of the use shown.

25. I am also guided by *Awareness Limited v Plymouth City Council*, Case BL O/236/13, in which Mr Daniel Alexander Q.C. as the Appointed Person stated that:

“22. The burden lies on the registered proprietor to prove use [...] However, it is not strictly necessary to exhibit any particular kind of documentation, but if it is likely that such material would exist and little or none is provided, a tribunal will be justified in rejecting the evidence as insufficiently solid. That is all the more so since the nature and extent of use is likely to be particularly well known to the proprietor itself. A tribunal is entitled to be sceptical of a case of use if, notwithstanding the ease with which it could have been convincingly demonstrated, the material actually provided is inconclusive. By the time the tribunal (which in many cases will be the Hearing Officer in the first instance) comes to take its final decision, the evidence must be sufficiently solid and specific to enable the evaluation of the scope of protection to which the proprietor is legitimately entitled to be properly and fairly undertaken, having regard to the interests of the proprietor, the opponent and, it should be said, the public.”

[...]

“28. [...] I can understand the rationale for the evidence being as it was but suggest that, for the future, if a broad class, such as “tuition services”, is sought to be defended on the basis of narrow use within the category (such as for classes of a particular kind) the evidence should not state that the mark has been used in relation to “tuition services” even by compendious reference to the trade mark specification. The evidence should make it clear, with precision, what specific use there has been and explain why, if the use has only been narrow, why a broader category is nonetheless appropriate for the specification. Broad statements purporting to verify use over a wide range by reference to the wording of a trade mark specification when supportable only in respect of a

much narrower range should be critically considered in any draft evidence proposed to be submitted.”

26. Moreover, in *Dosenbach-Ochsner Ag Schuhe Und Sport v Continental Shelf 128 Ltd*, Case BL O/404/13, Mr Geoffrey Hobbs Q.C. as the Appointed Person stated that:

“21. The assessment of a witness statement for probative value necessarily focuses upon its sufficiency for the purpose of satisfying the decision taker with regard to whatever it is that falls to be determined, on the balance of probabilities, in the particular context of the case at hand. As Mann J. observed in *Matsushita Electric Industrial Co. v. Comptroller- General of Patents* [2008] EWHC 2071 (Pat); [2008] R.P.C. 35:

[24] As I have said, the act of being satisfied is a matter of judgment. Forming a judgment requires the weighing of evidence and other factors. The evidence required in any particular case where satisfaction is required depends on the nature of the inquiry and the nature and purpose of the decision which is to be made. For example, where a tribunal has to be satisfied as to the age of a person, it may sometimes be sufficient for that person to assert in a form or otherwise what his or her age is, or what their date of birth is; in others, more formal proof in the form of, for example, a birth certificate will be required. It all depends who is asking the question, why they are asking the question, and what is going to be done with the answer when it is given. There can be no universal rule as to what level of evidence has to be provided in order to satisfy a decision-making body about that of which that body has to be satisfied.

22. When it comes to proof of use for the purpose of determining the extent (if any) to which the protection conferred by registration of a trade mark can legitimately be maintained, the decision taker must form a view as to what the evidence does and just as importantly what it does not ‘show’ (per Section 100 of the Act) with regard to the actuality of use in relation to goods or services covered by the registration. The evidence in question can properly be assessed

for sufficiency (or the lack of it) by reference to the specificity (or lack of it) with which it addresses the actuality of use.”

27. The opponent has argued that, within their counterstatement, the applicant accepted that the earlier mark has been put to genuine use in relation to clothing, scooters, longboards and skateboards.<sup>10</sup> The applicant’s counterstatement does appear to reference the use that has been made of the earlier mark.<sup>11</sup> However, in my view, simply stating that the mark has been used does not equate to a concession that the use made of it has been genuine, in accordance with the case law above. The applicant has not unequivocally made such a concession and I do not consider it appropriate to infer one. As such, whilst I am prepared to accept that the applicant has conceded that there has been some use of the mark, I am still required to assess whether, or to what extent, the opponent has shown genuine use of its earlier mark.

### **Form of the mark**

28. In *Nirvana Trade Mark*, BL O/262/06, Mr Richard Arnold Q.C. (as he then was), as the Appointed Person, summarised the test under section 46(2) of the Act as follows:

"33. [...] The first question [in a case of this kind] is what sign was presented as the trade mark on the goods and in the marketing materials during the relevant period [...]

34. The second question is whether that sign differs from the registered trade mark in elements which do not alter the latter’s distinctive character. As can be seen from the discussion above, this second question breaks down in the sub-questions, (a) what is the distinctive character of the registered trade mark, (b) what are the differences between the mark used and the registered trade mark and (c) do the differences identified in (b) alter the distinctive character identified in (a)? An affirmative answer to the second question does not depend upon the average consumer not registering the differences at all."

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<sup>10</sup> Labaysse, §10; opponent’s written submissions dated 8 October 2021, §§12 - 13

<sup>11</sup> Counterstatement, §§5 - 6

29. Although this case was decided before the judgment of the Court of Justice of the European Union (“CJEU”) in *Colloseum Holdings AG v Levi Strauss & Co.*, Case C-12/12, it remains sound law so far as the question is whether the use of a mark in a different form constitutes genuine use of the mark as registered.

30. In *Dreamersclub Ltd v KTS Group Ltd*, BL O/091/19, Mr Philip Johnson, as the Appointed Person, found that the use of the mark shown below qualified as use of the registered word-only mark ‘DREAMS’. This was because the stylisation of the word did not alter the distinctive character of the word mark. Rather, it constituted an expression of the registered word mark in normal and fair use.



31. The applicant has contended that the form in which the mark has been used differs from what is registered. They have submitted that, on the opponent’s website, the earlier mark is presented in a stylised font.

32. The words ‘NO RULES’ appear in a normal font within the royalty reports received from the licensee, the presentation, the catalogue covers and the prints of the website. As the earlier mark is registered in word-only format, it can be used in any standard typeface. Therefore, this is clearly use of the earlier mark as registered.

33. Moreover, the earlier mark is also displayed throughout the presentation (in various colour combinations) as:



34. As a word-only registration, the distinctive character of the earlier mark lies in the words 'NO RULES'. The evidenced mark is presented in a stylised font, reminiscent of graffiti style. As can be seen, the other differences are that the word 'NO' is presented above the word 'RULES' and the use of colour. It is my view that the evidenced mark differs to the mark as registered in elements which do not alter the latter's distinctive character. In other words, the differences are minimal and do not alter the distinctive character of the earlier mark. To my mind, the particular font and colours used, as well as the arrangement of the words, constitute an expression of the registered word mark in normal and fair use. Accordingly, I consider the evidenced mark to be acceptable variant use of the mark as registered.

### **Sufficient use and fair specification**

35. An assessment of genuine use is a global assessment, which includes looking at the evidential picture as a whole, not whether each individual piece of evidence shows use by itself.<sup>12</sup> As indicated in the case law cited above, use does not need to be quantitatively significant to be genuine. The assessment must take into account a number of factors in order to ascertain whether there has been real commercial exploitation of the mark which can be regarded as "warranted in the economic sector concerned to maintain or create a share in the market for the goods or services protected by the mark".

36. I must also consider whether, or the extent to which, the evidence shows use of the earlier mark in relation to the goods relied upon. In *Euro Gida Sanayi Ve Ticaret Limited v Gima (UK) Limited*, BL O/345/10, Mr Geoffrey Hobbs Q.C., as the Appointed Person, summed up the law as being:

"In the present state of the law, fair protection is to be achieved by identifying and defining not the particular examples of goods or services for which there has been genuine use but the particular categories of goods or services they should realistically be taken to exemplify. For that purpose the terminology of

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<sup>12</sup> *New Yorker SHK Jeans GmbH & Co KG v OHIM*, T-415/09



the resulting specification should accord with the perceptions of the average consumer of the goods or services concerned.”

37. Furthermore, in *Property Renaissance Ltd (t/a Titanic Spa) v Stanley Dock Hotel Ltd (t/a Titanic Hotel Liverpool) & Ors* [2016] EWHC 3103 (Ch), Mr Justice Carr summed up the law relating to partial revocation as follows:

“iii) Where the trade mark proprietor has made genuine use of the mark in respect of some goods or services covered by the general wording of the specification, and not others, it is necessary for the court to arrive at a fair specification in the circumstance, which may require amendment; *Thomas Pink Ltd v Victoria's Secret UK Ltd* [2014] EWHC 2631 (Ch) ("Thomas Pink") at [52].

iv) In cases of partial revocation, pursuant to section 46(5) of the Trade Marks Act 1994, the question is how would the average consumer fairly describe the services in relation to which the trade mark has been used; *Thomas Pink* at [53].

v) It is not the task of the court to describe the use made by the trade mark proprietor in the narrowest possible terms unless that is what the average consumer would do. For example, in *Pan World Brands v Tripp Ltd* (Extreme Trade Mark) [2008] RPC 2 it was held that use in relation to holdalls justified a registration for luggage generally; *Thomas Pink* at [53].

vi) A trade mark proprietor should not be allowed to monopolise the use of a trade mark in relation to a general category of goods or services simply because he has used it in relation to a few. Conversely, a proprietor cannot reasonably be expected to use a mark in relation to all possible variations of the particular goods or services covered by the registration. *Maier v Asos Plc* [2015] EWCA Civ 220 ("Asos") at [56] and [60].

vii) In some cases, it may be possible to identify subcategories of goods or services within a general term which are capable of being viewed independently. In such cases, use in relation to only one subcategory will not

constitute use in relation to all other subcategories. On the other hand, protection must not be cut down to those precise goods or services in relation to which the mark has been used. This would be to strip the proprietor of protection for all goods or services which the average consumer would consider to belong to the same group or category as those for which the mark has been used and which are not in substance different from them; *Mundipharma AG v OHIM* (Case T-256/04) ECR II-449; EU:T:2007:46.”

### Class 16

38. I note that examples of ‘NO RULES’ branded folders and pencil cases appear within the presentation. However, to my mind, the evidence does not demonstrate that any of these goods have been sold, or that the opponent has attempted to create a market for them. Moreover, no details have been provided as to the use or purpose of the presentation, how widely it has been circulated, or with whom it would have been shared. Although I acknowledge that examples of class 16 goods appear in the presentation, there is no corroborative documentary or narrative evidence that any third parties used the earlier mark in respect of such goods with the opponent’s consent, such as, for example, royalty reports, turnover figures or invoices. I do not consider the presentation sufficient alone to establish that there has been genuine use of the earlier mark in respect of these goods; the evidence falls a long way short of the sufficiency and solidity needed to meet the standards of proof for any of the goods in class 16. As such, the opponent is unable to rely upon them for the purposes of the opposition.

### Class 25

39. Whilst I acknowledge that t-shirts and hooded sweatshirts adorned with the words ‘NO RULES’ are visible in the Amazon prints, I am not convinced that this is evidence of use to indicate the commercial origin of the goods. Rather, the words appear to be used decoratively. Furthermore, to my mind, there is nothing to connect these Amazon listings to the opponent or the licensee. In any event, the prints from Amazon are undated and, therefore, cannot be relied upon as showing the position during the relevant period. I also acknowledge that the news update from the website is dated

from within the relevant period and contains multiple images of various t-shirt designs. In addition, I accept Mr Labaysse's unchallenged evidence that these were available between 2017 and 2018. Items of clothing can also be seen throughout the presentation. However, I do not consider the news update, Mr Labaysse's narrative evidence, the presentation, nor the sum of this evidence, sufficient to establish genuine use of the earlier mark in respect of clothing; there is simply no corroborative evidence in relation to the sale of these goods, such as, for example, turnover figures, invoices, royalty reports, market share information or promotional expenditure. Moreover, Mr Labaysse is silent on whether any such goods have been sold, either by him or by third parties with his consent. There is no evidence that any items of clothing have been sold, or that the opponent has attempted to create a market for them under the earlier mark. As noted above, there is a lack of detail which would enable me to contextualise the presentation. Additionally, although there are images of products, catalogue front pages and prints of the website within the document, none establishes that any goods have been sold under the earlier mark. Moreover, I am unable to determine the provenance of the photographs of the 'NO RULES' store and no information has been provided regarding its location. In light of all of this, on the basis of the evidence before me, I am not satisfied that the earlier mark has been put to genuine use during the relevant period in respect of the goods in class 25. Consequently, the opponent is not able to rely upon them for the purposes of the opposition.

### Class 28

40. The royalty reports demonstrate that the earlier mark was used relatively frequently and regularly during the relevant period by the licensee in relation to scooters, skateboard and longboards; this evidence establishes that the licensee sold 115,158 units of these goods under the earlier mark during this time, generating €51,648.88 in income in royalties for the opponent. No specific details have been provided by the opponent to indicate the size of the relevant markets, or its share of those markets; neither is there any evidence before me to that effect. It is my impression that these markets in the EU are remarkably large. In this context, I consider these figures to be modest, at best. However, as outlined above, use does not have to be quantitatively significant to be genuine. In addition, 'NO RULES' scooters and skateboards can be

seen in the presentation. Whilst I have concerns about the probative value of the presentation on its own, this, in combination with Mr Labaysse's narrative evidence and the royalty reports, indicates that these goods have been sold under the earlier mark during the relevant period. The evidence in relation to these goods is not without its limitations. For instance, there is a distinct lack of evidence concerning promotional or advertising activities conducted by the opponent or the licensee in respect of goods bearing the earlier mark. Nevertheless, taking the evidential picture as a whole into account, on balance, I am satisfied that there has been genuine use of the opponent's earlier mark by the licensee within the relevant period in respect of scooters, skateboards and longboards. Given that there was an ongoing relationship between the opponent and the licensee – with the latter paying royalties for goods sold under the earlier mark – I have no doubt that this use was with the opponent's consent.

41. I understand scooters to be a kind of toy, consisting of a wheeled footboard and a long steering handle. As such, they fall within the opponent's broad term '*toys*'. Skateboards are a wheeled board, which are ordinarily ridden in standing position. To my mind, these goods could reasonably fall within either '*toys*' or '*sporting goods*'. Longboards, in this instance, refer to a particular type of skateboard, which are typically longer and have larger wheels. They could also reasonably fall within either '*toys*' or '*sporting goods*'. Nevertheless, I do not consider use in respect of scooters, skateboards and longboards sufficient to satisfy genuine use of these general categories. In my view, '*scooters*' would be viewed by consumers as an independent subcategory of '*toys*', while '*skateboards*' would be viewed by consumers as an independent subcategory of '*toys*' and/or '*sporting goods*'. Given that longboards are a kind of skateboard, these goods would be viewed by consumers as belonging to the subcategory of '*skateboards*'.

42. Taking all of the above into account, I consider a fair specification to be:

Class 28: Scooters; skateboards.

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

### **Legislation and case law**

43. Sections 5(2)(b) and 5A of the Act read as follows:

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

[...]

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

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

“5A Where grounds for refusal of an application for registration of a trade mark exist in respect of only some of the goods or services in respect of which the trade mark is applied for, the application is to be refused in relation to those goods and services only.”

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

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

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

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

(d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;

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

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

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

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

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

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

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

### **Comparison of goods and services**

45. In *Canon Kabushiki Kaisha v Metro Goldwyn Mayer Inc*, Case C-39/97, the CJEU stated (at paragraph 23 of its judgment) that:

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

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

(a) The respective uses of the respective goods or services;

(b) The respective users of the respective goods or services;

(c) The physical nature of the goods or acts of service;

(d) The respective trade channels through which the goods or services reach the market;

(e) In the case of self-serve consumer items, where in practice they are respectively found or likely to be, found in supermarkets and in particular whether they are, or are likely to be, found on the same or different shelves;

(f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.

47. Furthermore, in *Kurt Hesse v OHIM*, Case C-50/15 P, the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v OHIM*, Case T-325/06, the General Court (“GC”) stated that ‘complementary’ means:

“[...] 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”.

48. In *Sanco SA v OHIM*, Case T-249/11, the GC indicated that goods and services may be regarded as ‘complementary’ and therefore similar to a degree in circumstances where the nature and purpose of the respective goods and services are very different. The purpose of examining whether there is a complementary relationship between goods/services is to assess whether the relevant public are liable to believe that responsibility for the goods/services lies with the same undertaking or with economically connected undertakings.

49. In *Oakley, Inc v OHIM*, Case T-116/06, the GC held (at paragraphs 46-57) that, although retail services are different in nature, purpose and method of use to goods, retail services for particular goods may be complementary to those goods, and distributed through the same trade channels, and therefore similar to a degree.

50. In *Tony Van Gulck v Wasabi Frog Ltd*, Case BL O/391/14, Mr Geoffrey Hobbs Q.C., as the Appointed Person, reviewed the law concerning retail services v goods. He said (at paragraph 9 of his judgment) that:

“9. The position with regard to the question of conflict between use of BOO! for handbags in Class 18 and shoes for women in Class 25 and use of MissBoo



for the Listed Services is considerably more complex. There are four main reasons for that: (i) selling and offering to sell goods does not, in itself, amount to providing retail services in Class 35; (ii) an application for registration of a trade mark for retail services in Class 35 can validly describe the retail services for which protection is requested in general terms; (iii) for the purpose of determining whether such an application is objectionable under Section 5(2)(b), it is necessary to ascertain whether there is a likelihood of confusion with the opponent's earlier trade mark in all the circumstances in which the trade mark applied for might be used if it were to be registered; (iv) the criteria for determining whether, when and to what degree services are 'similar' to goods are not clear cut."

51. However, on the basis of the European courts' judgments in *Sanco SA v OHIM*,<sup>13</sup> and *Assembled Investments (Proprietary) Ltd v. OHIM*,<sup>14</sup> upheld on appeal in *Waterford Wedgewood Plc v. Assembled Investments (Proprietary) Ltd*,<sup>15</sup> Mr Hobbs concluded that:

- i) Goods and services are not similar on the basis that they are complementary if the complementarity between them is insufficiently pronounced that, from the consumer's point of view, they are unlikely to be offered by one and the same undertaking;
- ii) In making a comparison involving a mark registered for goods and a mark proposed to be registered for retail services (or vice versa), it is necessary to envisage the retail services normally associated with the opponent's goods and then to compare the opponent's goods with the retail services covered by the applicant's trade mark;
- iii) It is not permissible to treat a mark registered for 'retail services for goods X' as though the mark was registered for 'goods X';

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<sup>13</sup> Case C-411/13P

<sup>14</sup> Case T-105/05, paragraphs 30 to 35

<sup>15</sup> Case C-398/07P

iv) The GC's findings in *Oakley* did not mean that goods could only be regarded as similar to retail services where the retail services related to exactly the same goods as those for which the other party's trade mark was registered (or proposed to be registered).

52. In *Separode Trade Mark*, BL O/399/10, Mr Hobbs, again sitting as the Appointed Person, confirmed (at paragraph 5) that:

“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 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.”

53. In light of my finding at paragraph 42, the goods and services to be compared are as follows:

Opponent's goods	Applicant's goods
Class 28: Scooters; skateboards.	Class 25: [All goods, as outlined in the annex to this decision].  Class 35: Electronic publication of printed matter for advertising purposes; Wholesale services in relation to educational supplies; Wholesale services in relation to stationery supplies; Retail services connected with stationery; Fashion show exhibitions for commercial purposes; Fashion shows for promotional purposes (Organization of -); Online retail services relating to clothing; Online retail store services in

	<p>relation to clothing; Online retail store services relating to clothing; Organisation of fashion shows for commercial purposes; Mail order retail services connected with clothing accessories; Mail order retail services for clothing; Mail order retail services for clothing accessories; Retail services connected with the sale of clothing and clothing accessories; Wholesale services in relation to clothing; Wholesale services in relation to footwear; Wholesale services in relation to headgear; Online retail services relating to toys; Wholesale services in relation to sporting articles; Wholesale services in relation to sporting equipment.</p>
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Class 25

54. The applicant's goods in class 25 consist of a wide variety of articles of clothing, footwear, headgear and accessories. Clearly, the nature of these goods is very different from that of '*scooters; skateboards*'. Further, there is no overlap in the intended purpose of the respective goods: the applicant's goods are typically used for covering and protecting the body or self-expression, whereas the opponent's goods are used for recreation or transportation. It is also considered that the method of use of the respective goods is different: the applicant's goods are worn on the body, while the opponent's goods are typically ridden. The respective goods are not in competition. Moreover, they are neither important nor indispensable to the use of one another and, as such, are not complementary. However, it is not uncommon for goods such as, for example, t-shirts, shorts, socks, caps, hoodies, jackets, sports clothing and trainers, to be sold by undertakings who also offer '*skateboards*'; in certain circumstances, such as skate stores, the respective goods reach the market through shared channels of

trade. Finally, the respective goods may share users, albeit in a broad sense. Taking all of the above into account, I am prepared to accept that there is a low degree of similarity between ‘*skateboards*’ and the applied-for goods underlined in the annex to this decision. However, this finding does not extend to the other applied-for goods, as they are not considered typical “skate clothes” and are not typically sold by undertakings such as skate stores, i.e. they reach the market through different trade channels. In some cases, the respective goods also have different users. In that respect, there is no obvious similarity between ‘*skateboards*’ and the remaining class 25 goods.

### Class 35

#### *‘Online retail services relating to toys’*

55. Although these retail services differ from ‘*scooters*’ in nature, intended purpose and method of use, the respective goods and services reach the market through shared trade channels and it is not uncommon for them to be offered by the same undertakings. They are also complementary: the opponent’s goods – being a particular kind of toy – are important to the operation of the applicant’s services in such a way that consumers will assume that the responsibility for them lies with the same undertaking. In light of the above, I find that these goods and services are similar to a medium degree.

#### *‘Wholesale services in relation to sporting articles; wholesale services in relation to sporting equipment’*

56. It is my view that the above services could reasonably cover the wholesaling of skateboards. As such, while they differ from ‘*skateboards*’ in nature, intended purpose and method of use, the respective goods and services may reach the market through shared channels of trade. As the opponent’s goods are important to the operation of the applicant’s services in such a way that consumers will assume that they are provided by the same undertaking, they are also complementary. I find that the respective goods and services are similar to a medium degree.

*'Online retail services relating to clothing; online retail store services in relation to clothing; online retail store services relating to clothing; mail order retail services connected with clothing accessories; mail order retail services for clothing; mail order retail services for clothing accessories; retail services connected with the sale of clothing and clothing accessories; wholesale services in relation to clothing; wholesale services in relation to footwear; wholesale services in relation to headgear'*

57. These services and the opponent's goods differ in nature, intended purpose and method of use. Moreover, the opponent's goods are not important to the operation of the applicant's retail or wholesale services and, therefore, the average consumer is unlikely to assume that they are offered by the same undertaking. There is an overlap in trade channels insofar as these services can be offered by establishments such as skate stores, who also offer 'skateboards'. Overall, I find that there is a very low degree of similarity between the respective goods and services.

*'Wholesale services in relation to educational supplies; wholesale services in relation to stationery supplies; retail services connected with stationery'*

58. These services have a different nature, intended purpose and method of use to the opponent's goods. Further, the opponent's goods are not important to the operation of the applicant's retail or wholesale services. As a result, the average consumer is unlikely to assume that they are offered by the same undertaking. This is particularly the case when considering the retail and wholesale services typically associated with the opponent's goods. The respective goods and services do not reach the market through shared trade channels. In light of the foregoing, I find the respective goods and services dissimilar.

*'Electronic publication of printed matter for advertising purposes; fashion show exhibitions for commercial purposes; fashion shows for promotional purposes (organization of -); organisation of fashion shows for commercial purposes'*

59. Clearly, these services have a different nature, intended purpose and method of use to the opponent's goods. The respective goods and services are not complementary, and they are not in competition. They are also likely to have different

users and reach the market through different trade channels. There is no similarity between them.

### **The average consumer and the nature of the purchasing act**

60. The average consumer is deemed to be reasonably well informed, observant and circumspect. For the purpose of assessing the likelihood of confusion, it must be borne in mind that the average consumer's level of attention is likely to vary according to the category of goods or services in question.<sup>16</sup>

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

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

62. In *New Look Limited v OHIM*,<sup>17</sup> the GC stated that:

“50. [...] Generally in clothes shops customers can themselves either choose the clothes they wish to buy or be assisted by the sales staff. Whilst oral communication in respect of the product and the trade mark is not excluded, the choice of the item of clothing is generally made visually. Therefore, the visual perception of the marks in question will generally take place prior to purchase. Accordingly the visual aspect plays a greater role in the global assessment of the likelihood of confusion.”

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<sup>16</sup> *Lloyd Schuhfabrik Meyer*, Case C-342/97

<sup>17</sup> Joined cases T-117/03 to T-119/03 and T-171/03

63. The average consumer of some of the goods and services, such as *'scooters'*, *'clothing'* and *'online retail services relating to clothing'*, for example, will be the general public. However, other services, such as, inter alia, *'wholesale services in relation to sporting equipment'* and *'wholesale services in relation to clothing'* are likely to be purchased by businesses.

64. In respect of the general public, the goods in class 25 are likely to be purchased relatively frequently for the purposes of clothing one's self or self-expression. The frequency with which the similar services in class 35 are purchased is likely to vary, though, overall, they will also be purchased relatively frequently. The goods in class 28 are likely to be purchased less frequently. While some of the goods and services will attract a greater outlay and others a lesser outlay, overall, they are relatively inexpensive. As such, the purchasing act will not require an overly considered thought process. Nonetheless, the general public will consider factors such as style, quality, size, cost and compatibility with other items when selecting goods in class 25. As for class 28, the general public will consider factors such as cost, suitability, style and durability. When selecting services in class 35, factors such as the range of goods on offer and the quality of the service will be taken into account. Although the general public are likely to exhibit varying levels of attention depending on the particular product or service, it is my view that, overall, the general public will demonstrate a medium level of attention during the purchasing process. The goods are typically sold in bricks-and-mortar retail establishments and their online equivalents, where they are likely to be self-selected from rails and shelves, or after viewing information on the Internet. In these circumstances, visual considerations will dominate. Nevertheless, as these goods may also be the subject of, for example, word of mouth recommendations or verbal discussions with sales assistants, I do not discount aural considerations entirely. The services are typically available from physical retail outlets and their online equivalents. The purchasing process for these services is likely to be dominated by visual considerations, as the general public will select the services following an inspection of the premises' frontage on the high street, or after viewing information on websites or printed catalogues. However, given that word of mouth recommendations may also play a part and that orders could be placed over the telephone, I do not discount that there may be an aural component to the selection of the services.

65. As for businesses, the services in class 35 are likely to be relatively frequent purchases for the purposes of maintaining stock levels in a clothing outlet, for example. The cost of such services is likely to vary, though, it is my view that, overall, the outlay may be considerable. The purchasing act is likely to incorporate a measured thought process and the selection of the services will be a relatively important choice for these consumers. Businesses will, in some cases, be selecting products for their business and will be alive to particular product appeal and performance. When selecting the services, businesses will also consider factors such as their requirements, as well as the reputation, past performance and service-levels of the provider. As a result, I find that these consumers will demonstrate an above average level of attention. The services are likely to be purchased by businesses after viewing information on the Internet, in business prospectuses or brochures. Overall, I am of the view that the purchasing process would be predominantly visual in nature. However, I do not discount that there may be an aural component to the purchasing process in the form of verbal consultations or word of mouth recommendations, for example.

### **Distinctive character of the earlier mark**

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

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

23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been



registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).”

67. Registered trade marks possess varying degrees of inherent distinctive character. These range from the very low, such as those which are suggestive or allusive of the goods or services, to those with high inherent distinctive character, such as invented words. Dictionary words which do not allude to the goods or services will be somewhere in the middle. The degree of distinctiveness is an important factor as it directly relates to whether there is a likelihood of confusion; the more distinctive the earlier mark, the greater the likelihood of confusion.

68. I have no submissions from either party regarding the distinctive character of the earlier mark.

69. Although the distinctive character of a mark may be enhanced as a result of it having been used in the market, this requires an assessment as to how strongly the mark indicates to consumers in the UK that the goods or services originate from a particular undertaking. Evidence has been filed in these proceedings which, on balance, demonstrates that the opponent (or, rather, the licensee with the opponent’s consent) has put the earlier mark to genuine use in the EU in respect of ‘scooters’ and ‘skateboards’ (including ‘longboards’). Mr Labaysse gives evidence that at least some of those goods would have been sold in the UK. However, there is no evidence which would enable me to determine the quantity of goods (if any) sold in the UK and no further detail in this regard has been provided. I am, therefore, unable to assess the extent to which the average consumer in the UK has been exposed to the earlier mark, or how strongly it indicates to those consumers that the goods originate from the opponent or third parties with the opponent’s consent. Even if it were to be assumed that at least a proportion of the figures provided relate to the UK, this proportion would be likely to equate to only a very small number of goods in the context of a substantial

market. There is no evidence as to the market share held by the mark, how intensive or geographically widespread use of the mark has been in the UK, or the amounts invested in promoting the mark in this territory. Therefore, I am unable to conclude that the distinctiveness of the earlier mark had been enhanced through use, at the relevant date of 29 April 2020.

70. Turning to the inherent position, the earlier mark is in word-only format and consists of the words 'NO RULES'. The mark comprises two plain words which combine to form a grammatically correct phrase. The distinctiveness of the mark lies in the combination of the words. The phrase 'NO RULES' is likely to be perceived by consumers as an anti-establishment or counterculture expression. It has no descriptive or allusive qualities in relation to the opponent's goods. Overall, I find that the earlier mark has a medium degree of inherent distinctive character.

### **Comparison of trade marks**

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

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

72. Therefore, it would be wrong to dissect the trade marks artificially, though it is necessary to take into account their distinctive and dominant components. Due weight must be given to any other features which are not negligible and hence contribute to the overall impressions created by the marks.

73. The competing marks are as follows:

The earlier mark	The contested mark
NO RULES	#NoRules

#### Overall impressions

74. The opponent has contended that the word elements, i.e. 'NO RULES' and 'NoRules', dominate the overall impressions of the competing marks. In respect of the contested mark, they have submitted that this is particularly the case given the "generic nature of the hashtag". Although I have no specific comments from the applicant on the matter, they appear to have intimated that more emphasis will be placed on the '#' element within their mark.

75. The earlier mark is in word-only format and consists of the words 'NO RULES'. As indicated above, the words combine to form a complete phrase. The overall impression lies in the combination of these words.

76. The contested mark is also in word-only format and comprises a '#' symbol, followed by the word 'NoRules'. Although the words 'No' and 'Rules' are conjoined, as this element consists of two easily recognisable dictionary words, the average consumer will still identify them, i.e. this element will be perceived as the words 'No Rules'. To my mind, due to their relative size within the mark and unambiguous meaning, the words 'No Rules' will dominate the overall impression of the mark in combination. The '#' symbol, which is likely to be perceived as an indication of a hashtag, will play a lesser role.

### Visual comparison

77. Visually, the competing marks are similar as the dominant elements both comprise the words 'NO RULES'. I do not consider the distinction in letter case to be a point of significant visual difference between the competing marks, since the registration of word-only marks provides protection for the words themselves, irrespective of whether they are presented in upper, lower or title case. Moreover, the lack of spacing between the words in the contested mark does not create a significant difference between the competing marks. On the contrary, as the two words will be easily identified by consumers, the lack of spacing is likely to be overlooked. The competing marks are visually different insofar as the contested mark also contains a '#' symbol which is not replicated in the earlier mark. Bearing in mind my assessment of the overall impressions, I find that there is a high degree of visual similarity between the competing marks.

### Aural comparison

78. Aurally, the words 'NO RULES'/'NoRules' in the competing marks will be given their ordinary English pronunciation. These elements are aurally indistinguishable. It is likely that some consumers would not articulate the '#' symbol in the contested mark, rendering the competing marks aurally identical. However, it is equally likely that other consumers will pronounce the symbol as "HASH-TAG". For this section of consumers, there will be a medium degree of aural similarity between the competing marks.

### Conceptual comparison

79. Conceptually, the competing marks coincide as they both convey the same anti-establishment or counterculture expression associated with the rejection of rules and authority. The contested mark also includes the '#' symbol. It is possible that this element will be understood as a hash sign, which is ordinarily used to designate a numeric value. However, in my view, it is more likely that it will be seen as indicating a hashtag. This is because the symbol is followed by words, rather than a number, and consumers are well-accustomed to the use of this symbol before a word or phrase on websites and social media to identify digital content on a specific topic. In both

scenarios, the contested mark will convey a conceptual aspect that is not replicated by the earlier mark. Nevertheless, bearing in mind my assessment of the overall impressions, I find that there is a high degree of conceptual similarity between the competing marks.

### **Likelihood of confusion**

80. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. One such factor 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 and services, and vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the earlier trade mark, the average consumer for the goods and services, and the nature of the purchasing process. In doing so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that they have retained in their mind.

81. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods and services down to the responsible undertakings being the same or related.

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

“16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later

mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: “The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark.

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

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

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

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

83. I recognise that these examples are not exhaustive. Rather, they were intended to be illustrative of the general approach.

84. Earlier in this decision, I concluded that:

- There is a low degree of similarity between the applicant’s goods in class 25 and the opponent’s goods;

- Some of the services in class 35 of the application are dissimilar to the opponent's goods, while others are similar to either a medium or a very low degree;
- Relevant consumers of the goods and services will include members of the general public and businesses;
- The general public will demonstrate a medium level of attention during the purchasing act, while businesses will exhibit an above average level of attention;
- The purchasing process is predominantly visual in nature, though aural considerations have not been discounted;
- The earlier mark possesses a medium degree of inherent distinctive character;
- The overall impression of the earlier mark lies in the words 'NO RULES' in combination;
- The overall impression of the contested mark is dominated by the word 'NoRules', while the '#' sign plays a lesser role.
- There is a high degree of visual similarity between the competing marks;
- The competing marks are aurally similar to a medium degree where the '#' sign is articulated and aurally identical where it is not;
- There is a high degree of conceptual similarity between the competing marks.

85. As I have found some of the applicant's goods and services to be dissimilar to the goods of the earlier mark, the opposition under section 5(2)(b) of the Act must

necessarily fail in relation to those goods and services.<sup>18</sup> These consist of the goods and services in the annex which are not underlined.

86. In respect of the remaining goods and services, I accept that the competing marks differ insofar as 'NoRules' is preceded by a '#' sign in the contested mark. I also acknowledge that the words are not separated by a space and are presented in title case, rather than upper case. Taking into account the high levels of overall similarity, it is my view that the aforementioned differences are likely to be insufficient to distinguish the applicant's services from the goods of the opponent. As outlined previously, the lack of spacing between the words 'No' and 'Rules' in the contested mark is likely to be overlooked. Moreover, the difference in letter case is not sufficient, given that the registration of word-only marks (such as the earlier mark) provides protection for the words themselves, irrespective of whether they are presented in lower, upper or title case. Further, while I do not consider that the '#' sign will be entirely overlooked, it plays a reduced role in the overall impression of the contested mark; to my mind, consumers are more likely to retain and recall the word element, i.e. 'NoRules', as it conveys a clear meaning. It is entirely foreseeable that consumers may misremember whether the words 'NO RULES'/'NoRules' are preceded by a '#' sign. Taking into account imperfect recollection, consumers may not recall the respective marks with sufficient accuracy to differentiate between them, even when demonstrating an above average level of attention. Consequently, I consider there to be a likelihood of direct confusion, even for goods or services which are only similar to a very low degree.

87. In the event that consumers immediately notice and recall the differences between the marks, the presence of the words 'NO RULES'/'NoRules' will, whether consciously or unconsciously, lead them through the mental process described by Mr Purvis, i.e. that there is a difference between the marks but there is also something in common. While I recognise that a finding of indirect confusion should not be made merely because the competing marks share a common element,<sup>19</sup> it is my view that consumers would perceive the competing marks as variant brands originating from the

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<sup>18</sup> *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA, paragraph 49

<sup>19</sup> *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17



same undertaking. It is likely that consumers will appreciate the ‘#’ sign in the contested mark to be designating a hashtag. As such, the contested mark is likely to be perceived as a variant brand, either for use across online platforms or which indicates a method of accessing digital content associated with the earlier brand. I am satisfied that consumers would assume a commercial association between the parties, or sponsorship on the part of the opponent, due to the shared element ‘NO RULES’/‘NoRules’. Accordingly, I also consider there to be a likelihood of indirect confusion, even for goods or services which are only similar to a very low degree.

88. My conclusion under section 5(2)(b) of the Act is, therefore, that the opposition succeeds against the goods and services in the annex which are underlined but fails for the remaining goods and services.

### **Section 3(6)**

89. Section 3(6) of the Act states:

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

90. In *Sky Limited & Ors v Skykick, UK Ltd & Ors*, [2021] EWCA Civ 1121 the Court of Appeal considered the case law from *Chocoladefabriken Lindt & Sprüngli AG v Franz Hauswirth GmbH*, Case C-529/07 EU:C:2009:361, *Malaysia Dairy Industries Pte. Ltd v Ankenævnetfor Patenter Varemærker* Case C-320/12, EU:C:2013:435, *Koton Mağazacılık Tekstil Sanayi ve Ticaret AŞ*, Case C-104/18 P, EU:C:2019:724, *Hasbro, Inc. v EUIPO, Kreativni Dogaaji d.o.o. intervening*, Case T-663/19, EU:2021:211, *pelicantravel.com s.r.o. v OHIM, Pelikan Vertriebsgesellschaft mbH & Co KG (intervening)*, Case T-136/11, EU:T:2012:689, and *Psytech International Ltd v OHIM, Institute for Personality & Ability Testing, Inc (intervening)*, Case T-507/08, EU:T:2011:46. It summarised the law as follows:

“68. The following points of relevance to this case can be gleaned from these CJEU authorities:

1. The allegation that a trade mark has been applied for in bad faith is one of the absolute grounds for invalidity of an EU trade mark which can be relied on before the EUIPO or by means of a counterclaim in infringement proceedings: *Lindt* at [34].

2. Bad faith is an autonomous concept of EU trade mark law which must be given a uniform interpretation in the EU: *Malaysia Dairy Industries* at [29].

3. The concept of bad faith presupposes the existence of a dishonest state of mind or intention, but dishonesty is to be understood in the context of trade mark law, i.e. the course of trade and having regard to the objectives of the law namely the establishment and functioning of the internal market, contributing to the system of undistorted competition in the Union, in which each undertaking must, in order to attract and retain customers by the quality of its goods or services, be able to have registered as trade marks signs which enable the consumer, without any possibility of confusion, to distinguish those goods or services from others which have a different origin: *Lindt* at [45]; *Koton Mağazacılık* at [45].

4. The concept of bad faith, so understood, relates to a subjective motivation on the part of the trade mark applicant, namely a dishonest intention or other sinister motive. It involves conduct which departs from accepted standards of ethical behaviour or honest commercial and business practices: *Hasbro* at [41].

5. The date for assessment of bad faith is the time of filing the application: *Lindt* at [35].

6. It is for the party alleging bad faith to prove it: good faith is presumed until the contrary is proved: *Pelikan* at [21] and [40].

7. Where the court or tribunal finds that the objective circumstances of a particular case raise a rebuttable presumption of lack of good faith, it is for the applicant to provide a plausible explanation of the objectives and commercial logic pursued by the application: *Hasbro* at [42].

8. Whether the applicant was acting in bad faith must be the subject of an overall assessment, taking into account all the factors relevant to the particular case: *Lindt* at [37].

9. For that purpose it is necessary to examine the applicant's intention at the time the mark was filed, which is a subjective factor which must be determined by reference to the objective circumstances of the particular case: *Lindt* at [41] – [42].

10. Even where there exist objective indicia pointing towards bad faith, however, it cannot be excluded that the applicant's objective was in pursuit of a legitimate objective, such as excluding copyists: *Lindt* at [49].

11. Bad faith can be established even in cases where no third party is specifically targeted, if the applicant's intention was to obtain the mark for purposes other than those falling within the functions of a trade mark: *Koton Mağazacılık* at [46].

12. It is relevant to consider the extent of the reputation enjoyed by the sign at the time when the application was filed: the extent of that reputation may justify the applicant's interest in seeking wider legal protection for its sign: *Lindt* at [51] to [52].

13. Bad faith cannot be established solely on the basis of the size of the list of goods and services in the application for registration: *Psytech* at [88], *Pelikan* at [54]".

91. The correct approach to the assessment of bad faith is as follows. According to *Alexander Trade Mark*, BL O/036/18, the key questions for determination in a claim of bad faith are:

(a) What, in concrete terms, was the objective that the applicant has been accused of pursuing?

(b) Was that an objective for the purposes of which the contested application could not be properly filed? and

(c) Was it established that the contested application was filed in pursuit of that objective?

92. The relevant date is the filing date of the contested application, that being 29 April 2020.

93. It is necessary to ascertain what the applicant knew at the relevant date.<sup>20</sup> Evidence about subsequent events may be relevant if it casts light backwards on the position at the relevant date.<sup>21</sup>

94. In their notice of opposition, the opponent stated:

“27. The Opponent further files this opposition under Section 3(6) of the [Act] on the basis that the Application was filed in bad faith.

28. The Application specifies an extremely long list of goods and services in classes 25 and 35. Whilst the Opponent believes that the Applicant has some intentions to use the Application in relation to ‘clothing’ and ‘footwear’ in class 25, it submits that all of the services in class 35, save possibly for ‘retail services connected with the sale of clothing and clothing accessories’ were specified in bad faith.

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<sup>20</sup> *Red Bull GmbH v Sun Mark Limited and Sea Air & Land Forwarding Limited* [2012] EWHC 1929 (Ch)

<sup>21</sup> *Hotel Cipriani SRL and others v Cipriani (Grosvenor Street) Limited and others* [2009] RPC 9 (approved by the Court of Appeal in England and Wales: [2010] RPC 16).

29. By way of non-exhaustive examples, the Opponent notes the following services in the Application:

- a. Accounting services relating to costs for farming enterprises;
- b. Business advisory services relating to the running of sandwich bars;
- c. Commercial information services relating to wine;
- d. Data processing services in the field of healthcare;
- e. Development of hospital management systems;
- f. Employment agency services provided for nannies;
- g. Gas meter reading for billing purposes;
- h. Hospital management;
- i. Maintaining a registry of animal breeds;
- j. Organisation of exhibitions of flowers and plants for commercial or advertising purposes;
- k. Recruitment of airport ground staff;
- l. Veterinary practice business management;
- m. Wholesale services in relation to chemicals for use in horticulture; and
- n. Xerography.

30. The Opponent is confident of the fact that the Applicant has no intention of providing these services, along with the vast majority of the goods and services specified in the Application (save for 'clothing' and 'footwear' in class 25 and 'retail services connected with the sale of clothing and clothing accessories' in class 35). The Opponent intends to submit evidence in support of this contention at the witness evidence stage.

31. In view of the findings of Lord Justice Arnold in *Sky plc and Others v SkyKick Companies* [2020] EWHC 990 (Ch) the Opponent submits that:

- a. There is no foreseeable prospect that the Applicant would ever intend to use the Application in relation to the goods and services covered by the specifications (save for 'clothing' and 'footwear' in class 25 and 'retail

services connected with the sale of clothing and clothing accessories' in class 35);

b. The Applicant has pursued a deliberate strategy of seeking very broad protection regardless of whether this was commercially justified i.e. she has sought the Application as a legal weapon against third parties; and

c. The Applicant made a partially false declaration under section 32(3) of the [Act] (i.e. a statement that the Applicant intends to use the trade mark for the goods and services for which she is applying) in order to obtain such protection.”

95. In his witness statement, Mr Labaysse submitted that:

“19. As to the question of bad faith, as an experienced licensor of intellectual property rights I do find the Applicant’s position perplexing. My understanding of the Counterstatement is that the Applicant claims to operate a fashion brand and that the goods/services she has specified are areas in which she believes that she “will develop her brand in the future”.

20. However, I struggle to accept that the Applicant genuinely believes that she will develop her brand to incorporate goods such as “Anglers’ shoes; bib overalls for hunting; Gaiter straps; Japanese footwear of rice straw (waraji); Plastic aprons; Tartan kilts; Wet suits or Fishing waders”, to name a few.

21. Nor do I accept that the Applicant intends to offer services such as “Administering of professional competency testing; Administration of employee pension plans; Balance sheet accounting; Commercial information services relating to wine; Electricity meter reading for billing purposes; Execution of stenographic work to order; Hiring of typewriters; Key return registration; Maintaining a registry of dog breeds; Rental of coin-operated vending machines; School fee accounting services; Veterinary practice business management; Wholesale services in relation to chemicals for use in agriculture

or Wholesale services in relation to seafood” under her ‘#NoRules’ fashion brand.

22. In view of the above, it is my view that the Applicant must have made a false declaration under section 32(3) of the [Act].”

96. Finally, in their submissions in lieu, the opponent submitted:

“[...] as to bad faith, the Opponent has submitted numerous non-exhaustive examples of goods and services that fall outside the scope of a fashion business. Accordingly, the findings of Lord Justice Arnold in *Sky plc and Others v SkyKick Companies* [2020] EWHC 990 (Ch) are highly applicable and the Application, in respect of all goods and services beyond ‘clothing’ and ‘footwear’ in class 25 and ‘retail services connected with the sale of clothing and clothing accessories’ in class 35, must have been submitted in bad faith.”

97. In their counterstatement, the applicant stated:

“15.1. There is no evidence of bad faith.

15.2. The Applicant operates fashion brands. That is the reason for an extensive listing under class 25.

15.3. The Applicant is entitled to make an application on the basis on which she believes she will develop her brand in the future, and to be as comprehensive as possible in this regard. If she fails to make such use, then an application on the grounds of revocation may be made at a later date. The Applicant has not used her application as a weapon.”

98. Section 32(3) of the Act provides:

“(3) The application shall state that the trade mark is being used, by the applicant or with his consent, in relation to those goods or services, or that he has abona fide intention that it should be so used.”

99. Whether it is bad faith to apply for a trade mark without any intention to use it in relation to the specified goods and services was considered in *Sky v Skykick*, CJEU, Case C-371/18, EU:C:2020:45 (“*Sky CJEU*”) and *Sky Limited & Ors v Skykick, UK Ltd & Ors*, [2021] EWCA Civ 1121 (“*Sky CA*”). The law appears to be as follows:

a) Applying to register a trade mark without an intention to use it is not bad faith *per se*. Therefore, it is not necessary for the trade mark applicant to be using, or have plans to use, the mark in relation to all the goods/services covered by the specification: *Sky CJEU*.

b) The bad faith of the trade mark applicant cannot, therefore, be presumed on the basis of the mere finding that, at the time of filing his or her application, that applicant had no economic activity corresponding to the goods and services referred to in that application: *Sky CJEU*.

c) However, where the trade mark application is filed without an intention to use it in relation to the specified goods and services, and there is no rationale for the application under trade mark law, it may constitute bad faith. Such bad faith may be established where there are objective, relevant and consistent indications showing that the applicant had the intention either of undermining, in a manner inconsistent with honest practices, the interests of third parties, or of obtaining, without even targeting a specific third party, an exclusive right for purposes other than those falling within the functions of a trade mark: *Sky CJEU*.

d) A trade mark may be applied for in good faith in relation to some of the goods/services covered by the application, and in bad faith as regards others: *Sky CJEU*.

e) It is not possible for there to be bad faith in respect of an entire category of goods or services where there was an intention to use the mark in relation to some goods or services within that category: *Sky CJEU*; *Sky CA*.



f) Each category of goods and services must be considered separately, taking into account legitimate use and factors such as an applicant's reputation, brand recognition and expansion which might justify a wide specification: *Sky CA*.

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

101. As can be seen above, the objective that the applicant has been accused of pursuing is seeking an overly broad specification of goods and services with no intention to use the contested mark, so that it can be used as a "legal weapon" against third parties. I accept that the opponent's allegation is of the kind which falls within the scope of bad faith: where a trade mark application is filed without an intention to use it, and there is no rationale for the application under trade mark law, it may constitute bad faith.

102. It is clear from the case law above that the mere fact that an applicant has applied for a particularly broad range of goods or services is not sufficient for a finding of bad faith if the applicant had a reasonable commercial rationale for seeking such protection. There must be something more, i.e. objective, relevant and consistent indications showing that the applicant had the intention of a) undermining, in a manner inconsistent with honest practices, the interests of third parties, or b) obtaining, without even targeting a specific third party, an exclusive right for purposes other than those falling within the functions of a trade mark.

### Class 25

103. The opponent appears to have accepted that the applicant operates "fashion brands". It is noted that the opponent's claim of bad faith in respect of class 25 was directed against all of the goods, save for '*clothing*' and '*footwear*'. However, a great number of the more specific descriptions which form part of the opponent's claim, such as, for example, '*jeans*', '*jackets*', '*tee-shirts*', '*shoes for casualwear*', '*sandals*' and '*trainers*', would fall within these more general categories of goods. The opponent has not explained how it would not be legitimate for the applicant to seek registration of

the contested mark in respect of more specific types of clothing and footwear, when it has accepted that the application was made in good faith in respect of the more general categories. There is an inconsistency within the opponent's position insofar as if its claim under section 3(6) succeeded against everything except '*clothing*' and '*footwear*', the applicant would still be protected for the individual terms which fall within the broader categories. In addition, the Court of Appeal decision in *Sky CA* made it clear that it is legitimate to apply for the broader term when the use is in respect of some of the goods which fall within the general category. The other applied-for goods in this class can be broadly described as items of headgear, as well as parts or accessories of clothing, footwear and headgear. It is common for applicants to apply for a trade mark in respect of a wider range of goods or services than would serve their economic activities at the filing date of their application. Trade mark applicants have a five-year period in which to use their trade mark for the applied-for goods or services before it is liable to be challenged for non-use. In my view, it is certainly plausible that a fashion brand may wish to provide such goods, in addition to clothing and footwear. To my mind, the opponent has not established that there is no reasonable commercial rationale for any of the applied-for goods in class 25. An allegation of bad faith is a serious allegation which must be distinctly proved,<sup>22</sup> and the opponent's pleaded case is not sufficient for me to reach a *prima facie* finding that when the application to register the contested mark was filed there was no intention to use it in relation to these goods. The opponent has not, through either evidence or submissions, demonstrated objective, relevant and consistent indications that the applicant was intending to undermine the interests of third parties or obtain an exclusive right for the purposes other than those falling within the functions of a trade mark.

### Class 35

104. The opponent's claim of bad faith in respect of class 35 was not directed against '*retail services connected with the sale of clothing and clothing accessories*'. Moreover, as indicated above, the opponent has accepted that the applicant operates

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<sup>22</sup> *Red Bull GmbH v Sun Mark Limited and Sea Air & Land Forwarding Limited* [2012] EWHC 1929 (Ch)

fashion brands. However, they have not explained how it would not be legitimate for the applicant to seek registration of the contested mark in respect of other services which are clearly related to the operation of a fashion business. Although there is no evidence of the applicant's activities or use of the contested mark before the relevant date, it is certainly plausible that a fashion brand may wish to expand into *'mail order retail services connected with clothing accessories'*, *'mail order retail services for clothing'*, *'mail order retail services for clothing accessories'*, *'online retail services relating to clothing'*, *'online retail services relating to handbags'*, *'online retail store services in relation to clothing'*, *'online retail store services relating to clothing'*, *'wholesale services in relation to bags'*, *'wholesale services in relation to clothing'*, *'wholesale services in relation to footwear'* and *'wholesale services in relation to headgear'*. I do not consider that the opponent has established that there is no reasonable commercial rationale for filing the application in respect of those services. Again, I am of the view that the opponent's pleaded case is not sufficient for me to reach a *prima facie* finding that when the application to register the contested mark was filed there was no intention to use it in relation to these services. The opponent has not put forward any objective, relevant and consistent indications that the applicant was intending to undermine the interests of third parties or obtain an exclusive right for the purposes other than those falling within the functions of a trade mark by making the application in respect of these services.

105. However, as for the remaining services, I note that the applicant has not provided any explanation as to their reasons for the wide range of services that have been applied for in class 35, or whether there is any commercial rationale for the same. There is no evidence before me as to the applicant's intentions or commercial activities. However, I agree with the opponent that the remaining applied-for services in class 35 are so disparate that it is difficult to envisage the circumstances in which a fashion business would require a registration for services such as *'headhunting services'*, *'literary agency services consisting of the negotiation of contracts'*, *'maintaining a registry of dog breeds'* or *'recruitment of airport ground staff'*, to name a few. To my mind, there is no reasonable commercial rationale or commercial logic for a fashion business expanding into such areas. The applied-for specification – with the exception of the services listed at paragraph 104 above – goes well beyond the realistic scope of the applicant's fashion brand. In my view, this is sufficient for me to

reach a *prima facie* finding that when the application to register the contested mark was filed, there was no use, and no intention to use, the trade mark in relation to the remaining descriptions of services specified in class 35. The opponent has raised a *prima facie* case which has not been answered by the applicant. Therefore, absent any explanation or contrary argument from the applicant, I am satisfied that, at the relevant date, the applicant had no intention of using the contested mark in relation to these services. On this basis, I find that the application to register the contested mark in relation to the remaining services in class 35 was filed in bad faith to the extent that it sought an exclusive right to the mark that went far beyond the applicant's current, or plausible future use, of the mark.

106. My conclusion under section 3(6) of the Act is, therefore, that the opposition fails in relation to the goods in class 25, as well as the class 35 services listed at paragraph 104, but succeeds against the remaining services.

## **CONCLUSION**

107. The opposition under sections 5(2)(b) and 3(6) of the Act has succeeded in part. Subject to any successful appeal against my decision, the application will be refused in respect of the following goods and services:

Class 25: Ankle socks; Anklets [socks]; Anoraks; Anoraks [parkas]; Anti-perspirant socks; Anti-sweat underclothing; Anti-sweat underwear; Articles of clothing; Articles of outer clothing; Articles of sports clothing; Athletic clothing; Athletic footwear; Athletic shoes; Athletic tights; Athletic uniforms; Athletics footwear; Athletics shoes; Athletics vests; Ankle boots; Ankle socks; Anklets [socks]; Anoraks; Anoraks [parkas]; Anti-perspirant socks; Anti-sweat underclothing; Anti-sweat underwear; Articles of clothing; Articles of outer clothing; Articles of sports clothing; Athletic clothing; Athletic footwear; Athletic shoes; Athletic tights; Athletic uniforms; Athletics footwear; Athletics shoes; Athletics vests; Bandanas; Bandanas [neckerchiefs]; Bandannas; Baseball caps; Baseball caps and hats; Baseball hats; Baseball shoes; Basketball shoes; Basketball sneakers; Beanie hats; Beanies; Bermuda shorts; Board shorts; Boardshorts; Canvas shoes; Caps; Caps being headwear; Caps [headwear];

Caps with visors; Cargo pants; Casual clothing; Casual footwear; Casual jackets; Casual shirts; Casual trousers; Casual wear; Casualwear; Clothes; Clothes for sport; Clothes for sports; Clothing; Clothing for leisure wear; Clothing for men, women [...]; Clothing for sports; Donkey jackets; Down jackets; Embroidered clothing; Exercise wear; Fashion hats; Flat shoes; Fleece jackets; Fleece pullovers; Fleece shorts; Fleece tops; Fleeces; Footwear; Footwear [excluding orthopedic footwear]; Footwear for men; Footwear for men and women; Footwear for sport; Footwear for sports; Footwear for use in sport; Footwear for women; Footwear not for sports; Gilets; Gymwear; Hats; Head bands; Head sweatbands; Head wear; Headbands; Headbands against sweating; Headbands [clothing]; Headbands for clothing; Headgear; Headgear for wear; Headwear; Hooded pullovers; Hooded sweat shirts; Hooded sweatshirts; Hooded tops; Hoodies; Inner socks for footwear; Innersocks; Inner socks for footwear; Innersocks; Jackets; Jackets being sports clothing; Jackets [clothing]; Jerseys; Jerseys [clothing]; Jogging bottoms; Jogging bottoms [clothing]; Jogging outfits; Jogging pants; Jogging sets [clothing]; Jogging shoes; Jogging suits; Jogging tops; Ladies' clothing; Ladies' footwear; Ladies' outerclothing; Ladies wear; Leggings [trousers]; Leisure clothing; Leisure footwear; Leisure shoes; Leisure suits; Leisure wear; Leisurewear; Long jackets; Long sleeve pullovers; Long-sleeved shirts; Lounge pants; Loungewear; Lumberjackets; Men's and women's jackets, [...], trousers, [...]; Men's clothing; Men's socks; Menswear; Open-necked shirts; Outer clothing; Outerclothing; Outerclothing for men; Outerwear; Overshirts; Padded jackets; Parkas; Peaked caps; Peaked headwear; Plush clothing; Polar fleece jackets; Pullovers; Quilted jackets [clothing]; Rain jackets; Rain wear; Rainproof clothing; Rainproof jackets; Rainwear; Ready-made clothing; Ready-to-wear clothing; Reversible jackets; Roller shoes; Shell jackets; Shell suits; Shirts; Shirts [...]; Shoes; Shoes for casual wear; Shoes for leisurewear; Short sets [clothing]; Short trousers; Shorts; Shorts [clothing]; Short-sleeve shirts; Short-sleeved shirts; Short-sleeved T-shirts; Skating outfits; Skull caps; Sleeved jackets; Sleeveless jackets; Sleeveless jerseys; Tee-shirts; Toe socks; Tops; Tops [clothing]; Track jackets; Track pants; Track suits; Tracksuit bottoms; Tracksuit tops; Tracksuits; Trainers; Trainers [footwear]; Training shoes; Training suits; Trousers; Trousers for sweating; Trousers shorts; T-shirts;

Waterproof clothing; Waterproof jackets; Waterproof outerclothing; Water-resistant clothing; Weather resistant outer clothing; Weatherproof clothing; Weatherproof jackets; Wind coats; Wind jackets; Wind resistant jackets; Wind suits; Wind vests; Windcheaters; Wind-jackets; Windproof clothing; Windproof jackets; Wind-resistant jackets; Wind-resistant vests; Windshirts; Women's clothing; Womens' outerclothing; Women's shoes; Woolly hats; Woven clothing; Woven shirts; Wrist bands; Wrist warmers; Wristbands; Wristbands [clothing]; Fashion hats; Flat shoes; Fleece jackets; Fleece pullovers; Fleece shorts; Fleece tops; Fleeces; Footwear; Footwear [excluding orthopedic footwear]; Footwear for men; Footwear for men and women; Footwear for sport; Footwear for sports; Footwear for use in sport; Footwear for women; Footwear not for sports.

Class 35: Account auditing; Accountancy; Accountancy advice relating to tax preparation; Accountancy advice relating to taxation; Accountancy advice relating to the preparation of tax returns; Accountancy, book keeping and auditing; Accountancy services; Accountancy services relating to accounts receivable; Accounting; Accounting advisory services; Accounting consultancy relating to taxation; Accounting for third parties; Accounting, in particular book-keeping; Accounting services; Accounting services for mergers and acquisitions; Accounting services for pension funds; Accounting services relating to costs for farming enterprises; Accounting services relating to tax planning; Accounts (Drawing up of statements of -); Accounts (Preparation of -); Acquisition (Business -) searches; Acquisition of business information relating to company activities; Acquisition of business information relating to company status; Acquisition of commercial information; Acquisitions (Advice relating to -); Acquisitions (Business -) consulting services; Addressing envelopes; Addressing of envelopes; Administering medication reimbursement programs and services; Administering of professional competency testing; Administering of professional [vocational] certifications; Administering pharmacy reimbursement programs and services; Administration, billing and reconciliation of accounts on behalf of others; Administration (Business -) relating to statistical methods; Administration (Commercial -) of the licensing of the goods and services of others; Administration of a discount program for

enabling participants to obtain discounts on goods and services through use of a discount membership card; Administration of business affairs; Administration of business payroll for others; Administration of businesses; Administration of competitions for advertising purposes; Administration of consumer loyalty programs; Administration of contests for advertising purpose; Administration of cultural and educational exchange programs; Administration of customer loyalty and incentive schemes; Administration of employee benefit plans; Administration of employee pension plans; Administration of employee welfare benefit plans; Administration of foreign business affairs; Administration of frequent flyer programmes that allow members to redeem miles for points or awards offered by other loyalty programmes; Administration of frequent flyer programs; Administration of frequent flyer programs that allow members to redeem miles for points or awards offered by other loyalty programs; Administration of incentive award programs to promote the sale of the goods and services of others; Administration of loyalty and incentive schemes; Administration of loyalty programs involving discounts or incentives; Administration of loyalty rewards programmes; Administration of loyalty rewards programs; Administration of loyalty rewards programs featuring trading stamps; Administration of membership schemes; Administration of newspaper subscription [for others]; Administration of patient reimbursement programs; Administration of preferred provider plans; Administration of prepaid health care plans; Administration of sales and promotional incentive schemes; Administration of sales promotion incentive programs; Administration of the business affairs of franchises; Administration of the business affairs of retail stores; Administration relating to business appraisal; Administration relating to business planning; Administration relating to marketing; Administration relating to sales methods; Administrative accounting; Administrative assistance in responding to calls for tenders; Administrative assistance in responding to requests for proposals [RFPs]; Administrative data processing; Administrative hotel management; Administrative loyalty card services; Administrative management of health care clinics; Administrative management of hospitals; Administrative order processing; Administrative processing and organising of mail order services; Administrative processing of computerized purchase orders; Administrative processing of orders; Administrative processing of

purchase orders; Administrative processing of purchase orders placed by telephone or computer; Administrative processing of purchase orders within the framework of services provided by mail-order companies; Administrative processing of warranty claims; Administrative services for medical referrals; Administrative services for the relocation of businesses; Administrative services relating to credit card registration; Administrative services relating to customs clearance; Administrative services relating to dental health insurance; Administrative services relating to employee stock plans; Administrative services relating to hospital referrals; Administrative services relating to referrals for general building contractors; Administrative services relating to referrals for insurance agents; Administrative services relating to the management of legal dockets; Administrative services relating to the referral of clients to lawyers; Administrative services relating to the referral of patients; Administrative services relating to the relocation of personnel; Administrative services relating to warranty claims processing; Balance sheet accounting; Banner advertising; Benchmarking (evaluation of business organisation practices); Benchmarking services; Bidding quotation; Bill presentment services; Bill sticking; Billing; Billing services; Billing services in the field of energy; Billing services in the field of healthcare; Bill-posting; Blogger outreach services; Book club services retailing books to its members; Booking agent services for models; Bookkeeping; Book-keeping; Book-keeping and accounting; Book-keeping and accounting services; Bookkeeping for electronic funds transfer; Brand creation services; Brand creation services (advertising and promotion); Brand evaluation services; Brand positioning; Brand positioning services; Brand strategy services; Brand testing; Brokerage of name and address based lists; Business accounting advisory services; Business accounts management; Business acquisitions; Business acquisitions (Advice relating to -); Business acquisitions consultation; Business administration; Business administration and management; Business administration assistance; Business administration consultancy; Business administration for others; Business administration in the field of transport and delivery; Business administration of employee share schemes; Business administration services; Business administration services for processing sales made on the internet; Business administration services for the processing of



sales made on a global computer network; Business administration services for the processing of sales made on the Internet; Business administration services in the field of healthcare; Business administration services in the field of transportation; Business advertising services relating to franchising; Business advice; Business advice and consultancy relating to franchising; Business advice, inquiries or information; Business advice relating to accounting; Business advice relating to acquisitions; Business advice relating to advertising; Business advice relating to disposals; Business advice relating to financial re-organisation; Business advice relating to franchising; Business advice relating to growth financing; Business advice relating to marketing; Business advice relating to marketing management consultations; Business advice relating to mergers; Business advice relating to restaurant franchising; Business advice relating to strategic marketing; Business advisory and consultancy services; Business advisory services; Business advisory services provided to determine pay and grading structures; Business advisory services relating to business liquidations; Business advisory services relating to company performance; Business advisory services relating to franchising; Business advisory services relating to franchising of a motor dealership; Business advisory services relating to product development; Business advisory services relating to product manufacturing; Business advisory services relating to the establishment and operation of franchises; Business advisory services relating to the establishment of motor dealership; Business advisory services relating to the running of restaurants; Business advisory services relating to the running of sandwich bars; Business advisory services relating to the selection of computers; Business advisory services relating to the setting up of restaurants; Business advisory services relating to the setting up of sandwich bars; Business advisory services relating to the use of computers; Business advisory services to determine pay and grading structures by job evaluation; Business analysis; Business analysis and information services, and market research; Business analysis of markets; Business analysis services; Business and commercial information services; Business and market research; Business appraisal; Business appraisal consultancy; Business appraisal services; Business appraisals; Business appraisals and evaluations in business matters; Business assistance; Business assistance, management and administrative

services; Business assistance relating to business image; Business assistance relating to corporate identity; Business assistance relating to franchising; Business assistance relating to starting and running a franchise; Business assistance relating to the establishment of franchises; Business assistance relating to the formation of commercial undertakings; Business auditing; Career advisory services (other than education and training advice); Career information and advisory services (other than educational and training advice); Career networking services; Career placement; Career placement consulting services; Career planning consultancy; Carrying out auction sales; Casting [recruitment] of performing artists; Chamber of commerce services for the promotion of businesses; Chamber of commerce services for the promotion of commerce; Chamber of commerce services for the promotion of trade; Chartered accountancy business services; Cinema advertising; Cinematographic film advertising; Classified advertising; Classified advertising services; Clerical employment agency services; Clerical services for making appointments; Clerical services for the handling of enquiries; Clerical services for the taking of sales orders; Collating of data in computer databases; Collecting business information; Collecting business statistics; Collecting information for business; Collection and systematisation of information into computer databases; Collection of commercial information; Collection of data; Collection of information relating to advertising; Collection of information relating to market analysis; Collection of information relating to market research; Collection of information relating to market studies; Collection of market research information; Collection of personnel information; Collection of statistics for business; Commercial administration of the licensing of the goods and services of others; Commercial and industrial management assistance; Commercial assistance in business management; Commercial business management; Commercial consultancy; Commercial consultancy services; Commercial information; Commercial information agencies; Commercial information agencies [provides business information, e.g., marketing or demographic data]; Commercial information agency services; Commercial information and advice for consumers [consumer advice shop]; Commercial information and advice for consumers in the choice of products and services; Commercial information and advice services for consumers in the field of

beauty products; Commercial information and advice services for consumers in the field of cosmetic products; Commercial information and advice services for consumers in the field of make-up products; Commercial information (Compilation of -); Commercial information provided by means of a computer database; Commercial information (Provision of -); Commercial information research studies; Commercial information services; Commercial information services provided by access to a computer database; Commercial information services relating to wine; Commercial information services, via the internet; Commercial intermediation for business purposes; Commercial intermediation services; Commercial lobbying services; Commercial management; Commercial management assistance; Commercial or industrial management assistance; Communication media (Presentation of goods on -), for retail purposes; Company information (Searches relating to -); Company management [for others]; Company management, including consultancy in demographic matters; Company office secretarial services; Company record keeping [for others]; Company record-keeping; Comparison services (Price -); Comparison shopping services; Competitive intelligence services; Compilation and input of information into computer databases; Compilation and provision of trade and business price and statistical information; Compilation and systematisation of information in databanks; Compilation and systemisation of information into computer databases; Compilation and systemization of information into computer databases; Compilation and systemization of information used in electronic transmissions; Compilation and systemization of written communications and data; Compilation of advertisements; Compilation of advertisements for use as web pages; Compilation of advertisements for use as web pages on the Internet; Compilation of advertisements for use on internet web pages; Compilation of advertisements for use on the internet; Compilation of business data; Compilation of business directories; Compilation of business directories for publishing on the Internet; Compilation of business information; Compilation of business statistics; Compilation of business statistics and commercial information; Compilation of commercial registers; Compilation of company information; Compilation of computer data bases; Compilation of computer databases; Compilation of data; Compilation of data in computer databases; Compilation of direct mailing lists; Compilation of directories for

publication on the internet; Compilation of directories for publishing on global computer networks or the internet; Data collection [for others]; Data collection services; Data compilation for others; Data entry and data processing; Data file administration; Data inputting services; Data management; Data management services; Data processing; Data processing for businesses; Data processing for the collection of data for business purposes; Data processing management; Data processing services; Data processing services in the field of healthcare; Data processing services in the field of payroll; Data processing services in the field of transportation; Data processing, systematisation and management; Data processing verification; Data retrieval services; Data search in computer files for others; Data searches in computerised files for others; Data transcription; Database management; Data-base management (Computerised -); Database management services; Database marketing; Data-based stock control; Data-based stock location services; Demonstration [for promotional/advertising purposes]; Demonstration of goods; Demonstration of goods and services by electronic means, also for the benefit of the so-called teleshopping and homeshopping services; Demonstration of goods for advertising purposes; Demonstration of goods for promotional purposes; Demonstration of photographic equipment [for advertising purposes]; Demonstration of products; Design of advertising brochures; Design of advertising flyers; Design of advertising logos; Design of advertising materials; Design of marketing surveys; Design of public opinion surveys; Developing promotional campaigns for business; Developing promotional campaigns for businesses; Development and implementation of marketing strategies for others; Development of advertising concepts; Development of concepts for business economy; Development of hospital management systems; Development of marketing strategies and concepts; Development of promotional campaigns; Digital advertising services; Digital marketing; Direct mail advertising; Direct mail advertising services; Direct mail advertising services provided by lettershops; Direct mail advertising to attract new customers and to maintain the existing customer base; Direct market advertising; Direct marketing; Direct marketing consulting; Direct marketing services; Directories (Compilation of business -); Display services for merchandise; Displaying advertisements for others; Dissemination of

advertisements; Dissemination of advertisements and of advertising material [flyers, brochures, leaflets and samples]; Dissemination of advertisements via the Internet; Dissemination of advertising and promotional materials; Dissemination of advertising for others; Dissemination of advertising for others via an on-line communications network on the internet; Dissemination of advertising for others via the Internet; Dissemination of advertising, marketing and publicity materials; Dissemination of advertising material; Dissemination of advertising material [leaflets, brochure and printed matter]; Dissemination of advertising material [leaflets, brochures and printed matter]; Dissemination of advertising materials; Dissemination of advertising matter; Dissemination of advertising matter by mail; Dissemination of advertising matter online; Dissemination of advertising via online communications networks; Dissemination of business information; Dissemination of commercial information; Dissemination of data relating to advertising; Dissemination of data relating to business; Dissemination of information relating to the recruitment of graduates; Dissemination services of advertisement matter; Distribution and dissemination of advertising materials [leaflets, prospectuses, printed material, samples]; Distribution of advertisements and commercial announcements; Distribution of advertising announcements; Distribution of advertising brochures; Distribution of advertising leaflets; Distribution of advertising mail and of advertising supplements attached to regular editions; Distribution of advertising, marketing and promotional material; Distribution of advertising material; Distribution of advertising material by post; Distribution of advertising materials; Distribution of advertising matter; Distribution of advertising samples; Distribution of flyers, brochures, printed matter and samples for advertising purposes; Distribution of printed advertising matter; Distribution of printed promotional material by post; Distribution of products for advertising purposes; Economic analysis for business purposes; Economic forecasting; Economic forecasting analysis for business purposes; Economic forecasting and analysis; Economic forecasting for business purposes; Economic forecasting services; Economic information services for business purposes; Economic studies for business purposes; Editing of publicity texts; Efficiency (Business -) expert services; Efficiency expert services; Efficiency experts; Electricity meter reading for billing purposes; Electronic billboard advertising; Electronic data

processing; Electronic order processing; Electronic publication of printed matter for advertising purposes; Electronic stock management services; Employee leasing; Employee record services; Employee relocation services; Employment agencies; Employment agency services; Employment agency services for people skilled in the use of computers; Employment agency services for personnel in general office positions; Employment agency services for temporary work assignments; Employment agency services provided for nannies; Employment agency services relating to au pairs; Employment agency services relating to bilingual staff; Employment agency services relating to nurses; Employment agency services relating to placement of medical and nursing personnel; Employment agency services the provision of staff for the manning of show houses; Employment booking services for film television technicians; Employment booking services for performing artists; Employment bureau services; Employment consultancy; Employment consultancy services; Employment consultancy services relating to data processing personnel; Employment counselling; Employment counselling and consultancy services; Employment counselling services; Employment management services for film television technicians; Employment outplacement services; Employment placement services for butlers; Employment placement services for housekeepers; Employment placement services for personal assistants; Employment recruiting consultancy; Employment recruiting services; Employment recruitment; Energy price comparison services; Estimations for marketing purposes; Evaluating the impact of advertising on audiences; Evaluation of business opportunities; Evaluation of personnel requirements; Evaluations relating to business management in commercial enterprises; Evaluations relating to business management in industrial enterprises; Evaluations relating to business management in professional enterprises; Evaluations relating to commercial matters; Event marketing; Execution of stenographic work to order; Executive placement services; Executive recruiting services; Executive recruitment services; Executive search and placement services; Executive search and selection services; Executive search services; Executive selection services; Exhibitions (Arranging -) for advertising purposes; Exhibitions (Arranging -) for business purposes; Exhibitions (Arranging -) for commercial purposes; Exhibitions (Arranging -) for trade purposes; Exhibitions

(Conducting -) for advertising purposes; Exhibitions (Conducting -) for business purposes; Exhibitions (Conducting -) for commercial purposes; Exhibitions (Conducting -) for trade purposes; Exhibitions for commercial or advertising purposes; Expert evaluations and reports relating to business matters; Export agency services; Export and import agencies; Export promotion services; Export-import agency services; Fashion show exhibitions for commercial purposes; Fashion shows for promotional purposes (Organization of -); File management (Computerized -); Filing documents or magnetic-tapes [office functions]; Financial auditing; Financial marketing; Financial records management; Financial statement preparation and analysis for businesses; Forecasting (Economic -); Forecasting (Economic -) for business purposes; Foreign trade consultancy services; Foreign trade information and consultation; Foreign trade information (Provision of -); Foreign trade information (Services for the provision of -); Forensic accounting services; Franchising (Business advice relating to -); Franchising (Business advisory services relating to -); Franchising services providing business assistance; Franchising services providing marketing assistance; Gas meter reading for billing purposes; Gift registry services; Goods import-export agencies; Goods or services price quotations; Grain market analysis; Graphic advertising services; Handbill distribution; Headhunting services; Health care cost management; Health care cost review; Help in the management of business affairs or commercial functions of an industrial or commercial enterprise; Hire of advertising aids; Hire of advertising billboards; Hire of advertising equipment; Hire of advertising hoardings; Hire of office equipment; Hire of office machinery; Hiring of advertising materials; Hiring of machines or apparatus for offices; Hiring of office equipment; Hiring of publicity materials; Hiring of typewriters; Hospital management; Hotel management for others; Hotel management service [for others]; Hotels (Business management of -); Human resources consultancy; Human resources consultation; Human resources management; Human resources management and recruitment services; Import agency services; Import and export agencies; Import and export agencies services; Import and export agency services; Import and export services; Import-export agencies; Import-export agencies in the field of energy; Import-export agency services; Income tax returns (Preparation of -); Industrial management assistance

(Commercial or -); Industrial management consultation including cost/yield analyses; Information about sales methods; Information agencies (Commercial -); Information and data compiling and analyzing relating to business management; Information and expert opinions relating to companies and business; Information (Business -); Information in business matters; Information or enquiries on business and marketing; Information services relating to advertising; Information services relating to business matters; Information services relating to businesses; Information services relating to data processing; Information services relating to jobs and career opportunities; Initiating telephone calls for others; Inquiries (Business -); Inserting printed matter into envelopes; Interim business management; Intermediary services relating to advertising; Intermediary services relating to the rental of advertising time and space; Internet marketing; Internship placement services; Interpretation of market research data; Interviewing for market research purposes; Interviewing for qualitative market research; Interviewing services [for personnel recruitment]; Inventories (Preparation of -); Inventory control; Inventory management; Inventory management of parts and components for manufacturers and suppliers; Inventory management services; Inventorying merchandise; Investigations (Business -); Investigations of marketing strategy; Invoicing; Invoicing services; Issuing and updating of advertising texts; Issuing of publicity leaflets; Job agency services; Job agency services for medical personnel; Job agency services for para-medical personnel; Job and personnel placement; Job matching services; Job placement; Job placement consultancy; Key return registration; Key punching [office functions]; Labor exchanges; Labour exchange services; Layout services for advertising purposes; Leasing of advertising billboards; Leasing of advertising hoardings; Leasing of advertising space on pamphlets; Leasing of advertising space on railway properties; Leasing of advertising space on trains; Leasing of billboards; Leasing of office machines; Leasing of typewriters; Licensing of the goods and services of others (Commercial administration of the -); Lifecycle costing for business purposes; Literary agency services consisting of the negotiation of contracts; Loyalty, incentive and bonus program services; Loyalty scheme services; Magazine advertising; Mail order retail services connected with clothing accessories; Mail order retail services for clothing; Mail order retail



services for clothing accessories; Mail order retail services for cosmetics; Mail order retail services related to alcoholic beverages (except beer); Mail order retail services related to beer; Mail order retail services related to foodstuffs; Mail order retail services related to non-alcoholic beverages; Mail sorting, handling and receiving; Mail sorting, handling and receiving [office functions]; Mailing list preparation services; Mailing lists (Compilation of -); Mail-order advertising; Maintaining a registry of animal breeds; Maintaining a registry of certified aerospace technicians; Maintaining a registry of certified medical technical professionals; Maintaining a registry of dog breeds; Maintaining a registry of information; Maintaining a registry of professional vocational evaluators; Maintaining files and records concerning the medical condition of individuals; Maintaining personal medical history records and files; Maintenance of asset registers [for others]; Maintenance of personnel records [for others]; Maintenance of registers [for others]; Management accounting; Management administration of commercial undertakings; Management advice; Management advice relating to the placing of staff; Management advice relating to the recruitment of staff; Management (Advisory services for business -); Management advisory services related to franchising; Management and compilation of computerised databases; Management and operation assistance to commercial businesses; Management assistance; Management assistance (Commercial or industrial -); Management assistance for industrial organisations; Management assistance for promoting business; Management assistance in business affairs; Management assistance in the establishment of commercial undertakings; Management assistance services; Management assistance to commercial companies; Management assistance to commercial firms; Management (Computerized file -); Management consultancy (Personnel -); Management consultancy services; Management consulting; Management of a retail enterprise for others; Management of an airline company; Management of business [for others]; Management of business offices for others; Management of business projects [for others]; Management of computer databases; Management of computer files; Management of computerised files; Management of customer loyalty, incentive or promotional schemes; Management of health care clinics for others; Management of hotel incentive programs of others; Management of performing artists; Management

of professional athletes; Management of telephone call centers for other; Management of telephone call centers for others; Management on behalf of industrial and commercial enterprises in terms of supplying them with office requisites; Market analysis; Market analysis and research; Market analysis and research services; Market analysis reports; Market analysis services; Market analysis services relating to the availability of antiques; Market analysis services relating to the availability of goods; Market analysis services relating to the sale of antiques; Market analysis services relating to the sale of goods; Market analysis studies; Market assessment consultancy; Market assessment services; Market campaigns; Market canvassing; Market forecasting; Market information services relating to index levels; Market information services relating to market statistics; Market information services relating to trade reports; Market intelligence services; Market investigation via the telephone; Market opinion polling studies; Market prospecting; Market reporting consultancy; Market reporting services; Market reports and studies; Market research; Market research and analysis; Market research and analysis services; Market research and business analyses; Market research and market analysis; Market research and marketing studies; Market research by means of a computer data base; Market research by means of a computer database; Market research consultancy; Market research data analysis; Market research data collection services; Market research data retrieval services; Nanny placement services; Negotiating and concluding commercial transactions for others; Negotiation and conclusion of commercial transactions for third parties; Negotiation and conclusion of commercial transactions for third parties via telecommunication systems; Negotiation and settlement of commercial transactions for third parties; Negotiation of advertising contracts; Negotiation of business contracts for others; Negotiation of commercial transactions for performing artists; Negotiation of commercial transactions for third parties; Negotiation of contracts relating to the purchase and sale of goods; Negotiation of contracts with health care payors; News and current affairs clipping services; News clipping services; Newspaper advertising; Newspaper subscription services; Newspaper subscription services for others; Newspaper subscriptions; Newspaper subscriptions (Arranging -) for others; Obtaining business statistics [for others]; Office administration services [for others]; Office

equipment rental services; Office functions; Office functions services; Office machine rental services; Office machines and equipment rental; Office machines (Rental of -); Office management services [for others]; Office services for electronically collating data; Office services for electronically collecting data; Office services for electronically manipulating data; Office support staff recruitment services; Online advertisements; Online advertising; On-line advertising; On-line advertising and marketing services; Online advertising network matching services for connecting advertisers to websites; Online advertising on a computer network; On-line advertising on a computer network; On-line advertising on computer communication networks; Online advertising on computer networks; On-line advertising on computer networks; Online advertising services; Online advertising via a computer communications network; On-line advertising via a computer communications network; On-line auction bidding for others; On-line auctioneering; On-line auctioneering services via the Internet; Online business networking services; Online community management services; Online data processing services; On-line data processing services; Online marketing; Online ordering services; On-line ordering services in the field of restaurant take-out and delivery; On-line promotion of computer networks and websites; Online retail services for downloadable and pre-recorded music and movies; Online retail services for downloadable digital music; Online retail services for downloadable ring tones; Online retail services relating to clothing; Online retail services relating to cosmetics; Online retail services relating to jewelry; Online retail services relating to luggage; Online retail services relating to toys; Online retail store services in relation to clothing; Online retail store services relating to clothing; Online retail store services relating to cosmetic and beauty products; On-line trading services in which seller posts products to be auctioned and bidding is done via the Internet; Operation of a telephone switchboard for others; Operation of businesses [for others]; Operation of commercial businesses [for others]; Operational business assistance to enterprises; Opinion polling; Ordering services [for others]; Ordering services for third parties; Organisation and conducting of product presentations; Organisation and holding of fairs for commercial or advertising purposes; Organisation and management of business incentive and loyalty schemes; Organisation and management of

customer loyalty programs; Organisation for a third party of telephone welcoming services and of telephone receptionist services; Organisation of customer loyalty programs for commercial, promotional or advertising purposes; Organisation of events for commercial and advertising purposes; Organisation of exhibitions and events for commercial or advertising purposes; Organisation of exhibitions and trade fairs for business and promotional purposes; Organisation of exhibitions and trade fairs for commercial and advertising purposes; Organisation of exhibitions and trade fairs for commercial or advertising purposes; Organisation of exhibitions for business or commerce; Organisation of exhibitions for commercial and advertising purposes; Organisation of exhibitions for commercial or advertising purposes; Organisation of exhibitions of flowers and plants for commercial or advertising purposes; Organisation of exhibitions or trade fairs for commercial or advertising purposes; Organisation of fashion shows for commercial purposes; Organisation of internet auctions; Organisation of prize draws for advertising purposes; Organisation of promotions using audiovisual media; Organisation of promotions using audio-visual media; Organisation of trade fairs; Organisation of trade fairs and exhibitions for commercial or advertising purposes; Organisation of trade fairs for advertising purposes; Organisation of trade fairs for commercial or advertising purposes; Organisation, operation and supervision of an incentive scheme; Organisation, operation and supervision of customer loyalty schemes; Organisation, operation and supervision of loyalty and incentive schemes; Organisation, operation and supervision of loyalty schemes and incentive schemes; Organisation, operation and supervision of sales and promotional incentive schemes; Organisational consultancy regarding customer loyalty programmes; Organising and conducting job fairs; Organising exhibitions for commercial or advertising purposes; Organization of art exhibitions for commercial or advertising purposes; Organization of events, exhibitions, fairs and shows for commercial, promotional and advertising purposes; Organization of exhibitions and trade fairs for commercial or advertising purposes; Organization of exhibitions for commercial or advertising purposes; Organization of fairs and exhibitions for commercial and advertising purposes; Organization of fairs for commercial and advertising purposes; Organization of fashion shows for promotional purposes; Organization of trade

fairs; Organization of trade fairs for commercial or advertising purposes; Organization, operation and supervision of loyalty and incentive schemes; Pay per click advertising; Payroll advisory services; Payroll assistance; Payroll preparation; Payroll processing services [for others]; Permanent staff recruitment; Personal management consultancy services; Personality testing for recruitment purposes; Personality testing for the selection of personnel; Personnel agency services relating to the electronics industry; Personnel consultancy; Personnel management; Personnel management advice; Personnel management and employment consultancy; Personnel management assistance; Personnel management assistance services; Personnel management consultancy; Personnel management consultancy services; Personnel management consultation; Personnel management consulting; Personnel management for advertising purposes; Personnel management of marketing personnel; Personnel management of sales personnel; Personnel management services; Personnel placement; Personnel placement and recruitment; Personnel placement consultancy; Personnel placement services; Personnel recruitment; Personnel recruitment advertising; Personnel recruitment agency services; Personnel recruitment consultancy; Personnel recruitment services; Personnel recruitment services and employment agencies; Personnel relocation; Personnel resources management; Personnel selection [for others]; Personnel selection using psychological testing; Personnel services; Photocopying; Photocopying services; Placement of design staff; Placement of permanent personnel; Placement of staff; Placement of temporary personnel; Placing advertisements for others; Planning and conducting of trade fairs, exhibitions and presentations for commercial or advertising purposes; Planning and conducting of trade fairs, exhibitions and presentations for economic or advertising purposes; Planning concerning business management, namely, searching for partners for amalgamations and business take-overs as well as for business establishments; Planning of marketing strategies; Planning services for advertising; Planning services for marketing studies; Political advertising services; Political opinion polling; Polling (Opinion -); Preparation and compilation of business and commercial reports and information; Preparation and completion of income tax returns; Preparation and presentation of audio visual displays for advertising purposes; Preparation

and realization of media and advertising plans and concepts; Preparation of accounts; Preparation of advertisements; Preparation of advertising campaigns; Preparation of advertising material; Preparation of advertising matter; Preparation of annual returns for business undertakings; Preparation of audio and/or visual displays for businesses; Preparation of business balances; Preparation of business reports; Preparation of business statistical data; Preparation of business statistics; Preparation of business surveys; Preparation of commercial reports; Preparation of custom advertisements for others; Preparation of documents relating to business; Preparation of documents relating to taxation; Preparation of economic reports; Preparation of expert evaluations and reports relating to business matters; Preparation of income tax returns; Preparation of inventories; Preparation of invoices; Preparation of mailing lists; Preparation of mailing lists for direct mail advertising services [other than selling]; Preparation of market analysis reports; Preparation of market reports and studies; Preparation of marketing plans; Preparation of marketing surveys; Preparation of pay packets; Preparation of payrolls [for others]; Preparation of project studies relating to business matters; Preparation of public opinion surveys; Preparation of publicity columns; Preparation of publicity documents; Preparation of publicity leaflets; Preparation of publicity material; Preparation of publicity publications; Preparation of reports for marketing; Preparation of résumés for others; Preparation of statements of accounts; Preparation of statistics [business]; Preparation of tax declarations; Radio advertising; Radio advertising and commercials; Radio and television advertising; Real estate marketing; Real estate marketing analysis; Records management services, namely, document indexing for others; Recruiting of office support staff; Recruitment advertising; Recruitment and personnel management services; Recruitment and placement services; Recruitment [casting] of actors; Recruitment consultancy for lawyers; Recruitment consultancy for legal secretaries; Recruitment consultancy services; Recruitment consultants in the financial services field; Recruitment of airline personnel; Recruitment of airport ground staff; Recruitment of computer staff; Recruitment of executive staff; Recruitment of flight personnel; Recruitment of high-level management personnel; Recruitment of personnel; Recruitment of political operatives; Recruitment of political volunteers; Recruitment of

temporary personnel; Recruitment of temporary technical personnel; Recruitment (Personnel -); Recruitment services; Recruitment services for sales and marketing personnel; Referral marketing; Registration and transcription of written communications; Registration of written communications and data; Relocation services (Employee -); Relocation services for business; Relocation services for businesses; Rental of advertisement billboards; Rental of advertisement hoardings; Rental of advertisement space; Rental of advertisement space and advertising material; Rental of advertising material; Rental of advertising matter; Rental of advertising space; Rental of advertising space on the internet; Rental of advertising space on the Internet for employment advertising; Rental of advertising space on web sites; Rental of advertising space on-line; Rental of advertising space, time and materials; Rental of advertising time in cinemas; Rental of advertising time on communication media; Rental of all publicity and marketing presentation materials; Rental of billboards; Rental of billboards [advertising boards]; Rental of card-operated vending machines; Rental of coin-operated vending machines; Rental of copying apparatus; Rental of digital billboards; Rental of electronic point of sale (EPOS) equipment; Rental of office equipment; Rental of office equipment in co-working facilities; Rental of office machinery and equipment; Rental of office machines; Rental of office machines and equipment; Rental of photocopiers; Rental of photocopying machines; Rental of publicity equipment; Rental of publicity material; Rental of publicity matter; Rental of sales stands; Rental of signs for advertising purposes; Rental of typewriters; Rental of typewriters and copying machines; Rental of vending machines; Rental [Office machines and equipment -]; Rental (Publicity material -); Renting of advertising spaces; Reproduction (Document -); Reproduction of advertising material; Reproduction of drawings; Reproduction of files [paper]; Reproduction of records [paper]; Reproduction services (Document -); Reprographic services; Research and analysis in the field of market manipulation; Research (Business -); Research for business purposes; Research (Market -); Research of business information; Research services relating to advertising; Research services relating to advertising and marketing; Research services relating to business; Response advertising; Restaurant management for others; Retail of third-party pre-paid cards for the purchase of

clothing; Retail of third-party pre-paid cards for the purchase of entertainment services; Retail of third-party pre-paid cards for the purchase of multimedia content; Retail of third-party pre-paid cards for the purchase of telecommunication services; Retail or wholesale services for pharmaceutical, veterinary and sanitary preparations and medical supplies; Retail purposes (Presentation of goods on communication media, for -); Retail services connected with stationery; Retail services connected with the sale of clothing and clothing accessories; Sales account management; Sales administration; Sales demonstration [for others]; Sales management services; Sales promotion; Sales promotion for others; Sales promotion for others by means of privileged user cards; Sales promotion for others provided through the distribution and the administration of privileged user cards; Sales promotion for others through trading stamp schemes; Sales promotion for third parties; Sales promotion services; Sales promotion services for third parties; Sales promotion through customer loyalty programs; Sales promotion using audiovisual media; Sales promotions at point of purchase or sale, for others; Sales volume tracking for others; Sample distribution; Samples (Distribution of -); School fee accounting services; School fee cost accounting services; Scriptwriting for advertising purposes; Search engine marketing services; Search engine optimisation; Search engine optimisation for sales promotion; Search engine optimisation services; Search engine optimization; Search engine optimization for sales promotion; Secretarial and clerical services; Secretarial employment agency services; Secretarial employment services; Secretarial services; Secretarial services provided by hotels; Secretariat services; Selection of executive personnel; Selection of personnel; Selection of staff; Services comprising the composition of statistical data; Services comprising the recording of statistical data; Services comprising the transcription of statistical data; Services for provision of foreign trade information; Services of advertising agencies; Services rendered by a franchisor, namely, assistance in the running or management of industrial or commercial enterprises; Services with regard to product presentation to the public; Serving as a human resources department for others; Shareholder record keeping services; Shop retail services connected with carpets; Shop window display arrangement services; Shop window dressing; Shop window dressings; Shorthand; Shorthand secretarial



services; Shorthand services; Shorthand typing; Shows (Arranging trade -); Shows (Conducting business -); Shows (Conducting trade -); Sponsorship search; Sponsorship search consultancy services; Staff placement services; Staff recruitment; Staff recruitment consultancy services; Staff recruitment services; Staff utilisation planning; Statements of account (Drawing up of -); Statements of accounts (Drawing up of -); Statistical analysis and reporting; Statistical analysis and reporting services for business purposes; Statistical evaluations of marketing data; Statistical information (Provision of business -); Statistical studies (Business -); Statistics (Compilation of -); Statistics (Preparation of business -); Stenographic transcription; Stenography; Stenotyping; Stock control services; Stock management services; Stocktaking; Strategic business analysis; Strategic business consultancy; Strategic business planning; Street dissemination of advertising materials; Subscription to a television channel; Subscription to an information media package; Subscriptions (arranging -) to a telematics, telephone or computer service [internet]; Subscriptions (Arranging -) to telecommunication services for others; Subscriptions (Arranging newspaper -) for others; Subscriptions (arranging of) to books, reviews, newspapers or comic books; Subscriptions for newspapers (Arranging of for others -); Subscriptions to electronic journals; Subscriptions to telecommunications database services; Supervision of businesses on behalf of others; Supply chain management services; Support for employees with regard to business matters; Surveys (Business -); Surveys for business purposes; Surveys (Market -); Systematization of data in computer databases; Systemisation of information into computer databases; Systemization of information into computer databases; Talent agency services [business management of performing artists]; Targeted marketing; Tariff information and advisory services; Tax advice [accountancy]; Tax assessment [accounts] preparation; Tax assessment preparation; Tax consultancy [accountancy]; Tax consultations [accountancy]; Tax declaration procedure services; Tax filing services; Tax planning [accountancy]; Tax preparation; Tax preparation and consulting services; Tax return advisory [accountancy] services; Tax return preparation; Tax returns (Preparation of -); Taxation [accountancy] advice; Taxation [accountancy] consultancy; Taxation [accountancy] consultation; Telecommunication services (Arranging subscriptions to -) for others;

Telemarketing; Telemarketing services; Telephone and television auctions; Telephone answering and message handling services; Telephone answering [for others]; Telephone answering for unavailable subscribers; Telephone answering service; Telephone billing; Telephone marketing services [not selling]; Telephone order-taking services for others; Telephone switchboard services; Telephone welcoming services for third parties; Television advertising; Temporary assignment of employees; Temporary assignment of personnel; Temporary employment agencies; Temporary personnel employment services; Temporary personnel placement services; Temporary personnel services; Temporary placement of employees (Services for the -); Testing (Psychological -) for the selection of personnel; Testing to determine employment skills; Testing to determine job competency; Testing to determine professional competency; Texts (Publication of publicity -); Texts (Writing of publicity -); The bringing together, for the benefit of others, of a variety of insurance services, enabling consumers to conveniently compare and purchase those services; The bringing together, for the benefit of others, of a variety of telecommunications services, enabling consumers to conveniently compare and purchase those services; Theatrical casting agency; Tracking and monitoring energy consumption for others for account auditing purposes; Tracking and monitoring fluctuation in gasoline prices for others for account auditing purposes; Trade fair (Organization of -) for commercial or advertising purposes; Trade fairs (Organization of -) for commercial or advertising purposes; Trade information; Trade information (Provision of -); Trade marketing [other than selling]; Trade promotional services; Trade show and commercial exhibition services; Trade show and exhibition services; Trade show management services; Trade shows (Arranging of -); Trade shows (Conducting of -); Transcription; Transcription of communications; Transcription of communications [office functions]; Transcription of data; Transcription of messages; Transcription of recorded communications; Transcription services; Transportation fleet (business management of -) [for others]; Typewriters (Rental of -); Typewriting; Typewriting agency services; Typing; Typing agency services; Typing services; Unmanned retail store services relating to drink; Unmanned retail store services relating to food; Updating advertising material; Updating and maintenance of data in computer databases; Updating and

maintenance of information in registries; Updating of advertising information on a computer data base; Updating of advertising material; Updating of business information on a computer data base; Utility meter reading for billing purposes; Vehicle fleet (business management of a -) [for others]; Vehicular registration and title transfer; Vending machine rental services; Vending machines (Rental of -); Veterinary practice business management; Video recordings for advertising purposes (Production of -); Video recordings for marketing purposes (Production of -); Video recordings for publicity purposes (Production of -); Wage payroll preparation; Wage-packets (Preparation of -); Water meter reading for billing purposes; Web indexing for commercial or advertising purposes; Web site traffic optimisation; Web site traffic optimization; Website traffic optimization; Wholesale ordering services; Wholesale services for pharmaceutical, veterinary and sanitary preparations and medical supplies; Wholesale services in relation to agricultural equipment; Wholesale services in relation to alcoholic beverages (except beer); Wholesale services in relation to animal grooming preparations; Wholesale services in relation to art materials; Wholesale services in relation to articles for use with tobacco; Wholesale services in relation to audio-visual equipment; Wholesale services in relation to baked goods; Wholesale services in relation to beauty implements for animals; Wholesale services in relation to beauty implements for humans; Wholesale services in relation to bedding for animals; Wholesale services in relation to beer; Wholesale services in relation to chemicals for use in agriculture; Wholesale services in relation to chemicals for use in forestry; Wholesale services in relation to chemicals for use in horticulture; Wholesale services in relation to chocolate; Wholesale services in relation to cleaning articles; Wholesale services in relation to cleaning preparations; Wholesale services in relation to clothing; Wholesale services in relation to cocoa; Wholesale services in relation to coffee; Wholesale services in relation to computer hardware; Wholesale services in relation to computer software; Wholesale services in relation to confectionery; Wholesale services in relation to construction equipment; Wholesale services in relation to cookware; Wholesale services in relation to cooling equipment; Wholesale services in relation to cutlery; Wholesale services in relation to dairy products; Wholesale services in relation to desserts; Wholesale services in relation to dietary supplements; Wholesale

services in relation to dietetic preparations; Wholesale services in relation to earthmoving equipment; Wholesale services in relation to educational supplies; Wholesale services in relation to fabrics; Wholesale services in relation to festive decorations; Wholesale services in relation to floor coverings; Wholesale services in relation to fodder for animals; Wholesale services in relation to food cooking equipment; Wholesale services in relation to food preparation implements; Wholesale services in relation to foodstuffs; Wholesale services in relation to footwear; Wholesale services in relation to fragancing preparations; Wholesale services in relation to freezing equipment; Wholesale services in relation to frozen yogurts; Wholesale services in relation to fuels; Wholesale services in relation to furnishings; Wholesale services in relation to furniture; Wholesale services in relation to games; Wholesale services in relation to hand-operated implements for construction; Wholesale services in relation to hand-operated tools for construction; Wholesale services in relation to headgear; Wholesale services in relation to heaters; Wholesale services in relation to heating equipment; Wholesale services in relation to horticulture equipment; Wholesale services in relation to horticulture products; Wholesale services in relation to hygienic implements for animals; Wholesale services in relation to hygienic implements for humans; Wholesale services in relation to ice creams; Wholesale services in relation to information technology equipment; Wholesale services in relation to jewellery; Wholesale services in relation to kitchen knives; Wholesale services in relation to lighting; Wholesale services in relation to litter for animals; Wholesale services in relation to lubricants; Wholesale services in relation to luggage; Wholesale services in relation to meats; Wholesale services in relation to medical apparatus; Wholesale services in relation to medical instruments; Wholesale services in relation to metal hardware; Wholesale services in relation to navigation devices; Wholesale services in relation to non-alcoholic beverages; Wholesale services in relation to pharmaceutical preparations; Wholesale services in relation to preparations for making alcoholic beverages; Wholesale services in relation to preparations for making beverages; Wholesale services in relation to printed matter; Wholesale services in relation to refrigerating equipment; Wholesale services in relation to saddlery; Wholesale services in relation to sanitary installations; Wholesale services in relation to sanitation equipment; Wholesale

services in relation to seafood; Wholesale services in relation to sewing articles; Wholesale services in relation to sorbets; Wholesale services in relation to sporting articles; Wholesale services in relation to sporting equipment; Wholesale services in relation to stationery supplies; Wholesale services in relation to tableware; Wholesale services in relation to teas; Wholesale services in relation to threads; Wholesale services in relation to tobacco; Wholesale services in relation to toiletries; Xerography.

108. The application will proceed to registration for the following goods and services, against which the opposition has failed:

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; Après-ski boots; Apres-ski shoes; Aprons; Aprons [clothing]; Aqua shoes; Arm warmers [clothing]; Army boots; Articles of clothing for theatrical use; Articles of clothing made of hides; Articles of clothing made of leather; Articles of underclothing; Ascots; Ascots (ties); Athletics hose; 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; Après-ski boots; Apres-ski shoes; Aprons; Aprons [clothing]; Aqua shoes; Arm warmers [clothing]; Army boots; Articles of clothing for theatrical use; Articles of clothing made of hides; Articles of clothing made of leather; Articles of underclothing; Ascots; Ascots (ties); Athletics hose; 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; Bandeaux [clothing]; Barber smocks; Baseball uniforms; Baselayer bottoms; Baselayer tops; Basic upper garment of Korean traditional clothes [Jeogori]; 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; 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; 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; 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; Caftans; Cagoules; Camiknickers; Camisoles; Camouflage gloves; Camouflage jackets; Camouflage pants; Camouflage shirts; Camouflage vests; Cap peaks; Cap visors; Capelets; Capes; Capes (clothing); Capri pants; Caps (Shower -); Car coats; Cardigans; Cashmere clothing; Cashmere scarves; Cassocks; 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; 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 martial arts; Clothing for [...] children; Clothing for skiing; Clothing for wear in judo practices; Clothing for wear in wrestling games; Clothing incorporating LEDs; 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; 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; 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; Espadrilles; Esparto shoes or sandals; Esparto shoes or sandals; Evening coats; Evening dresses; Evening gowns; Evening suits; Evening wear; Eye masks; Fabric belts; Fabric belts [clothing]; Fake fur hats; Fancy dress costumes; Fascinator 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; Fleece vests; 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 (Fittings of metal for -); Footwear for snowboarding; Footwear for track and field athletics; Footwear made of vinyl; Footwear made of wood; Footwear (Non-slipping devices for -); 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 (nagaji); 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; 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; 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; Hairdressing capes; Half-boots; Halloween costumes; Halter tops; Handball shoes; Handwarmers [clothing]; Haneri [detachable neckpieces for kimonos]; Hat frames [skeletons]; Hats (Paper -) [clothing]; Head scarves; Headdresses [veils]; Headscarfs; Headscarves; Headshawls; Headsquares; 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; 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 soles; Insoles; Insoles for footwear; Insoles for shoes and boots; Insoles [for shoes and boots]; Intermediate soles; Imitation leather dresses; Infant clothing; Infant wear; Infants' boots; Infants' clothing; Infants' footwear; Infants' shoes; Infants' trousers; Infantwear; Inner soles; Insoles; Insoles for footwear; Insoles for shoes and boots; Insoles [for shoes and boots]; Intermediate soles; Jacket liners; Jackets (Stuff -) [clothing]; Japanese footwear of rice straw (waraji); Japanese kimonos; Japanese sleeping robes (nemaki); Japanese sleeping robes [nemaki]; Japanese split-toed work footwear (jikatami); Japanese style clogs and sandals; Japanese style sandals of felt; Japanese style sandals of leather; Japanese style sandals (zori); Japanese style socks (tabi); Japanese style socks (tabi covers); Japanese style wooden clogs (geta); Japanese toe-strap sandals (asaura-zori); Japanese traditional clothing; Jeans; Jerkins; Jockstraps [underwear]; Jodhpurs; 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]; Khimars; Kilts; Kimonos; Knee highs; 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' dresses; Ladies' sandals; Ladies' suits; Ladies' underwear; Latex clothing; 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]; Legwarmers; Leg-warmers; Leotards; Light-reflecting coats; Light-reflecting jackets; Linen (Body -) [garments]; Linen clothing; Lingerie; Linings (Ready-made -) [parts of clothing]; Liveries; Long johns; Long sleeved vests; Long underwear; Lounging robes; Low wooden clogs (hiyori-geta); Low wooden clogs (koma-geta); Low wooden clogs [koma-geta]; 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 [...], coats, [...], vests; Men's dress socks; Men's sandals; Men's suits; Men's underwear; 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 gaiters; Neck scarfs [mufflers]; Neck scarves; Neck scarves [mufflers]; Neck tube scarves; 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 bras; Nursing shoes; Oilskins [clothing]; One-piece clothing for infants and toddlers; One-piece playsuits; One-piece suits; Outer soles; Outerclimbing for boys; Outerclimbing for girls; Overalls; Overalls for infants and toddlers; Overcoats; Overshoes; Overtrousers; Over-trousers; Padded pants for athletic use; Padded shirts for athletic use; Padded shorts for athletic use; Pajama bottoms; Pajamas; Pajamas (Am.); Pantaloon; Pantie-girdles; Panties; Pants; Pants (Am.); Pantsuits; Pantyhose; 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; Parts of clothing, footwear and headgear; Party hats [clothing]; Pea coats; 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; Pocket kerchiefs; Pocket squares; Pocket squares [clothing]; Pockets for clothing; 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; Pullstraps for shoes and boots; Pumps [footwear]; Puttees; Puttees; Pyjamas; Pyjamas [from tricot only]; Quilted vests; Rain boots; Rain coats; Rain hats; Rain ponchos; Rain shoes; Rain slickers; Rain suits; Rain trousers; Raincoats; Rainshoes; Ramie shirts; Rash guards; Ready-made linings [parts of clothing]; Referees uniforms; Religious garments; Removable collars; Replica football kits; Riding boots; Riding gloves; Riding Gloves; Riding jackets; Riding shoes; Riding trousers; Robes; Robes (Bath -); Roll necks [clothing]; 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; Shields (Dress -); Shift dresses; Shirt fronts; Shirt yokes; Shirt-jacs; [...] slippers; 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 for foot volleyball; Shoes for infants; Shoes soles for repair; Shoes with hook and pile fastening tapes; Short overcoat for kimono (haori); Short petticoats; Shortalls; 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; 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; Slacks; Sleep masks; Sleep pants; Sleep shirts; Sleeping garments; Sleepsuits; Sleepwear; Sleeveless pullovers; 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]; 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 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; Toques [hats]; Track and field shoes; Traction attachments for footwear; Trekking boots; Trench coats; Trenchcoats; Trews; Triathlon clothing; Trouser socks; Trouser straps; Trousers for children; Trousers of leather; Trunks; Trunks (Bathing -); Trunks being clothing; Trunks [underwear]; 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 pants; Waterproof shoes; Waterproof suits for motorcyclists; Waterproof trousers; Waterskiing suits; 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 pants; Winter boots; Winter coats; Winter gloves; Women's ceremonial dresses; Women's foldable slippers; 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; Work boots; Work clothes; Work overalls; Work shoes; Working overalls; Wrap belts for kimonos (datemaki); Wraps [clothing]; Yashmaghs; Yashmaks; Yoga bottoms; Yoga pants; Yoga shirts; Yoga shoes; Yoga socks; Yoga tops; Yokes (Shirt -); Zoot suits; Zori; Fabric belts; Fabric belts [clothing]; Fake fur hats; Fancy dress

costumes; Fascinator 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; Fleece vests; 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 (Fittings of metal for -); Footwear for snowboarding; Footwear for track and field athletics; Footwear made of vinyl; Footwear made of wood; Footwear (Non-slipping devices for -); 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].

Class 35: Online retail services in relating to handbags; Wholesale services in relation to bags.

## **COSTS**

109. Both parties have succeeded in part. However, the opponent has enjoyed the greater degree of success. As such, they are entitled to a contribution towards their costs based upon the scale published in Tribunal Practice Notice 2/2016, with an appropriate reduction to reflect the applicant's degree of success. In the circumstances, I award the opponent the sum of **£1,200** as a contribution towards the cost of the proceedings. This sum is calculated as follows:

Preparing a statement and considering the applicant's counterstatement	£240
Preparing evidence	£480
Preparing written submissions in lieu of a hearing	£280
Official fee <sup>23</sup>	£200
<b>Total</b>	<b>£1,200</b>

110. I therefore order Jade Ryan to pay John Labaysse the sum of **£1,200**. This sum 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 (subject to any order made by the appellate tribunal).

**Dated this 16<sup>th</sup> day of December 2021**

**James Hopkins**  
**For the Registrar**  
**The Comptroller-General**

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<sup>23</sup> The official fee connected with the filing of the Form TM7 is not subject to a reduction.

## ANNEX

### **Goods and services of trade mark application no. 3485228**

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; 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; 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 incorporating LEDs; 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; 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 sandals; 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; 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; 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 (asaura-zori); Japanese traditional clothing; Jeans; Jerkins; Jerseys; Jerseys [clothing]; Jockstraps [underwear]; Jodhpurs; Jogging bottoms; Jogging bottoms [clothing]; Jogging outfits; Jogging pants; Jogging sets [clothing]; Jogging shoes; Jogging suits; Jogging tops; Judo suits; Judo uniforms; Jump Suits; Jumper dresses; Jumper suits; Jumpers; Jumpers [pullovers]; Jumpers [sweaters]; Jumpsuits; Kaftans; Karate suits; Karate uniforms; Kendo outfits; Kerchiefs; Kerchiefs [clothing]; Khakis; Khimars; Kilts; Kimonos; Knee highs; 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; Latex clothing; Layettes; Layettes [clothing]; Leather belts [clothing]; Leather clothing; Leather (Clothing of -); Leather (Clothing of imitations of -); Leather coats; Leather dresses; Leather garments; Leather headwear; Leather jackets; Leather pants; Leather 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 gaiters; Neck scarfs [mufflers]; Neck scarves; Neck scarves [mufflers]; Neck tube scarves; 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 bras; Nursing shoes; Oilskins [clothing]; One-piece clothing for infants and toddlers; One-piece playsuits; One-piece suits; Open-necked shirts; Outer clothing; Outer soles; Outerclathing; Outerclathing for boys; Outerclathing for girls; Outerclathing 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; Pantyhose; 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; Parts of clothing, footwear and headgear; 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; Tabards; Taekwondo suits; Taekwondo uniforms; Tail coats; Tailleurs; Tam o'shanters; 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; 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].

Class 35: Account auditing; Accountancy; Accountancy advice relating to tax preparation; Accountancy advice relating to taxation; Accountancy advice relating to the preparation of tax returns; Accountancy, book keeping and auditing; Accountancy services; Accountancy services relating to accounts receivable; Accounting; Accounting advisory services; Accounting consultancy relating to taxation; Accounting for third parties; Accounting, in particular book-keeping; Accounting services; Accounting services for mergers and acquisitions; Accounting services for pension funds; Accounting services relating to costs for farming enterprises; Accounting services relating to tax planning; Accounts (Drawing up of statements of -); Accounts (Preparation of -); Acquisition (Business -) searches; Acquisition of business information relating to company activities; Acquisition of business information relating to company status; Acquisition of commercial information; Acquisitions (Advice relating to -); Acquisitions (Business -) consulting services; Addressing envelopes; Addressing of envelopes; Administering medication reimbursement programs and services; Administering of professional competency testing; Administering of professional [vocational] certifications; Administering pharmacy reimbursement programs and services; Administration, billing and reconciliation of accounts on behalf of others; Administration (Business -) relating to statistical methods; Administration (Commercial -) of the licensing of the goods and services of others; Administration of a discount program for enabling participants to obtain discounts on goods and services through use of a discount membership card; Administration of business affairs; Administration of business payroll for others; Administration of businesses; Administration of competitions for advertising purposes; Administration of consumer loyalty programs; Administration of contests for advertising purpose; Administration of cultural and educational exchange programs; Administration of customer loyalty and incentive schemes; Administration of employee benefit plans; Administration of employee pension plans; Administration of employee welfare benefit plans; Administration of foreign business affairs; Administration of frequent flyer programmes



that allow members to redeem miles for points or awards offered by other loyalty programmes; Administration of frequent flyer programs; Administration of frequent flyer programs that allow members to redeem miles for points or awards offered by other loyalty programs; Administration of incentive award programs to promote the sale of the goods and services of others; Administration of loyalty and incentive schemes; Administration of loyalty programs involving discounts or incentives; Administration of loyalty rewards programmes; Administration of loyalty rewards programs; Administration of loyalty rewards programs featuring trading stamps; Administration of membership schemes; Administration of newspaper subscription [for others]; Administration of patient reimbursement programs; Administration of preferred provider plans; Administration of prepaid health care plans; Administration of sales and promotional incentive schemes; Administration of sales promotion incentive programs; Administration of the business affairs of franchises; Administration of the business affairs of retail stores; Administration relating to business appraisal; Administration relating to business planning; Administration relating to marketing; Administration relating to sales methods; Administrative accounting; Administrative assistance in responding to calls for tenders; Administrative assistance in responding to requests for proposals [RFPs]; Administrative data processing; Administrative hotel management; Administrative loyalty card services; Administrative management of health care clinics; Administrative management of hospitals; Administrative order processing; Administrative processing and organising of mail order services; Administrative processing of computerized purchase orders; Administrative processing of orders; Administrative processing of purchase orders; Administrative processing of purchase orders placed by telephone or computer; Administrative processing of purchase orders within the framework of services provided by mail-order companies; Administrative processing of warranty claims; Administrative services for medical referrals; Administrative services for the relocation of businesses; Administrative services relating to credit card registration; Administrative services relating to customs clearance; Administrative services relating to dental health insurance; Administrative services relating to employee stock plans; Administrative services relating to hospital referrals; Administrative services relating to referrals for general building contractors; Administrative services relating to referrals for insurance agents; Administrative services relating to the management of legal dockets; Administrative services relating to the referral of clients to lawyers; Administrative

services relating to the referral of patients; Administrative services relating to the relocation of personnel; Administrative services relating to warranty claims processing; Balance sheet accounting; Banner advertising; Benchmarking (evaluation of business organisation practices); Benchmarking services; Bidding quotation; Bill presentment services; Bill sticking; Billing; Billing services; Billing services in the field of energy; Billing services in the field of healthcare; Bill-posting; Blogger outreach services; Book club services retailing books to its members; Booking agent services for models; Bookkeeping; Book-keeping; Book-keeping and accounting; Book-keeping and accounting services; Bookkeeping for electronic funds transfer; Brand creation services; Brand creation services (advertising and promotion); Brand evaluation services; Brand positioning; Brand positioning services; Brand strategy services; Brand testing; Brokerage of name and address based lists; Business accounting advisory services; Business accounts management; Business acquisitions; Business acquisitions (Advice relating to -); Business acquisitions consultation; Business administration; Business administration and management; Business administration assistance; Business administration consultancy; Business administration for others; Business administration in the field of transport and delivery; Business administration of employee share schemes; Business administration services; Business administration services for processing sales made on the internet; Business administration services for the processing of sales made on a global computer network; Business administration services for the processing of sales made on the Internet; Business administration services in the field of healthcare; Business administration services in the field of transportation; Business advertising services relating to franchising; Business advice; Business advice and consultancy relating to franchising; Business advice, inquiries or information; Business advice relating to accounting; Business advice relating to acquisitions; Business advice relating to advertising; Business advice relating to disposals; Business advice relating to financial re-organisation; Business advice relating to franchising; Business advice relating to growth financing; Business advice relating to marketing; Business advice relating to marketing management consultations; Business advice relating to mergers; Business advice relating to restaurant franchising; Business advice relating to strategic marketing; Business advisory and consultancy services; Business advisory services; Business advisory services provided to determine pay and grading structures; Business advisory services relating to business liquidations; Business advisory

services relating to company performance; Business advisory services relating to franchising; Business advisory services relating to franchising of a motor dealership; Business advisory services relating to product development; Business advisory services relating to product manufacturing; Business advisory services relating to the establishment and operation of franchises; Business advisory services relating to the establishment of motor dealership; Business advisory services relating to the running of restaurants; Business advisory services relating to the running of sandwich bars; Business advisory services relating to the selection of computers; Business advisory services relating to the setting up of restaurants; Business advisory services relating to the setting up of sandwich bars; Business advisory services relating to the use of computers; Business advisory services to determine pay and grading structures by job evaluation; Business analysis; Business analysis and information services, and market research; Business analysis of markets; Business analysis services; Business and commercial information services; Business and market research; Business appraisal; Business appraisal consultancy; Business appraisal services; Business appraisals; Business appraisals and evaluations in business matters; Business assistance; Business assistance, management and administrative services; Business assistance relating to business image; Business assistance relating to corporate identity; Business assistance relating to franchising; Business assistance relating to starting and running a franchise; Business assistance relating to the establishment of franchises; Business assistance relating to the formation of commercial undertakings; Business auditing; Career advisory services (other than education and training advice); Career information and advisory services (other than educational and training advice); Career networking services; Career placement; Career placement consulting services; Career planning consultancy; Carrying out auction sales; Casting [recruitment] of performing artists; Chamber of commerce services for the promotion of businesses; Chamber of commerce services for the promotion of commerce; Chamber of commerce services for the promotion of trade; Chartered accountancy business services; Cinema advertising; Cinematographic film advertising; Classified advertising; Classified advertising services; Clerical employment agency services; Clerical services for making appointments; Clerical services for the handling of enquiries; Clerical services for the taking of sales orders; Collating of data in computer databases; Collecting business information; Collecting business statistics; Collecting information for business; Collection and systematisation of information into computer

databases; Collection of commercial information; Collection of data; Collection of information relating to advertising; Collection of information relating to market analysis; Collection of information relating to market research; Collection of information relating to market studies; Collection of market research information; Collection of personnel information; Collection of statistics for business; Commercial administration of the licensing of the goods and services of others; Commercial and industrial management assistance; Commercial assistance in business management; Commercial business management; Commercial consultancy; Commercial consultancy services; Commercial information; Commercial information agencies; Commercial information agencies [provides business information, e.g., marketing or demographic data]; Commercial information agency services; Commercial information and advice for consumers [consumer advice shop]; Commercial information and advice for consumers in the choice of products and services; Commercial information and advice services for consumers in the field of beauty products; Commercial information and advice services for consumers in the field of cosmetic products; Commercial information and advice services for consumers in the field of make-up products; Commercial information (Compilation of -); Commercial information provided by means of a computer database; Commercial information (Provision of -); Commercial information research studies; Commercial information services; Commercial information services provided by access to a computer database; Commercial information services relating to wine; Commercial information services, via the internet; Commercial intermediation for business purposes; Commercial intermediation services; Commercial lobbying services; Commercial management; Commercial management assistance; Commercial or industrial management assistance; Communication media (Presentation of goods on -), for retail purposes; Company information (Searches relating to -); Company management [for others]; Company management, including consultancy in demographic matters; Company office secretarial services; Company record keeping [for others]; Company record-keeping; Comparison services (Price -); Comparison shopping services; Competitive intelligence services; Compilation and input of information into computer databases; Compilation and provision of trade and business price and statistical information; Compilation and systematisation of information in databanks; Compilation and systemisation of information into computer databases; Compilation and systemization of information into computer databases; Compilation and systemization of information

used in electronic transmissions; Compilation and systemization of written communications and data; Compilation of advertisements; Compilation of advertisements for use as web pages; Compilation of advertisements for use as web pages on the Internet; Compilation of advertisements for use on internet web pages; Compilation of advertisements for use on the internet; Compilation of business data; Compilation of business directories; Compilation of business directories for publishing on the Internet; Compilation of business information; Compilation of business statistics; Compilation of business statistics and commercial information; Compilation of commercial registers; Compilation of company information; Compilation of computer data bases; Compilation of computer databases; Compilation of data; Compilation of data in computer databases; Compilation of direct mailing lists; Compilation of directories for publication on the internet; Compilation of directories for publishing on global computer networks or the internet; Data collection [for others]; Data collection services; Data compilation for others; Data entry and data processing; Data file administration; Data inputting services; Data management; Data management services; Data processing; Data processing for businesses; Data processing for the collection of data for business purposes; Data processing management; Data processing services; Data processing services in the field of healthcare; Data processing services in the field of payroll; Data processing services in the field of transportation; Data processing, systematisation and management; Data processing verification; Data retrieval services; Data search in computer files for others; Data searches in computerised files for others; Data transcription; Database management; Data-base management (Computerised -); Database management services; Database marketing; Data-based stock control; Data-based stock location services; Demonstration [for promotional/advertising purposes]; Demonstration of goods; Demonstration of goods and services by electronic means, also for the benefit of the so-called teleshopping and homeshopping services; Demonstration of goods for advertising purposes; Demonstration of goods for promotional purposes; Demonstration of photographic equipment [for advertising purposes]; Demonstration of products; Design of advertising brochures; Design of advertising flyers; Design of advertising logos; Design of advertising materials; Design of marketing surveys; Design of public opinion surveys; Developing promotional campaigns for business; Developing promotional campaigns for businesses; Development and implementation of marketing strategies for others; Development of advertising concepts; Development

of concepts for business economy; Development of hospital management systems; Development of marketing strategies and concepts; Development of promotional campaigns; Digital advertising services; Digital marketing; Direct mail advertising; Direct mail advertising services; Direct mail advertising services provided by lettershops; Direct mail advertising to attract new customers and to maintain the existing customer base; Direct market advertising; Direct marketing; Direct marketing consulting; Direct marketing services; Directories (Compilation of business -); Display services for merchandise; Displaying advertisements for others; Dissemination of advertisements; Dissemination of advertisements and of advertising material [flyers, brochures, leaflets and samples]; Dissemination of advertisements via the Internet; Dissemination of advertising and promotional materials; Dissemination of advertising for others; Dissemination of advertising for others via an on-line communications network on the internet; Dissemination of advertising for others via the Internet; Dissemination of advertising, marketing and publicity materials; Dissemination of advertising material; Dissemination of advertising material [leaflets, brochure and printed matter]; Dissemination of advertising material [leaflets, brochures and printed matter]; Dissemination of advertising materials; Dissemination of advertising matter; Dissemination of advertising matter by mail; Dissemination of advertising matter online; Dissemination of advertising via online communications networks; Dissemination of business information; Dissemination of commercial information; Dissemination of data relating to advertising; Dissemination of data relating to business; Dissemination of information relating to the recruitment of graduates; Dissemination services of advertisement matter; Distribution and dissemination of advertising materials [leaflets, prospectuses, printed material, samples]; Distribution of advertisements and commercial announcements; Distribution of advertising announcements; Distribution of advertising brochures; Distribution of advertising leaflets; Distribution of advertising mail and of advertising supplements attached to regular editions; Distribution of advertising, marketing and promotional material; Distribution of advertising material; Distribution of advertising material by post; Distribution of advertising materials; Distribution of advertising matter; Distribution of advertising samples; Distribution of flyers, brochures, printed matter and samples for advertising purposes; Distribution of printed advertising matter; Distribution of printed promotional material by post; Distribution of products for advertising purposes; Economic analysis for business purposes; Economic forecasting; Economic

forecasting analysis for business purposes; Economic forecasting and analysis; Economic forecasting for business purposes; Economic forecasting services; Economic information services for business purposes; Economic studies for business purposes; Editing of publicity texts; Efficiency (Business -) expert services; Efficiency expert services; Efficiency experts; Electricity meter reading for billing purposes; Electronic billboard advertising; Electronic data processing; Electronic order processing; Electronic publication of printed matter for advertising purposes; Electronic stock management services; Employee leasing; Employee record services; Employee relocation services; Employment agencies; Employment agency services; Employment agency services for people skilled in the use of computers; Employment agency services for personnel in general office positions; Employment agency services for temporary work assignments; Employment agency services provided for nannies; Employment agency services relating to au pairs; Employment agency services relating to bilingual staff; Employment agency services relating to nurses; Employment agency services relating to placement of medical and nursing personnel; Employment agency services the provision of staff for the manning of show houses; Employment booking services for film television technicians; Employment booking services for performing artists; Employment bureau services; Employment consultancy; Employment consultancy services; Employment consultancy services relating to data processing personnel; Employment counselling; Employment counselling and consultancy services; Employment counselling services; Employment management services for film television technicians; Employment outplacement services; Employment placement services for butlers; Employment placement services for housekeepers; Employment placement services for personal assistants; Employment recruiting consultancy; Employment recruiting services; Employment recruitment; Energy price comparison services; Estimations for marketing purposes; Evaluating the impact of advertising on audiences; Evaluation of business opportunities; Evaluation of personnel requirements; Evaluations relating to business management in commercial enterprises; Evaluations relating to business management in industrial enterprises; Evaluations relating to business management in professional enterprises; Evaluations relating to commercial matters; Event marketing; Execution of stenographic work to order; Executive placement services; Executive recruiting services; Executive recruitment services; Executive search and placement services; Executive search and selection services; Executive search

services; Executive selection services; Exhibitions (Arranging -) for advertising purposes; Exhibitions (Arranging -) for business purposes; Exhibitions (Arranging -) for commercial purposes; Exhibitions (Arranging -) for trade purposes; Exhibitions (Conducting -) for advertising purposes; Exhibitions (Conducting -) for business purposes; Exhibitions (Conducting -) for commercial purposes; Exhibitions (Conducting -) for trade purposes; Exhibitions for commercial or advertising purposes; Expert evaluations and reports relating to business matters; Export agency services; Export and import agencies; Export promotion services; Export-import agency services; Fashion show exhibitions for commercial purposes; Fashion shows for promotional purposes (Organization of -); File management (Computerized -); Filing documents or magnetic-tapes [office functions]; Financial auditing; Financial marketing; Financial records management; Financial statement preparation and analysis for businesses; Forecasting (Economic -); Forecasting (Economic -) for business purposes; Foreign trade consultancy services; Foreign trade information and consultation; Foreign trade information (Provision of -); Foreign trade information (Services for the provision of -); Forensic accounting services; Franchising (Business advice relating to -); Franchising (Business advisory services relating to -); Franchising services providing business assistance; Franchising services providing marketing assistance; Gas meter reading for billing purposes; Gift registry services; Goods import-export agencies; Goods or services price quotations; Grain market analysis; Graphic advertising services; Handbill distribution; Headhunting services; Health care cost management; Health care cost review; Help in the management of business affairs or commercial functions of an industrial or commercial enterprise; Hire of advertising aids; Hire of advertising billboards; Hire of advertising equipment; Hire of advertising hoardings; Hire of office equipment; Hire of office machinery; Hiring of advertising materials; Hiring of machines or apparatus for offices; Hiring of office equipment; Hiring of publicity materials; Hiring of typewriters; Hospital management; Hotel management for others; Hotel management service [for others]; Hotels (Business management of -); Human resources consultancy; Human resources consultation; Human resources management; Human resources management and recruitment services; Import agency services; Import and export agencies; Import and export agencies services; Import and export agency services; Import and export services; Import-export agencies; Import-export agencies in the field of energy; Import-export agency services; Income tax returns (Preparation of -); Industrial management



assistance (Commercial or -); Industrial management consultation including cost/yield analyses; Information about sales methods; Information agencies (Commercial -); Information and data compiling and analyzing relating to business management; Information and expert opinions relating to companies and business; Information (Business -); Information in business matters; Information or enquiries on business and marketing; Information services relating to advertising; Information services relating to business matters; Information services relating to businesses; Information services relating to data processing; Information services relating to jobs and career opportunities; Initiating telephone calls for others; Inquiries (Business -); Inserting printed matter into envelopes; Interim business management; Intermediary services relating to advertising; Intermediary services relating to the rental of advertising time and space; Internet marketing; Internship placement services; Interpretation of market research data; Interviewing for market research purposes; Interviewing for qualitative market research; Interviewing services [for personnel recruitment]; Inventories (Preparation of -); Inventory control; Inventory management; Inventory management of parts and components for manufacturers and suppliers; Inventory management services; Inventorying merchandise; Investigations (Business -); Investigations of marketing strategy; Invoicing; Invoicing services; Issuing and updating of advertising texts; Issuing of publicity leaflets; Job agency services; Job agency services for medical personnel; Job agency services for para-medical personnel; Job and personnel placement; Job matching services; Job placement; Job placement consultancy; Key return registration; Key punching [office functions]; Labor exchanges; Labour exchange services; Layout services for advertising purposes; Leasing of advertising billboards; Leasing of advertising hoardings; Leasing of advertising space on pamphlets; Leasing of advertising space on railway properties; Leasing of advertising space on trains; Leasing of billboards; Leasing of office machines; Leasing of typewriters; Licensing of the goods and services of others (Commercial administration of the -); Lifecycle costing for business purposes; Literary agency services consisting of the negotiation of contracts; Loyalty, incentive and bonus program services; Loyalty scheme services; Magazine advertising; Mail order retail services connected with clothing accessories; Mail order retail services for clothing; Mail order retail services for clothing accessories; Mail order retail services for cosmetics; Mail order retail services related to alcoholic beverages (except beer); Mail order retail services related to beer; Mail order retail services related to foodstuffs; Mail

order retail services related to non-alcoholic beverages; Mail sorting, handling and receiving; Mail sorting, handling and receiving [office functions]; Mailing list preparation services; Mailing lists (Compilation of -); Mail-order advertising; Maintaining a registry of animal breeds; Maintaining a registry of certified aerospace technicians; Maintaining a registry of certified medical technical professionals; Maintaining a registry of dog breeds; Maintaining a registry of information; Maintaining a registry of professional vocational evaluators; Maintaining files and records concerning the medical condition of individuals; Maintaining personal medical history records and files; Maintenance of asset registers [for others]; Maintenance of personnel records [for others]; Maintenance of registers [for others]; Management accounting; Management administration of commercial undertakings; Management advice; Management advice relating to the placing of staff; Management advice relating to the recruitment of staff; Management (Advisory services for business -); Management advisory services related to franchising; Management and compilation of computerised databases; Management and operation assistance to commercial businesses; Management assistance; Management assistance (Commercial or industrial -); Management assistance for industrial organisations; Management assistance for promoting business; Management assistance in business affairs; Management assistance in the establishment of commercial undertakings; Management assistance services; Management assistance to commercial companies; Management assistance to commercial firms; Management (Computerized file -); Management consultancy (Personnel -); Management consultancy services; Management consulting; Management of a retail enterprise for others; Management of an airline company; Management of business [for others]; Management of business offices for others; Management of business projects [for others]; Management of computer databases; Management of computer files; Management of computerised files; Management of customer loyalty, incentive or promotional schemes; Management of health care clinics for others; Management of hotel incentive programs of others; Management of performing artists; Management of professional athletes; Management of telephone call centers for other; Management of telephone call centers for others; Management on behalf of industrial and commercial enterprises in terms of supplying them with office requisites; Market analysis; Market analysis and research; Market analysis and research services; Market analysis reports; Market analysis services; Market analysis services relating to the availability of antiques; Market analysis services relating to the

availability of goods; Market analysis services relating to the sale of antiques; Market analysis services relating to the sale of goods; Market analysis studies; Market assessment consultancy; Market assessment services; Market campaigns; Market canvassing; Market forecasting; Market information services relating to index levels; Market information services relating to market statistics; Market information services relating to trade reports; Market intelligence services; Market investigation via the telephone; Market opinion polling studies; Market prospecting; Market reporting consultancy; Market reporting services; Market reports and studies; Market research; Market research and analysis; Market research and analysis services; Market research and business analyses; Market research and market analysis; Market research and marketing studies; Market research by means of a computer data base; Market research by means of a computer database; Market research consultancy; Market research data analysis; Market research data collection services; Market research data retrieval services; Nanny placement services; Negotiating and concluding commercial transactions for others; Negotiation and conclusion of commercial transactions for third parties; Negotiation and conclusion of commercial transactions for third parties via telecommunication systems; Negotiation and settlement of commercial transactions for third parties; Negotiation of advertising contracts; Negotiation of business contracts for others; Negotiation of commercial transactions for performing artists; Negotiation of commercial transactions for third parties; Negotiation of contracts relating to the purchase and sale of goods; Negotiation of contracts with health care payors; News and current affairs clipping services; News clipping services; Newspaper advertising; Newspaper subscription services; Newspaper subscription services for others; Newspaper subscriptions; Newspaper subscriptions (Arranging -) for others; Obtaining business statistics [for others]; Office administration services [for others]; Office equipment rental services; Office functions; Office functions services; Office machine rental services; Office machines and equipment rental; Office machines (Rental of -); Office management services [for others]; Office services for electronically collating data; Office services for electronically collecting data; Office services for electronically manipulating data; Office support staff recruitment services; Online advertisements; Online advertising; On-line advertising; On-line advertising and marketing services; Online advertising network matching services for connecting advertisers to websites; Online advertising on a computer network; On-line advertising on a computer network; On-line

advertising on computer communication networks; Online advertising on computer networks; On-line advertising on computer networks; Online advertising services; Online advertising via a computer communications network; On-line advertising via a computer communications network; On-line auction bidding for others; On-line auctioneering; On-line auctioneering services via the Internet; Online business networking services; Online community management services; Online data processing services; On-line data processing services; Online marketing; Online ordering services; On-line ordering services in the field of restaurant take-out and delivery; On-line promotion of computer networks and websites; Online retail services for downloadable and pre-recorded music and movies; Online retail services for downloadable digital music; Online retail services for downloadable ring tones; Online retail services relating to clothing; Online retail services relating to cosmetics; Online retail services relating to handbags; Online retail services relating to jewelry; Online retail services relating to luggage; Online retail services relating to toys; Online retail store services in relation to clothing; Online retail store services relating to clothing; Online retail store services relating to cosmetic and beauty products; On-line trading services in which seller posts products to be auctioned and bidding is done via the Internet; Operation of a telephone switchboard for others; Operation of businesses [for others]; Operation of commercial businesses [for others]; Operational business assistance to enterprises; Opinion polling; Ordering services [for others]; Ordering services for third parties; Organisation and conducting of product presentations; Organisation and holding of fairs for commercial or advertising purposes; Organisation and management of business incentive and loyalty schemes; Organisation and management of customer loyalty programs; Organisation for a third party of telephone welcoming services and of telephone receptionist services; Organisation of customer loyalty programs for commercial, promotional or advertising purposes; Organisation of events for commercial and advertising purposes; Organisation of exhibitions and events for commercial or advertising purposes; Organisation of exhibitions and trade fairs for business and promotional purposes; Organisation of exhibitions and trade fairs for commercial and advertising purposes; Organisation of exhibitions and trade fairs for commercial or advertising purposes; Organisation of exhibitions for business or commerce; Organisation of exhibitions for commercial and advertising purposes; Organisation of exhibitions for commercial or advertising purposes; Organisation of exhibitions of flowers and plants for commercial or advertising purposes; Organisation

of exhibitions or trade fairs for commercial or advertising purposes; Organisation of fashion shows for commercial purposes; Organisation of internet auctions; Organisation of prize draws for advertising purposes; Organisation of promotions using audiovisual media; Organisation of promotions using audio-visual media; Organisation of trade fairs; Organisation of trade fairs and exhibitions for commercial or advertising purposes; Organisation of trade fairs for advertising purposes; Organisation of trade fairs for commercial or advertising purposes; Organisation, operation and supervision of an incentive scheme; Organisation, operation and supervision of customer loyalty schemes; Organisation, operation and supervision of loyalty and incentive schemes; Organisation, operation and supervision of loyalty schemes and incentive schemes; Organisation, operation and supervision of sales and promotional incentive schemes; Organisational consultancy regarding customer loyalty programmes; Organising and conducting job fairs; Organising exhibitions for commercial or advertising purposes; Organization of art exhibitions for commercial or advertising purposes; Organization of events, exhibitions, fairs and shows for commercial, promotional and advertising purposes; Organization of exhibitions and trade fairs for commercial or advertising purposes; Organization of exhibitions for commercial or advertising purposes; Organization of fairs and exhibitions for commercial and advertising purposes; Organization of fairs for commercial and advertising purposes; Organization of fashion shows for promotional purposes; Organization of trade fairs; Organization of trade fairs for commercial or advertising purposes; Organization, operation and supervision of loyalty and incentive schemes; Pay per click advertising; Payroll advisory services; Payroll assistance; Payroll preparation; Payroll processing services [for others]; Permanent staff recruitment; Personal management consultancy services; Personality testing for recruitment purposes; Personality testing for the selection of personnel; Personnel agency services relating to the electronics industry; Personnel consultancy; Personnel management; Personnel management advice; Personnel management and employment consultancy; Personnel management assistance; Personnel management assistance services; Personnel management consultancy; Personnel management consultancy services; Personnel management consultation; Personnel management consulting; Personnel management for advertising purposes; Personnel management of marketing personnel; Personnel management of sales personnel; Personnel management services; Personnel placement; Personnel placement and

recruitment; Personnel placement consultancy; Personnel placement services; Personnel recruitment; Personnel recruitment advertising; Personnel recruitment agency services; Personnel recruitment consultancy; Personnel recruitment services; Personnel recruitment services and employment agencies; Personnel relocation; Personnel resources management; Personnel selection [for others]; Personnel selection using psychological testing; Personnel services; Photocopying; Photocopying services; Placement of design staff; Placement of permanent personnel; Placement of staff; Placement of temporary personnel; Placing advertisements for others; Planning and conducting of trade fairs, exhibitions and presentations for commercial or advertising purposes; Planning and conducting of trade fairs, exhibitions and presentations for economic or advertising purposes; Planning concerning business management, namely, searching for partners for amalgamations and business take-overs as well as for business establishments; Planning of marketing strategies; Planning services for advertising; Planning services for marketing studies; Political advertising services; Political opinion polling; Polling (Opinion -); Preparation and compilation of business and commercial reports and information; Preparation and completion of income tax returns; Preparation and presentation of audio visual displays for advertising purposes; Preparation and realization of media and advertising plans and concepts; Preparation of accounts; Preparation of advertisements; Preparation of advertising campaigns; Preparation of advertising material; Preparation of advertising matter; Preparation of annual returns for business undertakings; Preparation of audio and/or visual displays for businesses; Preparation of business balances; Preparation of business reports; Preparation of business statistical data; Preparation of business statistics; Preparation of business surveys; Preparation of commercial reports; Preparation of custom advertisements for others; Preparation of documents relating to business; Preparation of documents relating to taxation; Preparation of economic reports; Preparation of expert evaluations and reports relating to business matters; Preparation of income tax returns; Preparation of inventories; Preparation of invoices; Preparation of mailing lists; Preparation of mailing lists for direct mail advertising services [other than selling]; Preparation of market analysis reports; Preparation of market reports and studies; Preparation of marketing plans; Preparation of marketing surveys; Preparation of pay packets; Preparation of payrolls [for others]; Preparation of project studies relating to business matters; Preparation of public opinion surveys; Preparation of publicity columns; Preparation of

publicity documents; Preparation of publicity leaflets; Preparation of publicity material; Preparation of publicity publications; Preparation of reports for marketing; Preparation of résumés for others; Preparation of statements of accounts; Preparation of statistics [business]; Preparation of tax declarations; Radio advertising; Radio advertising and commercials; Radio and television advertising; Real estate marketing; Real estate marketing analysis; Records management services, namely, document indexing for others; Recruiting of office support staff; Recruitment advertising; Recruitment and personnel management services; Recruitment and placement services; Recruitment [casting] of actors; Recruitment consultancy for lawyers; Recruitment consultancy for legal secretaries; Recruitment consultancy services; Recruitment consultants in the financial services field; Recruitment of airline personnel; Recruitment of airport ground staff; Recruitment of computer staff; Recruitment of executive staff; Recruitment of flight personnel; Recruitment of high-level management personnel; Recruitment of personnel; Recruitment of political operatives; Recruitment of political volunteers; Recruitment of temporary personnel; Recruitment of temporary technical personnel; Recruitment (Personnel -); Recruitment services; Recruitment services for sales and marketing personnel; Referral marketing; Registration and transcription of written communications; Registration of written communications and data; Relocation services (Employee -); Relocation services for business; Relocation services for businesses; Rental of advertisement billboards; Rental of advertisement hoardings; Rental of advertisement space; Rental of advertisement space and advertising material; Rental of advertising material; Rental of advertising matter; Rental of advertising space; Rental of advertising space on the internet; Rental of advertising space on the Internet for employment advertising; Rental of advertising space on web sites; Rental of advertising space on-line; Rental of advertising space, time and materials; Rental of advertising time in cinemas; Rental of advertising time on communication media; Rental of all publicity and marketing presentation materials; Rental of billboards; Rental of billboards [advertising boards]; Rental of card-operated vending machines; Rental of coin-operated vending machines; Rental of copying apparatus; Rental of digital billboards; Rental of electronic point of sale (EPOS) equipment; Rental of office equipment; Rental of office equipment in co-working facilities; Rental of office machinery and equipment; Rental of office machines; Rental of office machines and equipment; Rental of photocopiers; Rental of photocopying machines; Rental of publicity equipment; Rental of publicity material; Rental of

publicity matter; Rental of sales stands; Rental of signs for advertising purposes; Rental of typewriters; Rental of typewriters and copying machines; Rental of vending machines; Rental [Office machines and equipment -]; Rental (Publicity material -); Renting of advertising spaces; Reproduction (Document -); Reproduction of advertising material; Reproduction of drawings; Reproduction of files [paper]; Reproduction of records [paper]; Reproduction services (Document -); Reprographic services; Research and analysis in the field of market manipulation; Research (Business -); Research for business purposes; Research (Market -); Research of business information; Research services relating to advertising; Research services relating to advertising and marketing; Research services relating to business; Response advertising; Restaurant management for others; Retail of third-party pre-paid cards for the purchase of clothing; Retail of third-party pre-paid cards for the purchase of entertainment services; Retail of third-party pre-paid cards for the purchase of multimedia content; Retail of third-party pre-paid cards for the purchase of telecommunication services; Retail or wholesale services for pharmaceutical, veterinary and sanitary preparations and medical supplies; Retail purposes (Presentation of goods on communication media, for -); Retail services connected with stationery; Retail services connected with the sale of clothing and clothing accessories; Sales account management; Sales administration; Sales demonstration [for others]; Sales management services; Sales promotion; Sales promotion for others; Sales promotion for others by means of privileged user cards; Sales promotion for others provided through the distribution and the administration of privileged user cards; Sales promotion for others through trading stamp schemes; Sales promotion for third parties; Sales promotion services; Sales promotion services for third parties; Sales promotion through customer loyalty programs; Sales promotion using audiovisual media; Sales promotions at point of purchase or sale, for others; Sales volume tracking for others; Sample distribution; Samples (Distribution of -); School fee accounting services; School fee cost accounting services; Scriptwriting for advertising purposes; Search engine marketing services; Search engine optimisation; Search engine optimisation for sales promotion; Search engine optimisation services; Search engine optimization; Search engine optimization for sales promotion; Secretarial and clerical services; Secretarial employment agency services; Secretarial employment services; Secretarial services; Secretarial services provided by hotels; Secretariat services; Selection of executive personnel; Selection of personnel; Selection of staff; Services



comprising the composition of statistical data; Services comprising the recording of statistical data; Services comprising the transcription of statistical data; Services for provision of foreign trade information; Services of advertising agencies; Services rendered by a franchisor, namely, assistance in the running or management of industrial or commercial enterprises; Services with regard to product presentation to the public; Serving as a human resources department for others; Shareholder record keeping services; Shop retail services connected with carpets; Shop window display arrangement services; Shop window dressing; Shop window dressings; Shorthand; Shorthand secretarial services; Shorthand services; Shorthand typing; Shows (Arranging trade -); Shows (Conducting business -); Shows (Conducting trade -); Sponsorship search; Sponsorship search consultancy services; Staff placement services; Staff recruitment; Staff recruitment consultancy services; Staff recruitment services; Staff utilisation planning; Statements of account (Drawing up of -); Statements of accounts (Drawing up of -); Statistical analysis and reporting; Statistical analysis and reporting services for business purposes; Statistical evaluations of marketing data; Statistical information (Provision of business -); Statistical studies (Business -); Statistics (Compilation of -); Statistics (Preparation of business -); Stenographic transcription; Stenography; Stenotyping; Stock control services; Stock management services; Stocktaking; Strategic business analysis; Strategic business consultancy; Strategic business planning; Street dissemination of advertising materials; Subscription to a television channel; Subscription to an information media package; Subscriptions (arranging -) to a telematics, telephone or computer service [internet]; Subscriptions (Arranging -) to telecommunication services for others; Subscriptions (Arranging newspaper -) for others; Subscriptions (arranging of) to books, reviews, newspapers or comic books; Subscriptions for newspapers (Arranging of for others -); Subscriptions to electronic journals; Subscriptions to telecommunications database services; Supervision of businesses on behalf of others; Supply chain management services; Support for employees with regard to business matters; Surveys (Business -); Surveys for business purposes; Surveys (Market -); Systematization of data in computer databases; Systemisation of information into computer databases; Systemization of information into computer databases; Talent agency services [business management of performing artists]; Targeted marketing; Tariff information and advisory services; Tax advice [accountancy]; Tax assessment [accounts] preparation; Tax assessment preparation; Tax consultancy [accountancy];

Tax consultations [accountancy]; Tax declaration procedure services; Tax filing services; Tax planning [accountancy]; Tax preparation; Tax preparation and consulting services; Tax return advisory [accountancy] services; Tax return preparation; Tax returns (Preparation of -); Taxation [accountancy] advice; Taxation [accountancy] consultancy; Taxation [accountancy] consultation; Telecommunication services (Arranging subscriptions to -) for others; Telemarketing; Telemarketing services; Telephone and television auctions; Telephone answering and message handling services; Telephone answering [for others]; Telephone answering for unavailable subscribers; Telephone answering service; Telephone billing; Telephone marketing services [not selling]; Telephone order-taking services for others; Telephone switchboard services; Telephone welcoming services for third parties; Television advertising; Temporary assignment of employees; Temporary assignment of personnel; Temporary employment agencies; Temporary personnel employment services; Temporary personnel placement services; Temporary personnel services; Temporary placement of employees (Services for the -); Testing (Psychological -) for the selection of personnel; Testing to determine employment skills; Testing to determine job competency; Testing to determine professional competency; Texts (Publication of publicity -); Texts (Writing of publicity -); The bringing together, for the benefit of others, of a variety of insurance services, enabling consumers to conveniently compare and purchase those services; The bringing together, for the benefit of others, of a variety of telecommunications services, enabling consumers to conveniently compare and purchase those services; Theatrical casting agency; Tracking and monitoring energy consumption for others for account auditing purposes; Tracking and monitoring fluctuation in gasoline prices for others for account auditing purposes; Trade fair (Organization of -) for commercial or advertising purposes; Trade fairs (Organization of -) for commercial or advertising purposes; Trade information; Trade information (Provision of -); Trade marketing [other than selling]; Trade promotional services; Trade show and commercial exhibition services; Trade show and exhibition services; Trade show management services; Trade shows (Arranging of -); Trade shows (Conducting of -); Transcription; Transcription of communications; Transcription of communications [office functions]; Transcription of data; Transcription of messages; Transcription of recorded communications; Transcription services; Transportation fleet (business management of -) [for others]; Typewriters (Rental of -); Typewriting; Typewriting agency services; Typing; Typing agency services; Typing

services; Unmanned retail store services relating to drink; Unmanned retail store services relating to food; Updating advertising material; Updating and maintenance of data in computer databases; Updating and maintenance of information in registries; Updating of advertising information on a computer data base; Updating of advertising material; Updating of business information on a computer data base; Utility meter reading for billing purposes; Vehicle fleet (business management of a -) [for others]; Vehicular registration and title transfer; Vending machine rental services; Vending machines (Rental of -); Veterinary practice business management; Video recordings for advertising purposes (Production of -); Video recordings for marketing purposes (Production of -); Video recordings for publicity purposes (Production of -); Wage payroll preparation; Wage-packets (Preparation of -); Water meter reading for billing purposes; Web indexing for commercial or advertising purposes; Web site traffic optimisation; Web site traffic optimization; Website traffic optimization; Wholesale ordering services; Wholesale services for pharmaceutical, veterinary and sanitary preparations and medical supplies; Wholesale services in relation to agricultural equipment; Wholesale services in relation to alcoholic beverages (except beer); Wholesale services in relation to animal grooming preparations; Wholesale services in relation to art materials; Wholesale services in relation to articles for use with tobacco; Wholesale services in relation to audio-visual equipment; Wholesale services in relation to bags; Wholesale services in relation to baked goods; Wholesale services in relation to beauty implements for animals; Wholesale services in relation to beauty implements for humans; Wholesale services in relation to bedding for animals; Wholesale services in relation to beer; Wholesale services in relation to chemicals for use in agriculture; Wholesale services in relation to chemicals for use in forestry; Wholesale services in relation to chemicals for use in horticulture; Wholesale services in relation to chocolate; Wholesale services in relation to cleaning articles; Wholesale services in relation to cleaning preparations; Wholesale services in relation to clothing; Wholesale services in relation to cocoa; Wholesale services in relation to coffee; Wholesale services in relation to computer hardware; Wholesale services in relation to computer software; Wholesale services in relation to confectionery; Wholesale services in relation to construction equipment; Wholesale services in relation to cookware; Wholesale services in relation to cooling equipment; Wholesale services in relation to cutlery; Wholesale services in relation to dairy products; Wholesale services in relation to desserts; Wholesale services in relation to dietary supplements;

Wholesale services in relation to dietetic preparations; Wholesale services in relation to earthmoving equipment; Wholesale services in relation to educational supplies; Wholesale services in relation to fabrics; Wholesale services in relation to festive decorations; Wholesale services in relation to floor coverings; Wholesale services in relation to fodder for animals; Wholesale services in relation to food cooking equipment; Wholesale services in relation to food preparation implements; Wholesale services in relation to foodstuffs; Wholesale services in relation to footwear; Wholesale services in relation to fragrancings preparations; Wholesale services in relation to freezing equipment; Wholesale services in relation to frozen yogurts; Wholesale services in relation to fuels; Wholesale services in relation to furnishings; Wholesale services in relation to furniture; Wholesale services in relation to games; Wholesale services in relation to hand-operated implements for construction; Wholesale services in relation to hand-operated tools for construction; Wholesale services in relation to headgear; Wholesale services in relation to heaters; Wholesale services in relation to heating equipment; Wholesale services in relation to horticulture equipment; Wholesale services in relation to horticulture products; Wholesale services in relation to hygienic implements for animals; Wholesale services in relation to hygienic implements for humans; Wholesale services in relation to ice creams; Wholesale services in relation to information technology equipment; Wholesale services in relation to jewellery; Wholesale services in relation to kitchen knives; Wholesale services in relation to lighting; Wholesale services in relation to litter for animals; Wholesale services in relation to lubricants; Wholesale services in relation to luggage; Wholesale services in relation to meats; Wholesale services in relation to medical apparatus; Wholesale services in relation to medical instruments; Wholesale services in relation to metal hardware; Wholesale services in relation to navigation devices; Wholesale services in relation to non-alcoholic beverages; Wholesale services in relation to pharmaceutical preparations; Wholesale services in relation to preparations for making alcoholic beverages; Wholesale services in relation to preparations for making beverages; Wholesale services in relation to printed matter; Wholesale services in relation to refrigerating equipment; Wholesale services in relation to saddlery; Wholesale services in relation to sanitary installations; Wholesale services in relation to sanitation equipment; Wholesale services in relation to seafood; Wholesale services in relation to sewing articles; Wholesale services in relation to sorbets; Wholesale services in relation to sporting articles; Wholesale services in

relation to sporting equipment; Wholesale services in relation to stationery supplies;  
Wholesale services in relation to tableware; Wholesale services in relation to teas;  
Wholesale services in relation to threads; Wholesale services in relation to tobacco;  
Wholesale services in relation to toiletries; Xerography.