

O/0099/23

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. UK00003676537
BY ZAHA ENTERPRISES PTY LTD
TO REGISTER:

The logo for 'zahacraft' features the word in a lowercase, sans-serif font. A thin, black, hand-drawn line starts at the top left of the 'z', loops over the top of the 'a', 'h', and 'a', and ends at the bottom right of the 't', creating a stylized underline or signature element.

AS A TRADE MARK IN CLASS 21

AND

IN THE MATTER OF THE OPPOSITION THERETO
UNDER NO. 428247 BY
INDUSTRIA DE DISEÑO TEXTIL, S.A. (INDITEX, S.A.)

BACKGROUND AND PLEADINGS

1. On 3 August 2021, ZAHA ENTERPRISES PTY LTD (“the applicant”) applied to register the trade mark shown on the cover of this decision (“the applicant’s mark”) in the UK for the following goods:

Class 21: Baking cups of paper; Baking containers made of Glass; Baking dishes; Baking dishes made of earthenware; Baking dishes made of glass; Baking dishes made of porcelain; Baking mats; Baking sheets of common metal; Baking tins; Baking trays made of aluminium; Baking utensils; Cooling racks for baked goods; Cupcake baking cups; Paper baking cups; Silicone baking cups; Silicone muffin baking liners.

2. The applicant’s mark was published for opposition purposes on 17 September 2021 and, on 16 November 2021, it was opposed by Industria de Diseno Textil, S.A. (Inditex, S.A.) (“the opponent”). The opposition is based on sections 5(2)(b) and 5(3) of the Trade Marks Act 1994 (“the Act”).
3. In respect of the 5(2)(b) ground, the opponent relies on the following marks:

ZARA

UK registration no: 900732958¹

Filing date 27 January 1998; registration date 13 October 2005

Relying on some goods and services

(“the opponent’s first mark”);

ZARA

UK registration no: 3640304

¹ The opponent’s first mark is a comparable trade mark. It is based on the opponent’s earlier EUTM, being registration number 0732958. On 1 January 2021, in accordance with Article 54 of the Withdrawal Agreement between the UK and the European Union, the UK IPO created comparable UK trade marks for all right holders with an existing EUTM.

Filing date 12 May 2021; priority date 5 March 2010²

Relying on some goods and services

("the opponent's second mark");

ZARA HOME

International Registration designating the UK: 834842

International registration date 17 September 2003; date protection granted in the UK 30 October 2005

Priority date 17 March 2003

Relying on some goods and services

("the opponent's third mark");

ZARA HOME

UK registration no: 90317795³

Filing date 29 April 2003; registration date 17 June 2004

Relying on some goods and services

("the opponent's fourth mark"); and

ZARA HOME

UK registration no: 2484509

Filing date 8 April 2008; registration date 13 February 2009

Relying on all services

("the opponent's fifth mark").

4. The goods and services that the opponent relies on under these grounds are set out in **Annex 1** to this decision.

² The opponent's second mark is one filed pursuant to Article 59 of the Withdrawal Agreement between the UK and the European Union which allowed for owners of pending EUTMs as at 31 December 2020 ("IP Completion Day") to file a corresponding mark in the EU within nine months of IP Completion Day and, in doing so, they retain the priority date of the earlier EUTM.

³ The opponent's third mark, as was the case with its first mark, is a comparable trade mark. It is based on the opponent's earlier EUTM, being registration number 0732958.

5. Under its 5(2)(b) ground, the opponent claims that, due to the identical and/or highly similar goods and services and the high similarity between the marks at issue, there is a likelihood of confusion, including a likelihood of association.
6. In respect of the 5(3) ground, I note that the opponent relies on all of the above marks as well as an additional mark, being the following:

ZARA

International Registration designating the UK: 752502

International registration date 1 February 2001; date protection granted in the UK 24 August 2001

Priority date 1 August 2000

Relying on all goods and services

("the opponent's sixth mark").

7. The goods and services for which the opponent claims to have a reputation in respect of all of its marks are set out in **Annex 2** of this decision.
8. Under the 5(3) ground, the opponent claims that its earlier marks have acquired a substantial reputation in the UK and throughout the EU. Despite the UK's withdrawal from the UK, the territory of the EU remains relevant for the comparable marks or those filed pursuant to Article 59 of the Withdrawal Agreement, which in this case are the opponent's first, second and fourth marks. The opponent argues that the marks at issue are similar and that this will result in a mental link between them being created by the relevant public. In turn, the opponent argues that use of the applicant's mark, without due case, would take unfair advantage of the opponent's marks and that its use would also cause detriment to the reputation and distinctive character of all of the opponent's marks.
9. The applicant filed a counterstatement denying the claims made.
10. The opponent is represented by Taylor Wessing LLP and the applicant is represented by Adil Vohra. Only the opponent filed evidence in chief. No hearing

was requested and only the opponent filed written submissions in lieu. This decision is taken following a careful perusal of the papers.

11. 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 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.

EVIDENCE

12. As above, only the opponent filed evidence. The opponent's evidence in chief came in the form of the witness statement of Javier Monteoliva Díaz dated 10 May 2022. Mr Díaz is the General Counsel and Secretary of the Board for the opponent and has held this position since November 2021. His statement is accompanied by 26 exhibits, being those labelled Exhibits JMD1 to JMD26.

13. I will refer to points from the evidence or submissions where necessary.

DECISION

Section 5(2)(b): legislation and case law

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

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

(a) ...

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

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

15. Section 5A of the Act states as follows:

“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.”

16. The trade marks relied on by the opponent qualify as “earlier trade marks” for the purposes of the claimed grounds since they were applied for at an earlier date than the applicant’s mark.⁴ The opponent’s marks all have registration or priority dates more than five years before the filing date of the applicant’s mark; however, the applicant did not seek to request that the opponent provide proof of use for its marks. Therefore, the opponent’s marks are not subject to proof of use pursuant to section 6A of the Act. This means that the opponent can rely upon all of the goods and services highlighted under the 5(2)(b) ground of its notice of opposition.

17. 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 Office for Harmonization 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-334/05P and *Bimbo SA v OHIM*, Case C-591/12P:

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

⁴ See Section 6(1)(a) of the Act

- (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

18. The applicant's goods are set out at paragraph 1 above. The opponent's goods and services are set out in Annex 1 to this decision.

19. When making the comparison assessing the similarity of the goods or services, all relevant factors relating to the goods and services in the specifications should be taken into account. In the judgment of the Court of Justice of the European Union ("CJEU") in *Canon*, Case C-39/97, the court stated at paragraph 23 that:

“[...] 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”.

20. 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.

21. The General Court (“GC”) confirmed in *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T-133/05, that, even if goods are not worded identically, they can still be considered identical if the goods specified in the contested trade mark application are included in a more general category covered by a term under the earlier mark (or vice versa).

22. The primary position in the opponent’s submissions regarding the goods and services comparison is that the applicant’s goods are all identical under the principle outlined in *Meric* to either “household or kitchen utensils and containers (not of precious metal or coated therewith)” and “glassware, porcelain and earthenware not included in other classes”, being two of its own goods. Such submissions can only apply to the opponent’s first to fourth marks on the basis that the fifth mark does not contain any of these goods. Further, I note that while the opponent’s third mark includes the term “household or kitchen utensils (not made of precious metal or coated therewith)”, it does not cover the exact same goods as the term relied on in the submissions. Alternatively, the opponent submits if these goods are not identical then they are highly similar. I note that no specific submissions have been made in respect of the services in the opponent’s fifth mark and I will deal with those separately below.

The opponent’s first, second, third and fourth marks

23. In respect of “baking containers made of glass”, I agree with the opponent’s submissions in that these goods fall within “household or kitchen utensils and containers (not of precious metal or coated therewith)” in the opponent’s first,

second and fourth marks' specifications. They are, therefore, identical under the principle outlined in *Meric*. While the exact same comparison does not apply to the opponent's third mark on the basis that its goods do not include containers, I note that it does include "glassware, porcelain and earthenware not included in other classes". This term does not exclude containers made of glass and as such, I find that it is also identical under the principle outlined in *Meric* to the aforementioned goods of the applicant.

24. As for "baking dishes", "baking dishes made of earthenware", "baking dishes made of glass" and "baking dishes made of porcelain" in the applicant's specification, I accept that they fall within "glassware, porcelain and earthenware not included in other classes" in the opponent's first, second, third and fourth marks' specifications. This is on the basis that the opponent's goods can be said to cover baking dishes made of glass, earthenware and porcelain. Some of the applicant's goods include baking dishes made of these specific materials so readily fall within the opponent's broader term. As for the other non-specific terms of the applicant, it is my understanding that such goods are commonly made of such materials also and will still fall within the broader term of the opponent. As a result, I consider that these goods are identical under the principle outlined in *Meric*.

25. I turn now to consider the opponent's argument in respect of the remaining goods of the applicant, being:

"Baking sheets of common metal", "baking tins", "baking trays made of aluminium", "baking utensils", "cooling racks for baked goods", "cupcake baking cups", "baking cups of paper", "paper baking cups", "silicone baking cups", "silicone muffin baking liners", "baking mats", "baking sheets of common metal", "baking tins", "baking trays made of aluminium", "baking utensils", "cooling racks for baked goods", "cupcake baking cups", "baking cups of paper", "paper baking cups", "silicone baking cups", "silicone muffin baking liners" and "baking mats".

26. The opponent argues that these goods all fall within the term of "household or kitchen utensils and containers (not of precious metal or coated therewith)" in its

first, second and fourth marks' specifications (or "household or kitchen utensils (not made of precious metal or coated therewith)" in the opponent's third mark's specification). It is my understanding that a kitchen utensil can be said to cover any tool or object that is used in order to assist in cooking.⁵ As the above goods of the applicant are all tools or objects used for baking, being a type of kitchen activity, I am of the view that they all fall within the opponent's broader goods. These goods are, therefore, identical under the principle outlined in *Meric*.

The opponent's fifth mark

27. In *Oakley, Inc v OHIM*, Case T-116/06, at paragraphs 46-57, the GC held 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.

28. 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 versus 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

⁵ <https://www.collinsdictionary.com/dictionary/english/utensil>

determining whether, when and to what degree services are ‘*similar*’ to goods are not clear cut.”

29. However, on the basis of the European courts’ judgments in *Sanco SA v OHIM*,⁶ and *Assembled Investments (Proprietary) Ltd v. OHIM*⁷, upheld on appeal in *Waterford Wedgwood Plc v. Assembled Investments (Proprietary) Ltd*⁸, 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;

iv) The General Court’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).

30. I appreciate that, for there to be similarity between the applicant’s goods and the opponent’s services, the goods being retailed by the opponent do not need to be exactly the same as the applicant’s goods. Therefore, I am able to find similarity in

⁶ Case C-411/13P

⁷ Case T-105/05, at paragraphs [30] to [35] of the judgment

⁸ Case C-398/07P

respect of the goods and services at issue even if the applicant's goods are not the same as those retailed by the opponent. However, there needs to be some level of similarity as such a finding would not apply to the retail of goods that are entirely unrelated to a different range of goods.

31. I note that the opponent's specification consists of a wide range of services in class 35, however, I consider the relevant term here to be "retail services in connection with [...] apparatus for cooking [and] household containers and utensils". As set out in the GC cases referred to above, 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. In my view, it is common for producers of a range of cooking apparatus, kitchen utensils and containers to also retail in those goods. For example, a producer of kitchenware may operate its own retail stores that exclusively sell that producer's goods and, further, it is common for large retailers to also produce and sell their own range of branded goods that may include kitchenware. In my view, the average consumer will be aware of the complementary relationship between the producer of these types of goods and the retailing of the same. In my view, it follows that a medium degree of similarity exists between the applicant's goods and the opponent's services.

The average consumer and the nature of the purchasing act

32. As the case law set out above indicates, it is necessary for me to determine who the average consumer is for the respective parties' goods and services. I must then decide the manner in which these goods and services are likely to be selected by the average consumer in the course of trade. 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. (as he then was) 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.”

33. The opponent submits that the average consumer for the goods at issue will be the normal consumer who will be taken to give an average degree of attention. I agree with these submissions and hereby find that the average consumer for the goods at issue will be members of the general public at large who will pay a medium degree of attention. This is on the basis that the average consumer will consider factors such as suitability of the goods, materials used and durability. I note that no submissions have been given in respect of the services at issue, however, I am of the view that the consumer base will be in line with the findings made above regarding the goods at issue. As for the level of attention, I also find this to be medium on the basis that the average consumer will consider factors such as range of goods on offer, stock and price.

34. The goods at issue are most likely to be sold through a range of retailers and their online or catalogue equivalents. In physical retailers, the goods at issue will be displayed on shelves or racks, where they will be viewed and self-selected by the consumer. A similar process will apply to websites and catalogues, where the consumer will select the goods having viewed an image displayed on a webpage or in a catalogue. In respect of the services at issue, I consider they are most likely to be selected having considered, for example, promotional material (in hard copy or online) and signage appearing on the high street. For these reasons, I am of the view that the selection of both the goods and services at issue will be primarily visual. That being said, I do not discount aural considerations in the form of advice sought from sales assistants or word of mouth recommendations.

Comparison of the marks


35. It is clear from *Sabel v Puma AG* (particularly paragraph 23) that the average consumer normally perceives a trade 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 trade marks must be assessed by reference to the overall impressions created by the trade marks, bearing in mind their distinctive and dominant components.

36. The CJEU stated at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

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

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

38. The respective trade marks are shown below:

The opponent's marks	The applicant's mark
ZARA (“the opponent's first and second marks”)	 The logo for 'zahacraft' features the word 'zahacraft' in a lowercase, sans-serif font. A stylized, thin, black line starts above the 'z', loops around the 'a' and 'h', and ends under the 't', creating a continuous, flowing shape that partially overlaps the letters.

<p>ZARA HOME ("the opponent's third mark");</p> <p>ZARA HOME ("the opponent's fourth and fifth marks")</p>	
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39. I have detailed submissions from the opponent in respect of the comparison of the marks at issue. I do not intend to reproduce them here but will, if necessary, refer to them below.

Overall Impression

The applicant's mark

40. The applicant's mark consists of both a figurative and word element. The word element is the word 'zahacraft' displayed in a standard typeface. I note that 'zaha' is presented in a slightly bold typeface whereas 'craft' is not. The nature of the presentation of 'zahacraft' means that it will be viewed as two different words, being 'zaha' and 'craft'. The opponent argues that 'zaha' is more dominant than 'craft' but, for reasons I will come to discuss when considering the conceptual impact of the mark, I do not consider that to be the case. The figurative element of the mark is what appears to be a sewing needle with a thread attached through its eyelet. The needle is incorporated into the diagonal part of the letter 'z' with the thread extending to the letter 'f' towards the end of the mark. Given that the eye will be drawn to the element that can be read, I am of the view that 'zahacraft' will play the dominant role in the overall impression of the mark with the figurative element playing a lesser role.

The opponent's marks

41. The opponent's first and second marks are word only marks consisting of the same word, being 'ZARA'. This is the only element that contributes to the overall impression of these marks. The opponent's third mark is a figurative word mark consisting of the words 'ZARA HOME' displayed in a black standard typeface. While presented as a figurative word mark, the stylisation is standard and will, therefore, be overlooked. For reasons that I will come to discuss further in this decision, the word 'HOME' plays a lesser role in the overall impression of the mark with 'ZARA' dominating. The same outcome applies to the opponent's fourth and fifth marks on the basis that they too consist of the words 'ZARA HOME', albeit presented as word only marks.

Visual Comparison

The applicant's mark and the opponent's first and second marks

42. The marks are similar in that they both begin with the letters 'Z-A' and share a fourth letter, being another 'A'. The marks differ in their third letters, the presence of 'craft' at the end of the applicant's mark and the presence of the needle and thread figurative element that runs across the applicant's mark. The opponent argues that average consumers are less likely to pay attention to the middle of a trade mark and, in raising such an argument, relies on the case of *El Corte Inglés, SA v OHIM*⁹ which sets out that the average consumer tends to focus more on the beginnings of the marks. While I accept that may often be the case, it is not always so¹⁰ and, regardless, this does not mean that the middle of marks (or their endings for that matter) will be ignored outright.

43. In respect of the difference presented by the needle and thread element, I have found this to play a lesser role in the overall impression of the applicant's mark, however, it still acts as a point of visual similarity. While I note the different typeface

⁹ Cases T-183/02 and T-184/02

¹⁰ See *CureVac GmbH v OHIM*, T-80/08 and *Enercon GmbH v OHIM*, T-472/07

of the applicant's mark, I am of the view that this does not necessarily constitute a point of visual difference on the basis that it is standard and, given that the opponent's marks are registered as word only marks, their use may cover the same (or a highly similar) typeface. Having said that, such use will not extend to the way in which the figurative element is incorporated into the word 'zahacraft'. Taking all of this into account, I am of the view that these marks are similar to a between a low and medium degree.

The applicant's mark and the opponent's third mark

44. Visually, these marks share the same similarities and differences as those discussed above. However, they differ further in the presence of the word 'HOME' in the opponent's mark and the fact that the opponent's mark is not a word only mark but a figurative one. While I consider that the addition of the word 'HOME' lessens the degree of similarity between the marks as opposed to the ones discussed at paragraph 43 above, I do not consider that the differences in typefaces used will have any real impact. I appreciate that the opponent's mark cannot be used in the same or similar typeface as the applicant's mark, however, the typefaces used are both still fairly standard and the differences between them have a negligible impact on the visual comparison. Taking all of this into account, I find that the marks are similar to a low degree.

The applicant's mark and the opponent's fourth and fifth marks

45. These marks share the same similarities and differences as set out in paragraphs 42 and 43 above. Further, the difference resulting from the use of the word 'HOME' as discussed at paragraph 44 above is also present here. I note that the opponent submits that as the opponent's fourth and fifth marks are word only marks, they can be displayed in the following way:

zarahome

46. While I accept that word only marks can be used in any standard typeface, in either upper or lower case and in any colour, I do not consider that the fair and notional use of the opponent's fourth and fifth marks extends to the example given above. Firstly, the way in which the above example is presented omits the space between the words 'zara' and 'home'. Secondly, the use of colour does not extend to contrived colour splits which, in my view, is what this example is. So while I accept the use of a more similar typeface, the opponent's argument on this point is, for the most part, dismissed. Taking all of this into account and following the reasoning throughout the visual comparison of the parties' marks, I am of the view that these marks are visually similar to a low degree.

Aural Comparison

The applicant's mark and the opponent's first and second marks

47. The opponent's first and second marks will be pronounced as two syllables. It is my view that average consumers in the UK will pronounce it as 'ZAR-RUH'. I make this finding on the basis that ZARA is a well-known female forename in the UK. As for the applicant's mark, this consists of three syllables and will be pronounced as 'ZAR-HAR-KRAFT'. Aurally, the first syllables are identical whereas the remaining syllables all differ. On this point, I note that the beginnings of marks are where average consumers tend to focus (see *El Corte Inglés* – cited above). That being said, both marks are short and while I remind myself that while there is no special test which applies to the comparison of 'short' marks,¹¹ I am of the view that in the present case the shortness of 'ZARA' means that the average consumer is more likely to notice the differences. Overall, I am of the view that these marks are aurally similar to a medium degree.

¹¹ See paragraph 44 of *BOSCO*, BL O/301/20

The applicant's mark and the opponent's third, fourth and fifth marks

48. Given the identity of the opponent's marks' aural element, I consider that I can deal with them together. Despite the role of the word 'HOME' in the opponent's marks, I consider that it will still be pronounced, meaning that they consist of three syllables that will be pronounced 'ZAR-RUH-HOME'. As above, the applicant's mark will be pronounced as 'ZAR-HAR-KRAFT'. The marks share identical beginnings and while the additional syllable in the opponent's mark of 'HOME' results in the marks being of the same length, I consider that the additional element results in a further point of difference between the marks. Overall, I am of the view that these marks are aurally similar to between a low and medium degree.

Conceptual Comparison

49. In respect of its own marks, the opponent submits that:

"The Opponent's Earlier Marks ZARA and ZARA HOME may be recognised by the average consumer as the Opponent's reputed fashion, lifestyle and homeware brand; or alternatively, their dominant and distinctive elements may be understood as a female name with an Arabic derivation, coupled (in ZARA HOME) with an additional word which indicates a brand extension into the homeware sector."

50. It is not correct to attribute the meaning of the opponent being a reputed fashion, lifestyle and homeware brand to the opponent's marks.¹² Therefore, the primary submission of the opponent has no relevance here. As for the alternative submission of 'ZARA' being a female name, I accept that this will be known in the UK, however, I'm not convinced that it will be understood as being a name with Arabic origin. This finding applies to the word 'ZARA' in all of the opponent's marks. Given that this element makes up the entirety of its first and second marks, this is the dominant concept that will be grasped in those marks. As for the opponent's third, fourth and fifth marks, these consist of the additional word 'HOME'. I accept

¹² See *Retail Royalty Company v Harringtons Clothing Limited*, Case BL O/593/20.

the submissions in respect of the meaning conveyed by this word in that it will be understood as referring to the homeware sector. In the context of the goods and services at issue, this will be understood as being allusive given that kitchenware falls within the category of homeware.

51. Turning to the applicant's mark, I am of the view that because 'zaha' is presented in bold whereas 'craft' is not will result in the word being understood as meaning 'zaha craft'. I note that the opponent submits that 'zaha' will be understood as the dominant and distinctive element of the mark on the basis that 'craft' and the thread and needle device both allude to the goods for which the applicant seeks to protect. When the word 'craft' is seen in conjunction with the needle and thread element, it will be understood as alluding to arts and crafts activities and, particularly, knitting or sewing. That being so, the applicant's goods at issue do not relate to such activities but are, instead, cooking/baking related goods. I do not consider that 'craft' or a needle and thread would be seen as allusive to such goods. It is my view that cooking or baking is not something that would ordinarily be considered a 'craft' (or one that requires use of a needle and thread, for that matter) and, therefore, I do not agree with the opponent that it is allusive. In the context of the goods at issue, 'craft' will be attributed its ordinary meaning. As for the word 'ZAHA', I note in its evidence the opponent argues that it, like its own word 'ZARA', is a female forename of Arabic or Hebraic deviation.¹³ As a result, the opponent submits that 'ZAHA' will, therefore, be understood by the average UK consumer as a female name.

52. In respect of the meaning of 'ZAHA', I accept that while it may be a female name of Arabic or Hebraic origin, the evidence before me is made up of a single print-out from a website called 'babynology.com'. This print-out states that "Zaha is not [a] very commonly used baby name for [a] girl." I note that the print-out also shows it as being a 'rare' name and its top ranking in Britain was in 2011 where it ranked at the 5,785th position. Even if I were to accept this evidence as being accurate, it is of no assistance to the opponent. Further, I have nothing before me to suggest that

¹³ Exhibit JMD26

'Zaha' will be understood as such by the average consumer in the UK as a female name. This argument is, therefore, dismissed and I find that 'zaha' will instead be understood as either a made-up word or a word of foreign origin, neither of which having any obvious meaning to the average consumer in the UK. When the applicant's mark is viewed as a whole, I find that, save for the reference to crafts, sewing and/or knitting (none of which have no real meaning in the context of the goods applied for), it will convey no obvious concept to the average consumer.

53. In comparing the marks, I see no reason to find that they share any degree of conceptual similarity. The opponent's marks all have a graspable concept of a female name whereas the applicant's mark has no obvious concept as a whole. The marks are, therefore, conceptually dissimilar.

Distinctive character of the opponent's marks

54. 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).”

55. Registered trade marks possess varying degrees of inherent distinctive character, perhaps lower where a mark may be suggestive or allusive of a characteristic of the goods, ranging up to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctiveness of a mark can be enhanced by virtue of the use made of it. While the opponent argues that its marks enjoy an enhanced degree of distinctive character owing to the use made of them, I will first consider the inherent position. As I have explained above, ‘ZARA’ will be understood as a female forename in the UK and I find that it has no more than a medium level of inherent distinctive character. As the opponent’s first and second marks consist of the word ‘ZARA’ only, this finding applies to those marks as wholes. As for the opponent’s third, fourth and fifth marks, I do not consider that the presence of the additional word ‘HOME’ will contribute to the marks to the point that the distinctive character extends beyond that which is created by the word ‘ZARA’ itself. This is on the basis that the goods and services at issue are either types of kitchenware/homeware goods or relate to the same. As a result, I also find those marks to enjoy no more than a medium degree of inherent distinctive character.

56. The opponent’s evidence in relation to the use made of its marks is extensive. I note that it includes a number of decisions issued by this Tribunal, the Appointed Person and the EUIPO. While those decisions are noted, they are not on all fours with the present assessment I must make. It is clear (not only from these decisions but from the evidence as a whole) that the opponent operates a very large fashion brand. However, the issue that I am required to assess here is whether the evidence shows sufficient use of the opponent’s marks on the goods and services at issue, being a range of kitchen utensils, containers, glassware, porcelain and earthenware and retail services for apparatus for cooking, household containers and utensils.

57. The evidence sets out that the opponent operates as both a producer of goods and a retailer of its own branded goods. By way of a brief history of the opponent, the evidence sets out that it began in 1963 with its first store opening in Spain in 1975. The evidence also confirms that it first opened its London store in 1998 and, as at the date of the witness statement of Mr Díaz (being 10 May 2022), the opponent operated 58 'ZARA' stores in the UK. The opponent also confirms that it has a strong online presence. In respect of the 'ZARA HOME' branding, the opponent confirms that it began this brand extension in 2003 and, as at the date of the witness statement, it operated 10 'ZARA HOME' branded stores in the UK. While the 'current' store count was provided after the relevant date (being 3 August 2021), I have no reason to doubt that most, if not all, of these stores would have been in operation as at the relevant date. I say this on the basis that the relevant date was some nine months prior to the date of the statement and, during that time, I suspect that the opponent's store operation numbers would not have changed significantly. Having reviewed the evidence, it is clear to me that all of the opponent's sales come via its own retail services, be that in store or online.

58. The total turnover attributable to 'ZARA' branded goods in the UK for 2007 to 20 April 2021 stood at £7,491,940,869. There is no breakdown as to what this turnover relates to but I note that subsequent evidence sets out that 'ZARA's' sales figures for clothing, footwear and headgear in the UK for 2007 to 20 September 2021 was £7,757,244,816. I note the difference in these figures but also note that the latter turnover covers a slightly longer period of time (albeit 20 September 2021 being after the relevant date).

59. More specific to the issue at hand, I note that the opponent has provided turnover figures relating solely to its 'ZARA HOME' branded homeware, kitchenware and home furnishing goods in the UK from 2007 to 20 September 2021. I do not intend to reproduce these figures in full but note that over the course of these years, the total turnover stands at £232,870,942. I note that, as with the latter figures discussed in paragraph 58 above, the end of this period falls after the relevant date meaning that some turnover will have fallen after then, however, given the significance of the figures, this is unlikely to affect the outcome.

60. Global advertising expenditure for the 'ZARA' and 'ZARA HOME' marks are also provided and I note that between 2016 and 2020, the opponent spent €413,220,527 in advertising the 'ZARA' brand and, between 2018 and 2021, spent a further €624,150 on its 'ZARA HOME' brand. While these are global figures and the latter spend covers a timeframe that includes August to December 2021 (being after the relevant date), the sales figures in the UK are significant enough so that I can reasonably infer that these figures (although I cannot determine precisely how much) will no doubt include some expenditure attributable to the UK.

61. The evidence relating to the goods at issue is not specifically broken down into categories and I note that the above figure includes all types of homeware, kitchenware and home furnishing goods. Having said that, the opponent has provided some assistance as to what kitchenware goods it sells by way of press coverage relating to its 'ZARA HOME' brands in UK publications.¹⁴ Of this evidence, I make particular note of an article from Delish UK dated 23 August 2020 that shows a range of ZARA branded kitchenware and an article from Grazia dated 21 June 2021 that shows 'ZARA HOME' as developing pastry tools.¹⁵ Of the Delish UK article, I note that it shows goods such as mixing bowls, coffee grinders and kitchen utensil holders.¹⁶ I note that these goods are shown as being available at zarahome.com.

62. Further photographs of the goods are shown by way of print-outs taken from the opponent's social media accounts that show a range of crockery, cutlery, table cloths, glasses, chopping boards, kitchen utensils, lemon presses, cooking dishes, drainers/colanders, jugs, mortar and pestles, knives and cake tins.¹⁷ I note that all of these posts come from a 'zarahome' account and are dated between 11 August 2018 and 19 June 2021.

63. While I am satisfied that the above evidence in respect of 'ZARA HOME' is sufficient to demonstrate that the opponent's enjoys an enhanced degree of distinctive character in relation to the 'ZARA HOME' marks for the goods at issue,

¹⁴ Exhibit JMD14

¹⁵ Page 151 of Exhibit JMD14

¹⁶ Page 139 to 142 of Exhibit JMD14

¹⁷ Exhibit JMD16

I struggle to reach the same finding in respect of the 'ZARA' marks. This is because the evidence that points to the goods at issue all appears to be solely under the 'ZARA HOME' mark. The 'ZARA' business itself is, clearly, enormous on the basis that it has, consistently for the 12 years prior to 2022, ranked in the top 50 biggest brands in the world and was most recently valued at \$13,503,000,000.¹⁸ However, the primary business of 'ZARA', as alluded to in the evidence, is the retail of clothing, footwear and headgear. Nothing has been provided in the evidence that demonstrates that the opponent sells the goods at issue under their 'ZARA' brand. I, therefore, conclude that the opponent's first and second marks have not been enhanced through use in relation to the goods at issue.

64. I turn now to consider the level of distinctiveness that the 'ZARA HOME' marks have been enhanced to. While the evidence for these marks is sufficient to find some degree of enhanced distinctiveness, I am not satisfied that it extends to high. I make this finding on the basis that the opponent has not provided a breakdown as to the level of sales attributed to the goods at issue. This is an issue for my present assessment as I note that the evidence shows a range of goods sold under the 'ZARA HOME' brandings that fall outside of the goods at issue. For example, I note that there is evidence showing a wide range of homeware that I note includes rugs, bedding, furniture, candles and Christmas decorations.¹⁹ It is, therefore, not possible for me to determine how much of the £232,870,942 turnover is precisely attributable to the goods at issue. Further, I do not consider that it is simply the case that I can take a broad brush approach and attribute one third of the turnover to kitchenware (given that the turnover is expressly described as covering three broad categories, being homeware, kitchenware and home furnishing) on the basis that the furniture goods shown in the evidence are considerably more expensive than the kitchenware goods shown. For example, I note that a headboard for a bed retails at £349.99 and an armchair at £299.99 whereas the large glassware storage items range from £11.99 to £19.99.²⁰ I do not consider it a reasonable inference to make that the turnover can simply be split equally across the range of goods. Having said all of this, the use shown is fairly long standing as the turnover stems

¹⁸ Exhibit JMD3

¹⁹ Pages 192 to 206 of Exhibit JMD16

²⁰ See pages 192, 194 and 195 of Exhibit JMD16

from 2007 onwards and it is clear that the opponent does retail in the goods at issue under the 'ZARA HOME' branding. Even bearing the above issues in mind, I am satisfied that the evidence is sufficient to enhance the distinctiveness of the opponent's third and fourth marks to a higher than medium (but not high) degree. I consider that the same finding also applies to the opponent's fifth mark on the basis that, as I have set out above, the sales of the opponent's goods come via its own retail services. I see no reason why the same outcome would not apply to the retail services at issue.

Likelihood of confusion

65. 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. 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. The first is the interdependency principle i.e. a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods and services and vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the earlier marks, 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 he has retained in his mind.

66. I have found the parties' goods to be identical and I have also found the opponent's services to be similar to the applicant's goods to a medium degree. I have found the average consumer for the goods to be members of the general public who will select the goods at issue via primarily visual means, although I do not discount an

aural component playing a part. On this point, I refer to the case of *New Look*²¹ wherein the GC set out that where goods are selected by primarily visual means, the average consumer tends to attribute more importance to the visual similarity between marks. I have concluded that the average consumer will pay a medium degree of attention when selecting the goods at issue. I have found that the opponent's marks are inherently distinctive to no more than a medium degree but that this has been enhanced to a higher than medium (but not high) degree in respect of the opponent's third, fourth and fifth marks only. In respect of the similarity of the marks at issue, I have found the applicant's mark to be visually similar to between a low and medium degree, aurally similar to a medium degree and conceptually dissimilar with the opponent's first and second marks and to be visually similar to a low degree, aurally similar to between a low and medium degree and conceptually dissimilar with the opponent's third, fourth and fifth marks.

67. I note that the opponent submits that, in respect of direct confusion, "the average consumer may misremember or mistakenly recall the marks for one another, particularly given the typographical similarities between 'zaha' and 'zara' and the high degree of enhanced distinctiveness of the Earlier Marks."²² While the similarities with the 'zaha' and 'zara' elements are noted, the submissions ignore the presence of the word 'craft' and the needle and thread device in the applicant's mark. While the latter element plays a lesser role in the overall impression of the mark, the former element does not and will, instead, be viewed as somewhat unusual in the context of the goods at issue, being kitchenware. In any event, I do not consider that either of these additional elements will be ignored. I have accepted that the beginnings of marks are where average consumers tend to focus but have also noted that this is not always determinative. Even in focusing on the beginnings of the marks at issue, I see no reason to conclude that the average consumer would overlook the differences between the marks entirely. It is my view that the differences between the marks will be noticed and the average consumer will be able to accurately recall the marks. Consequently, I do not consider there to be any likelihood of direct confusion, even on identical goods.

²¹ *New Look Limited v OHIM*, joined cases T-117/03 to T-119/03 and T-171/03

²² See paragraph 30(a) of the opponent's submissions

68. Turning now to consider a likelihood of indirect confusion, I am reminded of the case of *L.A. Sugar Limited v By Back Beat Inc*, Case BL O/375/10, wherein Mr Iain Purvis Q.C., as the Appointed Person, explained that:

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

17. 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)".

69. Further, I note the case of *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207, wherein Arnold LJ referred to the comments of James Mellor Q.C. (as he then was), sitting as the Appointed Person in *Cheeky Italian Ltd v Sutaria* (O/219/16), where he said at paragraph 16 that "a finding of a likelihood of indirect confusion is not a consolation prize for those who fail to establish a likelihood of direct confusion". Arnold LJ agreed, pointing out that there must be a "proper basis" for concluding that there is a likelihood of indirect confusion where there is no likelihood of direct confusion.

70. In its submissions, the opponent states that, in respect of indirect confusion, "the average consumer will see "Zahacraft" as a 'craft' sub-brand of the main ZARA and ZARA HOME brands"²³ While I appreciate that the way in which the applicant's mark is presented will mean that it will be read as two words, being 'zaha craft', the opponent's argument appears to be on the basis that the differences between 'zara' and 'zaha' will be overlooked (and, therefore, resulting in 'craft' being a sub-brand of 'zara'). I see no reason why that would be the case. Firstly, it is wrong to make the assessment on the basis that the average consumer would artificially dissect the marks to the point that they would compare 'zara' with 'zaha' (see paragraphs 35 to 37 above), particularly given the role 'craft' plays in the mark. Secondly, even if they were to do so, I do not think that they would consider them as indicators of the same or economically connected undertakings. On this point, I repeat what I have said above regarding short marks in that, while there is no test that applies to such a scenario, the differences are more likely to be noticed. Further, I remind myself that 'zara' will be understood as a female forename whereas 'zaha' will be viewed as either a made-up word or foreign language word with no obvious meaning to the average consumer in the UK. In the scenario where the meaning of one word is recognised and the other is not, I fail to see why the

²³ See paragraph 30(b) of the opponent's submissions

consumer would consider them as being indicators of them originating from the same or economically linked undertakings. Where such a distinction between 'zara' and 'zaha' is made, I see no reason why the addition of 'craft' would have any effect on the perception of the average consumer on the basis that (1) there is no connection between 'zara' and 'zaha' and (2) the additional word is unrelated to the goods at issue and would not, therefore, be understood as a brand extension for craft related goods. Taking all of the above into account whilst also bearing in mind the comments in *Liverpool Gin* (cited above), I find that there is no likelihood of indirect confusion between the marks at issue, even on goods that are identical.

71. As a result of my findings above, the opposition under section 5(2)(b) fails in its entirety. I will now proceed to consider the 5(3) ground.

Section 5(3)

72. Section 5(3) of the Act states:

“5(3) A trade mark which –

is identical with or similar to an earlier trade mark, shall not be registered if, or to the extent that, the earlier trade mark has a reputation in the United Kingdom (or, in the case of a European Union trade mark or international trade mark (EC), in the European Union) and the use of the later mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or repute of the earlier trade mark.”

73. The relevant case law can be found in the following judgments of the CJEU: Case C-375/97, *General Motors*, Case 252/07, *Intel*, Case C-408/01, *Adidas-Salomon*, Case C-487/07, *L’Oreal v Bellure*, Case C-323/09, *Marks and Spencer v Interflora*, Case C383/12P, *Environmental Manufacturing LLP v OHIM*. The law appears to be as follows:

a) The reputation of a trade mark must be established in relation to the relevant section of the public as regards the goods or services for which the mark is registered; *General Motors, paragraph 24*.

(b) The trade mark for which protection is sought must be known by a significant part of that relevant public; *General Motors, paragraph 26*.

(c) It is necessary for the public when confronted with the later mark to make a link with the earlier reputed mark, which is the case where the public calls the earlier mark to mind; *Adidas Salomon, paragraph 29* and *Intel, paragraph 63*.

(d) Whether such a link exists must be assessed globally taking account of all relevant factors, including the degree of similarity between the respective marks and between the goods/services, the extent of the overlap between the relevant consumers for those goods/services, and the strength of the earlier mark's reputation and distinctiveness; *Intel, paragraph 42*

(e) Where a link is established, the owner of the earlier mark must also establish the existence of one or more of the types of injury set out in the section, or there is a serious likelihood that such an injury will occur in the future; *Intel, paragraph 68*; whether this is the case must also be assessed globally, taking account of all relevant factors; *Intel, paragraph 79*.

(f) Detriment to the distinctive character of the earlier mark occurs when the mark's ability to identify the goods/services for which it is registered is weakened as a result of the use of the later mark, and requires evidence of a change in the economic behaviour of the average consumer of the goods/services for which the earlier mark is registered, or a serious risk that this will happen in future; *Intel, paragraphs 76 and 77* and *Environmental Manufacturing, paragraph 34*.

(g) The more unique the earlier mark appears, the greater the likelihood that the use of a later identical or similar mark will be detrimental to its distinctive character; *Intel, paragraph 74*.

(h) Detriment to the reputation of the earlier mark is caused when goods or services for which the later mark is used may be perceived by the public in such a way that the power of attraction of the earlier mark is reduced, and occurs particularly where the goods or services offered under the later mark have a characteristic or quality which is liable to have a negative impact of the earlier mark; *L'Oreal v Bellure NV, paragraph 40*.

(i) The advantage arising from the use by a third party of a sign similar to a mark with a reputation is an unfair advantage where it seeks to ride on the coat-tails of the senior mark in order to benefit from the power of attraction, the reputation and the prestige of that mark and to exploit, without paying any financial compensation, the marketing effort expended by the holder of the mark in order to create and maintain the mark's image. This covers, in particular, cases where, by reason of a transfer of the image of the mark or of the characteristics which it projects to the goods identified by the identical or similar sign, there is clear exploitation on the coat-tails of the mark with a reputation (*Marks and Spencer v Interflora, paragraph 74 and the court's answer to question 1 in L'Oreal v Bellure*).

74. The conditions of section 5(3) are cumulative. There must be similarity between the marks; the opponent must also show that its marks have achieved a level of knowledge, or reputation, amongst a significant part of the public. The opponent must also establish that the public will make a link between the marks, in the sense of the earlier mark being brought to mind by the later mark. Assuming that these conditions have been met, section 5(3) requires that one or more of three types of damage claimed by the opponent will occur. It is unnecessary for the purposes of section 5(3) that the goods be similar, although the relative distance between them is one of the factors which must be assessed in deciding whether the public will make a link between the marks.

75. The relevant date for the assessment under section 5(3) is the date of the application at issue, being 3 August 2021.

Reputation

76. In *General Motors*, Case C-375/97, the CJEU held that:

“25. It cannot be inferred from either the letter or the spirit of Article 5(2) of the Directive that the trade mark must be known by a given percentage of the public so defined.

26. The degree of knowledge required must be considered to be reached when the earlier mark is known by a significant part of the public concerned by the products or services covered by that trade mark.

27. In examining whether this condition is fulfilled, the national court must take into consideration all the relevant facts of the case, in particular the market share held by the trade mark, the intensity, geographical extent and duration of its use, and the size of the investment made by the undertaking in promoting it.

28. Territorially, the condition is fulfilled when, in the terms of Article 5(2) of the Directive, the trade mark has a reputation 'in the Member State'. In the absence of any definition of the Community provision in this respect, a trade mark cannot be required to have a reputation 'throughout' the territory of the Member State. It is sufficient for it to exist in a substantial part of it.”

77. Under its 5(3) ground, the opponent not only relies on the same marks as it did under its 5(2)(b) ground but the additional sixth mark. The opponent relies on a different range of goods and services as it did under the 5(2)(b) ground. These goods and services are set out in Annex 2 of this decision.

78. Before proceeding, it is necessary to point out that as the opponent's first, second and fourth marks are based on pre-existing EUTMs. Use of those registrations in the EU prior to IP Completion Day (being 31 December 2020) is relevant to the assessment of the existence of a reputation. That being said, I do not consider this to be of any real relevance here. This is because, as per the case of *Pago International GmbH v Tirolmilch registrierte GmbH*, Case C-301/07, an EU trade mark may be considered to have a reputation if it is known by a substantial part of the territory of the European Community and that the territory of a single Member State alone may be considered as satisfying that requirement. Further, I note the case of *Whirlpool Corporations and others v Kenwood Limited* [2009] ETMR 5 (HC), wherein Geoffrey Hobbs Q.C. confirmed that when assessing reputation in the EU, the UK is a substantial part of the same. While these cases were determined prior to the UK's departure from the EU, they remain relevant insofar as use in the EU is a relevant factor. As I will come to discuss below, the evidence is focused primarily on the UK market and, as above, use in this jurisdiction alone is sufficient to point to the existence of a reputation in the EU prior to IP Completion Day.

79. I have produced a summary of the opponent's evidence at paragraphs 56 to 64 above. While this evidence was focused on the goods and services at issue under the 5(2)(b) ground, it did cover some evidence focused on the wider goods and services of the opponent under its 'ZARA' brand and is, therefore, still relevant to the present issue. While there is additional evidence of press coverage (for example) that is relevant to the 5(3) ground, I see no benefit in discussing it in any detail here on the basis that the evidence is such that I can deal with the issue of reputation fairly briefly.

80. I do not intend to reproduce the evidence summary here but remind myself that between 2007 and April 2021, the opponent's UK turnover for 'ZARA' as a whole was £7,491,940,869. Further, its turnover that specifically related to clothing, footwear and headwear for the same timeframe (albeit a few months longer, namely until September 2021) was £7,757,244,816. Lastly, I note that the turnover under the 'ZARA HOME' brand for that same timeframe was £232,870,942 and

this covers a range of homeware, kitchenware and home furnishings. I also remind myself that the global advertising expenditure of the opponent for the years 2016 to 2020 was €413,220,527 in respect of its 'ZARA' branding and, for the years 2018 to 2021, was €624,150 in respect of the 'ZARA HOME' branding. While I note that these figures include figures from after the relevant date, this covers only a few months and given the size of the figures, I have no hesitation in finding that, as at the relevant date, the opponent's turnover for the 'ZARA' band in the UK was staggering. Further, even though it represents a smaller part of its business operation, the turnover in relation to 'ZARA HOME' is also very significant. As for its expenditure, I conclude, as I have above, that a reasonable amount of the figures provided would have related specifically to the UK. Further, the same can be said for the spend where it covers the comparable marks based on earlier EUTMs. Lastly, I remind myself that as well as producing its own branded goods, the opponent operates a significant retail chain operating 58 'ZARA' stores and 10 'ZARA HOME' stores across the UK.

81. Taking all of the above into account whilst also bearing in mind the presence of additional evidence that states that 'ZARA' was the third most valuable apparel brand in the world in 2020,²⁴ I am satisfied that the opponent enjoys a very strong reputation in the UK in all of its 'ZARA' marks. As for the 'ZARA HOME' marks, I am satisfied that the opponent enjoys a reputation in those marks too, however, I am of the view that this is not as strong as the reputation it enjoys in the 'ZARA' marks. Instead, I am of the view that the reputation extends to simply a strong one. That being said, I note that the opponent relies on a very wide range of goods and services and such findings do not extend to all of the goods and services relied upon. I will now discuss to what goods or services this finding applies to.

82. Before moving to my assessment on reputation, I wish to clarify that, for the same reasons discussed when assessing the enhanced distinctiveness under the 5(2)(b) ground, the reputation of 'ZARA' does not extend to those goods for which the opponent's use is shown as being under the 'ZARA HOME' branding. Further,

²⁴ Exhibit JMD4

where use is shown under the 'ZARA' branding, this does not extend to the 'ZARA HOME' branding.

83. While the opponent clearly operates a very large global business, I note that the specification relied upon (being reproduced in Annex 2 below) is 37 pages in length and covers, for example, a range of class 35 services that are not shown in evidence and are completely unrelated to the opponent's apparent business operation. Such services not only include a range of retail services of goods that the evidence does not show the opponent to retail in but also services such as the transcription of communication, opinion polling and sales by auction. I have no intention of going through the opponent's goods and services in any great detail and doing so does not, in my view, further the opponent's position. For example, if I find that the reputation extends to "clothing" in general, I see no reason to go into detail regarding the range of clothing goods relied on. Instead, I simply conclude that the opponent's reputation extends to the goods and services listed below only.

The opponent's first mark

Class 35: Store services connected with the sale of ready-made clothing for men, women and children, footwear (except orthopaedic footwear), headgear.²⁵

The opponent's second mark

Class 25: Ready-made clothing for men, women and children, footwear (except orthopaedic), headgear.

Class 35: Retail [...] services connected with the sale of ready-made clothing for men, women and children, footwear (except orthopaedic footwear), headgear.

²⁵ The services relied upon are "store services" generally but given the nature of the evidence filed, I consider that this is too broad and would cover store service relating to any and all goods, which is too broad. Instead, the reputation of the opponent for its first mark is limited to the retail of these goods only.

The opponent's third mark

- Class 20: Furniture, mirrors, picture frames; ornaments, decorations, furniture divans, bedsteads, beds, photograph frames, pillows; curtain tie backs; chests, not of metal; cabinets; book stands; benches (furniture); table tops; settees; cushions; chests of drawers; divans; bed and furniture fittings; easy chairs; flower stands; Jewellery cases, not of precious metal; chairs, armchairs; sofas; stools.
- Class 21: Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; glassware, porcelain and earthenware not included in other classes; bowls; bottles; stew-pans; crockery; coffeepots, non- electric, not of precious metal; bowls; decanters; salad bowls; spatulas; vases; flower pots; butter dishes; kitchen moulds; cooking pots; bread baskets; Thermally insulated containers for food and/or beverages; coasters, salt shakers; pans; coffee and tea sets; bread boards; carving boards; pot lids; cups; mugs; insulating flasks, teapots; flowerpots; tableware; glasses.
- Class 35: Retail services, Wholesale services and Online retail services in relation to [...] apparatus for [...] cooking, [...] blankets, [...] furniture, mirrors, picture frames, [...] household or kitchen utensils and containers, [...] bowls (basins), decanters, [...] vases, [...] cooking pots, [...] coasters, [...] frying pans, [...] pot lids, cups, bowls (basins), [...] tableware, other than knives, forks and spoons, drinking glasses, [...]bed and table covers [and] bath linen (except clothing).

The opponent's fourth mark

Class 20: Furniture, mirrors, picture frames; goods, not included in other classes of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics; pillows; mirrors; bed and furniture fittings; flower stands; chairs, armchairs; sofas; stools.

Class 21: Household or kitchen utensils and containers (not of precious metal or coated therewith); glassware, porcelain and earthenware not included in other classes; sugar bowls, trays; baby bath (portable); glass bowls; crockery; coffee pots; coasters, coffee and tea sets; bread boards; carving boards; cups; teapots; flowerpots; tableware; glasses; cosmetic utensils.

The opponent's fifth mark

Class 35: Retail services in connection with [...] furniture, household containers and utensils, furnishings, household linen, cutlery, mirrors, glassware, Christmas trees, ornaments for Christmas trees (except illumination articles and confectionary); retail services for the aforesaid goods sold in a retail [...] furniture [...] department or other store or sold by mail order catalogue, via the Internet or using other telecommunications.

The opponent's sixth mark

Class 25: Ready-made clothing for women, men and children, footwear (except orthopaedic footwear) and headgear.

Class 35: Retail outlet services.

Link

84. As noted above, my assessment of whether the public will make the required mental 'link' between the marks must take account of all relevant factors. The factors identified in *Intel* are:

The degree of similarity between the conflicting marks.

85. All but one of the marks at issue here are the same as those assessed under the 5(2)(b) ground above, I rely on the same findings here in that the applicant's mark is visually similar to between a low and medium degree, aurally similar to a medium degree and conceptually dissimilar to the opponent's first and second marks and visually similar to a low degree, aurally similar to between a low and medium degree and conceptually dissimilar to the opponent's third, fourth and fifth marks. As for the opponent's sixth mark, I am of view that as it is the presentation of the word 'ZARA' in a bold slightly stylised (albeit fairly standard) typeface, I am of the view that it shares the same levels of similarity with the applicant's mark as I have found for the opponent's first and second marks, namely that they are visually similar to between a low and medium degree, aurally similar to a medium degree and conceptually dissimilar.

The nature of the goods or services for which the conflicting marks are registered, or proposed to be registered, including the degree of closeness or dissimilarity between those goods or services, and the relevant section of the public.

86. The goods and services for which the 'ZARA HOME' marks enjoy a reputation include those goods and services upon which the 5(2)(b) goods and services comparison was based. I found that the applicant's goods are identical to the opponent's goods and similar to a medium degree with the opponent's services in the opponent's fifth mark's registration. Those same findings apply here. However, as for the goods and services for which the 'ZARA' marks have a reputation, I am of the view that they are dissimilar to the opponent's mark. Having said that, the

parties' goods and services are all those that will be selected by the same section of the relevant public, being members of the general public at large.

The strength of the earlier mark's reputation

87. The opponent enjoys a very strong reputation in respect of its first, second and sixth marks and a strong reputation in respect of its third, fourth and fifth marks.

The degree of the earlier mark's distinctive character, whether inherent or acquired through use

88. The opponent's first five marks are all inherently distinctive to no more than a medium degree. While I have not assessed its sixth mark, I consider that the same will apply on the basis that it is simply an alternative (but still standard) presentation of the word 'ZARA'. In terms of enhanced distinctiveness, I have found that the use made of the 'ZARA HOME' marks means that they are distinct to a higher than medium degree (but not high). As for the 'ZARA' marks, the same assessment made in respect of enhanced distinctiveness under the 5(2)(b) ground does not apply here as the goods and services at issue are not the same. Given the level of use for the goods and services at issue here, I am satisfied that their distinctiveness has been enhanced to a very high degree.

Whether there is a likelihood of confusion

89. I have found above that there is no likelihood of either direct or indirect confusion. While that assessment did not include an assessment regarding the opponent's sixth mark, I find that the same outcome applies on the basis that it is simply the word 'ZARA' presented in an alternative (but still standard) way.

Conclusion on link

90. I am now required to determine whether, in this particular case, the relevant public would bring the opponent's marks to mind when confronted with the applicant's

mark, thereby creating the necessary link. Even though I have found there to be no likelihood of confusion, this does not preclude me from finding the necessary link between the marks. Further, I acknowledge that the level of similarity required for the relevant public to make a link between the marks for the purposes of 5(3) grounds may be less than the level of similarity required to create a likelihood of confusion.²⁶ The reputation of the opponent's marks is either strong or very strong and while the inherent distinctiveness of those marks is no more than medium, I accept that all of the marks have been enhanced through use. While I take this into account together with the fact that the marks share their first two and fourth letters, I am of the view that there is no scenario wherein the average consumer will consider that 'zahacraft' is linked to 'ZARA' or 'ZARA HOME'. The similarities between the 'zaha' element and 'ZARA' are not such that the consumer will consider them to be linked in any way. This is particularly the case given that one will be understood as a female forename whereas the other will not. Upon noticing this, I see no reason why the relevant public would consider them to be linked. Further, the fact that the applicant's mark alludes to crafts but will not be viewed on any craft related goods will be seen as somewhat unusual in the eyes of the relevant public which would further the understanding that the marks are not linked to each other. Taking all of this into account, I find that the differences between the marks are such that a significant proportion of the relevant public would not make a link between them. I make this finding even taking into account that the marks may be viewed on identical goods or seen by the same section of the relevant public.

91. As I have found there to be no link, the opposition based upon section 5(3) fails in its entirety.

CONCLUSION

92. The opposition fails in its entirety and the application may proceed to registration for all of the goods applied for.

²⁶ *Intra-Press SAS v OHIM*, Joined cases C-581/13P & C-582/13P

COSTS

93.As the applicant has been successful, it is entitled to a contribution towards its costs based upon the scale published in Tribunal Practice Notice 2/2016. In the circumstances, I award the applicant the sum of **£500** as a contribution towards its costs. The sum is calculated as follows:

Considering the notice of opposition and preparing a counterstatement:	£200
Considering opponent's evidence:	£300
Total:	£500

94.I hereby order Industria de Diseno Textil, S.A. (Inditex, S.A.) to pay ZAHA ENTERPRISES PTY LTD the sum of £500. The above sum should be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

Dated this 2nd day of February 2023

A COOPER
For the Registrar

ANNEX 1

The opponent's first mark

Class 20

Furniture, mirrors, picture frames; goods, not included in other classes of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics; fans for personal use, pillows; curtain rings; chests, not of metal; cabinets; benches (furniture); table tops; screens; frameworks; boxes of wood or plastic; toy boxes; beds; bolsters; wagons; bottle racks; potbrushes; baskets, not of metal; cushions; mattresses; chests of drawers; bamboo blinds; cots; divans; shelving; mirrors; display stands; card files; garment covers (storage); bed and furniture fittings; hammock; flower stands; jewellery cases (not of precious metal); mannequins; table, works of art of wood, wax, plaster and of plastic; umbrella stands; playpens; coat hangers and hats, coathangers; sleeping bags for camping; chairs, armchairs; sofas; stools; baby walkers; looms for children's embroidery; loungers.

Class 21

Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes; bird baths; birdcages; cages for household pets; cosmetic utensils; deodorising apparatus for personal use; feeding troughs; feeding troughs for animals; feeding troughs for animals; floss for dental purposes; fly swatters; gardening gloves; indoor terrariums [plant cultivation]; insect traps; litter trays for pets; menu card holders; mouse traps; nozzles for sprinkler hose; nozzles for watering cans; powder compacts, not of precious metal; roses for watering cans; sprinkling devices; watering cans; appliances for removing make-up [non-electric]; sprinklers.

Class 35

Store services.

The opponent's second mark

Class 20

Furniture, mirrors, picture frames; Doorknobs, staves, plant markers, planters, boxes, stacking rays, caskets, storage chests, door stops, drawer pulls, reels for yarn, window handles, window stops, door furniture, statues, figurines, works of art, ornaments, decorations, furniture divans, bedsteads, beds, photograph frames, blinds, decorative baskets, funeral caskets, letter boxes, lids for industrial packing containers, crates, pallets, ladders, signboards and placards, all made of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or plastics, or of plastics; fans for personal use, pillows; curtain tie backs; babywalkers; curtain rings; chests, not of metal; cabinets; works of art of wood, wax, plaster or plastic; book stands; benches (furniture); table tops; curtain rods; chests for toys; screens; embroidery frames; bottle racks; medicine cabinets; busts of wood, wax, plaster or plastic; head-rests (furniture); boxes of wood or plastic; chests for toys; beds; water beds, not for medical purposes; Beds for domestic pets; settees; wax figures; bolsters; trolleys (furniture); bottle racks; brush mountings; trays, not of metal; cushions; mattresses; chests of drawers; bamboo blinds; cots; divans; desks; statuettes of wood, wax, plaster or plastic; shelving; mirrors; display stands; index cabinets; meat chests, not of metal; garment covers (storage); bed and furniture fittings; easy chairs; flower stands; Jewellery cases, not of precious metal; mannequins; table, works of art of wood, wax, plaster and of plastic; drinking straws; fire screens; umbrella stands; playpens for babies; flower-pot pedestals; coat hangers and hats, coathangers; door handles, not of metal; indoor blinds for windows (furniture); latches, not of metal; desks; magazine racks; curtain rails; curtain rollers; writing desks; sleeping bags for camping; chairs, armchairs; sofas; spring mattresses; bookholders; table tops; bulletin boards; stools; corks for bottles; corks; Caps, not of metal; embroidery frames, high chairs for babies; key boards for hanging keys; highstools for children; loungers; showcases (furniture).

Class 21

Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; brushes; materials for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in buildings); glassware, porcelain and earthenware not included in other classes; bottle openers; oil cruets; indoor aquaria; cocktail stirrers; candle extinguishers; non-electric appliances for removing make-up, sugar bowls; trays; baby baths [portable]; cloth for washing floors; bowls; tea balls; boxes for sweetmeats; powder puffs; bottles; shaving brushes; insulating flasks; stew-pans; crockery; coffeepots, non- electric, not of precious metal; boxes, bottle warmers, not electric; shoehorns, candlesticks; drinking flasks for travellers; wine tasters; fly swatters; epergnes; shoe brushes; nail brushes; toothbrushes; brushes (dishwashing-); baskets; fitted picnic baskets, including dishes; bread baskets; cocktail shakers; strainers; trouser stretchers; ice pails; ice boxes; mixing spoons [kitchen utensils]; scoops; bowls; decanters; tie presses; soap dispensers; funnels; door handles of porcelain; salad bowls; brooms; spatulas; spice racks; combs cases; lunch boxes; flasks; vegetable dishes; crockery; tailored covers for ironing boards; skins of chamois for cleaning; jars for cooking grease, empty; pastry brushes; basting brushes; gardening gloves; gloves for household use; polishing gloves; kettles (non- electric); shoe-trees (stretchers); non-metal piggy banks; egg cups; soap dishes; pitchers; vases; birdcages; signboards of porcelain or glass; cabarets (trays); liqueur sets; flower pots; butter dishes; fly swatters; kitchen moulds; mills for domestic purposes, hand-operated; toothpicks; mops; non- electric portable coolers; cooking pots; toilet requisites; works of art made of porcelain; of terracotta or glass; chamber pots; toothpick holders; candlesticks; carpet beaters (not being machines); bread baskets; dusting cloths (rags); pepper shakers; pegs and drying racks for washing; plates; feather-dusters; powder compacts; knobs of porcelain; stands for shaving brushes; sponge holders; soap holders; coasters, not of paper and other than table linen; toilet paper holders; trouser presses; perfume sprayers and vaporisers; perfume burners; graters; thermally insulated containers for food and/or beverages; crumb trays; coasters, trivets; boot jacks, corkscrews; carpet beaters; salt shakers; pans; clothes racks [for drying]; coffee and tea sets; napkin rings; tureens; washing boards; ironing boards; bread boards; carving boards; pot lids; cups; mugs; shirt stretchers; shoe-

trees (stretchers); insulating flasks, teapots; flowerpots; lye washtubs; rods and rings for towels; toilet utensils; tableware; glasses; cruets.

Class 35

Advertisement services; retail services, wholesale services and online retail services in relation to sales by catalogue, by mail order, by telephone, by radio and television and via other electronic means of household or kitchen utensils and containers, combs and sponges, brushes (except paint brushes), brush-making materials, articles for cleaning purposes, steelwool, unworked or semi-worked glass (except glass used in building), glassware, porcelain and earthenware not included in other classes, bottle openers, oil cruets, indoor aquaria, cocktail stirrers, candle extinguishers, non-electric appliances for removing make-up, sugar bowls, trays, portable baby baths, cloth for washing floors, bowls, tea balls, candy boxes, powder puffs, bottles, shaving brushes, insulating flasks, stew-pans, pottery, non-electric coffeepots, boxes, non-electric heaters for feeding bottles, shoe horns, candlesticks, drinking flasks for travellers, pipettes (wine-tasters), fly swatters, epergnes, brushes for footwear, nail brushes, toothbrushes, dishwashing brushes, baskets, fitted picnic baskets, including dishes, domestic bread baskets, cocktail shakers, strainers, trouser stretchers, ice buckets, ice pails, mixing spoons, basting spoons for kitchen use, bowls (basins), decanters, tie presses, soap dispensers, funnels, door knobs of porcelain, salad bowls, brooms, spatulas, spice sets, comb cases, mess-tins, flasks, vegetable dishes, dishes, shaped ironing board covers, chamois leather for cleaning, frying pans, gardening gloves, gloves for household purposes, polishing gloves, non-electric kettles, shoe trees, piggy banks, not of metal, egg cups, soap dispensers, decanters, vases, birdcages, signboards of porcelain or glass, cabarets (trays), liqueur sets, flower pots, butter dishes, fly swatters, cookery moulds, hand-operated mills for domestic purposes, toothpicks, mops, non-electric portable coolboxes, cooking pots, toilet cases, works of art of porcelain, terra-cotta or glass, chamber pots, toothpick holders, candelabra, carpet beaters, domestic bread baskets, dusting cloths, pepper pots, clothes-pegs and drying racks for washing, table plates, feather-dusters, powder compacts, knobs of porcelain, shaving brush stands, sponge holders, soap holders, coasters, not of paper and other than table linen, toilet paper holders, trouser presses, perfume vaporisers, perfume burners, graters, heat-insulated containers, crumb trays, coasters, trivets,

boot jacks, corkscrews, carpet beaters, salt cellars, frying pans, clothes racks, for drying, coffee and tea services, napkin holders, soup bowls, washing boards, ironing boards, bread boards, cutting boards for the kitchen, pot lids, cups, bowls (basins), shirt stretchers, shoe trees (stretchers), insulating flasks, teapots, flower pots, lye washtubs, towel rails and rings, toilet utensils, tableware, other than knives, forks and spoons, drinking glasses, cruets, ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); demonstration of goods; presentation of goods on any communication media, for retail purposes.

The opponent's third mark

Class 20

Furniture, mirrors, frames, goods not included in other classes of wood, cork, reed, cane, horn, bone, ivory, whalebone, shell, amber, mother of pearl, meerschaum, substitutes for all these materials or of plastics; fans for personal use, pillows, curtain rings, large safes (not of metal), cupboards, benches (furniture), table tops, screens, bedsprings, boxes of wood or plastic, boxes for toys, beds, head rests, trolleys, racks for bottles, baskets not of metal, cushions, mattresses, chests of drawers, bamboo curtains, cradles, divans, shelves, mirrors, display stands, index cabinets, garment covers (storage and wardrobes); bed and furniture fittings, flower stands, jewelry cases not of precious metal, tailors' dummies, tables, works of art of wood, wax, plaster or plastic, umbrella stands, playpens for babies, coatstands for clothing and hats, coatstands, sleeping bags for camping, chairs, armchairs, sofas, stools for children, embroidery frames, high chairs for babies, easy chairs, frames for brushes, deck chairs.

Class 21

Household or kitchen utensils (not made of precious metal or coated therewith); combs and sponges, brushes (except paintbrushes), brush-making materials, articles for cleaning purposes, steel wool, unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes, bottle openers, oil cruets, stirrers for cocktails, candle extinguishers, non-electric apparatus for removing make-up, sugar bowls, trays, baby baths (portable), floor mops, crystal

balls, tea infusers, candy boxes, bottles, shaving brushes, pots, coffee makers, boxes, non-electric heaters for feeding bottles, shoe horns, candelabra, pipettes for wine tasters, fly catchers, centerpieces for tables, brushes for shoes, sieves, buckets for preserving ice, tie presses, door handles (knobs) (of porcelain), comb cases, ironing board covers, gardening gloves, gloves for household use, gloves for polishing, shoe trees (lasts), piggy banks not of metal, soap dishes, pots, birdcages, butter dishes, toiletry sets, works of art of porcelain, terra cotta or crystal, toothpick holders, rug beaters, bread baskets, dusting cloths and rags, pepper pots, clothes-pegs, clothes racks, plates, feather-dusters, powder compacts, shaving brush stands, sponge holders, toilet paper holders, trouser presses, perfume sprayers and vaporizers, graters, crumb trays, bottle coasters, place mats, boot jacks, salt shakers, clothes-drying racks, tea or coffee services, table napkin stands, washing boards, ironing boards, bread boards, cutting boards, cups, stretchers for shirts, shoe stretchers, stretchers for trousers, teapots, flower pots, toiletry utensils, tableware, drinking glasses, vinegar cruets, clothes-drying racks, baskets for domestic use not of precious metal.

Class 35

Demonstration of goods; retail outlet services or sale via global communication networks.

The opponent's fourth mark

Class 20

Furniture, mirrors, picture frames; goods, not included in other classes of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics; fans for personal use, pillows; curtain rings; chests, not of metal; cabinets; benches (furniture); table tops; screens; frameworks; boxes of wood or plastic; toy boxes; beds; bolsters; wagons; bottle racks; potbrushes; baskets, not of metal; cushions; mattresses; chests of drawers; bamboo blinds; cots; divans; shelving; mirrors; display stands; card files; garment covers (storage); bed and furniture fittings; hammock; flower stands; jewellery cases (not of precious metal); mannequins; table, works of art of wood, wax, plaster

and of plastic; umbrella stands; playpens; coat hangers and hats, coathangers; sleeping bags for camping; chairs, armchairs; sofas; stools; baby walkers; looms for children's embroidery; loungers.

Class 21

Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; materials for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes; bottle openers; oil cruets; cocktail stirrers; candle extinguishers; non-electric apparatus for removing make-up, sugar bowls, trays; baby bath (portable); dish cloths; glass bowls; tea balls; boxes for sweetmeats; bottles; shaving brushes; crockery; coffee pots; boxes, bottle warmers, not electric; shoehorns, candlesticks; wine tasters; fly swatters; epergnes; brushes for footwear, baskets; strainers; trouser stretchers; ice pails; tie presses; door-handles of porcelain; comb cases; ironing board covers [shaped]; gardening gloves; gloves for household use; polishing gloves; shoemakers' lasts; non-metal piggy banks; soap dishes; pitchers; bird-cages; butter dishes; toilet cases; works of art made of porcelain; of terracotta or glass; toothpick holders; carpet beaters [not being machines]; bread baskets; dusting cloths (rags); pepper shakers; pegs and drying racks for washing; plates; feather-dusters; powder compacts; stands for shaving brushes; sponge holders; toilet paper holders; trouser presses; perfume sprayers and vaporisers; graters; crumb trays; coasters, trivets; bootjacks, salt shakers; clothes racks [for drying]; coffee and tea sets; napkin rings; washing boards; ironing boards; bread boards; carving boards; cups; shirt stretchers; shoe-trees (stretchers); teapots; flowerpots; toilet utensils; tableware; glasses; cruets; Bird baths; cages for household pets; cosmetic utensils; deodorising apparatus for personal use; indoor terrariums [plant cultivation]; nozzles for sprinkler hose; feeding troughs for animals; watering cans; feeding troughs; feeding troughs for animals; floss for dental purposes; fly swatters; insect traps; menu card holders; mouse traps; nozzles for watering cans; roses for watering cans; sprinkling devices.

Class 35: Demonstration of goods; commercial retailing and retailing via worldwide electronic communication networks.

The opponent's fifth mark

Class 35

Retail services in connection with fashion wear, clothing, footwear, headgear, cufflinks, scarves, bandanas and neckerchiefs, brooches and badges, hairbands, hair clips and slides, hair ornaments, key rings, socks and tights, bags, wallets, umbrellas, belts, jewellery, beauty products, cosmetics, essential oil, toiletries, soaps, deodorants (other than for personal use), lighting and apparatus for lighting, carpets, rugs, mats, wall hangings, games, glasses, sunglasses, CD's, DVD's, machines for household use, apparatus for cooking and refrigerating, clocks, watches, stationery, publications, printed matter, photographs, leather goods, luggage, baby carriages, shopping trolleys, automobile safety seats for children, riding helmets, protective helmets, protective helmets for sports, furniture, household containers and utensils, furnishings, household linen, textiles, paints, candles, cutlery, household fittings, knobs of metal, door handles of metal, musical instruments, picture frames, mirrors, glassware, lace, embroidery, artificial flowers, haberdashery, decorative artefacts, tents, padding and stuffing materials (not of rubber or plastic), toys, dolls, puppets, gymnastic and sporting articles not included in classes other than Class 28, Christmas trees, ornaments for Christmas trees (except illumination articles and confectionary), novelties for parties, articles for smokers; retail services for the aforesaid goods sold in a retail clothing, furniture, fashion, accessories, department or other store or sold by mail order catalogue, via the Internet or using other telecommunications; advertising, including direct distribution of advertising material and catalogues, direct-mail advertising; publishing of advertising texts; organisation of trade fairs for commercial or advertising purposes; sales promotion for others; organisation of exhibitions for commercial or advertising purposes; modelling services for advertising or sales promotion; purchasing and procurement services for others; distribution of samples; demonstration of goods; business management; business administration; office functions; commercial assistance services provided through the distribution and the administration of purchase cards, charge cards, privilege cards or loyalty cards; assistance in franchised commercial business management; shop window dressing;

import-export agencies; auction services; arranging newspaper subscriptions for others; promotion and management of shopping malls.

ANNEX 2

The opponent's first mark

Class 20

Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics; air cushions, not for medical purposes; air cushions, not for medical purposes; air pillows, not for medical purposes; bamboo; bead curtains for decoration; bins, not of metal; bolsters; bottle caps, not of metal; busts of wood, wax, plaster or plastic; cabinet work; closures, not of metal, for containers; clothes hooks, not of metal; coat hangers; coral; costume stands; covers for clothing [wardrobe]; curtain hooks; curtain rails; curtain rings; curtain rods; curtain rollers; cushions; dog kennels; dressmakers' dummies; figurines [statuettes] of wood, wax, plaster or plastic; fireguards; flower-pot pedestals; furniture casters, not of metal; furniture fittings, not of metal; garment covers [storage]; hooks, not of metal, for clothes rails; house numbers, not of metal, non-luminous; infant walkers; infant walkers; keyboards for hanging keys; kennels for household pets; knife handles, not of metal; letter boxes, not of metal or masonry; locks [other than electric], not of metal; mats, removable, for sinks; mobiles [decoration]; moldings for picture frames; nesting boxes for household pets; picture frame brackets; pillows; plaited straw [except matting]; rattan; reeds [plaiting material]; removable mats or covers for sinks; shells; signboards of wood or plastics; slatted indoor blinds; sleeping bags for camping; spring mattresses; stair rods; statues of wood, wax, plaster or plastic; stoppers, not of metal; table tops; tailors' dummies; tool handles, not of metal; wax figures; whalebone, unworked or semi-worked; wind chimes [decoration]; coat hooks, not of metal; curtain tie-backs; fans for personal use [non-electric]; picture rods [frames]; yellow amber; works of art, of wood, wax, plaster or plastic.

Class 21

Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass

(except glass used in building); glassware, porcelain and earthenware not included in other classes; bird baths; birdcages; cages for household pets; cosmetic utensils; deodorising apparatus for personal use; feeding troughs; feeding troughs for animals; feeding troughs for animals; floss for dental purposes; fly swatters; gardening gloves; indoor terrariums [plant cultivation]; insect traps; litter trays for pets; menu card holders; mouse traps; nozzles for sprinkler hose; nozzles for watering cans; powder compacts, not of precious metal; roses for watering cans; sprinkling devices; watering cans; appliances for removing make-up [non-electric]; sprinklers.

Class 35

Store services; commercial or industrial management assistance by the issuing and administration of charge cards; business management services; business administration services; advertising, including advertising services undertaking the distribution of advertising and commercial prospectuses and pamphlets, either directly or by mail, as well as the distribution of product samples.

The opponent second mark

Class 20

Furniture, mirrors, picture frames; Doorknobs, staves, plant markers, planters, boxes, stacking trays, caskets, storage chests, door stops, drawer pulls, reels for yarn, window handles, window stops, door furniture, statues, figurines, works of art, ornaments, decorations, furniture divans, bedsteads, beds, photograph frames, blinds, decorative baskets, funeral caskets, letter boxes, lids for industrial packing containers, crates, pallets, ladders, signboards and placards, all made of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or plastics, or of plastics; fans for personal use, pillows; curtain tie backs; babywalkers; curtain rings; chests, not of metal; cabinets; works of art of wood, wax, plaster or plastic; book stands; benches (furniture); table tops; curtain rods; chests for toys; screens; embroidery frames; bottle racks; medicine cabinets; busts of wood, wax, plaster or plastic; head-rests; (furniture); boxes of wood or plastic; chests for toys; beds; water beds, not for medical purposes; Beds for domestic pets; settees; wax figures; bolsters; trolleys (furniture); bottle racks; brush

mountings; trays, not of metal; cushions; mattresses; chests of drawers; bamboo blinds; cots; divans; desks; statuettes of wood, wax, plaster or plastic; shelving; mirrors; display stands; index cabinets; meat chests, not of metal; garment covers (storage); bed and furniture fittings; easy chairs; flower stands; Jewellery cases, not of precious metal; mannequins; table, works of art of wood, wax, plaster and of plastic; drinking straws; fire screens; umbrella stands; playpens for babies; flower-pot pedestals; coat hangers and hats, coathangers; door handles, not of metal; indoor blinds for windows (furniture); latches, not of metal; desks; magazine racks; curtain rails; curtain rollers; writing desks; sleeping bags for camping; chairs, armchairs; sofas; spring mattresses; bookholders; table tops; bulletin boards; stools; corks for bottles; corks; Caps, not of metal; embroidery frames, high chairs for babies; key boards for hanging keys; highstools for children; loungers; showcases (furniture).

Class 21

Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; brushes; materials for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in buildings); glassware, porcelain and earthenware not included in other classes; bottle openers; oil cruets; indoor aquaria; cocktail stirrers; candle extinguishers; non-electric appliances for removing make-up, sugar bowls; trays; baby baths [portable]; cloth for washing floors; bowls; tea balls; boxes for sweetmeats; powder puffs; bottles; shaving brushes; insulating flasks; stew-pans; crockery; coffeepots, non- electric, not of precious metal; boxes, bottle warmers, not electric; shoehorns, candlesticks; drinking flasks for travellers; wine tasters; fly swatters; epergnes; shoe brushes; nail brushes; toothbrushes; brushes (dishwashing-); baskets; fitted picnic baskets, including dishes; bread baskets; cocktail shakers; strainers; trouser stretchers; ice pails; ice boxes; mixing spoons [kitchen utensils]; scoops; bowls; decanters; tie presses; soap dispensers; funnels; door handles of porcelain; salad bowls; brooms; spatulas; spice racks; combs cases; lunch boxes; flasks; vegetable dishes; crockery; tailored covers for ironing boards; skins of chamois for cleaning; Jars for cooking grease, empty; pastry brushes; basting brushes; gardening gloves; gloves for household use; polishing gloves; kettles (non- electric); shoe-trees (stretchers); non-metal piggy banks; egg cups; soap dishes; pitchers;

vases; birdcages; signboards of porcelain or glass; cabarets (trays); liqueur sets; flower pots; butter dishes; Fly swatters; kitchen moulds; mills for domestic purposes, hand-operated; toothpicks; mops; non- electric portable coolers; cooking pots; toilet requisites; works of art made of porcelain; of terracotta or glass; chamber pots; toothpick holders; candlesticks; carpet beaters (not being machines); bread baskets; dusting cloths (rags); pepper shakers; pegs and drying racks for washing; plates; feather- dusters; powder compacts; knobs of porcelain; stands for shaving brushes; sponge holders; soap holders; coasters, not of paper and other than table linen; toilet paper holders; trouser presses; perfume sprayers and vaporisers; perfume burners; graters; Thermally insulated containers for food and/or beverages; crumb trays; coasters, trivets; boot jacks, corkscrews; carpet beaters; salt shakers; pans; clothes racks [for drying]; coffee and tea sets; napkin rings; tureens; washing boards; ironing boards; bread boards; carving boards; pot lids; cups; mugs; shirt stretchers; shoe-trees (stretchers); insulating flasks, teapots; flowerpots; lye washtubs; rods and rings for towels; toilet utensils; tableware; glasses; cruets.

Class 25

Ready-made clothing for men, women and children, footwear (except orthopaedic), headgear; motorists' and cyclists' clothing; bibs, not of paper; headbands (clothing); bathrobes; swimming costumes; bathing caps and sandals; boas (necklets); underwear; baby pants; mufflers; boots for sports and beach shoes; hoods (clothing); shawls; belts (clothing); money belts (clothing); wet suits for water skiing; ties; corsets (underclothing); sashes for wear; fur stoles; corsets; scarves; caps (headwear); caps; gloves (clothing); raincoats; underwear, mantillas; stockings; socks; neckerchiefs; babies nappies of textile; dress handkerchiefs; furs (clothing); pyjamas; soles for footwear; heels; veiling (clothing); braces; paper clothing; gymnastic and sports outfits; layettes; shoulder wraps (clothing), singlets, mittens; ear muffs (clothing); inner soles; bow ties; pareo; Wristbands clothing; dress shields; masquerade costumes; beach clothes; visors (hatmaking); dressing gowns; pockets for clothing; sock suspenders; stocking suspenders; petticoats; tights; aprons (clothing); headgear (for wear); galoshes; headgear (hats, caps, etc); gaiters; coats; esparto shoes or sandals; non-slipping devices for shoes; bath robes; bath slippers; birettas (headwear); blouses; bodies; berets; footmuffs, not electrically heated; lace boots; boots; boot uppers; studs

for football boots [shoes]; ankle boots; fittings of metal for shoes and boots; tips for footwear; welts for boots and shoes; heelpieces for shoes; boxer shorts; shirts; shirt yokes; shirt fronts; t-shirts; bodices (lingerie); waistcoats; jackets; fishermen's jackets; greatcoats; combinations (clothing); slippers (undergarments); detachable collars; collars; articles of clothing made of leather; imitation leather clothing; shower caps; slippers; skirts; ready-made linings (parts of clothing); topcoats; gabardines (clothing); gymnastic shoes; jerseys (clothing); pullovers; sweaters; liveries; muffs; footwear uppers; parkas; wraps; pelisses; leggings; gaiters; hosiery; knitwear [clothing]; gymnastic clothing; outer clothing; sandals; saris; briefs; hats; brassieres; wimples; togas; trouser straps; suits; turbans; dresses; slippers, sports shoes.

Class 35

Advertisement services; business management; business administration; office functions; Retail services, Wholesale services and Online retail services in relation to sales by catalogue, by mail order, by telephone, by radio and television and via other electronic means of chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry, unprocessed artificial resins, unprocessed plastics, manures, fire extinguishing compositions, tempering and soldering preparations, chemical substances for preserving foodstuffs, tanning substances, adhesives used in industry, paints, varnishes, lacquers, preservatives against rust and against deterioration of wood, colorants, mordants, raw natural resins, metals in foil and powder form for painters, decorators, printers and artists, anti-corrosive preparations, whitewash, dyestuffs, wood preservatives, ink for leather, indigo (colorant), wood stains, wallpaper removing preparations, ink for skin-dressing, paints, thinners for paints, siccatives (drying agents) for paints, bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, shaving preparations, toilet water, bluing for laundry, starch for laundry purposes, colour-brightening chemicals for household purposes (laundry), cotton sticks for cosmetic purposes, beauty masks, sun-tanning preparations (cosmetics), cosmetic preparations for skin care, hair dyes, boot polish and cream, wax, shoemakers' wax, non-slipping wax for floors, parquet floor wax, polishing wax, tailors' wax, waxes for

leather, shampoos, cosmetic kits, depilatory preparations, make-up removing preparations, deodorants for personal use, lipsticks, cosmetic pencils, hair spray and nail varnish, nail varnish removers, tissues impregnated with cosmetic lotions, pre-moistened or impregnated cleansing pads, after-shave lotions, lotions for cosmetic purposes, make-up preparations, pomades for cosmetic purposes, stain removers, sachets for perfuming linen, nail care preparations, cobblers' wax, boot cream, bleaching preparations (decolorants) for cosmetic purposes, extracts of flowers (perfumes), incense, scented wood, decorative transfers for cosmetic purposes, false eyelashes and nails, pumice stone, potpourris (fragrances), cosmetic preparations for slimming purposes, cosmetic preparations for baths, hair waving preparations, washing preparations, toiletries, mouth washes, not for medical purposes, bath salts, not for medical purposes, sanitary toiletries, oils for toilet purposes, sun-tanning preparations, eau de Cologne, deodorant soap, talcum powder, for toilet use, abrasives, moustache wax, hair dyes, eyebrow cosmetics, depilatory wax, cleaning wax, shampoos for pets, cosmetics for animals, cosmetic creams, cakes of toilet soap, soap for foot perspiration, detergents other than for use in manufacturing operations and for medical purposes, cleansing milk for toilet purposes, javelle water, dry-cleaning preparations, scented water, perfumes, cosmetic preparations for eyelashes, make-up powder, adhesives for affixing false hair, fabric softeners for laundry use, cosmetic dyes, colour-removing preparations, cloths impregnated with a detergent for cleaning, industrial oils and greases, lubricants, dust absorbing, wetting and binding compositions, fuels (including motor spirit) and illuminants, candles and wicks for lighting, moistening oil, grease for shoes, grease for leather, candles, pharmaceutical and veterinary preparations, sanitary preparations for medical purposes, dietetic substances adapted for medical use, food for babies, plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants, preparations for destroying vermin, fungicides, herbicides, mineral water for medical purposes, cotton for medical purposes, sanitary panties, sanitary towels, deodorants, other than for personal use, portable filled medicine cases, lotions for pharmaceutical purposes, solutions for contact lenses, napkins for incontinents, sanitary pads, chemical preparations for the diagnosis of pregnancy, sunburn ointments, pharmaceutical preparations for skin care, mouthwashes for medical purposes, smelling salts, bath salts for medical purposes, salts for mineral water baths, sanitary panties, menstruation tampons,

surgical cloth (tissues), tissues impregnated with pharmaceutical lotions, breast-nursing pads, balsamic preparations, balms for medical purposes, common metals and their alloys, metal building materials, transportable buildings of metal, materials of metal for railway tracks, non-electric cables and wires of common metal, ironmongery, small items of metal hardware, pipes and tubes of metal, safes, statues of common metal, meshes of common metal, architectural hardware of common metals, common metal drawer pulls, hat hooks of common metal, ring closures of common metal, coils made of common metal, cake toppers of common metal, armour made of common metal, adhesive wall decorations of common metal, letters and numerals of common metal, except type, fasteners of common metal, key tags of common metal, solder for common metals, artistic castings of common metal, wires of common metal, monuments of common metal, fencing made of common metal, nameplates of common metal, beams of common metal for scaffolding, figures of common metal, busts of common metal, trophies of common metal, crucifixes of common metal, boxes and baskets of common metal, cabinet fittings of common metal, ores, burial vaults of metal, empty tool boxes of metal, preserving boxes of metal, padlocks, bells, chests of metal, zip fasteners of metal, stepladders of metal, hooks (metal hardware), buckles of common metal, money boxes of metal, signboards of metal, preserving boxes of metal, key rings, ice moulds of metal, works of art of common metal, poles of metal, identity plates of metal, ironmongery, wire gauze, wire cloth, door bells, knobs of metal, door handles of metal, machines and machine tools, motors and engines (except for land vehicles), machine coupling and transmission components (except for land vehicles), agricultural implements other than hand-operated, incubators for eggs, hand tools and implements (hand-operated), cutlery, side arms, razors, non-electric can openers, non-electric hand implements for hair curling, electric and non-electric depilation appliances, nutcrackers, not of precious metal, electric or non-electric nail clippers, manicure sets, razor cases, razor blades, lasts (shoemakers' hand tools), nail files, electric and non-electric hair clippers for personal use, beard clippers, shaving cases, hair-removing tweezers, nail nippers, rasps, scissors, vegetable choppers, mortars for pounding, oyster openers, sharpening stones, pliers, insecticide atomisers, sugar tongs, graving needles, tool belts, non-electric pizza cutters, non-electric egg slicers, non-electric cheese slicers, table cutlery, needle-threaders, fireplace bellows, keys, eyelash curlers, rakes, pincers, scientific, nautical, surveying, photographic,

cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, apparatus for recording, transmission or reproduction of sound or images, magnetic data carriers, recording discs, automatic vending machines and mechanisms for coin-operated apparatus, cash registers, calculating machines, data processing equipment and computers, fire-extinguishing apparatus, computer peripheral devices, anti-glare glasses, eyeglass chains, shoes for protection against accidents, irradiation and fire, bullet-proof waistcoats, swimming jackets and life jackets, contact lenses, eyeglass cords, dressmakers' measures, spectacle glasses, spectacle cases, eyeglass cases and containers for contact lenses, clothing for protection against fire, spectacle frames, spectacles (optics), sunglasses, gloves for divers, gloves for protection against accidents, diving suits, pince-nez, optical lenses, magnetic encoded cards, magnetic identity cards, clothing for protection against accidents and irradiation, protective suits for aviators, electronic agendas, electric make-up removing appliances, telephone apparatus, weighbridges, directional compasses, accounting machines, protective helmets, telescopes, chronographs (time recording apparatus), measuring spoons, pedometers, compact discs (audio-video), optical compact discs, mirrors (optics), water wings, binoculars, printers for use with computers, temperature indicators, instruments containing eyepieces, game programs, cassette readers, barcode readers, compact disc players, optical character readers, signal, magic and optical lanterns, magnifying glasses (optics), dictating and invoicing machines, mechanisms for counter-operated apparatus, weights, electric, solar and galvanic batteries, electric flat irons, recorded computer programs, recorded computer operating programs, mice (data processing equipment), electronic pocket translators, transistors (electronic), thermometers, not for medical purposes, apparatus for games adapted for use with television receivers only, audio and video receivers, intercommunication apparatus, video cassettes, animated cartoons, teaching apparatus, walkie-talkies, downloadable electronic publications, egg timers (sandglasses), teeth protectors, electrically heated hair-curlers, pocket calculators, camcorders, capacity measures, video game cartridges, headphones, abacuses, loudspeakers, mouse pads, aerials, apparatus and instruments for astronomy, telephone receivers, scales, life-saving rafts, barometers, electric batteries, electrically heated hair curlers, flashlights

(photography), answering machines, graduated glassware, protective helmets for sports, sports goggles, transparencies, transparency projection apparatus, reflecting discs for wear, for the prevention of traffic accidents, cases fitted with dissecting instruments (microscopy), dosage dispensers, cigar lighters for automobiles, covers for electric outlets, fire escapes, exposed films, filters for respiratory masks, flash-bulbs (photography), stands for photographic apparatus, holograms, magnets and decorative magnets, ear plugs for divers, ear plugs, electric devices for attracting and killing insects, electric switches, lasers, not for medical purposes, luminous signals, neon signs, megaphones, computer memories, meteorological instruments, rules (measuring instruments), microphones, microscopes, peepholes (magnifying lenses) for doors, modems, objectives (lenses), shutters (photography), recorded computer programs, computer programs (downloadable software), ozonisers, projection screens and apparatus, dog whistles, weighing apparatus and instruments, nose clips for divers and swimmers, prisms (optics), push buttons for bells, light-emitting electronic pointers, radios, radiotelephony equipment, radiotelephony sets, rulers (measuring instruments), knee-pads for workers, vehicle breakdown warning triangles, sirens, electronic notice boards, computer keyboards, telescopes, word processors, rods for water diviners, video telephones, anti-dazzle shades, photographic viewfinders, eyeshades, voting machines, buzzers, surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth, orthopaedic articles, suture materials, teething rings, feeding bottles, feeding bottle valves, feeding bottle teats, dummies for babies, nursing appliances, ear picks, incubators for babies, respirators for artificial respiration, breast pumps, commode chairs, orthopaedic footwear (shoes), arch supports for boots and shoes, apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes, electric heating pads, not for medical purposes, roasting apparatus, drying apparatus, bath tubs, bidets, light bulbs, electric coffee percolators, electric heaters for feeding bottles, cookers, showers, lighters, lanterns, sinks, lamp globes, taps, lamps, wash-hand basins, electric pocket torches, blankets, burners, lamp shades, hair dryers, electric laundry dryers, toilet bowls, vehicles, apparatus for locomotion by land, air or water, security harness for vehicle seats, safety seats for children, for vehicles, head-rests for vehicle seats, safety belts for vehicle seats, seat covers for vehicles, bicycles, parts and/or fittings for bicycles included in this class,

pushchairs, parts and/or fittings for pushchairs included in this class, prams, parts and/or fittings for prams included in this class, sleighs, kick sledges, firearms, ammunition and projectiles, explosives, fireworks, precious metals and their alloys and goods in precious metals or coated therewith, jewellery, precious stones, horological and chronometric instruments, ornamental pins, tie pins, works of art of precious metal, key rings, medals, coins, badges of precious metal, shoe and hat ornaments of precious metal, cuff links, wristwatches, cases for watches, straps for wristwatches, jewellery cases, pocket watches, sundials, electric clocks and watches, tie clips, charms (jewellery), paste jewellery, ivory Uewellery), pearls (jewellery), precious stones, earrings, alarm clocks, rings, chronometers, musical instruments, musical boxes, cases for musical instruments, music rolls, music stands, plectrums, paper, cardboard, works of art and figurines of paper and cardboard, bags and articles for packaging, wrapping and storage of paper and cardboard, filtering materials of paper, printed matter, printed publications, bookbinding material, photographs, stationery, adhesives for stationery or household purposes, artists' materials, paint brushes, typewriters and office requisites (except furniture), instructional and teaching material (except apparatus), plastic materials for packaging (not included in other classes), printers' type, printing blocks, engravings, boxes of cardboard or paper, patterns for making clothes and for dressmaking, tissues of paper for removing make-up, stencil cases, labels, not of textile, table linen of paper, table napkins of paper, disposable babies' nappies of paper and cellulose, disposable babies' napkin-pants of paper and cellulose, handkerchiefs of paper, pen cases, holders for cheque books, writing cases, inking sheets for document reproducing machines, bags (envelopes, pouches) of paper or plastics, for packaging, tailors' chalk, face towels of paper, hat boxes of cardboard, tracing cloth and paper, bookbinding cloth, canvas for painting, hand towels of paper, albums, almanacs, hand labelling appliances, loose-leaf binders, writing materials and instruments, decalcomanias, calendars, posters, document files, passport holders, catalogues, pictures, drawing sets, newspapers, magazines, books, lithographs, wrapping paper, hygienic paper, paperweights, mats for beer glasses, bookmarkers, bookends, ink, inkwells, bibs of paper, drawing materials, graphic prints, school supplies, writing slates, comic books, trays for sorting and counting money, adhesive patterns (embroidery), garbage bags of paper or of plastics, geographical maps, terrestrial globes, moisteners (office requisites), plastics for modelling,

blueprints, stencils (stationery), placards of paper or cardboard, cards, steel letters and pens, aquarelles, adhesive tape dispensers, adhesive tapes and bands for stationery or household purposes, adhesives (stationery), cigar bands, files (office requisites), modelling clay, arithmetical tables, drawer liners of paper, perfumed or not, architects' models, atlases, flags of paper, tickets, pads (stationery), ball-point pens, bags for microwave cooking, writing board erasers, rubber erasers, erasing products, bottle wrappers and envelopes of cardboard or paper, painters' easels, song books, charcoal pencils, writing paper, advertisement boards of paper or cardboard, booklets, ink sticks, modelling wax, not for dental purposes, sealing wax, drawing pins, paper ribbons and bows, inking ribbons for computer printers, typewriter ribbons, clipboards, cabinets for stationery (office requisites), compasses for drawing, paper clips, paper cutters (office requisites), patterns for dressmaking, note books, framed or unframed paintings (pictures), finger-stalls (office requisites), bookbinding material, bookbinding apparatus and machines (office equipment), gummed cloth for stationery purposes, inking pads, drawing squares, shields (paper seals), greeting cards, filter paper, wrappers (stationery), photograph stands, elastic bands for offices, stapling presses (office requisites), staples for offices, paper sheets (stationery), electric or non-electric pencil sharpeners, pencil holders, luminous paper, palettes for painters, silver paper, waxed paper, modelling paste, office perforators, painters' brushes, house painters' rollers, postcards, rosaries, blotters, envelopes (stationery), money clips of metal, rubber, gutta-percha, gum, asbestos, mica, latex [rubber] raw or semi-worked rubber, liquid rubber, synthetic rubber, rubber cords, rubber powder, rubber solutions, silicone rubber, rubber derivatives, silicone rubber compounds, rubber hoses, tubes, valves and pipes, rubber stoppers, sealants, gaskets, sheets for sealing, and sealing strips, articles made from rubber for sealing, articles made of rubber for insulation purposes, uncured synthetic rubber for use in manufacturing, substitutes for unprocessed and semi-processed rubber, rings of rubber, rubber thread not for textile use, rubber seals for jars, clips of rubber for cables, strips of rubber for the protection of edges of furniture, rubber packaging, stuffing and bindings of rubber, rubber statuettes, figurines made of rubber, decorative badges made of rubber, rubber covers for switches, substitutes for unprocessed and semi-processed gum, gum, raw or semi-worked, insulating plates of mica, mica electrical insulators, substitutes for unprocessed and semi-processed mica, unprocessed and semi-processed mica,

decorative badges made of mica, substitutes for unprocessed and semi-processed gutta-percha, artificial gutta-percha, asbestos packing, asbestos fibres for insulation, asbestos safety curtains, substitutes for unprocessed and semi-processed asbestos, asbestos sheets, asbestos paper, asbestos soles, asbestos powder, asbestos boards, asbestos fabrics, asbestos fibres, unprocessed and semi-processed asbestos, asbestos coverings, plastics in extruded form for use in manufacture, packing, stopping and insulating materials, flexible pipes, not of metal, leather and imitations of leather, suitcases, cases, wallet pouches, shopping bags, luggage tags, card wallets, credit card cases, document cases, garment bags for travel, travelling cases, umbrellas, parasols and walking sticks, whips, harness and saddlery, bags for climbers, campers and the beach, handbag frames, frames for umbrellas or parasols, mountaineering sticks, bags, handbags, travelling bags, travelling sets and key cases (leatherware), attach~ cases, purses, not of precious metal, school satchels, garment bags for travel, hat boxes of leather, sling bags for carrying infants, wheeled shopping bags, containers and boxes of leather or leather board, boxes of vulcanised fibre, school bags, pocket wallets, handbags, vanity cases, not fitted, collars for animals, leather leashes, leather leads, umbrella covers, saddle cloths for horses, haversacks, horse blankets, backpacks, school bags, music cases, head-stalls, bags (envelopes, pouches) of leather, for packaging, riding saddles, pads for horse saddles, umbrella rings, blinkers (harness), harness fittings of iron, harness for animals, harness fittings, walking stick seats, shoulder belts of leather, empty tool bags of leather, chain mesh purses (not of precious metal), beach bags, muzzles, bridles, halters, leatherboard, bands of leather, travelling trunks, shopping bags, straps for soldiers' equipment, harness straps, straps of leather (saddlery), straps for skates, trimmings of leather for furniture, leather straps, butts (parts of hides), curried skins, whips, coverings of skins (furs), stirrup leathers, parts of rubber for stirrups, bits for animals (harness), reins, briefcases, moleskin (imitation of leather), fur-skins, skins of chamois, other than for cleaning purposes, nose bags (feed bags), net bags for shopping, casings, of leather, for springs, knee-pads for horses, fastenings for saddles, card cases (notecases), traces (harness), valves of leather, stirrups, building materials (non-metallic), non-metallic rigid pipes for building, asphalt, pitch and bitumen, non-metallic transportable buildings, monuments, not of metal, furniture, mirrors, picture frames, doorknobs, staves, plant markers, planters, stacking trays, caskets, door stops, drawer pulls, reels

for yarn, window handles, window stops, door furniture, ornaments, decorations, lids for industrial packing containers, crates, pallets all made of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics, non- electric fans for personal use, pillows, curtain holders, infant walkers, curtain rings, bins, not of metal, cupboards, works of art of wood, wax, plaster or plastic, lecterns, benches (furniture), trays, curtain rods, chests for toys, screens (furniture), embroidery frames, bottle racks, medicine cabinets, busts of wood, wax, plaster or plastic, head-rests (furniture), boxes of wood or plastic, chests for toys, beds, water beds, not for medical purposes, beds for household pets, settees, figurines of wax, head-rests (furniture), trolleys, bottle racks, brushes, baskets, not of metal, cushions, mattresses, chests of drawers, bamboo curtains, cots, divans, desks, statuettes of wood, wax, plaster or plastic, shelves, mirrors, display stands, index cabinets (furniture), meat chests, not of metal, covers for clothing (wardrobe), bed and furniture fittings, easy chairs, flower-stands, jewellery cases, not of precious metal, tailors' dummies, tables, works of art of wood, wax, plaster or plastic, drinking straws, fireguards, umbrella stands, playpens for babies, flower-pot pedestals, coat hangers and hat stands, coatstands, door handles, not of metal, indoor window blinds (furniture), door handles, not of metal, desks, magazine racks, curtain rails, curtain rollers, writing desks, sleeping bags for camping, chairs, armchairs, settees, spring mattresses, book rests (furniture), table tops, display boards, stools, corks for bottles, corks, stoppers, not of metal, embroidery frames, high chairs for babies, keyboards for hanging keys, high chairs for babies, deck chairs, showcases (furniture), household or kitchen utensils and containers, combs and sponges, brushes (except paint brushes), brush-making materials, articles for cleaning purposes, steelwool, unworked or semi-worked glass (except glass used in building), glassware, porcelain and earthenware not included in other classes, bottle openers, oil cruets, indoor aquaria, cocktail stirrers, candle extinguishers, non-electric appliances for removing make-up, sugar bowls, trays, portable baby baths, cloth for washing floors, bowls, tea balls, candy boxes, powder puffs, bottles, shaving brushes, insulating flasks, stew-pans, pottery, non-electric coffeepots, boxes, non-electric heaters for feeding bottles, shoe horns, candlesticks, drinking flasks for travellers, pipettes (wine-tasters), fly swatters, epergnes, brushes for footwear, nail brushes, toothbrushes, dishwashing brushes, baskets, fitted picnic baskets, including dishes,

domestic bread baskets, cocktail shakers, strainers, trouser stretchers, ice buckets, ice pails, mixing spoons, basting spoons for kitchen use, bowls (basins), decanters, tie presses, soap dispensers, funnels, door knobs of porcelain, salad bowls, brooms, spatulas, spice sets, comb cases, mess-tins, flasks, vegetable dishes, dishes, shaped ironing board covers, chamois leather for cleaning, frying pans, gardening gloves, gloves for household purposes, polishing gloves, non-electric kettles, shoe trees, piggy banks, not of metal, egg cups, soap dispensers, decanters, vases, birdcages, signboards of porcelain or glass, cabarets (trays), liqueur sets, flower pots, butter dishes, fly swatters, cookery moulds, hand- operated mills for domestic purposes, toothpicks, mops, non-electric portable coolboxes, cooking pots, toilet cases, works of art of porcelain, terra-cotta or glass, chamber pots, toothpick holders, candelabra, carpet beaters, domestic bread baskets, dusting cloths, pepper pots, clothes-pegs and drying racks for washing, table plates, feather-dusters, powder compacts, knobs of porcelain, shaving brush stands, sponge holders, soap holders, coasters, not of paper and other than table linen, toilet paper holders, trouser presses, perfume vaporisers, perfume burners, graters, heat-insulated containers, crumb trays, coasters, trivets, boot jacks, corkscrews, carpet beaters, salt cellars, frying pans, clothes racks, for drying, coffee and tea services, napkin holders, soup bowls, washing boards, ironing boards, bread boards, cutting boards for the kitchen, pot lids, cups, bowls (basins), shirt stretchers, shoe trees (stretchers), insulating flasks, teapots, flower pots, lye washtubs, towel rails and rings, toilet utensils, tableware, other than knives, forks and spoons, drinking glasses, cruets, ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes), padding and stuffing materials (except of rubber or plastics), raw fibrous textile materials, eiderdown, straw wrappers for bottles, hammocks, tarpaulins, yarns and threads, for textile use, textiles and textile goods, not included in other classes, bed and table covers, bath linen (except clothing), tissues of textile for removing make-up, labels of cloth, linings (textile), washing mitts, wall hangings of textile, handkerchiefs of textile, curtains of textile or plastic, household linen, towels of textile, travelling rugs, net curtains, curtain holders of textile material, flags, not of paper, eiderdowns, loose covers for furniture, covers for cushions, mosquito nets, glass cloths, billiard cloth, traced cloths for embroidery, upholstery fabrics, face towels of textile, sleeping bags (sheeting), table runners, bedspreads, mattress covers, oilcloth for use as table cloths, tablecloths, not of paper,

sheets (textile), tablemats, table napkins of textile, adhesive fabric for application by heat, fabric of imitation animal skins, brocades, trellis (cloth), lining fabric for shoes, fabric for boots and shoes, cheviots (cloth), velvet, felt, cotton fabrics, bed covers, tulle, crepe (fabric), crepon, damask, lingerie fabric, elastic woven material, flannel (fabric), cheese cloth, gauze (cloth), gummed cloth, other than for stationery, hessian, jersey (fabric), woollen fabric and cloth, linen cloth, diapered linen, marabouts (cloth), ticks (mattress covers), upholstery fabrics, pillowcases, ramie fabric, rayon fabric (artificial silk), silk (cloth), esparto fabric, taffeta (cloth), knitted fabric, zephyr (cloth), fibreglass fabrics, for textile use, printers' blankets of textile, chenille fabric, place mats of textile, bed blankets, fitted toilet lid covers of fabric, shower curtains of textile or plastic; Retail and Wholesale services connected with the sale of ready-made clothing for men, women and children, footwear (except orthopaedic footwear), headgear, motorists' and cyclists' clothing, bibs, not of paper, headbands (clothing), bath robes, bathing suits, bathing caps and sandals, boas (necklets), underwear, babies' pants, scarves, boots for sports and beach shoes, hoods (clothing), shawls, belts, money belts, wet suits for water-skiing, neckties, corsets, sashes for wear, fur stoles, girdles, scarves, caps, gloves, waterproof clothing, underwear, mantillas, stockings, socks, ascots, babies' nappies of textile, handkerchiefs, furs (clothing), pyjamas, soles for footwear, heels, veils (clothing), suspenders, clothing of paper, gymnastics and sports suits, layettes, collars (clothing), sports jerseys, mittens, ear muffs (clothing), inner soles, bow ties, sarongs, cuffs, dress shields, masquerade costumes, beach clothes, cap peaks, dressing gowns, pockets for clothing, sock suspenders, stocking suspenders, petticoats, tights, aprons (clothing), headgear for wear, wooden shoes, caps, garters, coats, esparto shoes or sandals, non-slipping devices for boots and shoes, bath robes, bath slippers, caps, smocks, teddies (undergarments), berets, footmuffs, not electrically heated, lace boots, boots, boot uppers, studs for football boots, half-boots, fittings of metal for shoes and boots, tips for footwear, welts for boots and shoes, heelpieces for boots and shoes, pants, shirts, shirt yokes, shirt fronts, tee-shirts, bodices, waistcoats, jackets, fishing vests, stuff jackets, combinations (clothing), slippers (undergarments), detachable collars, collars (clothing), clothing of leather, clothing of imitations of leather, shower caps, slippers, skirts, ready-made linings (parts of clothing), overcoats, gabardines, gymnastic shoes, jerseys (clothing), pullovers, sweaters, liveries, muffs (clothing), footwear uppers, parkas, pelerines,

pelisses, spats, leggings, knitwear, hosiery, gymnastic clothing, outerclothing, sandals, saris, underpants, hats, brassieres, wimples, togas, trouser straps, suits, turbans, frocks, slippers, sports shoes, lace and embroidery, ribbons and braid, buttons, hooks and eyes, pins and needles, artificial flowers, tinsels (trimmings for clothing), needle cushions, hair ornaments, shoe and hat ornaments, not of precious metal, hair bands, brassards, reins for guiding children, brooches (clothing accessories), hair pins, hair grips, sewing boxes, shoe fasteners, belt clasps, zip fasteners, bows for the hair, needle cases, buckles (clothing accessories), shoulder pads for clothing, badges for wear, not of precious metal, spangles for clothing, haberdashery, except thread, lace trimmings, feathers (clothing accessories), shoe laces, wreaths of artificial flowers, tea cosies, ornamental novelty badges (buttons), sewing thimbles, numerals or letters for marking linen, bodkins, top-knots (pompoms), competitors' numbers, heat adhesive patches for decoration of textile articles (haberdashery), snap fasteners, ostrich feathers (clothing accessories), prize ribbons, false beards, false moustaches, non-electric hair curlers, other than hand implements, tassels (haberdashery), hair nets, frills (lacework), lace trimmings, collar supports, elastic ribbons, braids, festoons (embroidery), hair colouring caps, darning lasts, gold embroidery, silver embroidery, plaited hair, wigs, heat adhesive patches, patches for repairing textile articles, toupees, edgings for clothing, skirt flounces, carpets, rugs, mats and matting, linoleum and other materials for covering existing floors, wall hangings (non-textile), bath mats, wallpaper, floor coverings, carpet underlay, floor coverings, games and playthings, gymnastic and sporting articles not included in other classes, decorations for Christmas trees, fishing tackle, rods for fishing, toy and theatrical masks, dolls' houses, climbers' harness, novelties for parties, dances (party favours), gloves for games, baseball, boxing, fencing and golf gloves, puppets, automatic games other than coin-operated and those adapted for use with television receivers only, machines for physical exercises, Christmas trees of synthetic material, bladders of balls for games, elbow and knee guards (sports articles), kites, rattles (playthings), kaleidoscopes, rocking horses, building games, automatic and coin-operated amusement machines, playing cards, teddy bears, dolls, dolls' clothes, air pistols (toys), chess games, flippers for swimming, ring games, Christmas tree stands, archery implements, practical jokes (novelties), balls for games, dolls' feeding bottles, building blocks (toys), body boards, skittles, stationary exercise bicycles, golf bags,

with or without wheels, dolls' beds, marbles for games, dolls' houses, butterfly nets, swings, confetti, cups for dice, dice, draughts (games), draughtboards, darts, discuses for sports, flying discs (toys), dominoes, counters for games, skis, bags especially designed for skis and surfboards, tables for indoor football, appliances for gymnastics, horseshoe games, hockey sticks, soap bubbles (toys), board games, toys for domestic pets, scale model vehicles, skateboards, mobiles (toys), paintballs (sports apparatus), artificial snow for Christmas trees, billiard and golf balls, billiard tables, skating boots with skates attached, in-line roller skates, ice skates, roller skates, scooters (toys), plush toys, spinning tops, pifatas, swimming pools (play articles), punching bags, jigsaw puzzles, conjuring apparatus, rackets, parlour games, surf boards and sailboards, chessboards, sling shots (sports articles), slides (playthings), spring boards (sports articles), sleighs (sports articles), toy vehicles, radio-controlled toy vehicles, shuttlecocks, meat, fish, poultry and game, meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, compotes, eggs, milk and milk products, edible oils and fats, coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, bread, pastry and confectionery, ices, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces (condiments), spices, ice, agricultural, horticultural and forestry products and grains not included in other classes, live animals, fresh fruits and vegetables, seeds, natural plants and flowers, foodstuffs for animals, malt, beers, mineral and aerated waters and other non-alcoholic drinks, fruit drinks and fruit juices, syrups and other preparations for making beverages, alcoholic beverages (except beers), tobacco, smokers' articles, matches, humidors, cigarette cases, cigar cases, tobacco pouches, cigarette cases, ashtrays for smokers, lighters for smokers, tobacco pipes, cigar cutters, cigar cases, pipe cleaners for tobacco pipes, cigarette paper, tobacco jars, cigarette tips, match boxes, gas containers for cigar lighters, pocket machines for rolling cigarettes, books of cigarette papers, firestones, pipe racks for tobacco pipes, match holders and ashtrays for smokers, of precious metal; commercial or industrial management assistance; organisation of exhibitions for commercial and publicity purposes; promotion provided by a commercial company by means of a client loyalty card; modelling for advertising or sales promotion; publication of publicity texts; shop-window dressing; commercial management assistance in relation to franchises; demonstration of goods; organisation of trade fairs for commercial or advertising

purposes; sales promotion (for others); auctioneering; Promotion and management of shopping centres; import-export agencies; on-line advertising on a computer network; Procurement for others (purchasing of goods and services for other companies); arranging newspaper subscriptions (for others); distribution of samples; computerized file management; public relations; commercial information agencies; publicity agencies; rental of vending machines; rental of advertising space; dissemination of advertisements; business management assistance; data searches in computer files, for others; compilation of data on a central computer; transcription of communications; advertising mail; professional management of artistic affairs; direct mail advertising; updating of advertising material; document reproduction; marketing studies; outdoor advertising; opinion polling; systematization of data on a central computer; advertising; mail advertising, radio and television advertising; presentation of goods on any communication media, for retail purposes.

The opponent's third mark

Class 20

Furniture, mirrors, picture frames; Doorknobs, staves, plant markers, planters, boxes, stacking trays, caskets, storage chests, door stops, drawer pulls, reels for yarn, window handles, window stops, door furniture, statues, figurines, works of art, ornaments, decorations, furniture divans, bedsteads, beds, photograph frames, blinds, decorative baskets, funeral caskets, letter boxes, lids for industrial packing containers, crates, pallets, ladders, signboards and placards, all made of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or plastics, or of plastics; fans for personal use, pillows; curtain tie backs; babywalkers; curtain rings; chests, not of metal; cabinets; works of art of wood, wax, plaster or plastic; book stands; benches (furniture); table tops; curtain rods; chests for toys; screens; embroidery frames; bottle racks; medicine cabinets; busts of wood, wax, plaster or plastic; head-rests (furniture); boxes of wood or plastic; chests for toys; beds; water beds, not for medical purposes; Beds for domestic pets; settees; wax figures; bolsters; trolleys (furniture); bottle racks; brush mountings; trays, not of metal; cushions; mattresses; chests of drawers; bamboo blinds; cots; divans; desks; statuettes of wood, wax, plaster or plastic; shelving;

mirrors; display stands; index cabinets; meat chests, not of metal; garment covers (storage); bed and furniture fittings; easy chairs; flower stands; Jewellery cases, not of precious metal; mannequins; table, works of art of wood, wax, plaster and of plastic; drinking straws; fire screens; umbrella stands; playpens for babies; flower-pot pedestals; coat hangers and hats, coathangers; door handles, not of metal; indoor blinds for windows (furniture); latches, not of metal; desks; magazine racks; curtain rails; curtain rollers; writing desks; sleeping bags for camping; chairs, armchairs; sofas; spring mattresses; bookholders; table tops; bulletin boards; stools; corks for bottles; corks; Caps, not of metal; embroidery frames, high chairs for babies; key boards for hanging keys; highstools for children; loungers; showcases (furniture).

Class 21

Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; brushes; materials for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in buildings); glassware, porcelain and earthenware not included in other classes; bottle openers; oil cruets; indoor aquaria; cocktail stirrers; candle extinguishers; non-electric appliances for removing make-up, sugar bowls; trays; baby baths [portable]; cloth for washing floors; bowls; tea balls; boxes for sweetmeats; powder puffs; bottles; shaving brushes; insulating flasks; stew-pans; crockery; coffeepots, non- electric, not of precious metal; boxes, bottle warmers, not electric; shoehorns, candlesticks; drinking flasks for travellers; wine tasters; fly swatters; epergnes; shoe brushes; nail brushes; toothbrushes; brushes (dishwashing-); baskets; fitted picnic baskets, including dishes; bread baskets; cocktail shakers; strainers; trouser stretchers; ice pails; ice boxes; mixing spoons [kitchen utensils]; scoops; bowls; decanters; tie presses; soap dispensers; funnels; door handles of porcelain; salad bowls; brooms; spatulas; spice racks; combs cases; lunch boxes; flasks; vegetable dishes; crockery; tailored covers for ironing boards; skins of chamois for cleaning; Jars for cooking grease, empty; pastry brushes; basting brushes; gardening gloves; gloves for household use; polishing gloves; kettles (non- electric); shoe-trees (stretchers); non-metal piggy banks; egg cups; soap dishes; pitchers; vases; birdcages; signboards of porcelain or glass; cabarets (trays); liqueur sets; flower pots; butter dishes; Fly swatters; kitchen moulds; mills for domestic purposes,

hand-operated; toothpicks; mops; non- electric portable coolers; cooking pots; toilet requisites; works of art made of porcelain; of terracotta or glass; chamber pots; toothpick holders; candlesticks; carpet beaters (not being machines); bread baskets; dusting cloths (rags); pepper shakers; pegs and drying racks for washing; plates; feather- dusters; powder compacts; knobs of porcelain; stands for shaving brushes; sponge holders; soap holders; coasters, not of paper and other than table linen; toilet paper holders; trouser presses; perfume sprayers and vaporisers; perfume burners; graters; Thermally insulated containers for food and/or beverages; crumb trays; coasters, trivets; boot jacks, corkscrews; carpet beaters; salt shakers; pans; clothes racks [for drying]; coffee and tea sets; napkin rings; tureens; washing boards; ironing boards; bread boards; carving boards; pot lids; cups; mugs; shirt stretchers; shoe-trees (stretchers); insulating flasks, teapots; flowerpots; lye washtubs; rods and rings for towels; toilet utensils; tableware; glasses; cruets.

Class 25

Ready-made clothing for men, women and children, footwear (except orthopaedic), headgear; motorists' and cyclists' clothing; bibs, not of paper; headbands (clothing); bathrobes; swimming costumes; bathing caps and sandals; boas (necklets); underwear; baby pants; mufflers; boots for sports and beach shoes; hoods (clothing); shawls; belts (clothing); money belts (clothing); wet suits for water skiing; ties; corsets (underclothing); sashes for wear; fur stoles; corsets; scarves; caps (headwear); caps; gloves (clothing); raincoats; underwear, mantillas; stockings; socks; neckerchiefs; babies nappies of textile; dress handkerchiefs; furs (clothing); pyjamas; soles for footwear; heels; veiling (clothing); braces; paper clothing; gymnastic and sports outfits; layettes; shoulder wraps (clothing), singlets, mittens; ear muffs (clothing); inner soles; bow ties; pareo; Wristbands clothing; dress shields; masquerade costumes; beach clothes; visors (hatmaking); dressing gowns; pockets for clothing; sock suspenders; stocking suspenders; petticoats; tights; aprons (clothing); headgear (for wear); galoshes; headgear (hats, caps, etc); gaiters; coats; esparto shoes or sandals; non-slipping devices for shoes; bath robes; bath slippers; birettas (headwear); blouses; bodies; berets; footmuffs, not electrically heated; lace boots; boots; boot uppers; studs for football boots [shoes]; ankle boots; fittings of metal for shoes and boots; tips for footwear; welts for boots and shoes; heelpieces for shoes; boxer shorts; shirts; shirt

yokes; shirt fronts; t-shirts; bodices (lingerie); waistcoats; jackets; fishermen's jackets; greatcoats; combinations (clothing); slippers (undergarments); detachable collars; collars; articles of clothing made of leather; imitation leather clothing; shower caps; slippers; skirts; ready-made linings (parts of clothing); topcoats; gabardines (clothing); gymnastic shoes; jerseys (clothing); pullovers; sweaters; liveries; muffs; footwear uppers; parkas; wraps; pelisses; leggings; gaiters; hosiery; knitwear [clothing]; gymnastic clothing; outer clothing; sandals; saris; briefs; hats; brassieres; wimples; togas; trouser straps; suits; turbans; dresses; slippers, sports shoes.

Class 35

Advertisement services; business management; business administration; office functions; Retail services, Wholesale services and Online retail services in relation to sales by catalogue, by mail order, by telephone, by radio and television and via other electronic means of chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry, unprocessed artificial resins, unprocessed plastics, manures, fire extinguishing compositions, tempering and soldering preparations, chemical substances for preserving foodstuffs, tanning substances, adhesives used in industry, paints, varnishes, lacquers, preservatives against rust and against deterioration of wood, colorants, mordants, raw natural resins, metals in foil and powder form for painters, decorators, printers and artists, anti-corrosive preparations, whitewash, dyestuffs, wood preservatives, ink for leather, indigo (colorant), wood stains, wallpaper removing preparations, ink for skin-dressing, paints, thinners for paints, siccatives (drying agents) for paints, bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, shaving preparations, toilet water, bluing for laundry, starch for laundry purposes, colour-brightening chemicals for household purposes (laundry), cotton sticks for cosmetic purposes, beauty masks, sun-tanning preparations (cosmetics), cosmetic preparations for skin care, hair dyes, boot polish and cream, wax, shoemakers' wax, non-slipping wax for floors, parquet floor wax, polishing wax, tailors' wax, waxes for leather, shampoos, cosmetic kits, depilatory preparations, make-up removing preparations, deodorants for personal use, lipsticks, cosmetic pencils, hair spray and nail varnish, nail varnish removers, tissues impregnated with cosmetic lotions, pre-

moistened or impregnated cleansing pads, after-shave lotions, lotions for cosmetic purposes, make-up preparations, pomades for cosmetic purposes, stain removers, sachets for perfuming linen, nail care preparations, cobblers' wax, boot cream, bleaching preparations (decolorants) for cosmetic purposes, extracts of flowers (perfumes), incense, scented wood, decorative transfers for cosmetic purposes, false eyelashes and nails, pumice stone, potpourris (fragrances), cosmetic preparations for slimming purposes, cosmetic preparations for baths, hair waving preparations, washing preparations, toiletries, mouth washes, not for medical purposes, bath salts, not for medical purposes, sanitary toiletries, oils for toilet purposes, sun-tanning preparations, eau de Cologne, deodorant soap, talcum powder, for toilet use, abrasives, moustache wax, hair dyes, eyebrow cosmetics, depilatory wax, cleaning wax, shampoos for pets, cosmetics for animals, cosmetic creams, cakes of toilet soap, soap for foot perspiration, detergents other than for use in manufacturing operations and for medical purposes, cleansing milk for toilet purposes, javelle water, dry-cleaning preparations, scented water, perfumes, cosmetic preparations for eyelashes, make-up powder, adhesives for affixing false hair, fabric softeners for laundry use, cosmetic dyes, colour-removing preparations, cloths impregnated with a detergent for cleaning, industrial oils and greases, lubricants, dust absorbing, wetting and binding compositions, fuels (including motor spirit) and illuminants, candles and wicks for lighting, moistening oil, grease for shoes, grease for leather, candles, pharmaceutical and veterinary preparations, sanitary preparations for medical purposes, dietetic substances adapted for medical use, food for babies, plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants, preparations for destroying vermin, fungicides, herbicides, mineral water for medical purposes, cotton for medical purposes, sanitary panties, sanitary towels, deodorants, other than for personal use, portable filled medicine cases, lotions for pharmaceutical purposes, solutions for contact lenses, napkins for incontinents, sanitary pads, chemical preparations for the diagnosis of pregnancy, sunburn ointments, pharmaceutical preparations for skin care, mouthwashes for medical purposes, smelling salts, bath salts for medical purposes, salts for mineral water baths, sanitary panties, menstruation tampons, surgical cloth (tissues), tissues impregnated with pharmaceutical lotions, breast-nursing pads, balsamic preparations, balms for medical purposes, common metals and their alloys, metal building materials, transportable buildings of metal, materials of

metal for railway tracks, non-electric cables and wires of common metal, ironmongery, small items of metal hardware, pipes and tubes of metal, safes, statues of common metal, meshes of common metal, architectural hardware of common metals, common metal drawer pulls, hat hooks of common metal, ring closures of common metal, coils made of common metal, cake toppers of common metal, armour made of common metal, adhesive wall decorations of common metal, letters and numerals of common metal, except type, fasteners of common metal, key tags of common metal, solder for common metals, artistic castings of common metal, wires of common metal, monuments of common metal, fencing made of common metal, nameplates of common metal, beams of common metal for scaffolding, figures of common metal, busts of common metal, trophies of common metal, crucifixes of common metal, boxes and baskets of common metal, cabinet fittings of common metal, ores, burial vaults of metal, empty tool boxes of metal, preserving boxes of metal, padlocks, bells, chests of metal, zip fasteners of metal, stepladders of metal, hooks (metal hardware), buckles of common metal, money boxes of metal, signboards of metal, preserving boxes of metal, key rings, ice moulds of metal, works of art of common metal, poles of metal, identity plates of metal, ironmongery, wire gauze, wire cloth, door bells, knobs of metal, door handles of metal, machines and machine tools, motors and engines (except for land vehicles), machine coupling and transmission components (except for land vehicles), agricultural implements other than hand-operated, incubators for eggs, hand tools and implements (hand-operated), cutlery, side arms, razors, non-electric can openers, non-electric hand implements for hair curling, electric and non-electric depilation appliances, nutcrackers, not of precious metal, electric or non-electric nail clippers, manicure sets, razor cases, razor blades, lasts (shoemakers' hand tools), nail files, electric and non-electric hair clippers for personal use, beard clippers, shaving cases, hair-removing tweezers, nail nippers, rasps, scissors, vegetable choppers, mortars for pounding, oyster openers, sharpening stones, pliers, insecticide atomisers, sugar tongs, graving needles, tool belts, non-electric pizza cutters, non-electric egg slicers, non-electric cheese slicers, table cutlery, needle-threaders, fireplace bellows, keys, eyelash curlers, rakes, pincers, scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity,

apparatus for recording, transmission or reproduction of sound or images, magnetic data carriers, recording discs, automatic vending machines and mechanisms for coin-operated apparatus, cash registers, calculating machines, data processing equipment and computers, fire-extinguishing apparatus, computer peripheral devices, anti-glare glasses, eyeglass chains, shoes for protection against accidents, irradiation and fire, bullet-proof waistcoats, swimming jackets and life jackets, contact lenses, eyeglass cords, dressmakers' measures, spectacle glasses, spectacle cases, eyeglass cases and containers for contact lenses, clothing for protection against fire, spectacle frames, spectacles (optics), sunglasses, gloves for divers, gloves for protection against accidents, diving suits, pince-nez, optical lenses, magnetic encoded cards, magnetic identity cards, clothing for protection against accidents and irradiation, protective suits for aviators, electronic agendas, electric make-up removing appliances, telephone apparatus, weighbridges, directional compasses, accounting machines, protective helmets, telescopes, chronographs (time recording apparatus), measuring spoons, pedometers, compact discs (audio-video), optical compact discs, mirrors (optics), water wings, binoculars, printers for use with computers, temperature indicators, instruments containing eyepieces, game programs, cassette readers, barcode readers, compact disc players, optical character readers, signal, magic and optical lanterns, magnifying glasses (optics), dictating and invoicing machines, mechanisms for counter-operated apparatus, weights, electric, solar and galvanic batteries, electric flat irons, recorded computer programs, recorded computer operating programs, mice (data processing equipment), electronic pocket translators, transistors (electronic), thermometers, not for medical purposes, apparatus for games adapted for use with television receivers only, audio and video receivers, intercommunication apparatus, video cassettes, animated cartoons, teaching apparatus, walkie-talkies, downloadable electronic publications, egg timers (sandglasses), teeth protectors, electrically heated hair-curlers, pocket calculators, camcorders, capacity measures, video game cartridges, headphones, abacuses, loudspeakers, mouse pads, aerials, apparatus and instruments for astronomy, telephone receivers, scales, life-saving rafts, barometers, electric batteries, electrically heated hair curlers, flashlights (photography), answering machines, graduated glassware, protective helmets for sports, sports goggles, transparencies, transparency projection apparatus, reflecting discs for wear, for the prevention of traffic accidents, cases fitted with dissecting

instruments (microscopy), dosage dispensers, cigar lighters for automobiles, covers for electric outlets, fire escapes, exposed films, filters for respiratory masks, flash-bulbs (photography), stands for photographic apparatus, holograms, magnets and decorative magnets, ear plugs for divers, ear plugs, electric devices for attracting and killing insects, electric switches, lasers, not for medical purposes, luminous signals, neon signs, megaphones, computer memories, meteorological instruments, rules (measuring instruments), microphones, microscopes, peepholes (magnifying lenses) for doors, modems, objectives (lenses), shutters (photography), recorded computer programs, computer programs (downloadable software), ozonisers, projection screens and apparatus, dog whistles, weighing apparatus and instruments, nose clips for divers and swimmers, prisms (optics), push buttons for bells, light-emitting electronic pointers, radios, radiotelephony equipment, radiotelephony sets, rulers (measuring instruments), knee-pads for workers, vehicle breakdown warning triangles, sirens, electronic notice boards, computer keyboards, telescopes, word processors, rods for water diviners, video telephones, anti-dazzle shades, photographic viewfinders, eyeshades, voting machines, buzzers, surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth, orthopaedic articles, suture materials, teething rings, feeding bottles, feeding bottle valves, feeding bottle teats, dummies for babies, nursing appliances, ear picks, incubators for babies, respirators for artificial respiration, breast pumps, commode chairs, orthopaedic footwear (shoes), arch supports for boots and shoes, apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes, electric heating pads, not for medical purposes, roasting apparatus, drying apparatus, bath tubs, bidets, light bulbs, electric coffee percolators, electric heaters for feeding bottles, cookers, showers, lighters, lanterns, sinks, lamp globes, taps, lamps, wash-hand basins, electric pocket torches, blankets, burners, lamp shades, hair dryers, electric laundry dryers, toilet bowls, vehicles, apparatus for locomotion by land, air or water, security harness for vehicle seats, safety seats for children, for vehicles, head-rests for vehicle seats, safety belts for vehicle seats, seat covers for vehicles, bicycles, parts and/or fittings for bicycles included in this class, pushchairs, parts and/or fittings for pushchairs included in this class, prams, parts and/or fittings for prams included in this class, sleighs, kick sledges, firearms, ammunition and projectiles, explosives, fireworks, precious metals and their alloys and

goods in precious metals or coated therewith, jewellery, precious stones, horological and chronometric instruments, ornamental pins, tie pins, works of art of precious metal, key rings, medals, coins, badges of precious metal, shoe and hat ornaments of precious metal, cuff links, wristwatches, cases for watches, straps for wristwatches, jewellery cases, pocket watches, sundials, electric clocks and watches, tie clips, charms (jewellery), paste jewellery, ivory Jewellery), pearls (jewellery), precious stones, earrings, alarm clocks, rings, chronometers, musical instruments, musical boxes, cases for musical instruments, music rolls, music stands, plectrums, paper, cardboard, works of art and figurines of paper and cardboard, bags and articles for packaging, wrapping and storage of paper and cardboard, filtering materials of paper, printed matter, printed publications, bookbinding material, photographs, stationery, adhesives for stationery or household purposes, artists' materials, paint brushes, typewriters and office requisites (except furniture), instructional and teaching material (except apparatus), plastic materials for packaging (not included in other classes), printers' type, printing blocks, engravings, boxes of cardboard or paper, patterns for making clothes and for dressmaking, tissues of paper for removing make-up, stencil cases, labels, not of textile, table linen of paper, table napkins of paper, disposable babies' nappies of paper and cellulose, disposable babies' napkin-pants of paper and cellulose, handkerchiefs of paper, pen cases, holders for cheque books, writing cases, inking sheets for document reproducing machines, bags (envelopes, pouches) of paper or plastics, for packaging, tailors' chalk, face towels of paper, hat boxes of cardboard, tracing cloth and paper, bookbinding cloth, canvas for painting, hand towels of paper, albums, almanacs, hand labelling appliances, loose-leaf binders, writing materials and instruments, decalcomanias, calendars, posters, document files, passport holders, catalogues, pictures, drawing sets, newspapers, magazines, books, lithographs, wrapping paper, hygienic paper, paperweights, mats for beer glasses, bookmarkers, bookends, ink, inkwells, bibs of paper, drawing materials, graphic prints, school supplies, writing slates, comic books, trays for sorting and counting money, adhesive patterns (embroidery), garbage bags of paper or of plastics, geographical maps, terrestrial globes, moisteners (office requisites), plastics for modelling, blueprints, stencils (stationery), placards of paper or cardboard, cards, steel letters and pens, aquarelles, adhesive tape dispensers, adhesive tapes and bands for stationery or household purposes, adhesives (stationery), cigar bands, files (office

requisites), modelling clay, arithmetical tables, drawer liners of paper, perfumed or not, architects' models, atlases, flags of paper, tickets, pads (stationery), ball-point pens, bags for microwave cooking, writing board erasers, rubber erasers, erasing products, bottle wrappers and envelopes of cardboard or paper, painters' easels, song books, charcoal pencils, writing paper, advertisement boards of paper or cardboard, booklets, ink sticks, modelling wax, not for dental purposes, sealing wax, drawing pins, paper ribbons and bows, inking ribbons for computer printers, typewriter ribbons, clipboards, cabinets for stationery (office requisites), compasses for drawing, paper clips, paper cutters (office requisites), patterns for dressmaking, note books, framed or unframed paintings (pictures), finger-stalls (office requisites), bookbinding material, bookbinding apparatus and machines (office equipment), gummed cloth for stationery purposes, inking pads, drawing squares, shields (paper seals), greeting cards, filter paper, wrappers (stationery), photograph stands, elastic bands for offices, stapling presses (office requisites), staples for offices, paper sheets (stationery), electric or non-electric pencil sharpeners, pencil holders, luminous paper, palettes for painters, silver paper, waxed paper, modelling paste, office perforators, painters' brushes, house painters' rollers, postcards, rosaries, blotters, envelopes (stationery), money clips of metal, rubber, gutta-percha, gum, asbestos, mica, latex [rubber] raw or semi-worked rubber, liquid rubber, synthetic rubber, rubber cords, rubber powder, rubber solutions, silicone rubber, rubber derivatives, silicone rubber compounds, rubber hoses, tubes, valves and pipes, rubber stoppers, sealants, gaskets, sheets for sealing, and sealing strips, articles made from rubber for sealing, articles made of rubber for insulation purposes, uncured synthetic rubber for use in manufacturing, substitutes for unprocessed and semi-processed rubber, rings of rubber, rubber thread not for textile use, rubber seals for jars, clips of rubber for cables, strips of rubber for the protection of edges of furniture, rubber packaging, stuffing and bindings of rubber, rubber statuettes, figurines made of rubber, decorative badges made of rubber, rubber covers for switches, substitutes for unprocessed and semi-processed gum, gum, raw or semi-worked, insulating plates of mica, mica electrical insulators, substitutes for unprocessed and semi-processed mica, unprocessed and semi-processed mica, decorative badges made of mica, substitutes for unprocessed and semi-processed gutta-percha, artificial gutta-percha, asbestos packing, asbestos fibres for insulation, asbestos safety curtains, substitutes for unprocessed and semi-processed asbestos,

asbestos sheets, asbestos paper, asbestos soles, asbestos powder, asbestos boards, asbestos fabrics, asbestos fibres, unprocessed and semi-processed asbestos, asbestos coverings, plastics in extruded form for use in manufacture, packing, stopping and insulating materials, flexible pipes, not of metal, leather and imitations of leather, suitcases, cases, wallet pouches, shopping bags, luggage tags, card wallets, credit card cases, document cases, garment bags for travel, travelling cases, umbrellas, parasols and walking sticks, whips, harness and saddlery, bags for climbers, campers and the beach, handbag frames, frames for umbrellas or parasols, mountaineering sticks, bags, handbags, travelling bags, travelling sets and key cases (leatherware), attach~ cases, purses, not of precious metal, school satchels, garment bags for travel, hat boxes of leather, sling bags for carrying infants, wheeled shopping bags, containers and boxes of leather or leather board, boxes of vulcanised fibre, school bags, pocket wallets, handbags, vanity cases, not fitted, collars for animals, leather leashes, leather leads, umbrella covers, saddle cloths for horses, haversacks, horse blankets, backpacks, school bags, music cases, head-stalls, bags (envelopes, pouches) of leather, for packaging, riding saddles, pads for horse saddles, umbrella rings, blinkers (harness), harness fittings of iron, harness for animals, harness fittings, walking stick seats, shoulder belts of leather, empty tool bags of leather, chain mesh purses (not of precious metal), beach bags, muzzles, bridles, halters, leatherboard, bands of leather, travelling trunks, shopping bags, straps for soldiers' equipment, harness straps, straps of leather (saddlery), straps for skates, trimmings of leather for furniture, leather straps, butts (parts of hides), curried skins, whips, coverings of skins (furs), stirrup leathers, parts of rubber for stirrups, bits for animals (harness), reins, briefcases, moleskin (imitation of leather), fur-skins, skins of chamois, other than for cleaning purposes, nose bags (feed bags), net bags for shopping, casings, of leather, for springs, knee-pads for horses, fastenings for saddles, card cases (notecases), traces (harness), valves of leather, stirrups, building materials (non-metallic), non-metallic rigid pipes for building, asphalt, pitch and bitumen, non-metallic transportable buildings, monuments, not of metal, furniture, mirrors, picture frames, doorknobs, staves, plant markers, planters, stacking trays, caskets, door stops, drawer pulls, reels for yarn, window handles, window stops, door furniture, ornaments, decorations, lids for industrial packing containers, crates, pallets all made of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and

substitutes for all these materials, or of plastics, non- electric fans for personal use, pillows, curtain holders, infant walkers, curtain rings, bins, not of metal, cupboards, works of art of wood, wax, plaster or plastic, lecterns, benches (furniture), trays, curtain rods, chests for toys, screens (furniture), embroidery frames, bottle racks, medicine cabinets, busts of wood, wax, plaster or plastic, head-rests (furniture), boxes of wood or plastic, chests for toys, beds, water beds, not for medical purposes, beds for household pets, settees, figurines of wax, head-rests (furniture), trolleys, bottle racks, brushes, baskets, not of metal, cushions, mattresses, chests of drawers, bamboo curtains, cots, divans, desks, statuettes of wood, wax, plaster or plastic, shelves, mirrors, display stands, index cabinets (furniture), meat chests, not of metal, covers for clothing (wardrobe), bed and furniture fittings, easy chairs, flower-stands, jewellery cases, not of precious metal, tailors' dummies, tables, works of art of wood, wax, plaster or plastic, drinking straws, fireguards, umbrella stands, playpens for babies, flower-pot pedestals, coat hangers and hat stands, coatstands, door handles, not of metal, indoor window blinds (furniture), door handles, not of metal, desks, magazine racks, curtain rails, curtain rollers, writing desks, sleeping bags for camping, chairs, armchairs, settees, spring mattresses, book rests (furniture), table tops, display boards, stools, corks for bottles, corks, stoppers, not of metal, embroidery frames, high chairs for babies, keyboards for hanging keys, high chairs for babies, deck chairs, showcases (furniture), household or kitchen utensils and containers, combs and sponges, brushes (except paint brushes), brush-making materials, articles for cleaning purposes, steelwool, unworked or semi-worked glass (except glass used in building), glassware, porcelain and earthenware not included in other classes, bottle openers, oil cruets, indoor aquaria, cocktail stirrers, candle extinguishers, non-electric appliances for removing make-up, sugar bowls, trays, portable baby baths, cloth for washing floors, bowls, tea balls, candy boxes, powder puffs, bottles, shaving brushes, insulating flasks, stew-pans, pottery, non-electric coffeepots, boxes, non-electric heaters for feeding bottles, shoe horns, candlesticks, drinking flasks for travellers, pipettes (wine-tasters), fly swatters, epergnes, brushes for footwear, nail brushes, toothbrushes, dishwashing brushes, baskets, fitted picnic baskets, including dishes, domestic bread baskets, cocktail shakers, strainers, trouser stretchers, ice buckets, ice pails, mixing spoons, basting spoons for kitchen use, bowls (basins), decanters, tie presses, soap dispensers, funnels, door knobs of porcelain, salad bowls, brooms,

spatulas, spice sets, comb cases, mess-tins, flasks, vegetable dishes, dishes, shaped ironing board covers, chamois leather for cleaning, frying pans, gardening gloves, gloves for household purposes, polishing gloves, non-electric kettles, shoe trees, piggy banks, not of metal, egg cups, soap dispensers, decanters, vases, birdcages, signboards of porcelain or glass, cabarets (trays), liqueur sets, flower pots, butter dishes, fly swatters, cookery moulds, hand- operated mills for domestic purposes, toothpicks, mops, non-electric portable coolboxes, cooking pots, toilet cases, works of art of porcelain, terra-cotta or glass, chamber pots, toothpick holders, candelabra, carpet beaters, domestic bread baskets, dusting cloths, pepper pots, clothes-pegs and drying racks for washing, table plates, feather-dusters, powder compacts, knobs of porcelain, shaving brush stands, sponge holders, soap holders, coasters, not of paper and other than table linen, toilet paper holders, trouser presses, perfume vaporisers, perfume burners, graters, heat-insulated containers, crumb trays, coasters, trivets, boot jacks, corkscrews, carpet beaters, salt cellars, frying pans, clothes racks, for drying, coffee and tea services, napkin holders, soup bowls, washing boards, ironing boards, bread boards, cutting boards for the kitchen, pot lids, cups, bowls (basins), shirt stretchers, shoe trees (stretchers), insulating flasks, teapots, flower pots, lye washtubs, towel rails and rings, toilet utensils, tableware, other than knives, forks and spoons, drinking glasses, cruets, ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes), padding and stuffing materials (except of rubber or plastics), raw fibrous textile materials, eiderdown, straw wrappers for bottles, hammocks, tarpaulins, yarns and threads, for textile use, textiles and textile goods, not included in other classes, bed and table covers, bath linen (except clothing), tissues of textile for removing make-up, labels of cloth, linings (textile), washing mitts, wall hangings of textile, handkerchiefs of textile, curtains of textile or plastic, household linen, towels of textile, travelling rugs, net curtains, curtain holders of textile material, flags, not of paper, eiderdowns, loose covers for furniture, covers for cushions, mosquito nets, glass cloths, billiard cloth, traced cloths for embroidery, upholstery fabrics, face towels of textile, sleeping bags (sheeting), table runners, bedspreads, mattress covers, oilcloth for use as table cloths, tablecloths, not of paper, sheets (textile), tablemats, table napkins of textile, adhesive fabric for application by heat, fabric of imitation animal skins, brocades, trellis (cloth), lining fabric for shoes, fabric for boots and shoes, cheviots (cloth), velvet, felt, cotton fabrics, bed covers,

tulle, crepe (fabric), crepon, damask, lingerie fabric, elastic woven material, flannel (fabric), cheese cloth, gauze (cloth), gummed cloth, other than for stationery, hessian, jersey (fabric), woollen fabric and cloth, linen cloth, diapered linen, marabouts (cloth), ticks (mattress covers), upholstery fabrics, pillowcases, ramie fabric, rayon fabric (artificial silk), silk (cloth), esparto fabric, taffeta (cloth), knitted fabric, zephyr (cloth), fibreglass fabrics, for textile use, printers' blankets of textile, chenille fabric, place mats of textile, bed blankets, fitted toilet lid covers of fabric, shower curtains of textile or plastic; Retail and Wholesale services connected with the sale of ready-made clothing for men, women and children, footwear (except orthopaedic footwear), headgear, motorists' and cyclists' clothing, bibs, not of paper, headbands (clothing), bath robes, bathing suits, bathing caps and sandals, boas (necklets), underwear, babies' pants, scarves, boots for sports and beach shoes, hoods (clothing), shawls, belts, money belts, wet suits for water-skiing, neckties, corsets, sashes for wear, fur stoles, girdles, scarves, caps, gloves, waterproof clothing, underwear, mantillas, stockings, socks, ascots, babies' nappies of textile, handkerchiefs, furs (clothing), pyjamas, soles for footwear, heels, veils (clothing), suspenders, clothing of paper, gymnastics and sports suits, layettes, collars (clothing), sports jerseys, mittens, ear muffs (clothing), inner soles, bow ties, sarongs, cuffs, dress shields, masquerade costumes, beach clothes, cap peaks, dressing gowns, pockets for clothing, sock suspenders, stocking suspenders, petticoats, tights, aprons (clothing), headgear for wear, wooden shoes, caps, garters, coats, esparto shoes or sandals, non-slipping devices for boots and shoes, bath robes, bath slippers, caps, smocks, teddies (undergarments), berets, footmuffs, not electrically heated, lace boots, boots, boot uppers, studs for football boots, half-boots, fittings of metal for shoes and boots, tips for footwear, welts for boots and shoes, heelpieces for boots and shoes, pants, shirts, shirt yokes, shirt fronts, tee-shirts, bodices, waistcoats, jackets, fishing vests, stuff jackets, combinations (clothing), slippers (undergarments), detachable collars, collars (clothing), clothing of leather, clothing of imitations of leather, shower caps, slippers, skirts, ready-made linings (parts of clothing), overcoats, gabardines, gymnastic shoes, jerseys (clothing), pullovers, sweaters, liveries, muffs (clothing), footwear uppers, parkas, pelerines, pelisses, spats, leggings, knitwear, hosiery, gymnastic clothing, outerclothing, sandals, saris, underpants, hats, brassieres, wimples, togas, trouser straps, suits, turbans, frocks, slippers, sports shoes, lace and embroidery, ribbons and braid,

buttons, hooks and eyes, pins and needles, artificial flowers, tinsels (trimmings for clothing), needle cushions, hair ornaments, shoe and hat ornaments, not of precious metal, hair bands, brassards, reins for guiding children, brooches (clothing accessories), hair pins, hair grips, sewing boxes, shoe fasteners, belt clasps, zip fasteners, bows for the hair, needle cases, buckles (clothing accessories), shoulder pads for clothing, badges for wear, not of precious metal, spangles for clothing, haberdashery, except thread, lace trimmings, feathers (clothing accessories), shoe laces, wreaths of artificial flowers, tea cosies, ornamental novelty badges (buttons), sewing thimbles, numerals or letters for marking linen, bodkins, top-knots (pompoms), competitors' numbers, heat adhesive patches for decoration of textile articles (haberdashery), snap fasteners, ostrich feathers (clothing accessories), prize ribbons, false beards, false moustaches, non-electric hair curlers, other than hand implements, tassels (haberdashery), hair nets, frills (lacework), lace trimmings, collar supports, elastic ribbons, braids, festoons (embroidery), hair colouring caps, darning lasts, gold embroidery, silver embroidery, plaited hair, wigs, heat adhesive patches, patches for repairing textile articles, toupees, edgings for clothing, skirt flounces, carpets, rugs, mats and matting, linoleum and other materials for covering existing floors, wall hangings (non-textile), bath mats, wallpaper, floor coverings, carpet underlay, floor coverings, games and playthings, gymnastic and sporting articles not included in other classes, decorations for Christmas trees, fishing tackle, rods for fishing, toy and theatrical masks, dolls' houses, climbers' harness, novelties for parties, dances (party favours), gloves for games, baseball, boxing, fencing and golf gloves, puppets, automatic games other than coin-operated and those adapted for use with television receivers only, machines for physical exercises, Christmas trees of synthetic material, bladders of balls for games, elbow and knee guards (sports articles), kites, rattles (playthings), kaleidoscopes, rocking horses, building games, automatic and coin-operated amusement machines, playing cards, teddy bears, dolls, dolls' clothes, air pistols (toys), chess games, flippers for swimming, ring games, Christmas tree stands, archery implements, practical jokes (novelties), balls for games, dolls' feeding bottles, building blocks (toys), body boards, skittles, stationary exercise bicycles, golf bags, with or without wheels, dolls' beds, marbles for games, dolls' houses, butterfly nets, swings, confetti, cups for dice, dice, draughts (games), draughtboards, darts, discuses for sports, flying discs (toys), dominoes, counters for games, skis, bags especially

designed for skis and surfboards, tables for indoor football, appliances for gymnastics, horseshoe games, hockey sticks, soap bubbles (toys), board games, toys for domestic pets, scale model vehicles, skateboards, mobiles (toys), paintballs (sports apparatus), artificial snow for Christmas trees, billiard and golf balls, billiard tables, skating boots with skates attached, in-line roller skates, ice skates, roller skates, scooters (toys), plush toys, spinning tops, pifatas, swimming pools (play articles), punching bags, jigsaw puzzles, conjuring apparatus, rackets, parlour games, surf boards and sailboards, chessboards, sling shots (sports articles), slides (playthings), spring boards (sports articles), sleighs (sports articles), toy vehicles, radio-controlled toy vehicles, shuttlecocks, meat, fish, poultry and game, meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, compotes, eggs, milk and milk products, edible oils and fats, coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, bread, pastry and confectionery, ices, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces (condiments), spices, ice, agricultural, horticultural and forestry products and grains not included in other classes, live animals, fresh fruits and vegetables, seeds, natural plants and flowers, foodstuffs for animals, malt, beers, mineral and aerated waters and other non-alcoholic drinks, fruit drinks and fruit juices, syrups and other preparations for making beverages, alcoholic beverages (except beers), tobacco, smokers' articles, matches, humidors, cigarette cases, cigar cases, tobacco pouches, cigarette cases, ashtrays for smokers, lighters for smokers, tobacco pipes, cigar cutters, cigar cases, pipe cleaners for tobacco pipes, cigarette paper, tobacco jars, cigarette tips, match boxes, gas containers for cigar lighters, pocket machines for rolling cigarettes, books of cigarette papers, firestones, pipe racks for tobacco pipes, match holders and ashtrays for smokers, of precious metal; commercial or industrial management assistance; organisation of exhibitions for commercial and publicity purposes; promotion provided by a commercial company by means of a client loyalty card; modelling for advertising or sales promotion; publication of publicity texts; shop-window dressing; commercial management assistance in relation to franchises; demonstration of goods; organisation of trade fairs for commercial or advertising purposes; sales promotion (for others); auctioneering; Promotion and management of shopping centres; import-export agencies; on-line advertising on a computer network; Procurement for others (purchasing of goods and services for other companies);

arranging newspaper subscriptions (for others); distribution of samples; computerized file management; public relations; commercial information agencies; publicity agencies; rental of vending machines; rental of advertising space; dissemination of advertisements; business management assistance; data searches in computer files, for others; compilation of data on a central computer; transcription of communications; advertising mail; professional management of artistic affairs; direct mail advertising; updating of advertising material; document reproduction; marketing studies; outdoor advertising; opinion polling; systematization of data on a central computer; advertising; mail advertising, radio and television advertising; presentation of goods on any communication media, for retail purposes.

The opponent's fourth mark

Class 20

Furniture, mirrors, picture frames; goods, not included in other classes of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics; fans for personal use, pillows; curtain rings; chests, not of metal; cabinets; benches (furniture); table tops; screens; frameworks; boxes of wood or plastic; toy boxes; beds; bolsters; wagons; bottle racks; potbrushes; baskets, not of metal; cushions; mattresses; chests of drawers; bamboo blinds; cots; divans; shelving; mirrors; display stands; card files; garment covers (storage); bed and furniture fittings; hammock; flower stands; jewellery cases (not of precious metal); mannequins; table, works of art of wood, wax, plaster and of plastic; umbrella stands; playpens; coat hangers and hats, coathangers; sleeping bags for camping; chairs, armchairs; sofas; stools; baby walkers; looms for children's embroidery; loungers.

Class 21

Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; materials for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes; bottle openers; oil cruets; cocktail stirrers; candle extinguishers; non-

electric apparatus for removing make-up, sugar bowls, trays; baby bath (portable); dish cloths; glass bowls; tea balls; boxes for sweetmeats; bottles; shaving brushes; crockery; coffee pots; boxes, bottle warmers, not electric; shoehorns, candlesticks; wine tasters; fly swatters; epergnes; brushes for footwear, baskets; strainers; trouser stretchers; ice pails; tie presses; door-handles of porcelain; comb cases; ironing board covers [shaped]; gardening gloves; gloves for household use; polishing gloves; shoemakers' lasts; non-metal piggy banks; soap dishes; pitchers; bird-cages; butter dishes; toilet cases; works of art made of porcelain; of terracotta or glass; toothpick holders; carpet beaters [not being machines]; bread baskets; dusting cloths (rags); pepper shakers; pegs and drying racks for washing; plates; feather-dusters; powder compacts; stands for shaving brushes; sponge holders; toilet paper holders; trouser presses; perfume sprayers and vaporisers; graters; crumb trays; coasters, trivets; bootjacks, salt shakers; clothes racks [for drying]; coffee and tea sets; napkin rings; washing boards; ironing boards; bread boards; carving boards; cups; shirt stretchers; shoe-trees (stretchers); teapots; flowerpots; toilet utensils; tableware; glasses; cruets; Bird baths; cages for household pets; cosmetic utensils; deodorising apparatus for personal use; indoor terrariums [plant cultivation]; nozzles for sprinkler hose; feeding troughs for animals; watering cans; feeding troughs; feeding troughs for animals; floss for dental purposes; fly swatters; insect traps; menu card holders; mouse traps; nozzles for watering cans; roses for watering cans; sprinkling devices.

Class 35

Publicity; business management; business administration; office functions; shop-window dressing; demonstration of goods; publication of advertising texts; organization of trade fairs for commercial or advertising purposes; organization of exhibitions for commercial or advertising purposes; sales promotion (for others); commercial management assistance in relation to franchises; commercial management assistance relating to the management of orders via global communications networks; management assistance by the issuing and administration of charge cards; modelling for advertising purposes or sales promotion, promotion and management of shopping centres; commercial retailing and retailing via worldwide electronic communication networks; auctioneering; Import-export agencies; commercial information agencies; economic forecasting; marketing studies;

marketing research; rental of advertising space; modelling for advertising or sales promotion; office machines and equipment rental; organization of trade fairs for commercial or advertising purposes; opinion polling; personnel recruitment; public relations; rental of advertising space; publicity material rental; statistical information.

The opponent's fifth mark

Class 35

Retail services in connection with fashion wear, clothing, footwear, headgear, cufflinks, scarves, bandanas and neckerchiefs, brooches and badges, hairbands, hair clips and slides, hair ornaments, key rings, socks and tights, bags, wallets, umbrellas, belts, jewellery, beauty products, cosmetics, essential oil, toiletries, soaps, deodorants (other than for personal use), lighting and apparatus for lighting, carpets, rugs, mats, wall hangings, games, glasses, sunglasses, CD's, DVD's, machines for household use, apparatus for cooking and refrigerating, clocks, watches, stationery, publications, printed matter, photographs, leather goods, luggage, baby carriages, shopping trolleys, automobile safety seats for children, riding helmets, protective helmets, protective helmets for sports, furniture, household containers and utensils, furnishings, household linen, textiles, paints, candles, cutlery, household fittings, knobs of metal, door handles of metal, musical instruments, picture frames, mirrors, glassware, lace, embroidery, artificial flowers, haberdashery, decorative artefacts, tents, padding and stuffing materials (not of rubber or plastic), toys, dolls, puppets, gymnastic and sporting articles not included in classes other than Class 28, Christmas trees, ornaments for Christmas trees (except illumination articles and confectionary), novelties for parties, articles for smokers; retail services for the aforesaid goods sold in a retail clothing, furniture, fashion, accessories, department or other store or sold by mail order catalogue, via the Internet or using other telecommunications; advertising, including direct distribution of advertising material and catalogues, direct-mail advertising; publishing of advertising texts; organisation of trade fairs for commercial or advertising purposes; sales promotion for others; organisation of exhibitions for commercial or advertising purposes; modelling services for advertising or sales promotion; purchasing and procurement services for others; distribution of samples; demonstration of goods; business management; business administration; office

functions; commercial assistance services provided through the distribution and the administration of purchase cards, charge cards, privilege cards or loyalty cards; assistance in franchised commercial business management; shop window dressing; import-export agencies; auction services; arranging newspaper subscriptions for others; promotion and management of shopping malls.

The opponent's sixth mark

Class 25

Ready-made clothing for women, men and children, footwear (except orthopaedic footwear) and headgear; clothing for motorists and cyclists; bibs, not of paper; head bands (clothing); bathrobes; swimming costumes; bathing caps and sandals; boas (to wear around the neck); underwear; babies' pants; scarves; hoods; shawls; belts; wet suits for waterskiing; ties; corsets; scarves; fur stoles; headscarves; woolly hats; gloves; underwear; mantillas; stockings; socks; neckscarves; textile nappies; furs (clothing); pyjamas; soles; heels; veils (clothing); braces; paper clothing; gym and sportswear; baby clothes; collars (clothing); insoles; bow ties; pareos.

Class 35

Advertising; business management; business administration; office work; retail outlet services; commercial assistance services provided through the distribution and the administration of purchase cards; organisation of exhibitions for commercial or advertising purposes; modelling services for advertising or sales promotion; publishing of advertising texts; window dressing; assistance in franchised commercial business management; demonstration of goods; organisation of trade fairs for commercial or advertising purposes; sales promotion (for third parties); sales by auction.