

BL O/0523/23

TRADE MARKS ACT 1994

IN THE MATTER OF

TRADE MARK APPLICATION No. 3761154

BY

ROHIL ASLAM

TO REGISTER THE TRADE MARK:

ZILLIONAIRE

IN CLASSES 18, 25 AND 26

-AND-

THE OPPOSITION THERETO UNDER No. 433894

BY

KIRA SHEPPARD

Background and pleadings

1. Rohil Aslam (“**the Applicant**”) applied to register the trade mark ‘ZILLIONAIRE’ (“**the Contested Mark**”) in the UK on 23 March 2022. It was accepted and published in the Trade Marks Journal on 13 May 2022. The goods for which registration is sought are a variety of bags in Class 18; an extensive variety of clothing, footwear and headwear in Class 25; and a variety of haberdashery goods and hair decorations in Class 26. The applied-for goods are laid out in their entirety at **Annex 1** to this decision.
2. Kira Sheppard (“**the Opponent**”) partially opposes the application under section 5(2)(b) of the Trade Marks Act 1994 (“**the Act**”). The opposition is directed at the applied-for Class 18 and Class 25 goods only.
3. The opposition is based on the Opponent’s UK trade mark shown below, which is a stylised word mark and is registered for goods and services in Classes 18, 24 and 25.¹

Representation of the mark (“ the Earlier Mark ”):	
Registration Number:	3712993
Filing date:	22 October 2021
Registration Date:	14 January 2022

4. For the purposes of this opposition, the Opponent relies on all the goods for which the Earlier Mark is registered, which include a variety of bags, umbrellas and parasols, walking sticks, wallets and purses in Class 18; a variety of bed linen, household linen and textiles in Class 24; and an extensive variety of goods in Class 25, including clothing, footwear and headwear. The goods upon which the Opponent relies are set out in their entirety to **Annex 2** to this decision.

¹ Given the respective filing dates, the Opponent’s marks are earlier trade marks in accordance with section 6 of the Act.

5. The Opponent claims that the respective marks are highly similar and that its goods are either identical or highly similar to the applied-for goods in Classes 18 and 25, giving rise to a likelihood of confusion.
6. The Applicant filed a counterstatement denying the claims made, stating that: *“I agree that the marks are quite similar in nature, in fact they differ by only one character. However, the earlier mark consists of an image whereas my application is for the word/phrase alone and as far as I am aware this registration would allow the holder of the earlier trademark to use the mark in the form it was originally registered, as I have previously stated the overall impression conveyed to the public by the earlier mark would be dominated by its distinct style and lettering in the form it was registered.”*
7. Neither party filed evidence and only the Opponent elected to file submissions during the evidence rounds. No hearing was requested, and neither party elected to file submissions in lieu of a hearing. I make this decision following a careful consideration of the papers.
8. The Opponent is represented by Handsome I.P. Ltd. The Applicant has no professional legal representation in these proceedings.
9. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 requires tribunals to apply EU-derived national law in accordance with EU law as it stood at the end of the transition period. The provisions of the Act relied upon in these proceedings are derived from an EU Directive. That is why this decision continues to refer to the case law of the EU courts.

DECISION

Legislation and Case Law

10. Section 5(2)(b) and 5A of the Act are as follows:

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

[...]

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

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

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

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

- (a) the likelihood of confusion must be appreciated globally, taking account of all relevant factors;
- (b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;
- (c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;
- (d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks

bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;

- (e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;
- (f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;
- (g) a lesser degree of similarity between the goods or services may be offset by a great degree of similarity between the marks, and vice versa;
- (h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;
- (i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;
- (j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;
- (k) if the association between the marks creates a risk that the public might believe that the respective goods or services come from the same or economically linked undertakings, there is a likelihood of confusion.

Comparison of goods

12. In *Gérard Meric v Office for Harmonisation in the Internal Market*,² (“**Meric**”), the General Court held to the effect that goods and services can be considered as identical when the goods and services designated by the earlier mark are

² Case T- 133/05

included in a more general category, designated by the trade mark application and vice versa.

13. Section 60A of the Act provides:

“(1) For the purpose of this Act goods and services-

- (a) are not to be regarded as being similar to each other on the ground that they appear in the same class under the Nice Classification
- (b) are not to be regarded as being dissimilar from each other on the ground that they appear in different classes under the Nice Classification.”

14. When considering whether goods and services are similar, all the relevant factors relating to the goods and services should be taken into account. Those factors include, inter alia:³

- (1) the physical nature of the goods or acts of service;
- (2) their intended purpose;
- (3) their method of use / uses;
- (4) who the users of the goods and services are;
- (5) the trade channels through which the goods or services reach the market;
- (6) in the case of self-serve consumer items, where in practice they are found or likely to be found in shops and in particular whether they are, or are likely to be, found on the same or different shelves; and
- (7) whether they are in competition with each other (taking into account how those in trade classify goods and services, for instance whether market research companies put them in the same or different sectors)

³ See *Canon*, Case C-39/97, paragraph 23; and *British Sugar PLC v James Robertson & Sons Ltd.*, [1996] R.P.C. 281 – the “*Treat*” case

or

- (8) whether they are complementary to each other. Complementary means *“there is a close connection between them, in the sense that one is indispensable or important for the use of the other in such a way that customers may think that the responsibility for those goods lies with the same undertaking”*.⁴ I note that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity.⁵ Complementary can be clearly distinguished from ‘use in combination’ the latter being where goods/services are merely used together, whether by choice or convenience (e.g. bread and butter; or wine and wine glasses⁶), this means that they are not essential for each other.

15. When interpreting the terms in a specification I bear in mind:

- (1) that it is *“necessary to focus on the core of what is described [... and that] trade mark registrations should not be allowed such a liberal interpretation that their limits become fuzzy and imprecise”*, although *“where words or phrases in their ordinary and natural meaning are apt to cover the category of goods in question, there is equally no justification for straining the language unnaturally so as to produce a narrow meaning which does not cover the goods [and services] in question”*;⁷
- (2) where *“the words chosen may be vague or could refer to goods or services in numerous classes [of the Nice classification system], the class may be used as an aid to interpret what the words mean with the overall objective of legal certainty of the specification of goods and services”*;⁸

⁴ *Boston Scientific Ltd v OHIM*, Case T-325/06, paragraph 82

⁵ *Kurt Hesse v OHIM*, Case C-50/15 P

⁶ As Mr Daniel Alexander Q.C. noted as the Appointed Person in *Sandra Amalia Mary Elliot v LRC Holdings Limited*, BL-0-255-13 - *“It may well be the case that wine glasses are almost always used with wine – and are, on any normal view, complementary in that sense - but it does not follow that wine and glassware are similar goods for trade mark purposes.”*

⁷ *YouView TV Ltd v Total Ltd* [2012] EWHC 3158 (Ch), paragraphs 11 - 12

⁸ *Pathway IP Sarl (formerly Regus No. 2 Sarl) v Easygroup Ltd (formerly Easygroup IP Licensing Limited)*, [2018] EWHC 3608 (Ch), paragraph 94

(3) the following applicable principles of interpretation:

“(1) General terms are to be interpreted as covering the goods or services clearly covered by the literal meaning of the terms, and not other goods or services.

(2) In the case of services, the terms used should not be interpreted widely, but confined to the core of the possible meanings attributable to the terms.

(3) An unclear or imprecise term should be narrowly interpreted as extending only to such goods or services as it clearly covers.

(4) A term which cannot be interpreted is to be disregarded.”⁹

16. For the purposes of making a comparison, the goods can be grouped together where the same reasoning applies.¹⁰

17. The goods to be compared are set out in the entirety in Annexes 1 and 2 to this decision. For reasons of procedural economy, I have included some relevant broad terms contained in the respective specifications in the table below in addition to any terms worthy of note for the purposes of making the comparison:

Earlier Mark	Contested Mark
<p><u>Class 18</u> Bags; Canvas bags; Cloth bags; Imitation leather bags; Leather bags; Handbags, purses and wallets.</p>	<p><u>Class 18</u> Bags; Bags (Nose -) [feed bags]; Nose bags [feed bags]; Feed bags.</p>
<p><u>Class 24</u> Bed clothes; Bed linen and blankets; Curtains; Textiles; Towels.</p>	
<p><u>Class 25</u> Clothing; Clothes; Leisure clothing; Children's clothing; Babies' clothing; Sports clothing; Wristbands [clothing]; Gloves [clothing]; Socks; Shoes;</p>	<p><u>Class 25</u> Clothing; Clothes; Leisure clothing; Children's clothing; Baby clothes; Sports clothing; Wristbands [clothing]; Collars [clothing]; Hoods [clothing];</p>

⁹ See *Sky v Skykick* [2020] EWHC 990 (Ch), paragraph 56 (wherein Lord Justice Arnold, in the course of his judgment, set out a summary of the correct approach to interpreting broad and/or vague terms)

¹⁰ *Separode Trade Mark* BL O/399/10, paragraph 5

Sports shoes; Leisure shoes; Shoes for leisurewear; Underwear; Women's underwear; Men's underwear; Belts [clothing]; Hats; Scarfs.	Gussets for bathing suits [parts of clothing]; Collars for dresses; Dress shields; Gloves [clothing]; Socks; Shoes; Sports shoes; Leisure shoes; Shoe uppers; Shoe soles; Stiffeners for shoes; Heel pieces for shoes; Belts [clothing]; Hats; Frames (Hat -) [skeletons]; Hat frames [skeletons]; Lingerie; Boxer briefs; Face mask [clothing]; Masks (Sleep -).
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Class 18

18. “Bags” appear in in both parties’ specifications and are self-evidently identical.
19. “Bags (Nose -) [feed bags]; Nose bags [feed bags]; Feed bags” are canvas or leather bags, designed to be filled with fodder and hung from a horse’s head to allow it to feed.¹¹ These applied-for terms fall within the broader categories of “bags; canvas bags; leather bags” in the Opponent’s specification. These goods are **identical** on the principle outlined in *Meric*.
20. The remainder of the Applicant’s Class 18 specification contains variations of ‘bags’ that fall within the broader category of “bags” in the Opponent’s specification. These goods are identical on the principle outlined in *Meric*.

Class 25

21. “Clothing; Clothes; Leisure clothing; Children’s clothing; Sports clothing; Wristbands [clothing]; Gloves [clothing]; Socks; Shoes; Sports shoes; Leisure shoes; Belts [clothing]; Hats” appear in in both parties’ specifications and are self-evidently **identical**.
22. “Baby clothes” in the Applicant’s specification is self-evidently **identical** to “babies’ clothing” in the Opponent’s specification.
23. “Lingerie; Boxer briefs” in the Applicant’s specification fall within the broader categories of “Underwear; Women’s underwear; Men’s underwear” in the

¹¹ See the definition of ‘nosebag’ in the Oxford English Dictionary.

Opponent's specification. These goods are **identical** on the principle outlined in *Meric*.

24. The Applicant's specification contains the following goods:

"Collars [clothing]; Hoods [clothing]; Gussets for bathing suits [parts of clothing]; Collars for dresses; Dress shields"

- (1) My understanding is that a 'dress shield' is a fabric pad worn under the armpit of a garment to prevent sweat from showing on or staining the clothing.¹²
- (2) To the extent that the above applied-for goods are intended to be attached and/or fitted to certain items of clothing, and/or are intended for wear or to be worn, I consider them to be **similar to a low degree** to the Opponent's broad category "*clothing*".
- (3) This is because they may overlap in purpose since they are manufactured to cover, protect and adorn the human body. As such they would overlap in user and they may overlap in method of use. They may also overlap in trade channels since the same undertakings may sell / produce the respective goods.
- (4) They would also be complementary to each other, since 'clothing' is indispensable for the use of collars, hoods, gussets and dress shields i.e. without the clothing to attach those goods to, those goods are rendered useless.

25. The Applicant's specification contains the following goods:

"Frames (Hat -) [skeletons]; Hat frames [skeletons]"

- (1) These are goods that are not intended to be worn, rather they would be used as a foundation to make a hat. Notwithstanding the Opponent's

¹² See the definition of 'dress shield' in the Collins English Dictionary (www.collinsdictionary.com).

specification contains the broad category “hats”, I do not consider the applied-for goods to be similar to the Opponent’s.

- (2) In *Les Éditions Albert René v OHIM*,¹³ the General Court found that the mere fact that a particular good is used as a part, element or component of another does not suffice in itself to show that the finished goods containing those components are similar since, in particular, their nature, intended purpose and the customers for those goods may be completely different.
- (3) The nature, intended purpose and method of use of the goods at issue are different, they are neither in competition with each other nor interchangeable. Even though the respective goods may belong to adjacent markets, they are not complementary, since the requirement of complementarity depends on the goods sharing the same consumer – the customers for the applied-for goods are likely to be milliners for example, rather than a customer who wishes to purchase a finished hat – therefore they cannot be considered to be complementary. The Applicant’s goods are **dissimilar** to the Opponent’s.

26. The Applicant’s specification contains the following goods:

“Shoe uppers; Shoe soles; Stiffeners for shoes; Heel pieces for shoes”

- (1) These are parts, elements or components of shoes. The customer for these goods are likely to be cobblers that would use them to make shoes and/or repair shoes, rather than a person who wishes to purchase a finished pair of shoes.
- (2) Notwithstanding the Opponent’s specification contains the broad category “shoes”, I do not consider the applied-for goods to be similar to the Opponent’s. For example, a consumer wishing to purchase a pair of shoes, is unlikely to buy themselves a heel of a shoe instead.
- (3) Therefore, even though they may belong to adjacent markets, the nature, intended purpose and method of use of the goods at issue are different,

¹³ Case T-336/03, paragraph 61.

they are neither in competition with each other nor interchangeable and they are not complementary. The Applicant's goods are **dissimilar** to the Opponent's.

27. The Applicant's specification contains the terms "*Masks (Sleep -)*" and "*Face mask [clothing]*". Whilst these masks are contained in Class 25, goods are not to be regarded as being similar to each other on the ground that they appear in the same class. Although masks are intended to be worn on the head, they are not items of clothing – whilst the 'face mask' term includes the word 'clothing' in square brackets, this is merely to indicate that they are not any other type of mask, such as swim masks, surgical masks, toy masks or cosmetic masks for example.
28. The purpose of a 'sleep mask' is to shade the wearer's eyes from light to aid sleep and the purpose of a 'face mask' is to shield the wearer's mouth and nose to protect them, and others, from breathable pollutants. Therefore the nature, intended purpose and method of use of these goods is different to any goods contained in the Opponent's specification. There is no justification to unnaturally strain the language of any of the terms contained in the Opponent's specification to extend to "*Masks (Sleep -); Face mask [clothing]*". I therefore consider the applied-for terms to be **dissimilar** to the Opponent's goods.
29. The remainder of the Applicant's Class 25 specification contains variations of clothing, footwear and headwear that fall within the following broad categories in the Opponent's specification:

"Clothing; Clothes; Leisure clothing; Children's clothing; Babies' clothing; Sports clothing; Wristbands [clothing]; Gloves [clothing]; Socks; Shoes; Sports shoes; Leisure shoes; Belts [clothing]; Hats"

Therefore they are **identical** on the principle outlined in *Meric*.

Conclusion on the comparison of goods

30. I have found identity between all the applied-for goods in Class 18 and the Opponent's Class 18 goods. With the exception of a small minority of goods in

Class 25, I have found that the parties' respective Class 25 goods are identical. The exceptions are the goods that I have found to be similar to a low degree or dissimilar to the Opponent's Class 25 goods.

31. Since some similarity between the goods is required for the purposes of a section 5(2)(b) claim, the opposition must fail in respect of the dissimilar goods identified above. I therefore proceed to consider a likelihood of confusion only in relation to the goods that are identical or similar.

The average consumer and the nature of the purchasing act

32. Trade mark questions, including the likelihood of confusion, must be viewed through the eyes of the average consumer of the goods in question. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. The word "average" merely denotes that the person is typical,¹⁴ which in substance means that they are neither deficient in the requisite characteristics of being well informed, observant and circumspect, nor top performers in the demonstration of those characteristics.¹⁵
33. It is therefore necessary to determine who the average consumer of the respective goods is, and how the consumer is likely to select those goods. It must be borne in mind that the average consumer's level of attention is likely to vary according to the category of goods in question.¹⁶
34. The average consumer of the goods at issue will be a member of the general public.
35. The goods are likely to be sold through a range of retail outlets (and their online equivalents) such as fashion retailers, shoe shops, supermarkets and via catalogues. The goods are likely to be displayed on shelves or on rails, where they will be viewed and self-selected by the consumer. A similar process will apply online and with catalogues where the consumer will select the goods having viewed an image displayed on a webpage/page. The selection of the

¹⁴ *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), paragraph 60

¹⁵ *Schutz (UK) Ltd v Delta Containers Ltd* [2011] EWHC 1712, paragraph 98

¹⁶ *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97

goods is therefore primarily visual, although I do not discount that aural considerations may play a part by way of word-of-mouth recommendations and advice from sales assistants. However, even where the goods are selected by making requests to staff, the selection process prior to purchase would be visual in nature. Accordingly, visual considerations dominate.

36. Whilst it is true that the goods will range in price from inexpensive to luxury high-end prices, for the most part the goods are not particularly costly. The goods are consumer items that follow trends and seasonal changes, and growth (such as changes in body size and shape) therefore consumers will tend to purchase them on a regular basis. However, I also acknowledge that some of the goods may be purchased less frequently than others, and only as and when the need arises.
37. When purchasing the goods, the average consumer is likely to consider such things as material, style, fit and durability. These considerations will apply even where the goods are of low cost.
38. That said, the goods are typical, affordable consumer items, therefore taking the above into account, the purchasing process will not, on average, require an overly considered thought process. The average consumer will tend to pay more attention because the goods are items that they intend to wear, re-use and retain for a period of time, however they will not typically demonstrate more than a medium level of attention in respect of the selection and purchasing of the goods.

Comparison of marks

39. It is clear from established case law that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details.¹⁷ The assessment of likelihood of confusion must be made by considering and comparing the respective marks – visually, aurally and conceptually – as a whole, by reference to the overall impressions created by the marks in the mind of the average consumer, bearing in mind the distinctive and dominant components of the marks.¹⁸ Then, in light of the overall impression,

¹⁷ *Sabel BV v. Puma AG*, Case C-251/95, paragraph 23

¹⁸ *Ibid.*

and all factors relevant to the circumstances of the case, it is necessary to assess the likelihood of confusion.¹⁹

40. It would be wrong, therefore, to dissect the trade marks artificially, although it is necessary to take into account the distinctive and dominant components of the marks and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the marks.
41. In *HERNO S.p.A. v Miss Sparrow Ltd*,²⁰ Mr Iain Purvis KC, sitting as the Appointed Person, considered a comparison between a word-only mark and a figurative mark, where the figurative mark consisted of a word in a stylised font. He concluded that the correct approach of a tribunal when faced with such a comparison is to simply consider the similarity of the word itself to the figurative mark, bearing in mind that the particular font in which the word-only mark happens to be presented on the Register is irrelevant.²¹ In his decision, Mr Purvis states that:²²

23. [...] It is not legitimate to perform a comparison between a word mark and a stylised word mark by considering specific ways in which the word might be presented. It is obvious why that was important. If the 'CK' in 'CK CREACCIONES KENNYA had been assumed to be presented in the distinctive form adopted by Calvin Klein in their registered mark, the likelihood of confusion would obviously have been greater.

28. [...] A word mark protects the word itself and the comparison must be made on the basis of the word, not any particular presentation of the word. This excludes arguments based on presenting the word in a specific font, fancy script, roundel or other device. This is the case whether the word mark is the earlier mark (Faber) or the contested mark (Calvin Klein) or indeed both are word marks (Ontex).

¹⁹ *Bimbo SA v OHIM*, Case C-591/12P, paragraph 34

²⁰ BL O/954/22

²¹ *Ibid.*, paragraphs 36 – 42.

²² The reference to 'Calvin Klein' is a reference to *Calvin Klein Trademark Trust v OHIM*, T-185/07; 'Faber' is a reference to *Faber Chimica v OHIM*, [2005] ECR II-1297; and 'Ontex' to *Ontex v OHIM*, T-353/04.

34. [...] *The point is that the word mark is not limited to any particular script and therefore the script or font in which the device mark is written does not provide a point of distinction in itself. [...]*

[...]

38. *The ultimate statutory question is whether ‘because of the similarity’ between the contested sign and the registered mark (and the goods and services), there is a likelihood of confusion. This is a multifactorial question which requires the tribunal to consider the whole of the contested sign and the overall impression it gives to the average consumer.*

42. The respective trade marks are shown below:

Earlier Mark	Contested Mark
	ZILLIONAIRE

Overall impression

43. The Earlier Mark is the stylised word ‘ZILLIONAIRES’. The letter ‘S’ could be perceived as a dollar sign (i.e. ‘\$’) although there is no complete vertical line running through the letter, therefore I do not discount that it may merely be perceived as a letter ‘S’. If it is perceived as a dollar sign, I consider the stylisation of the letter ‘S’ may serve to emphasise the concept conveyed by the word i.e. that a ‘zillionaire is a person of enormous wealth’.²³

44. Notwithstanding the stylisation of the word ‘ZILLIONAIRES’, the overall impression of the Earlier Mark is dominated by the word element itself, the font performs a more stylistic role in the overall impression of the mark.

²³ See the definition of ‘zillionaire’ contained in the Oxford English Dictionary; also see the respective parties’ submissions wherein they refer to the ‘concept’/ meaning of the respective marks to be that of ‘immeasurable wealth’ / person(s) with ‘immeasurable wealth’.

45. The Contested Mark is the word 'ZILLIONAIRE', therefore the overall impression of the mark rests solely in that word.

Visual comparison

46. The difference between the respective marks rests in the final letter 'S' which is present in the Earlier Mark. The font and stylisation of the Earlier Mark are not distinguishing features and it is my opinion that the font does not alter the perception of the word 'ZILLIONAIRES' in a way which affects its similarity to the word 'ZILLIONAIRE'.²⁴

47. Notwithstanding the letter 'S' at the end of the Earlier Mark is a point of visual difference between the marks, due to its placement at the end of the word (and given that the consumer tends to pay greater attention to the first part of words), the presence of the same root 'ZILLIONAIRE' in both marks gives rise to a strong visual similarity.²⁵ I consider the marks to be visually similar to a high degree.

Aural comparison

48. Aurally, the marks are similar to a high degree because they contain the same sequence of eleven letters – 'ZILLIONAIRE' – with the Contested Mark having only the additional 'S' sound at the end.

Conceptual comparison

49. As to conceptual comparison, the Opponent submits that:²⁶

9. The broad concept of the Opponent's mark and the Applicant's mark is the concept of "immeasurable wealth", and consequently the broad concepts of each mark are identical. The minor difference, as noted by the Applicant, is that the Opponent's mark relates to a plurality of zillionaires, whereas the Applicant's mark relates to a singular zillionaire. The general public would not readily see a conceptual difference between the two marks simply because one is plural and the other is singular. In fact, it is noted that UKIPO guidance

²⁴ See words to that effect in *HERNO*, paragraph 45(c), and 46.

²⁵ *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02, paragraph 81

²⁶ See the Opponent's submissions dated 26 October 2022.

[...] asserts that a trademark series application can include both the singular and plural version of a word without altering the meaning, provided the plural version is not an “invented word”.

10. As such, the Opponent denies that a plurality of “zillionaires” compared to a singular “zillionaire” constitutes a significant difference conceptually.

11. Accordingly, the Opponent submits that conceptually the Applicant’s mark is substantially similar, if not identical, to the Opponent’s earlier mark.

50. I agree with the Opponent’s submissions. The shared concept of the word is not altered to any notable degree by the fact that the one is a plural of the other. Furthermore, it could also be said that the stylisation of the letter ‘S’ (insofar as it appears to be a representation of a dollar sign) reinforces the concept, rather than it merely being a simple ‘S’. I consider the marks to have an identical concept if not at least a highly similar one.

Distinctive character of the Earlier Mark

51. The degree of distinctiveness of the Earlier Mark is one of the factors that must be taken into account when assessing whether there is a likelihood of confusion. This is because the more distinctive the Earlier Mark, the greater the likelihood of confusion may be, although it is the distinctive character of a component that is similar between the marks that is particularly relevant.

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

53. The Opponent makes no claim to enhanced distinctiveness through the use made of the Earlier Mark, therefore I only have the inherent distinctiveness of the mark to consider.

54. The Earlier Mark is the word 'ZILLIONAIRES' in a stylised font. The stylisation plays a lesser role in the overall impression of the mark, therefore the distinctive character of the Earlier Mark lies predominantly in the word itself.
55. The word 'ZILLIONAIRES' is likely to be understood as people of enormous/immeasurable wealth, and makes no descriptive or obviously allusive reference to the Opponent's goods.
56. I find that the Earlier Mark is inherently distinctive to a medium degree. I do not find that the stylisation of the mark elevates the distinctiveness of the word beyond medium.

Likelihood of Confusion

57. In assessing the likelihood of confusion, I must adopt the global approach advocated by case law and take into account the fact that marks are rarely recalled perfectly, the consumer relying instead on the imperfect picture of them that they have kept in mind.²⁷ I must also consider the average consumer of the services, the nature of the purchasing process and bear in mind that a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective services and vice versa.²⁸
58. Making an assessment as to the likelihood of confusion is a matter of considering the relevant factors from the viewpoint of the average consumer and determining whether they are likely to be confused. The global assessment is supposed to emulate what happens in the mind of the average consumer on encountering the later mark with an imperfect recollection of the earlier mark in mind. It is not a process of analysis or reasoning, but an impression or instinctive reaction.²⁹ The relative weight of the factors is not laid down by law but is a matter of judgement for the tribunal on the particular facts of each case.³⁰

²⁷ *Lloyd Schuhfabrik Meyer & Co. GmbH v. Klijsen Handel B.V.*, Case C-342/97, paragraph 27

²⁸ *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc*, Case C-39/97, paragraph 17

²⁹ *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17, paragraph 81

³⁰ See paragraph 33 of the Appointed Person's decision in Case No. O/049/17, (*Rochester Trade Mark*).

59. Confusion can be direct, which is a simple matter of the consumer mistaking one mark for another, or indirect, which is where the consumer notices that the marks are different, but the later mark and the earlier mark share common elements that lead the consumer to conclude that it is another brand of the owner of the earlier mark.³¹
60. The overall impression of the Earlier Mark is dominated by the word 'ZILLIONAIRES', which I have found to be distinctive to a medium degree. The overall impression of the Contested Mark lies in the word 'ZILLIONAIRE'.
61. The marks are visually and aurally similar to a high degree and arguably conceptually identical.
62. With regard to the relative weight to be given to the visual, aural and conceptual comparison I note that generally speaking, the choice of a bag, an item of clothing, footwear and headwear, is visual in nature, and typically made by the consumer selecting the items themselves (even if a shop assistant may be involved). It therefore follows that the visual perception of the marks will generally take place prior to purchase. Accordingly, the visual aspect plays a greater role in the global assessment of the likelihood of confusion for such goods.³² (In any event, if the goods are requested orally, the marks sound highly similar.)
63. I have found that the contested goods applied for in Classes 18 and 25 are for the most part identical and some are similar to a low degree. I have determined the average consumer will typically demonstrate a medium level of attention when purchasing those goods.
64. Notwithstanding the comparison is between a stylised word mark on the one hand, and a word-only mark on the other, the font and stylisation of the Earlier Mark are not distinguishing features. Whilst the letter 'S' in the Earlier Mark represents a point of difference, this difference may go unnoticed and it does not prevent the marks from being considered as highly similar. Indeed, the

³¹ See *L.A. Sugar Limited v By Back Beat Inc*, Case BL-O/375/10, paragraphs 16 to 17 wherein Mr Iain Purvis QC, sitting as the Appointed Person, dealt with the distinction between direct and indirect confusion

³² See *New Look Limited v OHIM*, joined cases T-117/03 to T-119/03 and T-171/03, paragraphs 49 – 50.

pluralisation may be lost if the average consumer perceives it as a dollar sign instead of the letter 'S', and in any event, the pluralisation does not alter the arguably identical concept of the word itself.

65. Taking all the above into account and allowing for imperfect recollection, whilst bearing in mind the principle of interdependency; and that the consumer normally attaches more importance to the first part of words, I find that the average consumer - or at least a significant proportion thereof - will mistake one mark for the other and be confused as to the origin of the goods. The differences between the marks are insufficient to preclude a finding of direct confusion.

OUTCOME

66. The opposition under section 5(2)(b) of the Act against the goods applied for in Classes 18 and 25 has been partially successful. I note that the opposition is not directed at the goods applied for in Class 26, therefore, irrespective of the outcome of this decision, the Contested Mark will proceed to registration in respect of Class 26.
67. Accordingly, subject to appeal, the application will be refused in respect of Class 18 and allowed to proceed to registration only in respect of the minority of the applied-for goods in Class 25 that I found to lack any similarity and the entirety of the applied-for goods in Class 26 as follows:

Class 25
Frames (Hat -) [skeletons]; Hat frames [skeletons]; Shoe uppers; Shoe soles; Stiffeners for shoes; Heel pieces for shoes; Masks (Sleep -); Face mask [clothing].
Class 26
Cloth patches for clothing; Buckles for clothing [clothing buckles]; Clothing buckles; Belt buckles [clothing accessories]; Belt buckles for clothing; Belt buckles [for clothing]; Belt buckles of precious metal [for clothing]; Belt clasps; Belt buckles; Belt clasp; Clasp (Belt -); Belt buckles of precious metals; Belt buckles not of precious metal; Strap buckles; Buckles (Shoe -); Hair buckles; Shoe buckles; buckles for bags; Buckles for bags; Buckles for clothing; Buckles [clothing accessories]; Buckles of precious metal [clothing accessories]; Arm bands [clothing accessories]; Hair bands; Bands (Hair -); Hat bands; Elasticated hair bands; Rubber bands for hair; Bands for the hair; Bands (Expanding -) for holding sleeves; Expanding bands for holding

sleeves; Brooches [clothing accessories]; Feathers [clothing accessories]; Ostrich feathers [clothing accessories]; Birds' feathers [clothing accessories]; Birds' feathers as clothing accessories; Twisters [hair accessories]; Hair twisters [hair accessories]; Snap clips [hair accessories]; Claw clips [hair accessories].

COSTS

68. The Opponent has been successful and is entitled to a contribution towards its costs in bringing the proceedings. I award the Opponent the sum of £600 based on the contributory scale set out in Tribunal Practice Notice (2/2016) as follows:

Official fee	£100
Preparing the statement of grounds and considering the counterstatement	£200
Preparing written submissions	£300
TOTAL	£600

69. I therefore order Rohil Aslam to pay Kira Sheppard the sum of **£600**. This sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

Dated this 5th day of June 2023

Daniela Ferrari

For the Registrar

Annex 1

Goods applied for

Class 18
Cloth bags; Bags for clothes; Bags for sports clothing; Bags (Nose -) [feed bags]; Bags; Nose bags [feed bags]; Weekend bags; Messenger bags; Canvas bags; Boston bags; Kit bags; Casual bags; Towelling bags; Nappy bags; Hand bags; Sports bags; Waist bags; Music bags; Nose bags; Belt bags and hip bags; Makeup bags; Work bags; Game bags; Toilet bags; Courier bags; Diplomatic bags; Flight bags; Changing bags; Diaper bags; Camping bags; Athletics bags; Roll bags; Barrel bags; Umbrella bags; Crossbody bags; Grips [bags]; Drawstring bags; Cabin bags; Cosmetic bags; Duffel bags; Duffle bags; Hunting bags; Toiletry bags; Knitted bags; Evening bags; Shoulder bags; Souvenir bags; Waterproof bags; Hiking bags; Book bags; School bags; Travelling bags; Travel bags; Bum bags; Carrying bags; Wheeled bags; Knitting bags; Roller bags; Beach bags; Sling bags; Shoe bags; Boot bags; Garment bags; Suit bags; Gladstone bags; Overnight bags; Gym bags; Sport bags; Athletic bags; Traveling bags; Tote bags; Luggage bags; Attaché bags; Hip bags; Belt bags; Key bags; Clutch bags; Leather bags; Bucket bags; Feed bags; Carriers for suits, shirts and dresses; Carriers for suits, for shirts and for dresses.
Class 25
Clothing; Knitwear [clothing]; Cloth bibs; Cyclists' clothing; Playsuits [clothing]; Slipovers [clothing]; Jerseys [clothing]; Weatherproof clothing; Casual clothing; Denims [clothing]; Combinations [clothing]; Furs [clothing]; Shorts [clothing]; Collars [clothing]; Babies' clothing; Ties [clothing]; Outer clothing; Cashmere clothing; Bandeaux [clothing]; Women's clothing; Bodies [clothing]; Embroidered clothing; Layette [clothing]; Jackets [clothing]; Kerchiefs [clothing]; Chaps (clothing); Maternity clothing; Thermal clothing; Belts [clothing]; Muffs [clothing]; Capes (clothing); Motorists' clothing; Boas [clothing]; Slips [clothing]; Veils [clothing]; Wraps [clothing]; Athletic clothing; Triathlon clothing; Windproof clothing; Silk clothing; Work clothes; Woolen clothing; Ladies' clothing; Latex clothing; Wristbands [clothing]; Tops [clothing]; Knitted clothing; Oilskins [clothing]; Motorcyclists' clothing; Hoods [clothing]; Leisure clothing; Infant clothing; Children's clothing; Childrens' clothing; Sports clothing; Leather clothing; Clothes; Belts for clothing; Belts (Money -) [clothing]; Fabric belts [clothing]; Leather belts [clothing]; Money belts [clothing]; Belts made out of cloth; Waist belts; Garter belts; Fabric belts; Tuxedo belts; Suspender belts; Belts of textile; Suspender belts for men; Suspender belts for women; Belts made of leather; Hats (Paper -) [clothing]; Party hats [clothing]; Paper hats [clothing]; Hats; Top hats; Miters [hats]; Beanie hats; Small hats; Woolly hats; Sun hats; Mitres [hats]; Baseball hats; Paper hats for use as clothing items; Rain hats; Bobble hats; Ski hats; Fashion hats; Bucket hats; Fascinator hats; Chefs' hats; Cloche hats; Beach hats; Fur hats; Frames (Hat -) [skeletons]; Ushankas [fur hats]; Clothing for horse-riding [other than riding hats]; Hat frames [skeletons]; Fake fur hats; Baseball caps and hats; Sports caps and hats; Sedge hats (suge-gasa); Paper hats for wear by chefs; Robes (Bath -); Bath robes; Robes; Christening robes; Choir robes; Beach robes; Lounging robes; Japanese sleeping robes (nemaki); Japanese sleeping robes [nemaki]; Gussets

for bathing suits [parts of clothing]; Bath sandals; Bathing drawers; Bathing trunks; Bath slippers; Bathing caps; Bathing costumes; Suits (Bathing -); Bathing suits; Trunks (Bathing -); Socks; Men's socks; Sports socks; Sock suspenders; Tennis socks; Thermal socks; Bed socks; Trouser socks; Ankle socks; Anklets [socks]; Slipper socks; Woollen socks; Pop socks; Footless socks; Water socks; Toe socks; Yoga socks; Anti-perspirant socks; Socks and stockings; American football socks; Non-slip socks; Japanese style socks (tabi); Socks for men; Men's dress socks; Sweat-absorbent socks; Inner socks for footwear; Japanese style socks (tabi covers); Socks for infants and toddlers; Gloves [clothing]; Waterproof clothing; Plush clothing; Girls' clothing; Swaddling clothes; Nappy pants [clothing]; Babies' pants [clothing]; Pants; Dress pants; Pirate pants; Nurse pants; Cargo pants; Lounge pants; Chino pants; Ski pants; Jogging pants; Wind pants; Tap pants; Weatherproof pants; Corduroy pants; Leather pants; Sweat pants; Baby pants; Waterproof pants; Sports pants; Hunting pants; Petti-pants; Capri pants; Cycling pants; Track pants; Denim pants; Pants (Am.); Camouflage pants; Stretch pants; Yoga pants; Sleep pants; Snow pants; Maternity pants; Warm-up pants; Horse-riding pants; American football pants; Babies' pants [underwear]; Moisture-wicking sports pants; Padded pants for athletic use; Denim jeans; Blue jeans; Bottoms [clothing]; Jogging bottoms [clothing]; Tracksuit bottoms; Jogging bottoms; Yoga bottoms; Baby bottoms; Sweat bottoms; Baselayer bottoms; Pajama bottoms; Three piece suits [clothing]; Suits; Sailor suits; Dress suits; Swimming suits; Rain suits; Men's suits; Evening suits; Training suits; Zoot suits; Judo suits; Shell suits; Women's suits; Dinner suits; Romper suits; Play suits; Ski suits; Taekwondo suits; Motorcycle riding suits; Warm-up suits; Jumper suits; Ladies' suits; Karate suits; Running Suits; Leisure suits; Gym suits; Sweat suits; Jogging suits; Track suits; Leather suits; Pram suits; Suit coats; Union suits; Wet suits; Waterskiing suits; Jump Suits; Swim suits; Ballet suits; Flying suits; Snow suits; Skirt suits; Body suits; Boiler suits; Wind suits; Aikido suits; Down suits; Snow boarding suits; Shirts for suits; Motorcycle rain suits; Warm up suits; Suits of leather; Wet suits for windsurfing; One-piece suits; Wet suits for water-skiing; Bathing suits for men; Wet suits for surfing; Waterproof suits for motorcyclists; Suits made of leather; Bathing suit cover-ups; Ski suits for competition; Ready-to-wear clothing; Clothing for leisure wear; Clothing for wear in judo practices; Clothing for wear in wrestling games; Maternity wear; Bridesmaids wear; Casual wear; Children's wear; Formal wear; Exercise wear; Surf wear; Ladies wear; Leisure wear; Infant wear; Ski wear; Evening wear; Sports wear; Head wear; Rain wear; Tennis wear; Foot volleyball shoes; Formal evening wear; Headgear for wear; Breeches for wear; Sashes for wear; Shoes for foot volleyball; Shoes for casual wear; Swim wear for children; Face masks [fashion wear] ; Dresses for evening wear; Paper hats for wear by nurses; Swim wear for gentlemen and ladies; Shoes; Riding shoes; Work shoes; Wooden shoes; Golf shoes; Jogging shoes; Anglers' shoes; Canvas shoes; Women's shoes; Sports shoes; Athletic shoes; Training shoes; Flat shoes; Tap shoes; Platform shoes; Gymnastic shoes; Dance shoes; Deck shoes; Mountaineering shoes; Football shoes; Infants' shoes; Shoe uppers; Shoe soles; Yoga shoes; Driving shoes; Roller shoes; Bowling shoes; Snowboard shoes; Dress shoes; Basketball shoes; Cycling shoes; Running shoes; Walking shoes; Hiking shoes; Hockey shoes; Soccer shoes; Baseball shoes; Rubber shoes; Aqua shoes; Leisure shoes; Shoe straps; Baby shoes; Ballet shoes; Handball shoes; Boxing shoes; Volleyball shoes; Rugby shoes; Deck-shoes; Rain shoes; Leather shoes; Beach shoes; Tennis shoes; Athletics

shoes; Sport shoes; Skiing shoes; Waterproof shoes; Nursing shoes; Wooden shoes [footwear]; Slip-on shoes; Shoes for infants; Ballroom dancing shoes; Knitted baby shoes; Hidden heel shoes; Stiffeners for shoes; Spiked running shoes; High-heeled shoes; Apres-ski shoes; Shoes for leisurewear; Studs for football shoes; Heel pieces for shoes; Trainers; Trainers [footwear]; Tops; Coats (Top -); Rugby tops; Hooded tops; Tank-tops; Cycling tops; Maternity tops; Fleece tops; Tracksuit tops; Vest tops; Halter tops; Top coats; Tank tops; Jogging tops; Turtleneck tops; Baby tops; Yoga tops; Chemise tops; Tube tops; Crop tops; Baselayer tops; Knit tops; Knitted tops; Polo knit tops; Warm-up tops; Jeans; Denim jackets; Denim coats; Coats of denim; Face mask [clothing] ; Face masks [clothing], not for medical or sanitary purposes; Sleep masks; Masks (Sleep -); Eye masks; Face coverings [clothing], not for medical or sanitary purposes ; Slippers; Women's foldable slippers; Foam pedicure slippers; Disposable slippers; Plastic slippers; Ballet slippers; Dance slippers; Leather slippers; Slipper soles; Pedicure slippers; Slippers made of leather; T-shirts; Printed t-shirts; Short-sleeved T-shirts; Shirts; Golf shirts; Casual shirts; Sport shirts; Tennis shirts; Sleep shirts; Camouflage shirts; Under shirts; Pique shirts; Yokes (Shirt -); Sports shirts; Football shirts; Knit shirts; Fishing shirts; Turtleneck shirts; Rugby shirts; Polo shirts; Shirt yokes; Tee-shirts; Dress shirts; Shirt fronts; Ramie shirts; Hunting shirts; Woven shirts; Sweat shirts; Collared shirts; Soccer shirts; Night shirts; Aloha shirts; Yoga shirts; Shirt-jacs; Maternity shirts; Corduroy shirts; Button down shirts; Shirts and slips; Mock turtleneck shirts; Short-sleeve shirts; Short-sleeved shirts; Open-necked shirts; Hooded sweat shirts; Long-sleeved shirts; American football shirts; Button-front aloha shirts; Moisture-wicking sports shirts; Sports shirts with short sleeves; Padded shirts for athletic use; Snap crotch shirts for infants and toddlers; Short sets [clothing]; Shorts; Cycling shorts; Boxing shorts; Trousers shorts; Bermuda shorts; Sliding shorts; Swim shorts; Maternity shorts; Fleece shorts; Bib shorts; Gym shorts; Walking shorts; Short trousers; American football shorts; Short petticoats; Tennis shorts; Boxer shorts; Rugby shorts; Sweat shorts; Board shorts; Golf shorts; Boy shorts [underwear]; Short overcoat for kimono (haori); Padded shorts for athletic use; Boxer briefs; Lingerie; Maternity lingerie; Bodices [lingerie]; Wrist bands; Head bands; Sweat bands; Maternity bands; Sash bands for kimono (obi); Sweat bands for the head; Sweat bands for the wrist; Baby clothes; Clothing for babies; Baby layettes for clothing; Baby bodysuits; Babies' undergarments; Baby sandals; Baby boots; Babies' outerclothing; Baby doll pyjamas; Underpants for babies; Plastic baby bibs; Jackets (Stuff -) [clothing]; Quilted jackets [clothing]; Stuff jackets [clothing]; Jackets being sports clothing; Jackets; Fur jackets; Bed jackets; Sleeveless jackets; Stuff jackets; Camouflage jackets; Dinner jackets; Snowboard jackets; Down jackets; Rainproof jackets; Rain jackets; Fishing jackets; Fleece jackets; Shell jackets; Leather jackets; Sweat jackets; Knit jackets; Suede jackets; Waterproof jackets; Weatherproof jackets; Wind jackets; Fishermen's jackets; Jacket liners; Reversible jackets; Hunting jackets; Bomber jackets; Casual jackets; Track jackets; Ski jackets; Blouson jackets; Sports jackets; Padded jackets; Riding jackets; Heavy jackets; Sleeved jackets; Donkey jackets; Long jackets; Smoking jackets; Motorcycle jackets; Wind-jackets; Windproof jackets; Sheepskin jackets; Safari jackets; Light-reflecting jackets; Polar fleece jackets; Wind-resistant jackets; Wind resistant jackets; Warm-up jackets; Fur coats and jackets; Dresses; Pinafore dresses; Jumper dresses; Wedding dresses; Dress shields; Ladies' dresses; Evening dresses; Shields (Dress -); Shift dresses; Bridesmaid dresses; Cocktail

dresses; Tennis dresses; Dressing gowns; Nurse dresses; Maternity dresses; Leather dresses; Imitation leather dresses; Fancy dress costumes; Women's ceremonial dresses; Collars for dresses; Dresses made from skins; Dresses for infants and toddlers.

Class 26

Cloth patches for clothing; Buckles for clothing [clothing buckles]; Clothing buckles; Belt buckles [clothing accessories]; Belt buckles for clothing; Belt buckles [for clothing]; Belt buckles of precious metal [for clothing]; Belt clasps; Belt buckles; Belt clasp; Clasp (Belt -); Belt buckles of precious metals; Belt buckles not of precious metal; Strap buckles; Buckles (Shoe -); Hair buckles; Shoe buckles; buckles for bags; Buckles for bags; Buckles for clothing; Buckles [clothing accessories]; Buckles of precious metal [clothing accessories]; Arm bands [clothing accessories]; Hair bands; Bands (Hair -); Hat bands; Elasticated hair bands; Rubber bands for hair; Bands for the hair; Bands (Expanding -) for holding sleeves; Expanding bands for holding sleeves; Brooches [clothing accessories]; Feathers [clothing accessories]; Ostrich feathers [clothing accessories]; Birds' feathers [clothing accessories]; Birds' feathers as clothing accessories; Twisters [hair accessories]; Hair twisters [hair accessories]; Snap clips [hair accessories]; Claw clips [hair accessories].

Annex 2

Opponent's goods

Class 18
Bags; Shopping bags; Weekend bags; Casual bags; Sports bags; Waist bags; Music bags; Belt bags and hip bags; Makeup bags; Work bags; Game bags; Toilet bags; Courier bags; Drawstring bags; Cabin bags; Duffel bags; Toiletry bags; Shoulder bags; Souvenir bags; Waterproof bags; Hiking bags; Book bags; School bags; Travelling bags; Bum bags; Carrying bags; Roller bags; Beach bags; Gym bags; Sport bags; Athletic bags; Traveling bags; Tote bags; Luggage bags; Carry-on bags; Make-up bags; Wheeled shopping bags; Bags for school; Wallets; Wallets (Pocket -); Key wallets; Leather wallets; Card wallets; Pocket wallets; Wrist-mounted wallets; Credit card wallets; Card wallets [leatherware]; Credit card cases [wallets]; Umbrellas; Umbrella handles; Umbrella sticks; Outdoor umbrellas; Sun umbrellas; Umbrella covers; Covers (Umbrella -); Beach umbrellas; Garden umbrellas; Umbrella bags; Umbrellas for children; Sun umbrellas [hand-held]; Beach umbrellas [beach parasols]; Towelling bags; Nappy bags; Hand bags; Flight bags; Camping bags; Roll bags; Duffel bags; Travel bags; Wheeled bags; Shoe bags; Boot bags; Garment bags; Overnight bags; Messenger bags; Canvas bags; Changing bags; Diaper bags; Athletics bags; Barrel bags; Cosmetic bags; Hunting bags; Knitted bags; Evening bags; Cloth bags; Knitting bags; Sling bags; Suit bags; Gladstone bags; Hip bags; Belt bags; Key bags; Clutch bags; Leather bags; Bucket bags; Imitation leather bags; Travelling bags [leatherware]; Golf umbrellas; Umbrella rings; Telescopic umbrellas; Umbrella frames; Patio umbrellas; Frames for umbrellas; Bags for umbrellas; Parasols [sun umbrellas]; Covers for umbrellas; Umbrellas and parasols; Umbrella or parasol ribs; Combination walking sticks and umbrellas; Nappy wallets; Ankle-mounted wallets; Wallets including card holders; Leather bags and wallets; Leather credit card wallets; Wallets incorporating card holders; Wallets of precious metal; Handbags, purses and wallets; Wallets with card compartments; Wallets [not of precious metal]; Wallets, not of precious metal; Wallets for attachment to belts; Luggage, bags, wallets and other carriers; Business card holders in the nature of wallets; Holders in the nature of wallets for keys; Purses; Leather purses; Purses [leatherware]; Evening purses; Coin purses; Purse frames; Small purses; Clutches [purses]; Cosmetic purses; Change purses; Clutch purses; Chain mesh purses; Coin purse frames; Wrist mounted purses; Small clutch purses; Clutch purses [handbags]; Leather coin purses; Multi-purpose purses; Purse frames [handbags]; Purses of precious metal; Leather and imitation leather; Leather.
Class 24
Bed clothes; Bed clothes and blankets; Bed skirts; Bed canopies; Blankets (Bed -); Bed spreads; Bed sheets; Bed linen; Bed quilts; Bed coverings; Bed throws; Bed valances; Bed blankets; Bed pads; Linen (Bed -); Bed covers; Comforters (bedding); Comforters for beds; Fitted bed sheets; Infants' bed linen; Quilt bedding mats; Bed warmer covers; Quilted blankets [bedding]; Linen for the bed; Bed linen and blankets; Cot bumpers [bed linen]; Bed blankets made of cotton; Woollen blankets; Travelling blankets; Baby blankets; Swaddling blankets; Receiving blankets; Cot blankets; Blanket throws; Lap blankets; Silk blankets; Children's

blankets; Woolen blankets; Sofa blankets; Cotton blankets; Picnic blankets; Blankets for household pets; Blankets for outdoor use; Curtains; Curtain fabrics; Blackout curtains; Window curtains; Door curtains; Curtains for showers; Indoor and outdoor curtains; Textiles; Sheets [textile]; Towelling [textile]; Towels; Hand towels; Beach towels; Children's towels; Bath towels; Hooded towels; Kitchen towels; Towels [textile]; Tea towels; Bathroom towels; Glass cloths [towels]; Textile face towels; Large bath towels; Bath wrap towels; Quilts of towel; Household linen, including face towels; Kitchen towels of cloth; Dish towels for drying.

Class 25

Clothes; Wristbands [clothing]; Leisure clothing; Infant clothing; Children's clothing; Sports clothing; Gloves [clothing]; Waterproof clothing; Plush clothing; Thermal clothing; Belts [clothing]; Muffs [clothing]; Athletic clothing; Hats; Beanie hats; Small hats; Woolly hats; Sun hats; Baseball hats; Beach hats; Rain hats; Bobble hats; Ski hats; Fashion hats; Bucket hats; Baseball caps and hats; Sports caps and hats; Shoes; Jogging shoes; Sports shoes; Snowboard shoes; Basketball shoes; Running shoes; Walking shoes; Hiking shoes; Soccer shoes; Football shoes; Infants' shoes; Roller shoes; Beach shoes; Tennis shoes; Shoes for leisurewear; Socks; Men's socks; Ankle socks; Sports socks; Tennis socks; Thermal socks; Slipper socks; Non-slip socks; Socks for men; Sweat-absorbent socks; Socks for infants and toddlers; Jackets; Fur jackets; Sleeveless jackets; Camouflage jackets; Snowboard jackets; Rainproof jackets; Rain jackets; Fleece jackets; Shell jackets; Leather jackets; Sweat jackets; Waterproof jackets; Weatherproof jackets; Wind jackets; Reversible jackets; Bomber jackets; Casual jackets; Track jackets; Ski jackets; Sports jackets; Jackets [clothing]; Padded jackets; Denim jackets; Heavy jackets; Wind-jackets; Windproof jackets; Light-reflecting jackets; Jackets (Stuff -) [clothing]; Wind-resistant jackets; Fur coats and jackets; Men's and women's jackets, coats, trousers, vests; T-shirts; Printed t-shirts; Short-sleeved T-shirts; Shirts; Casual shirts; Sport shirts; Tennis shirts; Sleep shirts; Camouflage shirts; Under shirts; Sports shirts; Tee-shirts; Sweat shirts; Button down shirts; Short-sleeve shirts; Short-sleeved shirts; Hooded sweat shirts; Long-sleeved shirts; Underwear; Women's underwear; Men's underwear; Sweatpants; Jeans; Denim jeans; Blue jeans; Shorts; Trousers shorts; Shorts [clothing]; Swim shorts; Fleece shorts; Sweat shorts; Board shorts; Sports shirts with short sleeves; Clothing; Leather clothing; Windproof clothing; Cloth bibs; Playsuits [clothing]; Weatherproof clothing; Denims [clothing]; Babies' clothing; Outer clothing; Embroidered clothing; Hoodies; Coats; Laboratory coats; Evening coats; Denim coats; Wind coats; Rain coats; Leather coats; Coats for men; Light-reflecting coats; Coats for women; Gloves; Fingerless gloves; Camouflage gloves; Snowboard gloves; Cycling Gloves; Knitted gloves; Winter gloves; Ski gloves; Gloves for apparel; Gloves as clothing; Fingerless gloves as clothing; Gloves with conductive fingertips that may be worn while using handheld electronic touch screen devices; Scarfs; Neck scarfs [mufflers]; Fascinator hats; Chefs' hats; Fur hats; Paper hats [clothing]; Wetsuit gloves; Motorcycle gloves; Driving gloves; Riding gloves; Bed socks; Trouser socks; Anklets [socks]; Sock suspenders; Woollen socks; Pop socks; Footless socks; American football socks; Anti-perspirant socks; Socks and stockings; Men's dress socks; Inner socks for footwear; Riding shoes; Work shoes; Wooden shoes; Golf shoes; Anglers' shoes; Women's shoes; Athletic shoes; Training shoes; Tap shoes; Platform shoes; Bowling shoes; Dress shoes; Cycling shoes; Hockey shoes; Baseball shoes;

Rubber shoes; Aqua shoes; Leisure shoes; Shoe straps; Baby shoes; Gymnastic shoes; Dance shoes; Deck shoes; Mountaineering shoes; Driving shoes; Ballet shoes; Boxing shoes; Volleyball shoes; Rugby shoes; Rain shoes; Leather shoes; Athletics shoes; Sport shoes; Skiing shoes; Waterproof shoes; Slip-on shoes; Spiked running shoes; Shoes for infants; Ballroom dancing shoes; Foot volleyball shoes; Knitted baby shoes; High-heeled shoes; Apres-ski shoes; Esparto shoes or sandals; Flip-flops; Flip-flops for use as footwear; Sandals; Trousers; Infants' trousers; Snowboard trousers; Corduroy trousers; Ski trousers; Rain trousers; Trousers of leather; Golf trousers; Waterproof trousers; Leggings [trousers]; Short trousers; Trousers straps; Trousers for sweating; Trousers for children; Cycling shorts; Boxing shorts; Sliding shorts; American football shorts; Gym shorts; Walking shorts; Tennis shorts; Boxer shorts; Rugby shorts; Short sets [clothing]; Boy shorts [underwear]; Padded shorts for athletic use; Sweatshirts; Hooded sweatshirts; Golf shirts; Football shirts; Knit shirts; Turtleneck shirts; Rugby shirts; Polo shirts; Shirt yokes; Dress shirts; Shirt fronts; Ramie shirts; Woven shirts; Collared shirts; Soccer shirts; Night shirts; Shirts and slips; Mock turtleneck shirts; Shirts for suits; American football shirts; Moisture-wicking sports shirts; Snap crotch shirts for infants and toddlers; Fur coats; Trench coats; Dust coats; Duffle coats; Car coats; Morning coats; Sport coats; Winter coats; Heavy coats; Coats of denim; Bed jackets; Stuff jackets; Dinner jackets; Down jackets; Fishing jackets; Knit jackets; Suede jackets; Jacket liners; Hunting jackets; Sleeved jackets; Motorcycle jackets; Safari jackets; Wind resistant jackets; Party hats [clothing].