

**O/741/22**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF TRADE MARK APPLICATION NO. 3729831  
BY KUANGZAN (ZHEJIANG) HOME FURNISHING CO., LTD**

**TO REGISTER:**

**Syrinx**

**AS A TRADE MARK IN CLASSES 24 & 25**

**AND**

**IN THE MATTER OF THE OPPOSITION THERETO  
UNDER NO. 600002339  
BY SATO HIROTAKA**

## BACKGROUND AND PLEADINGS

1. Kuangzan (Zhejiang) Home Furnishing Co., Ltd (“the applicant”) applied to register **Syrinx** as a trade mark in the United Kingdom on 7 December 2021. The application was accepted and published on 4 March 2022 in respect of the following goods:

### Class 24

*Duvets; Travelling rugs; Lap rugs; Pillow covers; Coverlets; Blanket throws; Covers for cushions; Flat bed sheets; Pillow cases; Children’s blankets; Blankets for outdoor use; Bed blankets; Swaddling blankets; Bedsheets; Pillowcases; Blankets for household pets; Fabrics; Sleeping bags for babies; Sleeping bags; Baby blankets.*

### Class 25

*Yoga tops; Yoga shirts; Yoga socks; Yoga pants; Volleyball jerseys; Sundresses; Sport stockings; Short-sleeved shirts; Shirts; Sandals and beach shoes; Knitted gloves; Golf shorts; Fishing shirts; Dressing gowns; Bath robes; Padded shorts for athletic use; Padded shirts for athletic use; Padded pants for athletic use; Baseball uniforms; Athletic uniforms; Athletic tights.*

2. On 26 April 2022, the application was opposed by SATO Hirotaka (“the opponent”). The opposition is based on section 5(2)(b) of the Trade Marks Act 1994 (“the Act”) and concerns all the goods in the application. The opponent is relying on UK trade mark 801492116, **SYRINX**, which has a filing date of 4 July 2019 and a registration date of 24 March 2020. It also has a priority date of 18 June 2019.<sup>1</sup> The opponent relies on the following goods for which the mark is registered:

### Class 18

*Industrial packaging containers of leather; clothing for domestic pets; bags; pouches; purses; wallets; commutation-ticket holders; business card cases; key cases; toiletry bags sold empty; umbrellas; walking sticks; canes; leather; leather straps.*

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<sup>1</sup> Priority is claimed from a Japanese trade mark, No. 2019-085774.

3. The opponent claims that the contested goods are highly similar to the goods on which it relies, being similar in nature, end users and method of use. It also claims that the goods are in competition and would be sold through the same retail channels. With regard to the marks, it asserts that these are identical. For these reasons, it argues that the contested application should be refused in its entirety.

4. The applicant filed a defence and counterstatement. It does not deny that the marks are almost identical, but notes that the earlier mark is in upper case while the contested mark is in lower case. However, it claims that the goods are dissimilar.

5. This opposition has been brought under the fast track procedure. Rule 6 of the Trade Marks (Fast Track Opposition)(Amendment) Rules 2013, S.I. 2013 No. 2235, disapplies paragraphs 1-3 of Rule 20 of the Trade Marks Rules 2008, S.I. 2008 No. 1797, but provides that Rule 20(4) shall continue to apply. Rule 20(4) states that:

“The registrar may, at any time, give leave to either party to file evidence upon such terms as the registrar thinks fit.”

Neither party requested to be allowed to file evidence.

6. Rule 62(5) (as amended) states that arguments in fast track proceedings shall be heard orally only if (i) the Office requests it or (ii) either party to the proceedings requests it and the Registrar considers that oral proceedings are necessary to deal with the case justly and at proportionate cost. Otherwise, written arguments will be taken. A hearing was neither requested nor considered necessary. Neither party filed written submissions in lieu of a hearing. This decision has been taken following a careful consideration of the papers.

7. In these proceedings, the opponent is represented by Dynham IP and the applicant by IBE Avocat.

## **DECISION**

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

“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.”

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

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

(aa) a comparable trade mark (EU) or a trade mark registered pursuant to an application made under paragraph 25 of Schedule 2A which has a valid claim to seniority of an earlier registered trade mark or protected international trade mark (UK) even where the earlier trade mark has been surrendered or its registration has expired,

(ab) a comparable trade mark (IR) or a trade mark registered pursuant to an application made under paragraph 28, 29 or 33 of Schedule 2B which has a valid claim to seniority of an earlier registered trade mark or protected international trade mark (UK) even where the earlier trade mark has been surrendered or its registration has expired,

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

(i) prior to IP completion day has been converted from a European Union trade mark or international trade mark (EC) which itself had a valid claim

to seniority of an earlier registered trade mark or protected international trade mark (UK) even where the earlier trade mark has been surrendered or its registration has expired, and

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

(c) a trade mark which, at the date of application for registration of the trade mark in question or (where appropriate) of the priority claimed in respect of the application, was entitled to protection under the Paris Convention or the WTO agreement as a well known trade mark.”

10. The registration upon which the opponent relies qualifies as an earlier trade mark under the above provision. As the mark was registered within the five years before the date on which the application for the contested mark was made, it is not subject to proof of use and the opponent is therefore entitled to rely on all the goods listed in paragraph 2 above.

11. In considering this opposition, I am guided by the following principles, gleaned from the decisions of the Court of Justice of the European Union (“CJEU”) in *SABEL BV v Puma AG* (Case C-251/95), *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc* (Case C-39/97), *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel BV* (Case C-342/97), *Marca Mode CV v Adidas AG & Adidas Benelux BV* (Case C-425/98), *Matratzen Concord GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)* (Case C-3/03), *Medion AG v Thomson Multimedia Sales Germany & Austria GmbH* (Case C-120/04), *Shaker di L. Laudato & C. Sas v OHIM* (Case C-334/05 P) and *Bimbo SA v OHIM* (Case C-519/12 P):<sup>2</sup>

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

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<sup>2</sup> 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 Trade Marks Act relied on in these proceedings are derived from an EU Directive. This is why this decision continues to make reference to the trade mark case-law of EU courts, although the UK has left the EU.

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

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

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

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

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

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

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

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

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

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

### **Comparison of goods**

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

“... there is a close connection between them in the sense that one is indispensable or important for the use of the other in such a way that customers may think that the responsibility for those goods lies with the same undertaking.”<sup>3</sup>

13. The goods to be compared are shown in the table below:

<b>Earlier goods</b>	<b>Contested goods</b>
<u><i>Class 18</i></u> <i>Industrial packaging containers of leather; clothing for domestic pets; bags; pouches; purses; wallets; commutation-ticket holders; business card cases; key cases; toiletry bags</i>	

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<sup>3</sup> *Boston Scientific Ltd v OHIM*, Case T-325/06, paragraph 82.

Earlier goods	Contested goods
<i>sold empty; umbrellas; walking sticks; canes; leather; leather straps.</i>	
	<p><u>Class 24</u>  <i>Duvets; Travelling rugs; Lap rugs; Pillow covers; Coverlets; Blanket throws; Covers for cushions; Flat bed sheets; Pillow cases; Children's blankets; Blankets for outdoor use; Bed blankets; Swaddling blankets; Bedsheets; Pillowcases; Blankets for household pets; Fabrics; Sleeping bags for babies; Sleeping bags; Baby blankets.</i></p>
	<p><u>Class 25</u>  <i>Yoga tops; Yoga shirts; Yoga socks; Yoga pants; Volleyball jerseys; Sundresses; Sport stockings; Short-sleeved shirts; Shirts; Sandals and beach shoes; Knitted gloves; Golf shorts; Fishing shirts; Dressing gowns; Bath robes; Padded shorts for athletic use; Padded shirts for athletic use; Padded pants for athletic use; Baseball uniforms; Athletic uniforms; Athletic tights.</i></p>

14. In *SEPARODE Trade Mark*, BL O-399-10, Geoffrey Hobbs QC, sitting as the Appointed Person, stated:

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



same reasons, the decision taker may address them collectively in his or her decision.”<sup>4</sup>

15. I shall deal with the applicant’s Class 24 goods first. *Duvets; Lap rugs; Pillow covers; Coverlets; Blanket throws; Covers for cushions; Flat bed sheets; Pillow cases; Children’s blankets; Blankets for outdoor use; Bed blankets; Swaddling blankets; Bedsheets; Pillowcases; Sleeping bags for babies; Sleeping bags; Baby blankets* are all items of soft furnishings that will keep their users warm and comfortable in, or outside the home. Both these and the opponent’s goods will be used by the general public. While both parties’ goods may be sold by some of the same retailers, this will be in the environment of a store selling a wide range of different products, such as a department store. The fact that they can be found in the same shop, then, is not on its own enough to find similarity. It is my view that the applicant’s goods would be located in a different part of the shop, perhaps even on a different floor, or, when sold online, would be offered under a different part of the website. I do not believe that they will be sold alongside each other, as the opponent submits. Furthermore, their physical nature, method of use and purpose is different, and I cannot see that there is any competition between them. Consequently, I agree with the applicant that the goods are dissimilar.

16. I have found it convenient to consider *Travelling rugs* separately. I accept that there may be more overlap in trade channels between these goods and the opponent’s *Bags* which will also be used when travelling. However, this does not mean that they have similar purposes. The purpose of a bag is to transport items, while the rugs would be used to keep a traveller warm, perhaps on the deck of a ship. The physical nature and method of use of the goods is also different. The goods are neither complementary nor in competition. In my view, the overlap in trade channels is not enough to outweigh the differences between the goods and I find that they are dissimilar.

17. I shall compare the applicant’s *Blankets for household pets* with the opponent’s *Clothing for domestic pets*. These goods will share trade channels and end users. They will both be made from fabric. However, the method of use is different: the opponent’s

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<sup>4</sup> Paragraph 5.

goods are worn on the animal's body while the animal will lie on, or be covered by, the applicant's goods. They are not therefore in competition. Taking these factors into account, I find that there is a low degree of similarity between these goods.

18. The final goods that I must consider in Class 24 are *Fabrics*, and I shall compare these to the opponent's *Leather*. Both goods are raw materials used in the fashion and furnishing industries. They may also be purchased by members of the general public for craft projects. They share a purpose and can be in competition with one another. I find that there is a medium degree of similarity between them.

19. I turn now to the applicant's Class 25 goods. The opponent submits that "*Bags are considered fashion and everyday goods*" and would be sold in the same retail channels as clothing.<sup>5</sup> In *Gitana SA v OHIM*, Case T-569/11, the General Court ("GC") considered when there might be similarity between goods in Class 18 and Class 25:

"Moreover, in respect of the relationship between the 'goods in leather and imitations of leather' in Class 18 covered by the trade mark sought and the goods in Class 25 covered by the earlier mark, it is apparent also from settled case-law that the 'goods in leather and imitations of leather' include clothing accessories such as 'bags or wallets' made from that raw material and which, as such, contribute, with clothing and other clothing goods, to the external image ('look') of the consumer concerned, that is to say coordination of its various components at the design stage or when they are purchased. Furthermore, the fact that those goods are often sold in the same specialist sales outlets is likely to facilitate the perception by the relevant consumer of the close connections between them and support the impression that the same undertaking is responsible for the production of those goods. It follows that some consumers may perceive a close connection between clothing, footwear and headgear in Class 25 and certain 'goods made of these materials [leather and imitations of leather] and not included in other classes' in Class 18 which are clothing accessories. Consequently, clothing, shoes and headgear in Class 25 bear

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<sup>5</sup> Statement of grounds, paragraph 12.

more than a slight degree of similarity to a category of ‘goods made of these materials [leather and imitations of leather] and not included in other classes’ in Class 18 consisting of clothing accessories made of those materials (see, to that effect, *PiraÑAM diseño original Juan Bolaños*, paragraph 42 above, paragraphs 49 to 51; *exē*, paragraph 42 above, paragraph 32; and *GIORDANO*, paragraph 42 above, paragraphs 25 to 27).”<sup>6</sup>

20. In my view, the applicant’s *Sundresses, Short-sleeved shirts, Shirts, Sandals and beach shoes* and *Knitted gloves* are all items of clothing to which bags could be conceived as aesthetically complementary accessories. They are likely to be sold in the same outlets and the consumer may expect them to be produced by the same undertaking. I find a low degree of similarity between these goods and the applicant’s *Bags*.

21. *Yoga tops, Yoga shirts, Yoga socks, Yoga pants, Volleyball jerseys, Sport stockings, Golf shorts, Fishing shirts, Padded shorts for athletic use, Padded shirts for athletic use, Padded pants for athletic use, Baseball uniforms, Athletic uniforms* and *Athletic tights* are all items of clothing purchased to be worn when participating in certain sports or other physical activities. Any aesthetic complementarity between these goods and bags will be of lower importance than functional concerns. The clothing will be sold in the same retail outlets as sports bags and the consumer may expect a manufacturer of sports clothing to produce bags in which to carry it to a gym or other venue. I find that there is a low degree of similarity between these goods and bags.

22. The final goods are *Dressing gowns* and *Bath robes*. These are items of clothing that are intended to be worn at home or environments such as a spa or hotel. They would not be used with bags to create a look. I find that *Dressing gowns* and *Bath robes* are dissimilar to the opponent’s goods, but that the remaining Class 25 goods are similar to a low degree.

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<sup>6</sup> Paragraph 45.

23. Where there is no similarity between the goods, there can be no likelihood of confusion under section 5(2): see *eSure Insurance Limited v Direct Line Insurance Plc*, [2008] EWCA Civ 842 CA, paragraph 49. The opposition therefore fails with respect to the following goods:

*Class 24*

*Duvets; Travelling rugs; Lap rugs; Pillow covers; Coverlets; Blanket throws; Covers for cushions; Flat bed sheets; Pillow cases; Children's blankets; Blankets for outdoor use; Bed blankets; Swaddling blankets; Bedsheets; Pillowcases; Sleeping bags for babies; Sleeping bags; Baby blankets.*

*Class 25*

*Dressing gowns; Bath robes.*

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

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

“The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The word ‘average’ denotes that the person is typical. The term ‘average’ does not denote some form of numerical mean, mode or median.”<sup>7</sup>

25. The average consumer of clothing and bags is a member of the general public. They will buy the goods either from a specialist retailer (for instance, in the case of the sports clothing) or a general clothing or department store, either visiting a physical shop or ordering from the internet or a printed catalogue. This means that the mark will be seen and so the visual element of the mark will be the most significant: see *New Look*

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<sup>7</sup> Paragraph 60.

*Limited v OHIM*, Joined cases T-117/03 to T-119/03 and T-171/03, paragraph 50. However, I do not discount the aural element, as the consumer may in some cases be assisted by a member of staff. The price of the goods varies, but in many cases they will be relatively frequent purchases. The consumer will pay attention to the size, the materials, the style and colours to ensure that they buy an item of clothing that fits them and achieves the effect they desire. When buying bags, the consumer will pay attention to the materials the bag is made from, its size and appearance, and any additional features, such as pockets. In my view, the average consumer of all these goods will be paying a medium degree of attention.

26. The average consumer of *Clothing for domestic pets* and *Blankets for household pets* will be an animal-owning member of the public. The goods are relatively inexpensive, and will be purchased on an infrequent basis, for example when an existing item wears out or for a special occasion. When buying the clothing for pets, the consumer will be assessing the fit of the product and its quality. The consumer will also be interested in the feel and quality of the blankets. Taking account of all these factors, I find that the average consumer will be paying a medium degree of attention during the purchasing process. These goods are sold in bricks-and-mortar supermarkets or specialist pet stores and their online equivalents. The consumer will therefore see the mark in use on the goods themselves or in images on websites. They may also have seen promotional material in print media or online. In such circumstances, visual considerations will dominate. However, I do not discount the aural impact of the mark, as the consumer may have received word-of-mouth recommendations or may seek the advice of sales assistants.

27. The average consumer of *Leather* and *Fabrics* will be either a manufacturer of clothing, accessories or furnishings, or a member of the general public who enjoys making such goods as a hobby. The business customer will be buying these goods frequently from specialist suppliers and will pay a relatively high degree of attention given the impact of the quality of the goods on the end product that they will be selling to their own customers. The member of the public would pay a medium degree of attention, and purchase the goods from specialist retailers, either via a website, a catalogue or in physical premises. The average consumer is likely to see the mark in printed material or online, but if they are going to a shop they may seek assistance

from sales staff. Telephone orders may also be made. Both visual and aural aspects of the mark will play a role in the purchasing process.

### **Comparison of marks**

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

“... it is necessary to ascertain in each individual case, the overall impression made on the target public by the sign for which the registration is sought, by means of, inter alia, an analysis of the components of a sign and of their relative weight in the perception of the target public, and then, in the light of that overall impression and all factors relevant to the circumstances of the case, to assess the likelihood of confusion.”<sup>8</sup>

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

30. The respective marks are shown below:

<b>Earlier mark</b>	<b>Contested mark</b>
SYRINX	Syrinx

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<sup>8</sup> Paragraph 34.

31. In *LA Superquimica v EUIPO*, Case T-24/17, the GC held that plain word marks protected the word or words contained in the mark irrespective of form, colour or font.<sup>9</sup> That includes capitalisation. I therefore find that the marks are identical.

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

32. In *Lloyd Schuhfabrik Meyer*, the CJEU stated that:

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

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

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

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<sup>9</sup> Paragraph 39.

words which have no allusive qualities. I have no evidence to consider, and so shall confine my analysis to the inherent distinctiveness of the earlier mark.

34. Syrinx is a character in Greek mythology, who gave her name to the pipes of the god Pan. Some consumers will know this, but in my view the average consumer is more likely to believe that the word has been invented. Consequently, I find that the earlier mark has a high degree of inherent distinctive character.

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

35. There is no scientific formula to apply in determining whether there is a likelihood of confusion. It is a global assessment where a number of factors need to be borne in mind. I must also take account of the interdependency principle, i.e. that a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods or vice versa. I keep in mind that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them they have in their mind.

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

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



mark as a whole, I conclude that it is another brand of the owner of the earlier mark.”<sup>10</sup>

37. Earlier in my decision, I found that the marks were identical and that the earlier mark had a high level of inherent distinctive character. I also found that the opponent’s *Fabrics* were similar to the applicant’s *Leather* to a medium degree, while *Blankets for household pets* and the Class 25 goods were similar to the applicant’s goods to a low degree. Bearing in mind the identity of the marks and the high level of inherent distinctive character of the earlier mark, together with the interdependency principle, I find that there is a likelihood of direct confusion even where the similarity between the goods is only low. The opposition succeeds with respect to all the goods that are still in play.

## **OUTCOME**

38. The opposition has been partially successful. Trade mark application no. 3729831 will proceed to registration for the following goods:

### *Class 24*

*Duvets; Travelling rugs; Lap rugs; Pillow covers; Coverlets; Blanket throws; Covers for cushions; Flat bed sheets; Pillow cases; Children’s blankets; Blankets for outdoor use; Bed blankets; Swaddling blankets; Bedsheets; Pillowcases; Sleeping bags for babies; Sleeping bags; Baby blankets.*

### *Class 25*

*Dressing gowns; Bath robes.*

39. Registration is refused for the following goods:

### *Class 24*

*Blankets for household pets; Fabrics.*

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<sup>10</sup> Paragraph 16.

Class 25

*Yoga tops; Yoga shirts; Yoga socks; Yoga pants; Volleyball jerseys; Sundresses; Sport stockings; Short-sleeved shirts; Shirts; Sandals and beach shoes; Knitted gloves; Golf shorts; Fishing shirts; Padded shorts for athletic use; Padded shirts for athletic use; Padded pants for athletic use; Baseball uniforms; Athletic uniforms; Athletic tights.*

**COSTS**

40. Both parties have secured a roughly equal degree of success in these proceedings and so I order them to bear their own costs.

**Dated this 30<sup>th</sup> day of August 2022**

**Clare Boucher,  
For the Registrar,  
Comptroller-General.**