

BL O/622/22

TRADE MARKS ACT 1994

IN THE MATTER OF

TRADE MARK APPLICATION No. 3572370

BY

JAY 42 LTD

TO REGISTER THE TRADE MARK:

JAY

IN CLASSES 18 AND 25

-AND-

THE OPPOSITION THERETO UNDER No. 424669

BY

B. JAYE ROBERTS LIMITED

Background and pleadings

1. JAY 42 Ltd (“**the Applicant**”) applied to register the word mark ‘JAY’ (**the Contested Mark**) in the UK on 26 December 2020. It was accepted and published in the Trade Marks Journal on 26 February 2021. The goods for which registration is sought are, an extensive variety of bags and other goods in Class 18 (which are laid out in their entirety at **Annex 1** to this decision), and the following goods in Class 25:

Footwear for men, women and children; Headwear for men, women and children; Underwear for men, women and children; Outerwear for men, women and children.

2. B. Jaye Roberts Limited (“**the Opponent**”) partially opposes the Contested Mark under section 5(2)(b) of the Trade Marks Act 1994 (“**the Act**”). The Opponent relies on its UK Trade Mark number 3446422 (“**the Earlier Mark**”), shown below, which is registered in respect of goods in Classes 21 and 25.

jaye

3. The Opponent relies on its Class 25 goods in this opposition which are laid out in their entirety at **Annex 2** to this decision (with terms in emboldened font indicating those on which the Opponent states that it “especially” relies).
4. Given the respective filing dates, the Opponent’s mark is an earlier trade mark, in accordance with section 6 of the Act. As it had not been registered for five years or more at the filing date of the application, it is not subject to the use requirements specified within section 6A of the Act. Consequently, the Opponent may rely upon all the Class 25 goods for which the Earlier Mark is registered without having to show any use at all.
5. The Opponent claims that the Contested Mark is similar to the Earlier Mark and that the respective Class 25 goods are identical or similar, giving rise to a likelihood of confusion.

6. The Applicant filed a counterstatement denying the claims made. The Applicant contends that the respective marks are visually, aurally and conceptually different and that the goods are dissimilar.
7. Neither side filed evidence in these proceedings. Only the Opponent filed written submissions which will not be summarised but will be referred to as and where appropriate during this decision. No hearing was requested and so this decision is taken following a careful perusal of the papers.
8. In these proceedings the Opponent is represented by Trademark Eagle Limited and the Applicant is represented by Trade Mark Wizards.
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 EU trade mark law.

Preliminary Issues

Identity of the Opponent

10. In the Notice of Opposition, the opponent was entered as 'Bethan Jaye Roberts', which is the name of an individual, as opposed to the company name, B. Jaye Roberts Limited (the company being the registered proprietor of the Earlier Mark).
11. Having reviewed the correspondence between the Registry and the Opponent in relation to these proceedings, it is apparent to me that 'Bethan Jaye Roberts' was filing the opposition on behalf of the company and that the opponent is indeed 'B. Jaye Roberts Limited' as opposed to 'Bethan Jaye Roberts'. Therefore, I am satisfied to proceed on this basis.

Goods under opposition

12. The Opponent originally pleaded section 5(2)(b) and section 5(3) of the Act in its Notice of Opposition. However, the Opponent's submissions in lieu of a hearing

expressly withdrew the section 5(3) ground, so this opposition proceeds under section 5(2)(b) only.

13. In the Opponent's Notice of Opposition, under the section 5(2)(b) ground, the following goods are specified as opposed:

"Class 25 as applied for i.e.

Footwear for men women and children;

Headwear for men, women and children

Underwear for men, women and children

Outerwear for men, women and children."

14. Under the section 5(3) ground, the Notice of Opposition had challenged "*Class 18 - bags, as applied for*" in addition to the Applicant's Class 25 goods.

15. It is clear from the Opponent's Notice of Opposition that the section 5(2)(b) ground was directed against only the goods in Class 25. By withdrawing the section 5(3) ground, any challenge to Class 18 was also withdrawn by the Opponent. This decision deals only with the challenge to the goods in Class 25.

16. As an aside, I note that the Opponent's submissions in lieu continued to refer to the Class 18 goods. The Opponent's references to "bags" / "bags, as applied for" (both in the notice of opposition and in submissions) were expressed in terms that are vague, since the Applicant has applied not only for the exact term 'bags', but also for a plethora of iterations of 'bags' in its Class 18 specification, including, for example, '*feed bags for animals*' and '*Nose bags [feed bags]*'.

Goods relied on by the Opponent

17. In its Notice of Opposition, the Opponent states that it relies on the following goods (my emphasis):

All Class 25 goods, especially -Footwear; Footwear for men; Footwear for men and women; Footwear for women, Casual footwear; Childrens' footwear;

Infants footwear; Ladies footwear ; Boots; Shoes etc Headwear; Caps being headwear; Caps (headwear); Childrens' headwear; Hats; headgear, headscarves etc Underwear; Underwear - Antisweat, Underwear for women; Childrens' wear; Childrens' clothing; Knickers; Knitted underwear ; Ladies underwear; long underwear; Panties; Pants; Thermal underwear, Thongs, Trunks (underwear); Undergarments; Underclothes; Underpants etc Outerwear, Outerclotthing; Children's outerclotthing; Outerclotthing for boys; Outerclotthing for girls; Outerclotthing for men, Anoraks; Ladies outerclotthing; Overcoats; Padded jackets:Clothing for men, women and children; Raincoats; Womens outerclotthing eOuterwear, Outerclotthing; Children's outerclotthing; Outerclotthing for boys; Outerclotthing for girls; Outerclotthing for men, Anoraks; Ladies outerclotthing; Overcoats; Padded jackets:Clothing for men, women and children; Raincoats; Womens outerclotthing etc

I note that the list of goods contained duplication (which is detailed in my paragraph 19 below) and was also loosely expressed with the inclusion of the abbreviation “etc”.

18. In its submissions however, at paragraph 3 of the ‘Introduction’, the Opponent states that (my emphasis) “*The opposition is based on some of the goods covered by the Opponent’s Trademark in [class] 25*”. As can be seen at **Annex 3** to this decision, the Opponent lists the “particular” goods it considers are similar to those “*covered by the Application*” (which is an exact reproduction of the list contained in its Notice of Opposition, from the term “*Footwear*” onwards).
19. For clarity, the following goods are duplicated in the Opponent’s list (I note that ‘eOuterwear’ appears to be a typographical error and is not a term contained in the Opponent’s specification):

“eOuterwear; Outerclotthing; Children's outerclotthing; Outerclotthing for boys; Outerclotthing for girls; Outerclotthing for men; Anoraks; Ladies' outerclotthing; Overcoats; Padded jackets; Clothing for men, women and children; Raincoats; Womens' outerclotthing etc”

20. Having reviewed the Opponent's Class 25 in its entirety and notwithstanding there appears to be some contradiction between whether all or only some of the Class 25 goods are relied on, I consider that reliance on all its Class 25 goods does not put the Opponent in a more favourable position than reliance on the selected list.

Approach for the comparison of goods

21. I shall disregard the Opponent's submissions insofar as they relate to the Applicant's Class 18 goods and will not consider them in my decision as the section 5(2)(b) ground is only directed at Class 25. I will therefore base my goods comparison on the parties' respective Class 25 goods only.

22. For reasons of procedural economy and clarity, I have removed the term "etc" and any duplication from the Opponent's selected list of Class 25 goods, as set out below and I will base my comparison of the Opponent's goods on the following amended list:

"Footwear; Footwear for men; Footwear for men and women; Footwear for women; Casual footwear; Children's footwear; Infants' footwear; Ladies' footwear; Boots; Shoes; Headwear; Caps being headwear; Caps [headwear]; Children's headwear; Hats; Headgear; Headscarves; Underwear; Underwear (Anti-sweat -); Underwear for women; Children's wear; Childrens' clothing; Knickers; Knitted underwear; Ladies' underwear; Long underwear; Panties; Pants; Thermal underwear; Thongs; Trunks [underwear]; Undergarments; Underclothes; Underpants; Outerwear; Outerclotthing; Children's outerclotthing; Outerclotthing for boys; Outerclotthing for girls; Outerclotthing for men; Anoraks; Ladies' outerclotthing; Overcoats; Padded jackets; Clothing for men, women and children; Raincoats; Womens' outerclotthing"

DECISION

Legislation and Case Law

23. 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.”

24. 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

25. The goods to be compared are set out in the table below. I bear in mind the case of *Separoode*¹ and therefore for the purposes of making my comparison, I have grouped the goods together in categories as follows:

Class 25: Opponent's goods	Class 25: Applicant's goods
<u>Footwear:</u> <i>Footwear; Footwear for men; Footwear for men and women; Footwear for women; Casual footwear; Children's footwear; Infants' footwear; Ladies' footwear; Boots; Shoes</i>	<u>Footwear:</u> <i>Footwear for men, women and children</i>
<u>Headwear:</u> <i>Headwear; Caps being headwear; Caps [headwear]; Children's headwear; Hats; Headgear; Headscarves</i>	<u>Headwear:</u> <i>Headwear for men, women and children</i>
<u>Underwear:</u> <i>Underwear; Underwear (Anti-sweat -); Underwear for women; Knickers; Knitted underwear; Ladies' underwear; Long underwear; Panties; Pants; Thermal underwear; Thongs; Trunks [underwear]; Undergarments; Underclothes; Underpants</i>	<u>Underwear:</u> <i>Underwear for men, women and children</i>
<u>Outerwear:</u> <i>Children's wear; Childrens' clothing; Outerwear; Outerclathing; Children's outerclathing; Outerclathing for boys; Outerclathing for girls; Outerclathing</i>	<u>Outerwear:</u> <i>Outerwear for men, women and children</i>

¹ *Separoode* Trade Mark BL O/399/10, paragraph 5

<p><i>for men; Anoraks; Ladies' outerclothing; Overcoats; Padded jackets; Clothing for men, women and children; Raincoats; Womens' outerclothing</i></p>	
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26. I also take into consideration the case of *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T- 133/05 (“**Merich**”) in which the General Court held to the effect that goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by the trade mark application and vice versa.

Footwear

27. “*Footwear for men, women and children*” in the Applicant’s specification falls within the general category of “*Footwear*” in the Opponent’s specification. These goods are identical on the principle outlined in *Merich*.

Headwear

28. “*Headwear for men, women and children*” in the Applicant’s specification falls within the general category of “*Headwear*” in the Opponent’s specification. These goods are identical on the principle outlined in *Merich*.

Underwear

29. “*Underwear for men, women and children*” in the Applicant’s specification falls within the general category of “*Underwear*” in the Opponent’s specification. These goods are identical on the principle outlined in *Merich*.

Outerwear

30. “*Outerwear for men, women and children*” in the Applicant’s specification falls within the general category of “*Outerwear*” in the Opponent’s specification. These goods are identical on the principle outlined in *Merich*.

31. Thus far, I have found that the Applicant's goods are identical to the Opponent's general categories of goods in relation to all four categories (footwear, headwear, underwear and outerwear). For reasons of procedural economy, I will not undertake any further comparison between the goods. The examination of the opposition will proceed on the basis that the contested goods in Class 25 are identical to those covered by the Earlier Mark's Class 25 specification.

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,² 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.³

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.⁴

34. The average consumer of the goods at issue will be a member of the general public at large.

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 goods is therefore primarily visual, although I do not discount that aural considerations may

² *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

³ *Schutz (UK) Ltd v Delta Containers Ltd* [2011] EWHC 1712, paragraph 98

⁴ *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97

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 (in the case of goods for children) 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. I think 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 is likely to be more casual than careful and 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 *Sabel BV v Puma AG* (particularly paragraph 23) that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The Court of Justice of the European Union 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.”

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. The respective trade marks are shown below:

Earlier Mark	Contested Mark
	

42. With regard to the similarity of the marks, in its Notice of Opposition, the Opponent states the following:

“The Application for JAY, is highly similar to the Opponent’s trademark, jaye.

They are aurally identical -spoken and pronounced identically, in any dialect. They are visually highly similar.

Conceptually, the Application is similar to a high degree. Customers could confuse two relatively new brands easily, with just an ‘e’ denoting the difference, not realising which brand they make their intended purchases from.

This issue becomes more acute online, when customers entering lower and/or upper case characters for the two brands, will not be differentiated in the search results and both brands may appear in the results.

Potential customers who have been told verbally about jaye, may enter, jay or JAY and be directed to the later brand's website, due to their similarity.”

43. In its later submissions, the Opponent states:

“8. The Applicant’s Mark is phonetically and visually identical to the Opponent’s Trade Mark as it includes the word JAY. The additional stylization of the Opponent’s Trade Mark is not sufficient to detract from the overall similarities between the marks, particularly when applied to identical or similar goods within the fashion industry. On a visual assessment, the words JAYE and JAY are similar because the letter “e” at the end is not pronounced and makes no difference when assessing trademarks, both JAYE and JAY are phonetically identical. Applying the principles of Sabel v Puma, the Application is similar to the Opponent’s Trade Mark. The net effect is that the Applicant’s mark could be seen as a short variation of the Opponent’s Trade Mark and lead to confusion or association.

[...]

14. The differences arising from the stylization of the Opponent’s mark and the addition of the “e” at the end, have a limited impact when assessing the likelihood of confusion because of its secondary role. [...]

15. [...] the Opponent considers that the slight differences between the marks are not sufficient to outweigh the similarities [...]”

44. In its Counterstatement the Applicant states:

“that its JAY trade mark is visually, aurally and conceptually different to the Opponent's trade mark jaye [stylised]. Even with a brief glance and under the principle of imperfect recollection, the average consumer will notice the addition of the final letter "E" in the Opponent's trade mark. The Opponent's trade mark is also stylised and portrayed in a bold, black font. These elements are not a negligible part of the Opponent's trade mark. Furthermore, JAY would be

recognised by the average consumer as the name of a person, whereas jaye [stylised] has no meaning in the English Language. [...]

Therefore, there is no likelihood of confusion, or association between the trade marks.”

Overall Impression

45. The Earlier Mark is a figurative mark consisting of the word ‘jaye’, presented in lowercase letters in a stylised font, although the font is not highly stylised and is not dissimilar to a typical typographical font. The stylisation of the font and the presentation in lower case letters plays a lesser role in the Earlier Mark and the overall impression lies in the word ‘jaye’.
46. The Contested Mark is a word-only mark consisting of the word ‘JAY’. The overall impression rests purely in the word ‘JAY’.

Visual comparison

47. The Contested Mark comprises solely of the word ‘JAY’ which makes up the first three letters of the Earlier Mark. The Earlier Mark has the addition of the letter ‘e’ that sits at the end of the mark.
48. Whilst the Earlier Mark is in lowercase letters and the Contested Mark is presented in upper case letters, this is not a point of difference since fair and notional use of word marks would allow for use in upper or lower case.⁵ Therefore from this perspective, the Contested Mark is identical to the first three letters of the Earlier Mark.
49. The stylised font of the Earlier Mark plays a lesser role in the overall impression of the mark and may likely be overlooked. Therefore, the stylisation does not alter my finding that the Applicant’s word mark ‘JAY’ is identical to the first three letters of the Earlier Mark. In making this finding I bear in mind the comments of Mr Iain

⁵ *Bentley Motors Limited v Bentley 1962 Limited* BL O/158/17, paragraph 16

Purvis QC, sitting as the Appointed Person, in *Groupement Des Cartes Bancaires v China Construction Bank Corporation*⁶, wherein he stated:

“It is well established that a ‘word mark’ protects the word itself, not simply the word presented in the particular font or capitalization which appears in the Register of Trade Marks. [...] A word may therefore be presented in a different way (for example a different font, capitals as opposed to small letters, or handwriting as opposed to print) from that which appears in the Register whilst remaining ‘identical’ to the registered mark.”

50. Notwithstanding the letter ‘e’ at the end of the Earlier Mark is a point of visual difference between the marks, because the placement of the ‘e’ is at the end, and given that the consumer tends to pay greater attention to the first part of words, the presence of the same root ‘JAY’ in both marks gives rise to a strong visual similarity.⁷
51. Taking all the above into account, I find that the marks are visually similar to a high degree.

Aural comparison

52. Aurally, the marks are identical, this is because ‘jaye’ is pronounced the same way as ‘JAY’. The ‘e’ at the end of the Earlier Mark is silent as it would not be articulated.

Conceptual comparison

53. For a conceptual message to be relevant it must be capable of immediate grasp by the average consumer.⁸ The word ‘JAY’ in its ordinary meaning, describes a species of bird and I consider the average consumer will perceive it as such. Even if the average consumer does not know that ordinary meaning, it is likely they will

⁶ Case BL O/281/14, paragraph 21

⁷ *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02, paragraph 81

⁸ This is highlighted in numerous judgments of the General Court and the CJEU including *Ruiz Picasso v OHIM* [2006] E.C.R. I-643; [2006] E.T.M.R. 29.

have encountered the word 'JAY' and at least, in the alternative, will perceive it as a person's forename.

54. The same can be said for the word 'jaye'. The average consumer may still perceive 'jaye' as relating to a species of bird by overlooking the misspelling. Therefore as 'jaye' resembles the ordinary word 'JAY', I cannot discount that there is potential for conceptual identity. The considerations with regards to the difference in spelling would be eliminated where the Earlier Mark is only encountered aurally and therefore there would be conceptual identity.
55. In the alternative, the average consumer will perceive 'jaye' as a person's forename (overlooking the fact that the first letter is not capitalised, and attributing this to a stylistic choice instead), which would also result in a finding of conceptual identity between the two marks.
56. Finally, in the event that the average consumer perceives the Earlier Mark as being a person's forename and the Contested Mark as being a species of bird, then the two marks would differ conceptually. However, that being said, conceptual differences do not always overcome visual and aural similarities. In *Nokia Oyj v OHIM*, Case T-460/07, the General Court stated that:

“Furthermore, it must be recalled that, in this case, although there is a real conceptual difference between the signs, it cannot be regarded as making it possible to neutralise the visual and aural similarities previously established (see, to that effect, Case C-16/06 P Éditions Albert René [2008] ECR I-0000, paragraph 98).”

Distinctive character of the earlier trade mark

57. 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 [...]"

58. 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. The degree of distinctiveness is an important factor as it directly relates to whether there is a likelihood of confusion; the more distinctive the earlier mark, the greater the likelihood of confusion may be.
59. 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.
60. The Earlier Mark comprises of the word 'jaye' 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 'jaye'.
61. The word 'jaye' is likely to be understood as a person's forename or alternatively, as a reference to a species of bird. Either way, it makes no descriptive or allusive reference to the Opponent's goods at issue.
62. I find that the Earlier Mark is inherently distinctive to a medium degree.

Likelihood of Confusion

63. 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.⁹ I must also keep in mind the average consumer of the goods, the nature of the purchasing process and have regard to 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 vice versa.¹⁰

64. 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 Contested 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.¹¹
65. The question is whether there is a likelihood of confusion amongst a significant proportion of the relevant public;¹² occasional confusion by a small minority is not sufficient to find a likelihood of confusion. The relative weight of the factors is not laid down by law but is a matter of judgment for the tribunal on the particular facts of each case.¹³
66. 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.¹⁴
67. I have made the following findings:

- (i) the goods in Class 25 are identical;

⁹ *Lloyd Schuhfabrik Meyer & Co. GmbH v. Klijsen Handel B.V.*, Case C-342/97, paragraph 27

¹⁰ *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc*, Case C-39/97, paragraph 17

¹¹ *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17, paragraph 81

¹² *Comic Enterprises Ltd v Twentieth Century Fox Film Corporation* [2016] EWCA Civ 41, paragraph 34(v)

¹³ See paragraph 33 of the decision of Iain Purvis QC sitting as the Appointed Person in Case No. O/049/17, (*Rochester Trade Mark*).

¹⁴ 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

- (ii) the average consumer will be a member of the general public;
- (iii) the level of attention paid to the purchase will be medium;
- (iv) during the purchasing process, the visual and aural elements will both be important, however the visual considerations will dominate;
- (v) the marks are visually similar to a high degree; aurally identical; and share some conceptual identity;
- (vi) the Earlier Mark is distinctive to a medium degree on an inherent basis, there being no enhancement through use.

68. Bearing in mind that in clothes shops, the choice of the item of clothing or footwear is visual in nature and typically made by the consumer selecting the items themselves (even if a shop assistant may be involved), it 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.¹⁵ (In any event, if the goods are requested orally, the marks sound identical.)

69. Whilst the letter 'e' in the Earlier Mark represents a point of difference between the marks, this difference may go unnoticed and it does not prevent the marks from being considered as highly similar. Allowing for imperfect recollection, and bearing in mind the principle of interdependency and that the consumer normally attaches more importance to the first part of words, this difference is insufficient to preclude a finding that the average consumer may mistake one mark for the other.

70. Taking all the above into account and taking into account the medium level of attention the average consumer pays during the predominantly visual purchasing process, I consider that the average consumer – or at least a significant proportion thereof - when seeing the Contested Mark on identical goods, would mistake it for the Earlier Mark. There is a likelihood of direct confusion.

¹⁵ *New Look Limited v OHIM*, *ibid*, paragraph 50

OUTCOME

71. The opposition succeeds under section 5(2)(b) of the Act.

72. Accordingly, subject to appeal, the Contested Mark will be refused in respect of Class 25 and shall be allowed to proceed to registration in Class 18 only.

COSTS

73. The Opponent has been successful and is entitled to a contribution towards its costs. In the circumstances I award the Opponent the sum of £600 as a contribution towards the cost of the proceedings. The sum is calculated as follows:

Official fee ¹⁶	£100
Preparing the statement of grounds and considering the counterstatement	£200
Preparing written submissions	£300
TOTAL	£600

74. I therefore order JAY 42 Ltd to pay B. Jaye Roberts Limited the sum of £600. The above 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 22nd day of July 2022

Daniela Ferrari
For the Registrar

¹⁶ Only £100 has been awarded as the opposition proceeded under s5(2)(b) only following the Opponent's withdrawal of its other ground

ANNEX 1

Goods applied for:

Class 18	Airline travel bags;All purpose sport bags;All purpose sports bags;All-purpose athletic bags;All-purpose carrying bags;All-purpose leather straps;All-purpose sports bags;Alpenstocks;Animal apparel;Animal carriers [bags];Animal covers;Animal harnesses;Animal hides;Animal leads;Animal leashes;Animal skins;Animal skins and hides;Animal skins, hides;Ankle-mounted wallets;Art portfolios [cases];Articles of clothing for horses;Articles of luggage;Artificial fur bags;Athletic bags;Athletics bags;Attaché bags;Attache cases;Attaché cases;Attache cases made of imitation leather;Attache cases made of leather;Baby backpacks;Baby carriers [slings or harnesses];Baby carriers worn on the body;Baby carrying bags;Back frames for carrying children;Back packs;Backpacks;Backpacks for carrying babies;Backpacks for carrying infants;Backpacks [rucksacks];Backpacks with rolling wheels;Baggage;Baggage tags;Bags;Bags [envelopes, pouches] for packaging of leather;Bags [envelopes, pouches] of leather for packaging;Bags [envelopes, pouches] of leather, for packaging;Bags for campers;Bags for carrying animals;Bags for carrying pets;Bags for climbers;Bags for clothes;Bags for school;Bags for sports;Bags for sports clothing;Bags for travel;Bags for umbrellas;Bags (Game -) [hunting accessories];Bags (Garment -) for travel;Bags made of imitation leather;Bags made of leather;Bags (Net -) for shopping;Bags (Nose -) [feed bags];Bandoliers;Bands of leather;Banknote holders;Barrel bags;Beach bags;Beach parasols;Beach umbrellas;Beach umbrellas [beach parasols];Beachbags;Beauty cases;Beauty cases [not fitted];Belt bags;Belt bags and hip bags;Belt pouches;Belts (Leather shoulder -);Billfolds;Bits for animals;Bits for animals [harness];Bits for horses;Bits [harness];Blankets for horses;Blinders for horses;Blinders [harness];Blinkers for horses;Blinkers for horses [blinders for horses];Blinkers [harness];Book bags;Boot bags;Boston bags;Boxes
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made of leather;Boxes of leather;Boxes of leather (Hat -);Boxes of leather or leather board;Boxes of leather or leatherboard;Boxes of vulcanised fibre;Boxes of vulcanized fiber;Boxes of vulcanized fibre;Bridles for horses;Bridles [harness];Bridles [harnessing];Bridoons;Brief cases;Briefbags;Briefcases;Briefcases and attache cases;Briefcases for documents;Briefcases [leather goods];Briefcases [leatherware];Briefcases made of leather;Briefcase-type portfolios;Bucket bags;Bum bags;Bumbags;Business card cases;Business card holders in the nature of card cases;Business card holders in the nature of wallets;Business cases;Butts [parts of hides];Cabin bags;Calling card cases;Camping bags;Cane handles;Canes;Canvas bags;Canvas shopping bags;Card cases [notecases];Card holders made of imitation leather;Card holders made of leather;Card wallets;Card wallets [leatherware];Carriers for suits, for shirts and for dresses;Carriers for suits, shirts and dresses;Carry-all bags;Carryalls;Carrying bags;Carrying cases;Carrying cases for documents;Carry-on bags;Carry-on suitcases;Cases for business cards;Cases for holding keys;Cases for keys;Cases of imitation leather;Cases of leather or leatherboard;Cases, of leather or leatherboard;Casings, of leather, for plate springs;Casings, of leather, for springs;Casual bags;Cat collars;Cat o' nine tails;Cattle skins;Chain mesh purses;Chamois leather, other than for cleaning purposes;Change purses;Change purses of precious metal;Changing bags;Charm bags (omamori-ire);Charm bags [omamori-ire];Children's shoulder bags;Chin straps, of leather;Cloth bags;Clothes for animals;Clothing for animals;Clothing for dogs;Clothing for domestic pets;Clothing for pets;Cloths for saddles;Clutch bags;Clutch handbags;Clutch purses;Clutch purses [handbags];Clutches [purses];Coats for cats;Coats for dogs;Coin holders;Coin purse frames;Coin purses;Coin purses not made of precious metal;Coin purses, not of precious metal;Coin purses, not of precious metals;Collars for animals;Collars for cats;Collars for pets;Collars for pets bearing medical information;Collars of animals;Combination

walking sticks and umbrellas;Commutation-ticket holders;Compression cubes adapted for luggage;Conference folders;Conference portfolios;Cosmetic bags;Cosmetic bags sold empty;Cosmetic cases sold empty;Cosmetic purses;Costumes for animals;Courier bags;Coverings (Furniture -) of leather;Covers and wraps for animals;Covers for animals;Covers for horse saddles;Covers for horse-saddles;Covers for parasols;Covers for umbrellas;Covers (Umbrella -);Credit card cases;Credit card cases [wallets];Credit card holders;Credit card holders made of imitation leather;Credit card holders made of leather;Credit card wallets;Credit-card holders;Cribbing straps for horses;Crossbody bags;Cross-body bags;Curried skins;Daypacks;Diaper bags;Diplomatic bags;Document cases;Document cases of leather;Document holders [carrying cases];Dog apparel;Dog bellybands;Dog clothing;Dog coats;Dog collars;Dog leads;Dog leashes;Dog parkas;Dog shoes;Draw reins;Drawstring bags;Drawstring pouches;Driving licence cases;Duffel bags;Duffel bags for travel;Duffle bags;Electronic pet collars;Empty instrument cases for use by doctors;Envelopes, of leather, for packaging;Equine boots;Equine leg wraps;Evening bags;Evening handbags;Evening purses;Face masks for equines;Fake fur;Fanny packs;Fashion handbags;Fastenings for saddles;Faux fur;Feed bags;Feed bags for animals;Felt pouches;Fitted belts for luggage;Fitted protective covers for luggage;Fittings (Harness -);Flexible bags for garments;Flight bags;Fly masks for animals;Fly masks for horses;Foal slips;Folding briefcases;Folding walking sticks;Folio cases;Frames for umbrellas;Frames for umbrellas or parasols;Frames (Handbag -);Fur;Fur pelts;Furniture coverings of leather;Furniture (Leather trimmings for -);Furs sold in bulk;Fur-skins;Game bags;Game bags [hunting accessories];Garden umbrellas;Garment bags;Garment bags for travel;Garment bags for travel made of leather;Garment carriers;Garments for pets;General purpose sport trolley bags;Gentlemen's handbags;Gent's handbags;Girths of leather;Gladstone bags;Gold beaters'

skin;Goldbeaters' skin;Golf umbrellas;Grips [bags];Grips for holding shopping bags;Grocery tote bags;Gym bags;Halters;Hand bags;Handbag frames;Handbag straps;Handbags;Handbags for ladies;Handbags for men;Handbags made of imitations leather;Handbags made of leather;Handbags, not made of precious metal;Handbags, not of precious metal;Handbags, purses and wallets;Handles for canes;Handles for walking-sticks;Handles (Suitcase -);Handles (Walking stick -);Harness;Harness fittings;Harness fittings of iron;Harness for animals;Harness for horses;Harness made from leather;Harness straps;Harness traces;Harnesses;Harnesses for animals;Hat boxes for travel;Hat boxes of leather;Haversacks;Headbands for horses;Headstalls;Hides;Hiking bags;Hiking poles;Hiking rucksacks;Hiking sticks;Hip bags;Hipsacks;Holdalls;Hold-alls;Holdalls for sports clothing;Holders in the nature of cases for keys;Holders in the nature of wallets for keys;Hoof guards;Horse bits;Horse blankets;Horse bridles;Horse cloths;Horse collars;Horse covers;Horse fly sheets;Horse halters;Horse leg wraps;Horse quarter sheets;Horse rugs;Horse saddles;Horse sheets;Horse tail wraps;Horseshoes;Horseshoes made of plastic;Hunters' game bags;Hunting bags;Hunting crops;Imitation fur;Imitation hide;Imitation hides;Imitation leather;Imitation leather bags;Imitation leather hat boxes;Imitation leather sold in bulk;Imitations of leather;Industrial packaging containers of leather;Infant carriers worn on the body;Inserts for luggage in the form of compression cubes;Japanese oiled-paper umbrellas (janome-gasa);Japanese paper umbrellas (karakasa);Japanese paper umbrellas [karakasa];Japanese utility pouches (shingen-bukuro);Jockey sticks;Key bags;Key cases;Key cases [leather goods];Key cases made of leather;Key cases of imitation leather;Key cases of leather;Key pouches;Key wallets;Keycases;Key-cases;Key-cases of leather and skins;Kid;Kit bags;Knap sacks;Knapsacks;Knee-pads for horses;Knitted bags;Knitted bags, not of precious metals;Knitting bags;Kori wicker

trunks;Labels for luggage;Labels of leather;Laces (Leather -);Ladies handbags;Ladies' handbags;Lashes [whips];Lead reins;Leads for animals;Leads (Leather -);Leashes for animals;Leashes (Leather -);Leather;Leather and imitation leather;Leather and imitations of leather;Leather bags;Leather bags and wallets;Leather boxes;Leather briefcases;Leather cases;Leather cases for keys;Leather cloth;Leather coin purses;Leather cord;Leather cords;Leather credit card cases;Leather credit card holder;Leather credit card wallets;Leather for furniture;Leather for harnesses;Leather for shoes;Leather handbags;Leather (Imitation -);Leather key cases;Leather laces;Leather leads;Leather leashes;Leather luggage straps;Leather luggage tags;Leather or leather-board boxes;Leather pouches;Leather purses;Leather shopping bags;Leather shoulder belts;Leather shoulder straps;Leather sold in bulk;Leather straps;Leather suitcases;Leather thongs;Leather thread;Leather trimmings for furniture;Leather twist;Leather, unworked or semi-worked;Leather [unworked or semi-worked];Leather, unwrought or semi-wrought;Leather wallets;Leatherboard;Leathercloth;Leathers (Stirrup -);Leggings for animals;Lockable luggage straps;Luggage;Luggage bags;Luggage, bags, wallets and other carriers;Luggage covers;Luggage label holders;Luggage labels;Luggage straps;Luggage tags;Luggage tags [leatherware];Luggage trunks;Lunge reins;Makeup bags;Make-up bags;Make-up bags sold empty;Make-up boxes;Make-up cases;Make-up cases sold empty;Martingales;Mesh bags for shopping;Mesh shopping bags;Messenger bags;Metal horseshoes;Metal luggage tags;Metal parts of umbrellas;Minaudieres;Moleskin [imitation leather];Moleskin [imitation of leather];Motorized suitcases;Mountaineering sticks;Multi-purpose purses;Music bags;Music cases;Muzzles;Nappy bags;Nappy wallets;Net bags for shopping;Nightwear cases [overnight cases];Non-metal horseshoes;Nose bags;Nose bags [feed bags];Nose bands;Notecases;Numnahs;Outdoor umbrellas;Overnight bags;Overnight cases;Overnight suitcases;Pads for horse

saddles;Parasols;Parasols [sun umbrellas];Parts of rubber for stirrups;Patio umbrellas;Peltry;Pelts;Pet clothing;Pet hair bows;Pet leads;Pets (Clothing for -);Plastic luggage tags;Pochettes;Pocket wallets;Pocketbooks;Pocketbooks [handbags];Polyurethane leather;Portfolio cases [briefcases];Portmanteaus;Portmanteaux;Pouch baby carriers;Pouches;Pouches for holding make-up, keys and other personal items;Pouches of leather;Pouches, of leather, for packaging;Pochettes;Poultry blinders to prevent fighting;Protective suit carriers;Purse frames;Purse frames [handbags];Purses;Purses [leatherware];Purses made of precious metal;Purses, not made of precious metal;Purses not made of precious metal;Purses, not made of precious metal [handbags];Purses [not of precious metal];Purses, not of precious metal;Purses, not of precious metal [handbags];Purses of precious metal;Raincoats for pet dogs;Rainproof parasols;Randsels;Randsels [Japanese school satchels];Rattan canes;Raw skins;Rawhide chews for dogs;Rawhides;Reins;Reins for guiding children;Reins [harness];Reticules;Reusable shopping bags;Ribs (Umbrella or parasol -);Riding crops;Riding saddles;Riding whips;Roll bags;Roller bags;Roller suitcases;Rubber luggage tags;Rubber parts for stirrups;Ruck sacks;Rucksacks;Rucksacks for mountaineers;Rucksacks on castors;Saddle belts;Saddle blankets;Saddle cloths;Saddle cloths for horses;Saddle covers;Saddle pads;Saddle trees;Saddlebags;Saddlecloths for horses;Saddlery;Saddlery of leather;Saddlery, whips and apparel for animals;Saddles (Pads for horse -);Saddletrees;Satchels;Satchels (School -);School backpacks;School bags;School book bags;School knapsacks;School satchels;Schoolbags;Schoolchildren's backpacks;Semi-worked fur;Shaving bags sold empty;Sheets of imitation leather for use in manufacture;Sheets of leather for use in manufacture;Shoe bags;Shoe bags for travel;Shooting sticks;Shopping bags;Shopping bags made of skin;Shopping bags with wheels attached;Shoulder bags;Shoulder belts;Shoulder belts [straps] of

leather;Shoulder straps;Skates (Straps for -);Skin (Goldbeaters' -);Skins and hides;Skins (Animal -);Skins (Cattle -);Skins of chamois, other than for cleaning purposes;Sling bags;Sling bags for carrying babies;Sling bags for carrying infants;Slings for babies;Slings for carrying babies;Slings for carrying infants;Slouch handbags;Small backpacks;Small bags for men;Small clutch purses;Small purses;Small rucksacks;Small suitcases;Snakeskin;Soldiers' equipment (Straps for -);Souvenir bags;Spats and knee bandages for horses;Specialty holsters adapted for carrying folding walking sticks;Sporrans;Sport bags;Sports bags;Sports [Bags for -];Sports packs;Springs (Casings, of leather, for plate -);Spur straps;Sticks incorporating seats;Sticks (Mountaineering -);Stirrup leathers;Stirrup straps;Stirrups;Stirrups of metal;Stirrups (Parts of rubber for -);Straps for coin purses;Straps for handbags;Straps for luggage;Straps for skates;Straps for soldiers' equipment;Straps for suitcases;Straps (Harness -);Straps (Leather -);Straps (Leather shoulder -);Straps made of imitation leather;Straps of leather [saddlery];String bags for shopping;Stud hole plugs for horseshoes;Studs of leather;Suit bags;Suit carriers;Suitcase handles;Suitcases;Suitcases, motorized, rideable;Suitcases with built-in shelves;Suitcases with wheels;Sun umbrellas;Sun umbrellas [hand-held];Sunshade parasols;Synthetic leather;Tags for luggage;Tanned leather;Tefillin [phylacteries];Telescopic umbrellas;Textile shopping bags;Thread (Leather -);Tie cases;Tie cases for travel;Tips specially adapted for walking staffs;Toilet bags;Toiletry bags;Toiletry bags sold empty;Toiletry cases sold empty;Tool bags, empty;Tool bags [empty] for motor cycles;Tool bags of leather, empty;Tool bags sold empty;Tool pouches, sold empty;Tool pouches sold empty;Tote bags;Towelling bags;Traces [harness];Training leads for horses;Travel baggage;Travel bags;Travel bags made of plastic materials;Travel cases;Travel garment covers;Travel luggage;Traveling bags;Traveling sets;Traveling sets [leatherware];Traveling trunks;Travelling bags;Travelling bags [leatherware];Travelling bags made of imitation

	<p>leather; Travelling bags made of leather; Travelling cases; Travelling cases of leather; Travelling sets; Travelling sets [leatherware]; Travelling trunks; Trekking sticks; Trimmings of leather for furniture; Trolley duffels; Trunks and suitcases; Trunks and traveling bags; Trunks and travelling bags; Trunks being luggage; Trunks [luggage]; Two-wheeled shopping bags; Umbrella bags; Umbrella covers; Umbrella frames; Umbrella handles; Umbrella or parasol ribs; Umbrella rings; Umbrella sticks; Umbrellas; Umbrellas and parasols; Umbrellas for children; Unfitted vanity cases; Unworked leather; Valises; Valises of leather; Vanity cases, not fitted; Vanity cases sold empty; Wading staffs; Waist bags; Waist packs; Waist pouches; Walking cane handles; Walking staffs; Walking stick handles; Walking stick seats; Walking sticks; Wallets; Wallets for attachment to belts; Wallets including card holders; Wallets incorporating card holders; Wallets, not of precious metal; Wallets [not of precious metal]; Wallets of precious metal; Wallets (Pocket -); Wallets with card compartments; Wash bags for carrying toiletries; Wash bags (not fitted); Waterproof bags; Weekend bags; Wheeled bags; Wheeled luggage; Wheeled shopping bags; Wheeled suitcases; Whips; Work bags; Worked or semi-worked hides and other leather; Wrist mounted carryall bags; Wrist mounted purses; Wrist-mounted wallets.</p>
Class 25	<p>Footwear for men, women and children; Headwear for men, women and children; Underwear for men, women and children; Outerwear for men, women and children.</p>

ANNEX 2

The Opponent's Class 25:

Adhesive bras;Adhesive brassieres;After ski boots;Aikido suits;Aikido uniforms;Albs;Aloha shirts;American football bibs;American football pants;American football shirts;American football shorts;American football socks;Anglers' shoes;Ankle boots;Ankle socks;Anklets [socks];**Anoraks**;Anoraks [parkas];Anti-perspirant socks;Anti-sweat underclothing;Anti-sweat underwear;Après-ski boots;Apres-ski shoes;Aprons;Aprons [clothing];Aqua shoes;Arm warmers [clothing];Army boots;Articles of clothing;Articles of clothing for theatrical use;Articles of clothing made of hides;Articles of clothing made of leather;Articles of outer clothing;Articles of sports clothing;Articles of underclothing;Ascots;Ascots (ties);Athletic clothing;Athletic footwear;Athletic shoes;Athletic tights;Athletic uniforms;Athletics footwear;Athletics hose;Athletics shoes;Athletics vests;Babies' clothing;Babies' outerclothing;Babies' pants [clothing];Babies' pants [underwear];Babies' undergarments;Babushkas;Baby bibs [not of paper];Baby bodysuits;Baby boots;Baby bottoms;Baby clothes;Baby doll pyjamas;Baby layettes for clothing;Baby pants;Baby sandals;Baby tops;Balaclavas;Ball gowns;Ballet shoes;Ballet slippers;Ballet suits;Ballroom dancing shoes;Bandanas;Bandanas [neckerchiefs];Bandannas;Bandeaux [clothing];Barber smocks;Baseball caps;Baseball caps and hats;Baseball hats;Baseball shoes;Baseball uniforms;Baselayer bottoms;Baselayer tops;Basic upper garment of Korean traditional clothes [Jeogori];Basketball shoes;Basketball sneakers;Bath robes;Bath sandals;Bath slippers;Bathing caps;Bathing costumes;Bathing costumes for women;Bathing drawers;Bathing suit cover-ups;Bathing suits;Bathing suits for men;Bathing trunks;Bathrobes;Beach clothes;Beach clothing;Beach cover-ups;Beach footwear;Beach hats;Beach robes;Beach shoes;Beach wraps;Beachwear;Beanie hats;Beanies;Bed jackets;Bed socks;Belts [clothing];Belts for clothing;Belts made from imitation leather;Belts made of leather;Belts made out of cloth;Belts (Money -) [clothing];Belts of textile;Berets;Bermuda shorts;Bib overalls for hunting;Bib shorts;Bib tights;Bibs, not of paper;Bibs, sleeved, not of paper;Bikinis;Blazers;Bloomers;Blouses;Blouson jackets;Blousons;Blue jeans;Board shorts;Boardshorts;Boas;Boas [clothing];Boas [necklets];Boaters;Bobble hats;Bodices;Bodices [lingerie];Bodies [clothing];Bodies [underclothing];Body linen [garments];Body stockings;Body suits;Body warmers;Bodysuits;Boiler suits;Boloros;Bolo ties;Bolo ties with precious metal tips;Bomber jackets;Bonnets;Bonnets [headwear];Boot cuffs;Boot uppers;Bootees (woollen baby shoes);Booties;**Boots**;Boots for motorcycling;Boots for sport;Boots for sports;Boots (Ski -);Bottoms [clothing];Bow ties;Bowling shoes;Bowties;Boxer briefs;Boxer shorts;Boxing shoes;Boxing shorts;Boy shorts [underwear];Boys' clothing;Bra straps;Bra straps [parts of clothing];Braces as suspenders;Braces for clothing;Braces for clothing [suspenders];Braces [suspenders];Bralettes;Bras;Brassieres;Breeches;Breeches for wear;Bridal garters;Bridal gowns;Bridesmaid dresses;Bridesmaids wear;Briefs;Briefs [underwear];Bucket caps;Bucket hats;Burkas;Burnouses;Bushjackets;Bustiers;Bustle holder bands for obi (obiage);Bustles for obi-knots (obiage-shin);Button down shirts;Button-front aloha shirts;Caftans;Cagoules;Camiknickers;Camisoles;Camouflage gloves;Camouflage jackets;Camouflage pants;Camouflage shirts;Camouflage vests;Canvas shoes;Cap peaks;Cap visors;Capelets;Capes;Capes (clothing);Capri pants;Caps;**Caps being**

headwear;Caps [headwear];Caps (Shower -);Caps with visors;Car coats;Cardigans;Cargo pants;Cashmere clothing;Cashmere scarves;Cassocks;Casual clothing;**Casual footwear;**Casual jackets;Casual shirts;Casual trousers;Casual wear;Casualwear;Chadors;Chaps;Chaps (clothing);Chasubles;Chefs' hats;Chefs' whites;Chemise tops;Chemises;Chemisettes;Cheongsams (Chinese gowns);Children's clothing;**Childrens' clothing;Children's footwear;Children's headwear;Children's outerclothing;Children's wear;**Chino pants;Choir robes;Christening gowns;Christening robes;Cleats for attachment to sports shoes;Climbing boots;Climbing boots [mountaineering boots];Climbing footwear;Cloaks;Cloche hats;Clogs;Cloth bibs;Cloth bibs for adult diners;Clothes;Clothes for sport;Clothes for sports;Clothing;Clothing containing slimming substances;Clothing for babies;Clothing for children;Clothing for cycling;Clothing for cyclists;Clothing for fishermen;Clothing for gymnastics;Clothing for horse-riding [other than riding hats];Clothing for infants;Clothing for leisure wear;Clothing for martial arts;**Clothing for men, women and children;**Clothing for skiing;Clothing for sports;Clothing for wear in judo practices;Clothing for wear in wrestling games;Clothing incorporating LEDs;Clothing layettes;Clothing made of fur;Clothing made of imitation leather;Clothing made of leather;Clothing of imitations of leather;Clothing of leather;Coats;Coats for men;Coats for women;Coats made of cotton;Coats of denim;Coats (Top -);Cocktail dresses;Collar guards for protecting clothing collars;Collar liners for protecting clothing collars;Collar protectors;Collared shirts;Collars;Collars [clothing];Collars for dresses;Combative sports uniforms;Combinations [clothing];Corduroy pants;Corduroy shirts;Corduroy trousers;Corselets;Corsets;Corsets [clothing, foundation garments];Corsets [foundation clothing];Corsets [underclothing];Costumes;Costumes for use in children's dress up play;Costumes for use in role-playing games;Costumes (Masquerade -);Cotton coats;Coveralls;Coverups;Cover-ups;Cowls [clothing];Cravates;Cravats;Crew neck sweaters;Crinolines;Crop tops;Cuffs;Culotte skirts;Culottes;Cummerbunds;Cycling caps;Cycling Gloves;Cycling pants;Cycling shoes;Cycling shorts;Cycling tops;Cyclists' clothing;Dance clothing;Dance costumes;Dance shoes;Dance slippers;Deck shoes;Deck-shoes;Denim coats;Denim jackets;Denim jeans;Denim pants;Denims [clothing];Desert boots;Detachable collars;Detachable neckpieces for kimonos (haneri);Dinner jackets;Dinner suits;Disposable slippers;Disposable underwear;Donkey jackets;Down jackets;Down vests;Drawers as clothing;Drawers [clothing];Dress pants;Dress shields;Dress shirts;Dress shoes;Dress suits;Dresses;Dresses for evening wear;Dresses for infants and toddlers;Dresses made from skins;Dressing gowns;Driving gloves;Driving shoes;Duffel coats;Duffle coats;Dungarees;Dust coats;Ear muffs;Ear muffs [clothing];Ear warmers;Ear warmers being clothes;Earbands;Earmuffs;Embossed heels of rubber or of plastic materials;Embossed soles of rubber or of plastic materials;Embroidered clothing;Espadrilles;Esparto shoes or sandals;Esparto shoes or sandles;Evening coats;Evening dresses;Evening gowns;Evening suits;Evening wear;Exercise wear;Eye masks;Fabric belts;Fabric belts [clothing];Fake fur hats;Fancy dress costumes;Fascinator hats;Fashion hats;Fedoras;Fezzes;Figure skating clothing;Fingerless gloves;Fingerless gloves as clothing;Fishermen's jackets;Fishing boots;Fishing clothing;Fishing footwear;Fishing headwear;Fishing jackets;Fishing shirts;Fishing smocks;Fishing vests;Fishing waders;Fitted swimming costumes with bra cups;Fittings of metal for boots and shoes;Fittings of metal for footwear;Flat caps;Flat shoes;Fleece jackets;Fleece pullovers;Fleece shorts;Fleece tops;Fleece

vests;Fleeces;Flip-flops;Flip-flops for use as footwear;Flying suits;Foam pedicure slippers;Folk costumes;Foot volleyball shoes;Football boots;Football boots (Studs for -);Football jerseys;Football shirts;Football shoes;Footless socks;Footless tights;Footmuffs, not electrically heated;**Footwear**;Footwear [excluding orthopedic footwear];Footwear (Fittings of metal for -);**Footwear for men**;**Footwear for men and women**;Footwear for snowboarding;Footwear for sport;Footwear for sports;Footwear for track and field athletics;Footwear for use in sport;**Footwear for women**;Footwear made of vinyl;Footwear made of wood;Footwear (Non-slipping devices for -);Footwear not for sports;Footwear soles;Footwear (Tips for -);Footwear uppers;Footwear (Welts for -);Formal evening wear;Formal wear;Formalwear;Foulards [clothing articles];Foundation garments;Frames (Hat -) [skeletons];Frock coats;Full-length kimonos (nagagi);Functional underwear;Fur cloaks;Fur coats;Fur coats and jackets;Fur hats;Fur jackets;Fur muffs;Fur stoles;Gabardines;Gabardines [clothing];Gaiter straps;Gaiters;Galoshes;Garments for protecting clothing;Garrison caps;Garter belts;Garters;Gauchos;Gilets;Girdles;Girdles [corsets];Girls' clothing;Gloves;Gloves as clothing;Gloves [clothing];Gloves for apparel;Gloves for cyclists;Gloves including those made of skin, hide or fur;Gloves with conductive fingertips that may be worn while using handheld electronic touch screen devices;Golf caps;Golf clothing, other than gloves;Golf footwear;Golf shirts;Golf shoes;Golf shorts;Golf skirts;Golf trousers;Goloshes;Gowns;Greatcoats;G-strings;Guernseys;Gussets for bathing suits [parts of clothing];Gussets for footlets [parts of clothing];Gussets for leotards [parts of clothing];Gussets for stockings [parts of clothing];Gussets for tights [parts of clothing];Gussets for underwear [parts of clothing];Gussets [parts of clothing];Gym boots;Gym shorts;Gym suits;Gymnastic shoes;Gymshoes;Gymwear;Hairdressing capes;Half-boots;Halloween costumes;Halter tops;Handball shoes;Handwarmers [clothing];Haneri [detachable neckpieces for kimonos];Hat frames [skeletons];**Hats**;Hats (Paper -) [clothing];Head bands;Head scarves;Head sweatbands;Head wear;Headbands;Headbands against sweating;Headbands [clothing];Headbands for clothing;Headdresses [veils];**Headgear**;Headgear for wear;Headscarfs;**Headscarves**;Headshawls;Headsquares;**Headwear**;Heavy coats;Heavy jackets;Heel inserts;Heel pieces for shoes;Heel pieces for stockings;Heel protectors for shoes;Heelpieces for footwear;Heelpieces for stockings;Heels;Hidden heel shoes;High rain clogs (ashida);High-heeled shoes;Hijabs;Hiking boots;Hiking shoes;Hockey shoes;Hooded pullovers;Hooded sweat shirts;Hooded sweatshirts;Hooded tops;Hoodies;Hoods;Hoods [clothing];Horse-riding boots;Horse-riding pants;Hosiery;House coats;Housecoats;Hunting boot bags;Hunting boots;Hunting jackets;Hunting pants;Hunting shirts;Hunting vests;Imitation leather dresses;Infant clothing;Infant wear;Infants' boots;Infants' clothing;**Infants' footwear**;Infants' shoes;Infants' trousers;Infantwear;Inner socks for footwear;Inner soles;Innersocks;Insoles;Insoles for footwear;Insoles for shoes and boots;Insoles [for shoes and boots];Intermediate soles;Jacket liners;Jackets;Jackets being sports clothing;Jackets [clothing];Jackets (Stuff -) [clothing];Japanese footwear of rice straw (waraji);Japanese kimonos;Japanese sleeping robes (nemaki);Japanese sleeping robes [nemaki];Japanese split-toed work footwear (jikatobi);Japanese style clogs and sandals;Japanese style sandals of felt;Japanese style sandals of leather;Japanese style sandals (zori);Japanese style socks (tabi);Japanese style socks (tabi covers);Japanese style wooden clogs (geta);Japanese toe-strap sandals (asaura-zori);Japanese traditional clothing;Jeans;Jerkins;Jerseys;Jerseys

[clothing]; Jockstraps [underwear]; Jodhpurs; Jogging bottoms; Jogging bottoms [clothing]; Jogging outfits; Jogging pants; Jogging sets [clothing]; Jogging shoes; Jogging suits; Jogging tops; Judo suits; Judo uniforms; Jump Suits; Jumper dresses; Jumper suits; Jumpers; Jumpers [pullovers]; Jumpers [sweaters]; Jumpsuits; Kaftans; Karate suits; Karate uniforms; Kendo outfits; Kerchiefs; Kerchiefs [clothing]; Khakis; Khimars; Kilts; Kimonos; Knee highs; Knee warmers [clothing]; Knee-high stockings; Knickerbockers; **Knickers**; Knit jackets; Knit shirts; Knit tops; Knitted baby shoes; Knitted caps; Knitted clothing; Knitted gloves; Knitted tops; **Knitted underwear**; Knitwear; Knitwear [clothing]; Knot caps; Korean outer jackets worn over basic garment [Magoja]; Korean topcoats [Durumagi]; Korean traditional women's waistcoats [Baeja]; Laboratory coats; Lace boots; Ladies' boots; Ladies' clothing; Ladies' dresses; **Ladies' footwear**; **Ladies' outerclothing**; Ladies' sandals; Ladies' suits; **Ladies' underwear**; Ladies wear; Latex clothing; Layettes; Layettes [clothing]; Leather belts [clothing]; Leather clothing; Leather (Clothing of -); Leather (Clothing of imitations of -); Leather coats; Leather dresses; Leather garments; Leather headwear; Leather jackets; Leather pants; Leather shoes; Leather slippers; Leather suits; Leather waistcoats; Leg warmers; Leggings [leg warmers]; Leggings [trousers]; Legwarmers; Leg-warmers; Leisure clothing; Leisure footwear; Leisure shoes; Leisure suits; Leisure wear; Leisurewear; Leotards; Light-reflecting coats; Light-reflecting jackets; Linen (Body -) [garments]; Linen clothing; Lingerie; Linings (Ready-made -) [parts of clothing]; Liveries; Long jackets; Long johns; Long sleeve pullovers; Long sleeved vests; **Long underwear**; Long-sleeved shirts; Lounge pants; Loungewear; Lounging robes; Low wooden clogs (hiyori-geta); Low wooden clogs (koma-geta); Low wooden clogs [koma-geta]; Lumberjackets; Mackintoshes; Maillots; Maillots [hosiery]; Maniples; Mankinis; Mantillas; Mantles; Martial arts uniforms; Masks (Sleep -); Masquerade and halloween costumes; Masquerade costumes; Maternity bands; Maternity clothing; Maternity dresses; Maternity leggings; Maternity lingerie; Maternity pants; Maternity shirts; Maternity shorts; Maternity sleepwear; Maternity smocks; Maternity tops; Maternity underwear; Maternity wear; Men's and women's jackets, coats, trousers, vests; Men's clothing; Men's dress socks; Men's sandals; Men's socks; Men's suits; Men's underwear; Menswear; Metal fittings for Japanese style wooden clogs; Military boots; Millinery; Miniskirts; Miters [hats]; Mitres [hats]; Mittens; Mitts [clothing]; Moccasins; Mock turtleneck shirts; Mock turtleneck sweaters; Mock turtlenecks; Moisture-wicking sports bras; Moisture-wicking sports pants; Moisture-wicking sports shirts; Money belts [clothing]; Monokinis; Morning coats; Motorcycle gloves; Motorcycle jackets; Motorcycle rain suits; Motorcycle riding suits; Motorcyclist boots; Motorcyclists' clothing; Motorcyclists' clothing of leather; Motorists' clothing; Mountaineering boots; Mountaineering shoes; Mufflers; Mufflers as neck scarves; Mufflers [clothing]; Mufflers [neck scarves]; Muffs; Muffs [clothing]; Mukluks; Mules; Muumuus; Nappy pants [clothing]; Neck gaiters; Neck scarfs [mufflers]; Neck scarves; Neck scarves [mufflers]; Neck tube scarves; Neck tubes; Neck warmers; Neckbands; Neckerchiefs; Neckerchieves; Neckties; Neckwear; Negligees; Night gowns; Night shirts; Nightcaps; Nightdresses; Nightgowns; Nighties; Nightshirts; Nightwear; Nipple pasties; Niqabs; Non-slip socks; Non-slipping devices for boots; Non-slipping devices for footwear; Nurse dresses; Nurse overalls; Nurse pants; Nurses' uniforms; Nursing shoes; Oilskins [clothing]; One-piece clothing for infants and toddlers; One-piece playsuits; One-piece suits; Open-necked shirts; Outer clothing; Outer

soles;**Outercl**othing;**Outercl**othing for boys;**Outercl**othing for girls;**Outercl**othing for men;**Outerwear**;Overalls;Overalls for infants and toddlers;**Overcoats**;Overshirts;Overshoes;Overtrousers;Over-trousers;**Padded jackets**;Padded pants for athletic use;Padded shirts for athletic use;Padded shorts for athletic use;Pajama bottoms;Pajamas;Pajamas (Am.);Pantaloons;Pantie-girdles;**Panties**;**Pants**;Pants (Am.);Pantsuits;Panty hose;Pantyhose;Paper aprons;Paper clothing;Paper hats [clothing];Paper hats for use as clothing items;Paper hats for wear by chefs;Paper hats for wear by nurses;Pareos;Pareus;Parkas;Parts of clothing, footwear and headgear;Party hats [clothing];Pea coats;Peaked caps;Peaked headwear;Peaks (Cap -);Pedal pushers;Pedicure sandals;Pedicure slippers;Peignoirs;Pelerines;Pelisses;Petticoats;Petti-pants;Pinafore dresses;Pinafores;Pique shirts;Pirate pants;Plastic aprons;Plastic baby bibs;Plastic slippers;Platform shoes;Play suits;Playsuits [clothing];Pleated skirts;Pleated skirts for formal kimonos (hakama);Plimsolls;Plus fours;Plush clothing;Pocket kerchiefs;Pocket squares;Pocket squares [clothing];Pockets for clothing;Polar fleece jackets;Polo boots;Polo knit tops;Polo neck jumpers;Polo shirts;Polo sweaters;Ponchos;Pop socks;Pram suits;Printed t-shirts;Protective metal members for shoes and boots;Pullovers;Pullstraps for shoes and boots;Pumps [footwear];Puttees;Puttees;Pyjamas;Pyjamas [from tricot only];Quilted jackets [clothing];Quilted vests;Rain boots;Rain coats;Rain hats;Rain jackets;Rain ponchos;Rain shoes;Rain slickers;Rain suits;Rain trousers;Rain wear;**Raincoats**;Rainproof clothing;Rainproof jackets;Rainshoes;Rainwear;Ramie shirts;Rash guards;Ready-made clothing;Ready-made linings [parts of clothing];Ready-to-wear clothing;Referees uniforms;Religious garments;Removable collars;Replica football kits;Reversible jackets;Riding boots;Riding gloves;Riding Gloves;Riding jackets;Riding shoes;Riding trousers;Robes;Robes (Bath -);Roll necks [clothing];Roller shoes;Romper suits;Rompers;Ruanas;Rubber fishing boots;Rubber shoes;Rubber soles for jikatabi;Rubbers [footwear];Rugby boots;Rugby jerseys;Rugby shirts;Rugby shoes;Rugby shorts;Rugby tops;Running shoes;Running Suits;Running vests;Russian felted boots (Valenki);Sabots;Safari jackets;Sailing wet weather clothing;Sailor suits;Salopettes;Sandal-clogs;Sandals;Sandals and beach shoes;Sarees;Saris;Sarongs;Sash bands for kimono (obi);Sashes for wear;Scarfs;Scarves;School uniforms;Scrimmage vests;Sedge hats (suge-gasa);Serapes;Shampoo capes;Shapewear;Shawls;Shawls and headscarves;Shawls and stoles;Shawls [from tricot only];Sheepskin coats;Sheepskin jackets;Shell jackets;Shell suits;Shields (Dress -);Shift dresses;Shirt fronts;Shirt yokes;Shirt-jacs;Shirts;Shirts and slips;Shirts for suits;Shoe covers, other than for medical purposes;Shoe inserts for non-orthopedic purposes;Shoe soles;Shoe soles for repair;Shoe straps;Shoe uppers;**Shoes**;Shoes for casual wear;Shoes for foot volleyball;Shoes for infants;Shoes for leisurewear;Shoes soles for repair;Shoes with hook and pile fastening tapes;Short overcoat for kimono (haori);Short petticoats;Short sets [clothing];Short trousers;Shortalls;Shorts;Shorts [clothing];Short-sleeve shirts;Short-sleeved shirts;Short-sleeved T-shirts;Shoulder scarves;Shoulder straps for clothing;Shoulder wraps;Shoulder wraps [clothing];Shoulder wraps for clothing;Shower caps;Shrugs;Silk clothing;Silk scarves;Silk ties;Singlets;Skating outfits;Ski and snowboard shoes and parts thereof;Ski balaclavas;Ski boot bags;Ski boots;Ski gloves;Ski hats;Ski jackets;Ski pants;Ski suits;Ski suits for competition;Ski trousers;Ski wear;Skiing shoes;Skirt suits;Skirts;Skorts;Skull caps;Slacks;Sleep masks;Sleep pants;Sleep shirts;Sleeping

garments;Sleepsuits;Sleepwear;Sleeved jackets;Sleeveless jackets;Sleeveless jerseys;Sleeveless pullovers;Sliding shorts;Slip-on shoes;Slipovers;Slipovers [clothing];Slipper socks;Slipper soles;Slippers;Slippers made of leather;Slips;Slips [clothing];Slips [underclothing];Slips [undergarments];Small hats;Smocks;Smoking jackets;Snap crotch shirts for infants and toddlers;Sneakers;Sneakers [footwear];Snoods [scarves];Snow boarding suits;Snow boots;Snow pants;Snow suits;Snowboard boots;Snowboard gloves;Snowboard jackets;Snowboard mittens;Snowboard shoes;Snowboard trousers;Snowsuits;Soccer bibs;Soccer boots;Soccer shirts;Soccer shoes;Sock suspenders;Socks;Socks and stockings;Socks for infants and toddlers;Socks for men;Soles for footwear;Soles for japanese style sandals;Soles [Inner];Spats;Spiked running shoes;Sport coats;Sport shirts;Sport shoes;Sport stockings;Sports bibs;Sports [Boots for -];Sports bras;Sports caps;Sports caps and hats;Sports clothing;Sports clothing [other than golf gloves];Sports footwear;Sports garments;Sports headgear [other than helmets];Sports jackets;Sports jerseys;Sports jerseys and breeches for sports;Sports over uniforms;Sports overuniforms;Sports pants;Sports shirts;Sports shirts with short sleeves;Sports shoes;Sports singlets;Sports socks;Sports vests;Sports wear;Sportswear;Stiffeners for boots;Stiffeners for shoes;Stocking suspenders;Stockings;Stockings (Heel pieces for -);Stockings [sweat-absorbent];Stockings (Sweat-absorbent -);Stoles;Stoles (Fur -);Strapless bras;Strapless brassieres;Straps (Gaiter -);Stretch pants;String fasteners for haori (haori-himo);Studs for football boots;Stuff jackets;Stuff jackets [clothing];Suede jackets;Suit coats;Suits;Suits (Bathing -);Suits made of leather;Suits of leather;Sun hats;Sun visors;Sun visors [headwear];Sundresses;Sunsuits;Surf wear;Surfwear;Suspender belts;Suspender belts for men;Suspender belts for women;Suspenders;Suspenders [braces];Swaddling clothes;Sweat bands;Sweat bands for the head;Sweat bands for the wrist;Sweat bottoms;Sweat jackets;Sweat pants;Sweat shirts;Sweat shorts;Sweat suits;Sweat-absorbent socks;Sweat-absorbent stockings;Sweat-absorbent underclothing;Sweat-absorbent underclothing [underwear];Sweat-absorbent underwear;Sweatbands;Sweaters;Sweatjackets;Sweatpants;Sweatshirts;Sweatshorts;Sweatsuits;Swim briefs;Swim caps;Swim shorts;Swim suits;Swim trunks;Swim wear for children;Swim wear for gentlemen and ladies;Swimming caps;Swimming caps [bathing caps];Swimming costumes;Swimming suits;Swimming trunks;Swimsuits;Swimwear;Synthetic fur stoles;Tabards;Taekwondo suits;Taekwondo uniforms;Tail coats;Tailleurs;Tam o'shanters;Tams;Tank tops;Tankinis;Tank-tops;Tap pants;Tap shoes;Tartan kilts;Teddies;Teddies [underclothing];Teddies [undergarments];Tee-shirts;Tennis dresses;Tennis pullovers;Tennis shirts;Tennis shoes;Tennis shorts;Tennis skirts;Tennis socks;Tennis sweatbands;Tennis wear;Theatrical costumes;Thermal clothing;Thermal headgear;Thermal socks;**Thermal underwear**;Thermally insulated clothing;Thobes;Thong sandals;**Thongs**;Three piece suits [clothing];Ties;Ties [clothing];Tightening-up strings for kimonos (datejime);Tights;Tips for footwear;Toe boxes;Toe socks;Toe straps for Japanese style sandals [zori];Toe straps for Japanese style wooden clogs;Toe straps for zori [Japanese style sandals];Togas;Tongues for shoes and boots;Top coats;Top hats;Topcoats;Tops;Tops [clothing];Toques [hats];Track and field shoes;Track jackets;Track pants;Track suits;Tracksuit bottoms;Tracksuit tops;Tracksuits;Traction attachments for footwear;Trainers;Trainers [footwear];Training shoes;Training suits;Trekking boots;Trench coats;Trenchcoats;Trews;Triathlon clothing;Trousers

socks;Trousler straps;Trousers;Trousers for children;Trousers for sweating;Trousers of leather;Trousers shorts;Trunks;Trunks (Bathing -);Trunks being clothing;**Trunks [underwear]**;T-shirts;Tube tops;Tunics;Turbans;Turtleneck pullovers;Turtleneck shirts;Turtleneck sweaters;Turtleneck tops;Turtlenecks;Tutus;Tuxedo belts;Tuxedos;Twin sets;Umpires uniforms;Under garments;Under shirts;Underarm gussets [parts of clothing];**Underclothes**;Underclothing;Underclothing (Anti-sweat -);Underclothing for women;**Undergarments**;**Underpants**;Underpants for babies;Undershirts;Undershirts for kimonos (juban);Undershirts for kimonos (koshimaki);Undershirts for kimonos [koshimaki];Underskirts;**Underwear**;**Underwear (Anti-sweat -)**;**Underwear for women**;Uniforms;Uniforms for commercial use;Uniforms for nurses;Union suits;Unitards;Uppers (Footwear -);Uppers for Japanese style sandals;Uppers of woven rattan for Japanese style sandals;Ushankas [fur hats];Valenki [felted boots];Veils;Veils [clothing];Vest tops;Vests;Vests (Fishing -);Vests for use in barber shops and salons;Visors;Visors being headwear;Visors [clothing];Visors [hatmaking];Visors [headwear];V-neck sweaters;Volleyball jerseys;Volleyball shoes;Waders;Waist belts;Waist cinchers;Waist strings for kimonos (koshihimo);Waistbands;Waistcoats;Waistcoats [vests];Walking boots;Walking breeches;Walking shoes;Walking shorts;Warm up suits;Warm-up jackets;Warm-up pants;Warm-up suits;Warm-up tops;Water socks;Waterpolo caps;Waterproof boots;Waterproof boots for fishing;Waterproof capes;Waterproof clothing;Waterproof jackets;Waterproof outerclothing;Waterproof pants;Waterproof shoes;Waterproof suits for motorcyclists;Waterproof trousers;Water-resistant clothing;Waterskiing suits;Weather resistant outer clothing;Weatherproof clothing;Weatherproof jackets;Weatherproof pants;Wedding dresses;Wedding gowns;Wedge sneakers;Wellington boots;Wellingtons;Welts for footwear;Wet suits;Wet suits for surfing;Wet suits for water-skiing;Wet suits for water-skiing and sub-aqua;Wet suits for windsurfing;Wetsuit gloves;Wetsuits;Wetsuits for surface watersports;Wetsuits for surfing;Wetsuits for water-skiing;White coats for hospital use;Wimples;Wind coats;Wind jackets;Wind pants;Wind resistant jackets;Wind suits;Wind vests;Windcheaters;Wind-jackets;Windproof clothing;Windproof jackets;Wind-resistant jackets;Wind-resistant vests;Windshirts;Winter boots;Winter coats;Winter gloves;Women's ceremonial dresses;Women's clothing;Women's foldable slippers;**Womens' outerclothing**;Women's shoes;Women's suits;Womens' underclothing;Womens' undergarments;Women's underwear;Wooden bodies for Japanese style clogs;Wooden main bodies of Japanese style wooden clogs;Wooden shoes;Wooden shoes [footwear];Wooden supports of Japanese style wooden clogs;Woolen clothing;Woollen socks;Woollen tights;Woolly hats;Work boots;Work clothes;Work overalls;Work shoes;Working overalls;Woven clothing;Woven shirts;Wrap belts for kimonos (datemaki);Wraps [clothing];Wrist bands;Wrist warmers;Wristbands;Wristbands [clothing];Yashmaghs;Yashmaks;Yoga bottoms;Yoga pants;Yoga shirts;Yoga shoes;Yoga socks;Yoga tops;Yokes (Shirt -);Zoot suits;Zori.

Annex 3

Extract from the Opponent's submissions:

Comparison of the Goods

4. There is an overlap between the following goods appearing in the Opponent's specification and the Applicant's specification:

Opponent's specification	Applicant's specification
<p>See Annex 1 full list of goods covered in class 25</p> <p>In particular, the following goods are similar to those covered by the Application: - Footwear; Footwear for men; Footwear for men and women; Footwear for women, Casual footwear; Childrens' footwear; Infants footwear; Ladies footwear ; Boots; Shoes etcHeadwear; Caps being headwear; Caps (headwear); Childrens' headwear; Hats; headgear, headscarves etc Underwear; Underwear - Antisweat, Underwear for women; Childrens' wear; Childrens' clothing; Knickers; Knitted underwear ; Ladies underwear; long underwear; Panties; Pants; Thermal underwear, Thongs, Trunks (underwear); Undergarments; Underclothes; Underpants etc Outerwear, Outercloting; Children's outercloting; Outercloting for boys; Outercloting for girls; Outercloting for men, Anoraks; Ladies outercloting; Overcoats; Padded jackets:Clothing for men, women and children; Raincoats; Womens outercloting eOuterwear, Outercloting; Children's outercloting; Outercloting for boys; Outercloting for girls; Outercloting for men, Anoraks; Ladies outercloting; Overcoats; Padded jackets:Clothing for men, women and children; Raincoats; Womens outercloting etc</p>	<p>Class 25</p> <p>Footwear for men women and children;</p> <p>Headwear for men, women and children</p> <p>Underwear for men, women and children</p> <p>Outerwear for men, women and children</p> <p>Class 18 - bags</p>