

O/0035/26

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. WO0000001743939
IN THE NAME OF HARTONO GUNAWAN
TO REGISTER THE FOLLOWING TRADE MARK:

GLOFLEUR

IN CLASS 3

AND

IN THE MATTER OF OPPOSITION THERETO UNDER
NO. OP000444250
BY FLOWER BOY TRADEMARKS, LLC

BACKGROUND AND PLEADINGS

1. International trade mark 1743939 (“the holder’s mark”) consists of the sign shown on the cover page of this decision. The holder is Hartono Gunawan. The holder’s mark is registered with effect from 12 July 2023 and with effect from the same date, the Holder designated the UK as a territory in which it seeks to protect the IR under the terms of the Protocol to the Madrid Agreement. The holder’s mark was accepted and published in the Trade Marks Journal for opposition purposes on 25 August 2023. The holder seeks protection of the holder’s mark in relation to goods and services in class 3 as set out in **Annex 1** of this decision.

2. The holder’s mark enjoys a priority date of 29 June 2023, which stems from an earlier Australian trade mark owned by the holder, being that under number 2368059. This date is the relevant date for these proceedings.

3. On 21 November 2023, the holder’s mark was opposed by Flower Boy Trademarks, LLC (“the opponent”). The opposition is based upon section 5(2)(b) of the Trade Marks Act 1994 (“the Act”) and the opposition is directed at the application in its entirety. The opponent relies upon the mark detailed below:

GOLF LE FLEUR

UK Registration no. UK00801451250

Filing date: 26 October 2018

Date of entry in register: 26 July 2019

Priority date: 30 April 2018

Priority country: USA from trade mark 87901139

Relying upon some of its goods and services, namely:

Class 3: Fragrances; cologne; perfume; cosmetics; body lotion; nail care preparation and nail polish.

Class 4: Candles and scented candles.

Class 35: retail store and online retail store services relating to fragrances, cologne, perfume, cosmetics, products and preparations for the care, conditioning and for enhancing the appearance of the body, skin, hair, mouth, teeth, eyes, and nails, personal

care products, perfumed soap, scented body lotions and creams, nail care preparations and nail polish, body lotion, nail care preparation and nail polish, candles, scented candles.

4. Under Article 54 of the Withdrawal Agreement between the UK and the EU, the UK IPO created comparable UK trade marks for all right holders with an existing registered EUTM or International Registration designating the EU. As a result, the opponent's earlier mark was converted into a comparable UK trade mark. Comparable UK marks are now recorded in the UK trade mark register, have the same legal status as if they had been applied for and registered under UK law, and the original filing dates remain the same.¹

5. By virtue of its earlier filing date of 26 October 2018, the above mark constitutes an earlier mark in accordance with section 6 of the Act. As the opponent's mark completed its registration process in less than five years prior to the date the holder's mark was filed, this mark is not subject to proof of use in accordance with section 6A of the Act.

6. The opponent submits that the similarity between the marks and the *"identities and similarities between the goods and services combine to create a likelihood of confusion."*²

7. The holder filed a counterstatement in which it denied the claims made. The holder recognised the similarity between the 'FLEUR' elements in the marks, but states that this should not inherently imply similarity and a likelihood of confusion. In relation to the comparison of the goods, the holder submits that there *"may be some overlap in the classes covered by the respective trademarks, specifically in class 3."*

8. Both parties filed evidence in chief. The opponent did not file evidence in reply. Only the opponent filed submissions in lieu. Neither party requested a hearing. This decision is taken following a careful consideration of the papers.

9. The holder Hartono Gunawan, represents himself; the opponent is represented by Beck Greener LLP.

10. The provisions of the Act relied upon in these proceedings are assimilated law, as they are derived from EU law. Although the UK has left the EU, section 6(3)(a) of the European

¹ See also Tribunal Practice Notice ("TPN") 2/2020 End of Transition Period – impact on tribunal proceedings.

²Form TM7

Union (Withdrawal) Act 2018 (as amended by Schedule 2 of the Retained EU Law (Revocation and Reform) Act 2023) requires tribunals applying assimilated law to follow assimilated EU case law. That is why this decision refers to decisions of the EU courts which predate the UK's withdrawal from the EU.

EVIDENCE

11. The opponent filed evidence in the form of the witness statement of Tyler Okonma dated 5 August 2024, which is accompanied by 7 exhibits being TO1-7. Mr Okonma is the owner of the opponent.

12. The holder filed evidence in the form of the witness statement of Mr Gunawan dated 3 February 2025, which is accompanied by 6 exhibits. Mr Gunawan is the holder of the trade mark.

13. I do not intend to summarise the evidence any further at this stage. However, I have taken it all into consideration in reaching my decision and will refer to it below, where necessary.

PRELIMINARY ISSUE

14. In his evidence, Mr Gunawan referred to two trade marks that are registered; one being the opponent's mark and a registered mark containing the text 'GLOWFLEUR' in class 3.³ Mr Gunawan has not explained the relevance of this evidence; however, I do not consider the existence of a third party's trade mark to be relevant to the findings that I am required to make.

DECISION

Section 5(2)

15. The opposition is based upon Sections 5(2)(b) of the Act, which read as follows:

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

(a) ...

³ Exhibit 3

- (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.”

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

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

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

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

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

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

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

(g) a lesser degree of similarity between the goods or services may be offset by a great degree of similarity between the marks, and vice versa; Page 8 of 20

(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

17. A full list of the holder's goods can be found in **Annex 1** of this decision, as previously mentioned. However, I will go through them all term by term in the comparison below. The opponent's goods and services for the purposes of this comparison are:

Class 3: Fragrances; cologne; perfume; cosmetics; personal care products; body lotion; nail care preparation and nail polish.

Class 4: Candles and scented candles.

Class 35: retail store and online retail store services relating to fragrances, cologne, perfume, cosmetics, products and preparation for the care, conditioning and for enhancing the appearance of the body, skin, hair, mouth, teeth, eyes, and nails, personal care products, perfumed soap, scented body lotions and creams, nail care preparations and nail polish, body lotion, nail care preparation and nail polish, candles, scented candles.

18. In *Gérard Meric v OHIM*, Case T-133/05, the General Court ("GC") stated that:

“In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 *Institut für Lernsysteme v OHIM - Educational Services (ELS)* [2002] ECR II-4301, paragraph 53) or where the goods designated by the trade mark application are included in a more general category designated by the earlier mark.”

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

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

20. Guidance on this issue has come from Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, where he identified the factors for assessing similarity as:

- a. The respective uses of the respective goods or services;
- b. The respective users of the respective goods or services;
- c. The physical nature of the goods or acts of service;
- d. The respective trade channels through which the goods or services reach the market;
- e. In the case of self-serve consumer items, where in practice they are respectively found or likely to be found in supermarkets and, in particular, whether they are or are likely to be found on the same or different shelves;
- f. The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance,

whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.

21. In *Kurt Hesse v OHIM*, Case C-50/15 P, the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v OHIM*, Case T-325/06, the GC stated that “complementary” means:

“82. ...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.”

22. I note that the holder submits that its trade mark “*is used in a unique market segment that does not overlap with the opponent’s use case.*”⁴ It also provided evidence of the holder’s mark used in commerce.⁵ The holder’s use of the mark is irrelevant because I must conduct my comparison of the goods at issue based on the specification for which the holder’s mark is registered and not based on its use in the market. In the circumstances, I remind myself of the case of *O2 Holdings Limited, O2 (UK) Limited v Hutchison 3G UK Limited*,⁶ where the CJEU stated that when assessing the likelihood of confusion in the context of registering a new mark it is necessary to consider all the circumstances in which the mark applied for might be used if it were registered. Consequently, I must include consideration of the likelihood of confusion if both parties (and their successors in title to the marks) decide to target the same segment of the market. Therefore, any instance where the parties are currently targeting different segments of the market is irrelevant where the goods at issue are fundamentally the same or similar.

23. The term “*cosmetics*” appears in both parties’ specifications and accordingly is self-evidently identical.

24. It is my understanding that “*cosmetics*,” in the opponent’s specification, can be understood to be substances that are placed on the face or body that are intended to improve the individual’s appearance. I consider that this is a broad term that can encapsulate many terms in the holder’s specification. Accordingly, I consider the following terms in the holder’s specification to be identical on the principle outlined in *Meric*:

⁴ Witness statement of Hartono Gunawan

⁵ Exhibit 2

⁶ Case C-533/06, [2008] ECR I-4231.

Almond lotion for cosmetic purposes; almond lotion for cosmetic use; aloe vera preparations for cosmetic purposes; anti-sun preparations (cosmetics); body creams (cosmetics); body paint (cosmetic); body paint for cosmetic purposes; chemical products for bleaching (cosmetic use); cleaning oils for cosmetic purposes; collagen preparations for cosmetic purposes; colour cosmetics for the eyes; colour cosmetics for the skin; bath tea for cosmetic purposes; bleaching preparations (decolourants) for cosmetic purposes; colouring agents for cosmetic purposes; colouring preparations for cosmetic purposes; cooling sprays for cosmetic purposes; cosmetic acne cleansers; cosmetic acne creams; cosmetic bath products; cosmetic creams; cosmetic creams for firming the skin; cosmetic creams for toning the skin; cosmetic creams for wrinkles; cosmetic dyes; cosmetic dyestuffs; cosmetic eye gels; cosmetic eye pencils; cosmetic face powders; cosmetic goods for care of the skin; cosmetic masks; cosmetic milks; cosmetic moisturisers; cosmetic oils; cosmetic pencils; cosmetic powder; cosmetic preparations; cosmetic preparations adapted for sun-tanning; cosmetic preparations for baths; cosmetic preparations for cleansing the mouth; cosmetic preparations for cleansing the skin; cosmetic preparations for cleansing the teeth; cosmetic preparations for eyelashes; cosmetic preparations for skin care; cosmetic preparations for skin tanning; cosmetic preparations for slimming purposes; cosmetic preparations for tanning the skin; cosmetic preparations for use in giving a sun-tan effect; cosmetic preparations for use in suntanning; cosmetic preparations for use in the bath; cosmetic preparations for use on the body; cosmetic preparations for use on the face; cosmetic preparations for use on the skin; cosmetic products for eyebrows; cosmetic products for eyelashes; cosmetic products for protection against the sun; cosmetic products for skin care; cosmetic skin care products; cosmetic soaps; cosmetics containing plant extracts, other than for pharmaceutical purposes; cosmetic stamps, filled; cosmetics for bronzing the skin; cosmetics for children; cosmetics for eyebrows; cosmetics for eyelashes; cosmetics for personal use; cosmetics for protecting the skin from sunburn; cosmetics for skin tanning; cosmetics for suntanning; cosmetics for the treatment of dry skin; cosmetics for use on the hair; cosmetics for use on the skin; cosmetics in the form of creams; cosmetics in the form of eye shadow; cosmetics in the form of gels; cosmetics in the form of mascara; cosmetics in the form of milks; cosmetics in the form of non-medicated lotions; cosmetics in the form of oils; cosmetics in the form of powders; cosmetics in the form of rouge; cosmetics preparations; cosmetics to remove pigmentation marks; dermatological cosmetic preparations; dyes for cosmetic use; eye lotions for cosmetic use; eye masks (cosmetic); eye moisturisers for cosmetic use; eye

pads for cosmetic use; eyebrow cosmetics; facial care products (cosmetic); facial creams (cosmetic); facial masks (cosmetic); facial moisturisers (cosmetic); facial packs (cosmetic); facial packs for cosmetic purposes; facial preparations (cosmetic); facial scrubs (cosmetic); facial toners (cosmetic); facial washes (cosmetic); facial wipes impregnated with cosmetics; gel eye patches for cosmetic purposes; glitter for cosmetic purposes; gloves impregnated with cosmetic moisturising cream; greases for cosmetic purposes; hair cosmetics; henna (cosmetic dye); impregnated pads containing cosmetic preparations; liners (cosmetics) for the eyes; liquid latex body paint for cosmetic purposes; lotions for cosmetic purposes; make-up palettes containing cosmetics; masks for the face (cosmetic); mineral oils (cosmetic); mineral water sprays for cosmetic purposes; moisturisers (cosmetics); moisturising body lotion (cosmetic); moisturising creams (cosmetic); moisturising gels (cosmetic); moisturising lotions (cosmetic); moisturising preparations (cosmetic); moisturising skin creams (cosmetic); moisturising skin lotions (cosmetic); non-medicated cosmetic preparations; non-medicated cosmetics; non-medicated facial lotions (cosmetic); non-medicated skin care lotions (cosmetic); nourishing creams (non-medicated cosmetics); oil for cosmetic use; oils for cosmetic purposes; oils for the body (cosmetics); oils for the breasts (cosmetics); oils for the skin (cosmetics); ointments for cosmetic use; pencils for cosmetic use; petroleum jelly for cosmetic purposes; pomades for cosmetic purposes; powders for cosmetic purposes; powders for the face (cosmetic); preparations for the skin (cosmetic); rouge (cosmetic); self tanning creams (cosmetic); self tanning lotions (cosmetic); self tanning mists (cosmetic); self tanning preparations (cosmetic); serum (cosmetic preparations); serums for cosmetic purposes; sheet masks for cosmetic purposes; skin balms (cosmetic); skin care creams (cosmetic); skin care oils (cosmetic); skin care preparations (cosmetic); skin care products (cosmetic); skin cleaners (cosmetic); skin cleansing cream (cosmetic); skin cleansing preparations (cosmetic); skin creams (cosmetic); skin discomfort cream (cosmetic); skin hydrators for cosmetic purposes; skin jewels (for cosmetic use) (other than jewellery); skin lightening compositions (cosmetic); skincare cosmetics; skincare preparations (cosmetic); slimming aids (cosmetic), other than for medical use; slimming preparations (cosmetic), other than for medical use; slimming products (cosmetic), other than for medical use; socks impregnated with cosmetic moisturising cream; sprays for use on the body (cosmetics); sun barriers (cosmetics); sun blocking cream (cosmetics); sun blocking gel (cosmetics); sun blocking lipsticks (cosmetics); sun blocking lotions (cosmetics); sun blocking oils (cosmetics); sun blocking preparations (cosmetics); sun creams (cosmetics); sun gel (cosmetics); sun lotions (cosmetics); sun milk (cosmetics); sun protecting creams (cosmetics); sun protection oils (cosmetics);

sun protection products (cosmetics); sun protectors for lips (cosmetics); sun screen preparations (cosmetics); sun screening preparations (cosmetics); sun skin care products (cosmetics); sun-tanning preparations (cosmetics); suntan lotion (cosmetics); suntan milk (cosmetics); suntan oils (cosmetics); suntan preparations (cosmetics); tan lotions (cosmetic); tanning compositions (cosmetics); tanning creams (cosmetics); tanning oils (cosmetics); tanning preparations (cosmetics); tints (cosmetics); toners for cosmetic purposes; tonics (cosmetic); tonics (cosmetic) based on plant extracts; toning creams (cosmetic); almond milk for cosmetic purposes; milks (cosmetics); night creams (cosmetics); basma [cosmetic dye]; water for cosmetic use; toy cosmetics (usable).

Cosmetics for animals

25. Although I note that the opponent's specification contains the broad term of "cosmetics", I do not consider that, on the ordinary reading of these terms, they would be taken to include goods intended for use on anything other than the human body. Consequently, in my view, it is unlikely that they would be identical to such goods intended for use on animals. However, there will still be an overlap in purpose. The application of the products to the body, face or hair will be the same, albeit for one good it will be on animals and the other on humans. The user is likely to overlap as both will be purchased by members of the public. Nevertheless, I do not find it likely that there will be any meaningful overlap in trade channels as they will be found in different retail stores or located in different departments. I do not consider that there is any complementarity between the goods nor is there any competition. Accordingly, I find the term in the holder's specification to be similar to a low degree to "cosmetics" in the opponent's specification.

Astringents for cosmetic purposes

26. It is my understanding that the holder's goods are something that would be applied to the skin to reduce oil build up. In my view, this will fall within the broader category of "cosmetics" in the opponent's specification. Therefore, I consider these goods to be identical on the principle outlined in *Meric*.

Adhesives for cosmetic purposes

27. In my view, the term "cosmetics" that appears in the opponent's specification can include the term above. Consequently, I consider the goods to be identical on the principle

outlined in *Meric*. However, if I am wrong in this finding, then the goods will still overlap in the user, purpose, method of use and trade channels. Subsequently, I would perceive the goods to be similar to at least a medium degree. Applying the same reasoning above, I also find the term “*decorative transfers for cosmetic purposes*” and “*temporary tattoos (decorative transfers for cosmetic purposes)*” to be either *Meric* identical or similar to at least a medium degree.

Pumice stones for cosmetic purposes

28. These goods in the holder’s specification are items that are used to remove hard skin, usually from the feet. I consider that these goods will overlap in purpose and trade channels with “*body lotion*” in the opponent’s specification as both can be intended to reduce hard skin and soften the feet. They may also be sold through the same trade channels and appear next to each other in aisles in general retailers. There will be a difference in nature and method of use. The users will overlap. Taking all of this into account, I consider the goods to be similar to at least a medium degree.

Paper face towels impregnated with a cosmetic preparation; paper hand towels impregnated with cosmetics; paper tissues impregnated with cosmetic preparations; paper towels impregnated with cosmetic preparations; paper wipes impregnated with cosmetic preparations; textile pads impregnated with cosmetics; tissues impregnated with cosmetic lotions; tissues impregnated with cosmetics; impregnated cloths for cosmetic use; wipes (tissues) impregnated with cosmetic lotions; wipes for toilet use impregnated with cosmetic preparations; toilet napkins of cellulose impregnated with cosmetics; toilet napkins of cellulose wadding impregnated with cosmetics; toilet napkins of paper impregnated with cosmetics.

29. All of these goods are wipes impregnated with cosmetics, whilst some of the goods may be toilet napkins and face towels, they are all the same but I do recognise that they will be used on different parts of the body. I consider that these goods in the holder’s specification are similar to “*cosmetics*” in the opponent’s specification. In my view, the average consumer will expect the paper towels, tissues, pads and cloths to contain some substance that has a beneficial effect on the user’s appearance, such as a moisturiser or cleanser. It is not uncommon for the holder’s goods and cosmetics to be produced by the same undertaking. They are, to my mind, complementary. In addition, the users will be the same and the goods are likely to be sold close together, particularly in supermarkets. Their physical nature is different, with the holder’s goods being made of paper, textile pads and cloths and the

opponent's goods consisting of creams, liquids, powders and gels. Consequently, I find the goods to be similar to at least a medium degree.

Essential oils for cosmetic purposes; essential oils for use in cosmetics; natural oils for cosmetic purposes.

30. Essential oils are liquid compounds which have a number of uses; in this case, it is cosmetic uses. Given that the opponent's term "*cosmetics*" also covers skin oils, there is an overlap in nature. Broadly speaking, there is also an overlap in the intended purpose of the respective goods to the extent that they can both be used for cosmetic reasons. As the respective goods may both be applied to the skin, there is also an overlap in the method of use, and they also share users. Whilst the goods at issue are both sold in retail establishments, they are not typically found in close proximity to one another. In addition, they are unlikely to be produced by the same undertakings. There is no material competition between the respective goods. Further, as they are neither important nor indispensable to one another, they are not complementary. In light of all of this, I find that the respective goods are similar to between a low and medium degree. Applying the reasoning above, I consider that "*Herbal extracts for cosmetic purposes*" which are ingredients that are used in the creation of cosmetics, and therefore a component in the creation of cosmetics, is also similar to between a low and medium degree.

Preparations for removing cosmetics

31. I find these goods to be similar to "*cosmetics*" in the opponent's specification. This is because on one hand cosmetics include preparations for enhancing the appearance and on the other hand the holder's goods remove liquids, powders or creams from the skin. Therefore, I consider there to be a complementary relationship between these goods at issue. In addition, these goods will usually coincide in producer, relevant public and distribution channels. Therefore, I find the goods to be similar to a medium degree.

Hydrogen peroxide for cosmetic purposes

32. It is my understanding that hydrogen peroxide is used in cosmetics for bleaching and whitening purposes such as hair care bleaching products and in creams and lotions that lighten the skin. It is also used to disinfect cosmetic tools such as make up brushes. So, it can be used as a component in cosmetics or to effectively disinfect tools and ensure hygiene in products used to apply cosmetics. I consider that these goods are similar to the term "*cosmetics*" in the opponent's specification. As mentioned previously opponent's "*cosmetics*" come in various forms, which I consider will overlap with the goods, therefore, I consider that

these goods will share the same nature. Given the use of the goods, I consider that they will share the same end users and there may be an overlap in the providers of the goods. I am also of the view that they may overlap in end purpose, as the purpose of cosmetics at large is to improve the appearance of the skin, and the purpose of hydrogen peroxide can be to improve the appearance of the skin/hair and reduce pigmentation in relation to the skin. I do consider that the goods may share the same distribution channels. It is not my view that the goods are in competition or complementary. Taking all of the above into consideration, I find the marks to be similar to a medium degree.

Massage candles for cosmetic purposes

33. I compared these goods to the closest clash that I was able to identify in the opponent's specification being, "cosmetics." I consider that these goods may coincide in the provider, users and trade channels. The goods do not share the same nature or purpose. In addition, the goods are not in competition nor are they complementary. Therefore, I find the goods to be similar to a low degree.

34. The term "nail care preparation and nail polish" that appears in the opponent's specification is a broad term that can encapsulate many terms in the holder's specification. Accordingly, I consider the following terms to be identical on the principle outlined in *Meric*:

Nail base coat (cosmetics); nail enamel (cosmetics); nail enamel remover (cosmetics); nail gloss (cosmetics); nail hardeners (cosmetics); nail polish removers (cosmetics); nail preparations (cosmetics); nail revitalising lotions (cosmetics); nail strengthening preparations (cosmetics); nail tips (cosmetics); nail treatment creams (cosmetics); nail treatment gels (cosmetics); nail treatment lotions (non-medicated cosmetics); nail varnish remover (cosmetics); nail varnish removing preparations (cosmetics); cosmetics in the form of nail polish; cosmetic preparations for application to the nails; nail base coat (cosmetics); nail enamel (cosmetics); nail enamel remover (cosmetics); nail gloss (cosmetics); nail hardeners (cosmetics); nail polish removers (cosmetics); nail preparations (cosmetics); nail revitalising lotions (cosmetics); nail strengthening preparations (cosmetics); nail tips (cosmetics); nail treatment creams (cosmetics); nail treatment gels (cosmetics); nail treatment lotions (non-medicated cosmetics); nail varnish remover (cosmetics); nail varnish removing preparations (cosmetics); preparations for the nails (cosmetic); varnishes (cosmetics).

35. I note that many of the terms in the holder's specification contain the word cosmetics. However, just because the terms below contain the word cosmetics does not mean that they are cosmetics. It is my understanding that personal care products are items that are used to maintain personal hygiene and grooming. I consider that the terms are all products for personal care as they are all made for gentle cleaning and precise touch-ups, making them essential for daily personal care routines. With that in mind, it is my view that these goods are encompassed by the term "*personal care products*" that appears in the opponent's specification and therefore, identical on the principle outlined in *Meric*. However, even if I am mistaken, it is my view that the terms are similar. I consider the terms to be at least similar to a medium degree to the opponent's goods, because although they have a different nature, they have the same purpose i.e. beautification/personal care, are sold through the same trade channels and are complementary. I make that finding in relation to the following goods:

Cotton balls for cosmetic use; cotton buds for cosmetic use; cotton for cosmetic purposes; cotton pads for cosmetic use; cotton sticks for cosmetic purposes; cotton swabs for cosmetic purposes; cotton tipped sticks for cosmetic purposes; cotton wool balls for cosmetic use; cotton wool buds for cosmetic use; cotton wool for cosmetic purposes; cotton wool in the form of balls for cosmetic use; cotton wool in the form of buds for cosmetic use; cotton wool in the form of pads for cosmetic use; cotton wool in the form of rolls for cosmetic use; cotton wool in the form of sticks for cosmetic use; cotton wool in the form of wipes for cosmetic use; cotton wool swabs for cosmetic use; cotton wool tips for cosmetic purposes; cellulose wadding for cosmetic purposes; cellulose wipes for cosmetic purposes; cellulose wool for cosmetic use; cosmetic cotton wool.

Nibs for pens for cosmetic use

36. In the absence of any evidence or submissions to explain what this is, I consider that this refers to nibs used in pens such as a touch up pen or the like. Whilst I recognise that these goods are items that are used in pens used for cosmetic use, such as eyeliners, I consider that rather than being cosmetics themselves, they are a component that is used in cosmetics. Whilst I recognise that the holder's goods are materials that can be used in the production of cosmetics, I bear in mind 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 goods containing those components are similar.*"⁷ I do not consider that there is an overlap in purpose, method of use or trade channels. Nor do I consider them to be complementary nor in competition with the

⁷ *El du Pont de Nemours and Company v OHIM*, T-288/12, paragraph 43

opponent's goods. This leaves only an overlap in user, which I consider to be too broad on the basis that the user base for the holder's goods is so wide that it inevitably covers the opponent's goods. In my view, these goods are dissimilar.

37. As some degree of similarity between the goods is necessary to engage the test for a likelihood of confusion, my findings above mean that the invalidation aimed against those goods I have found to be dissimilar will fail.⁸ For ease of reference, the opposition fails against the following goods in the holder's specification:

Class 3: nibs for pens for cosmetic use.

AVERAGE CONSUMER AND THE PURCHASING ACT

38. It is necessary for me to determine who the average consumer is for the goods in question; I must then determine the manner in which the goods are likely to be selected by the average consumer in the course of trade.

39. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purpose of assessing the likelihood of confusion it must be borne in mind that the average consumer's level of attention is likely to vary according to the category of goods and services in question: *Lloyd Schuhfabrik Meyer, Case C-342/97*. In *Hearst Holdings Inc, Fleischer Studios Inc v A. V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch), Birss J. described the average consumer in these terms:

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

40. The average consumer of the goods will primarily comprise members of the general public. The goods themselves are all items that may be purchased fairly frequently, often at a relatively low cost. Whilst I note that some items will sit at a higher price point, for example,

⁸ *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA

where they are made from particularly expensive or sought after ingredients, this does not raise the level of attention paid in respect of the category of the goods as a whole. I note some consumers will pay a higher-than-average level of attention to the goods on the basis of having particular skin conditions or allergies; however, for the most part the consumer will have no reason to pay a particularly high level of attention. Nevertheless, the consumer will likely consider factors such as fragrance, colour, durability and suitability for their requirements and skin type, and possibly the type of ingredients used and the ethical practices of the company responsible. Overall, I find the level of attention paid in respect of the goods to be medium.

41. I note the goods may also be purchased by professionals in the field of beauty or dermatology. I find that the degree of attention paid by professional consumers will be higher than that of the general public due to the increased liability of purchasing these goods to use on others in a professional capacity. I find the level of attention paid to the goods by these professionals will likely be above medium (but not the highest), as the choice of goods may directly impact their ability to do their job, their reputation and ultimately their business.

42. The purchasing process in respect of most of the goods will be primarily visual, and the goods are likely to be purchased from online or physical retail stores or pharmacies. However, I also note the goods may be recommended by beauticians, dermatologists, or peers, and that verbal assistance may be sought from retail staff. As such, I cannot disregard the aural comparison.

COMPARISON OF THE MARKS

43. The respective trade marks are shown below:

| Opponent's trade mark | Holder's mark |
|-----------------------|---------------|
| GOLF LE FLEUR | GLOFLEUR |

44. The opponent's mark is a word-only mark of the text 'GOLF LE FLEUR'. The mark is presented in capital letters in a standard black typeface, with no other elements to contribute to the overall impression. The overall impression of this mark rests in the words themselves.

45. The holder's mark is a word-only mark of the text 'GLOFLEUR'. The mark is presented in capital letters in a standard black typeface, with no other elements to contribute to the overall impression. The overall impression of this mark rests in the word itself. The holder provided evidence of its mark used on product packaging and branding in the marketplace to demonstrate that its mark is visually distinct.⁹ The mark presented appears in colour and is stylised; whilst this is noted, it does not assist the holder to distinguish between the marks. I say this because, as word-only marks, both parties' marks are capable of being used in any form, in any colour or type font.¹⁰ This includes the typeface and colour shown by the holder in its evidence. Additionally, fair use of a word mark covers its use in either upper case, lower case or any customary combination of the two.

46. Visually, the marks share the letters 'G-L-FLEUR'. However, they differ in the beginning of the opponent's mark with the presence of the word 'GOLF', the opponent's mark being composed of three separate words, and the holder's mark being only one word and the presence/absence of the letter 'E' and 'O' respectively, which lie after the letter 'L'. Taking the above into account, I consider the marks to be visually similar to a medium degree.

47. The opponent submits that phonetically, the marks are remarkably close on the basis that the opponent's mark when "*pronounced quickly might well be slurred and heard as GLOFLEUR and likewise GLOFLEUR could be heard as GLOFF-F'LEUR, which is nearly identical to GOLF LE FLEUR.*"¹¹ Contrary to the opponent's submissions, in my view, the opponent's mark will be pronounced as GUHOLF LUH FLUR, and the holder's mark will be pronounced as GLOE-FLUR. Whilst the marks will share the pronunciation of 'FLUR' at the end of each of the marks, every other aspect of the pronunciation of the marks will differ. In addition, I note that the opponent's mark consists of three syllables and the applicant's mark consists of two. Overall, I consider the marks to be aurally similar to a low degree.

48. For a conceptual message to be relevant, it must be capable of immediate grasp by the average consumer - *Case C-361/04 P Ruiz-Picasso and others v OHIM* [2006].¹²

49. Conceptually, the opponent submits that although the holder's mark does not contain the word 'GOLF', it does have the text 'GLOF' which can be misrecalled as 'GOLF' and

⁹ Exhibit 4

¹⁰ *LA Superquímica v EUIPO*, Case T-24/17, at paragraph [39]

¹¹ Opponent's submissions in lieu, paragraph 14

¹² Paragraph 56

viewed as a “typo.” In addition, it submits that both marks will be “perceived as FLEUR.”¹³ It is unclear to me what the opponent is suggesting that the shared concept of ‘FLEUR’, is as it has not elaborated any further on that point.

50. In the opponent’s mark ‘GOLF LE FLEUR’, the word ‘Golf’ that appears in the opponent’s mark will be understood as having the meaning of referring to the outdoor sport where players use a club to try to hit a ball into a series of small holes. I consider that there are members of the population with an understanding of the French language who identify “LE FLEUR” as meaning the flower. However, even for those consumers who do not speak French, I consider that the average consumer may identify the word ‘FLEUR’ as a female name of French origin. I do also recognise that there is a significant proportion of consumers who may see ‘le fleur’ as the French language but understand it neither as ‘ the flower’ nor a name. In any event, it is not my view that this will be viewed as an invented element of the mark, with the collective concepts of either golf or ‘the flower’ (which is an odd concept) or golf associated with a person called Fleur.

51. Whilst I am conscious that even though the average consumer does not artificially dissect marks, it is my view that they will see the word ‘GLOFLEUR’ as an invented word, and they may or may not notice it contains the word ‘FLEUR’. For those consumers who notice that the word contains ‘FLEUR’ at the end of the mark, the marks will share the same conceptual meaning as far as ‘FLEUR’ goes, applying whichever of the meanings associated with it mentioned above to both marks. I mentioned above that the opponent submitted that ‘glof’ in the holder’s mark would be misremembered as the word ‘Golf’, I do not consider that to be the case. However, even if the average consumer identifies meaning in the word ‘FLEUR’ in both marks, the other elements in the marks will be conceptually different. Further, there will likely be a proportion of consumers who will simply view ‘GLOFLEUR’ in its entirety and as an invented term and in that instance, when compared against the opponent’s mark, the marks are conceptually different. Even where the consumer understands the French language but does not understand FLEUR to mean ‘flower’ or a name, they will attribute no immediate concept to the words and the marks will be conceptually different.

DISTINCTIVE CHARACTER OF THE EARLIER TRADE MARK

52. The distinctive character of a trade mark can be appraised only, first, by reference to the goods and services in respect of which registration is sought and, secondly, by reference

¹³ Opponent’s submissions in lieu, paragraph 15

to the way it is perceived by the relevant public – *Rewe Zentral AG v OHIM (LITE)* [2002] ETMR 91. In *Lloyd Schuhfabrik*, the CJEU stated that:

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

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

53. Registered trade marks possess varying degrees of inherent distinctive character, being lower where they are allusive or suggestive of a characteristic of the goods and services, ranging up to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctiveness of a mark can be enhanced by virtue of the use made of it. As the opponent has filed evidence regarding the distinctiveness of the earlier trade mark, I will assess the inherent characteristics of the mark before moving onto any enhanced distinctive character.

54. The opponent’s mark consists of the words ‘GOLF LE FLEUR’. As discussed above, golf is an ordinary dictionary word and ‘LE FLEUR’ will have one of three meanings: the first being the female name Fleur, the second being ‘the flower’ in French and the third that it is identified as being the French language but the meaning not being known. Regardless of how consumers understand ‘le fleur’, its addition to ‘GOLF’ render the meaning unusual and s

neither descriptive nor allusive. Therefore, I find that the mark enjoys between a medium and high degree of inherent distinctiveness, regardless of any perceived meaning.

55. I shall now consider whether the inherent distinctive character has been enhanced through the use made of the mark. For the present circumstances, it is use in the UK that is relevant.

56. I turn now to consider the evidence of use before me. The opponent's evidence sets out that it has been trading under the mark since June 2016 and that it currently offers clothing, footwear, headgear, fragrance, cosmetics, nail polish, jewellery, accessories, luggage and related goods and services.¹⁴ The evidence demonstrates some use of the mark as registered, being 'GOLF LE FLEUR' captured 29 May 2024 in relation to scarves, cardholders, fragrances and nail polish.¹⁵ However, in relation to most of the other goods in the opponent's specification and others not within the specification relied upon for this opposition, the mark associated with the good is 'Le fleur'¹⁶ or 'Golf'¹⁷ and the goods do not bear the mark as registered. The evidence from wayback machine, offers some insight and demonstrates some of the goods in the specification relied upon for this opposition being on the website in 2021 and 2022.

57. The opponent states that Exhibit TO3 has been provided to set out the number of visitors to its website, sales, marketing and other related information. However, the figures associated with each aspect has been redacted and I am subsequently unable to determine how intensive, geographically widespread and longstanding the use of the mark has been. I am aware that there was a confidentiality request in relation to this item of evidence. When the evidence was filed it was redacted and a confidentiality request was made in relation to this evidence. The confidentiality request was refused by the Tribunal, a CMC was held to discuss this matter and the refusal was maintained. The opponent then chose not to amend its evidence as they were content to rely on the redacted exhibit. This exhibit offers very little to my assessment of genuine use, I am able, for example, to determine that there have been some visitors to the opponent's website between June 2016-2024. However, the quantifiable number has not been provided.

¹⁴ Witness statement of Mr Okonma, paragraph 6

¹⁵ Exhibit TO4

¹⁶ Exhibit TO4

¹⁷ Exhibit TO1

58. I am also unable to determine the advertising spend and have no indication of the amount of money invested in promoting the mark. The opponent submits that they have actively and extensively advertised, promoted and marketed the goods under the mark in the UK and spent substantial sums in doing so. In the absence of the figures, I cannot create a quantifiable interpretation of the narrative evidence. The opponent has also provided evidence of advertising in the form of social media evidence. The Instagram page was started in February 2019, had 1 million followers as of 29 May 2024 and contains images of the opponent's goods bearing its mark. However, it is unclear where the followers originate from geographically; are they based in the UK or elsewhere globally. Similarly, the YouTube page demonstrates goods bearing the opponent's mark. However, I am unable to determine how many, if any, of the 40.5 thousand subscribers originate from the UK. In addition, the opponent has provided no evidence of the proportion of the relevant class of persons who, because of the mark, identify its goods and services as originating from a particular undertaking, nor has it provided any evidence of the market share of the opponent's mark. Taking this all into account, it is my view that the opponent's evidence falls short of what would be required to show that the degree of inherent distinctive character has been enhanced through use, which, in any case, remains at a medium to high degree.

LIKELIHOOD OF CONFUSION

59. I must now feed all of my earlier findings into the global assessment of the likelihood of confusion, keeping in mind the following factors: i) the interdependency principle, whereby a lesser degree of similarity between the goods may be offset by a greater similarity between the marks, and vice versa (*Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*); ii) the principle that the more distinctive the earlier mark is, the greater the likelihood of confusion (*Sabel BV v Puma AG*), and; iii) the factor of imperfect recollection i.e. that consumers rarely have the opportunity to compare marks side by side but must rather rely on the imperfect picture that they have kept in their mind (*Lloyd Schuhfabrik Meyer & Co. GmbH v. Klijsen Handel B.V.*).

60. There are two types of confusion that may occur. Direct confusion is where the average consumer mistakes one mark for the other, while indirect confusion is where the average consumer recognises that the marks are different, but for some reason assumes that the later mark also identifies the goods of the owner of the earlier mark, or that the two undertakings are related: see *L.A. Sugar Limited v Back Beat Inc*, BL O/375/10, paragraph 16.

61. I note that I have found the goods vary in similarity from identical to similar to a low degree. I have found the marks to be visually similar to a medium degree, aurally similar to a low degree and conceptually different. I have found the average consumers degree of attention to vary from between a medium to an above medium degree of attention (but not high). I have found the opponent's mark to be inherently distinctive to a medium to high degree. The purchasing process in respect of most of the goods will be primarily visual, and the goods are likely to be purchased from online or physical retail stores or pharmacies. However, I also note the goods may be recommended by beauticians, dermatologists, or peers, and that verbal assistance may be sought from retail staff.

62. Taking all of these factors into account and even bearing in mind the principle of imperfect recollection, I do not consider that the parties' marks will be misremembered or inaccurately recalled for one another. While consumers may notice the shared use of 'FLEUR' and the concept of 'GOLF' which exists at the beginning of one mark and not the other, will not be ignored, even when the consumer pays a medium degree of attention during the selection process of the goods at issue. I note that there is case law that common elements that sit at the end of marks may also be sufficient to create a likelihood of confusion.¹⁸ While that may be the case, I do not consider that the presence of the words 'FLEUR' in both marks is sufficient to create a necessary degree of similarity between the marks, especially as a finding of confusion on this basis would be seen as a result of the consumer overlooking the conceptual difference between the marks. I acknowledge the aural and visual similarities between the marks but, applying the case of *Picasso*,¹⁹ the concept of 'GOLF' is so clear and specific that it can be grasped immediately by the average consumer, this is not the case in relation to the other mark. It is this conceptual difference that counteracts the aural and visual similarities between the marks. Consequently, I find that there is no likelihood of direct confusion. I consider that, this finding applies even in circumstances where the marks are viewed on identical goods or where the consumer pays a medium degree of attention.

63. I will now proceed to consider whether there exists a likelihood of indirect confusion. In doing so, I remind myself of the case of *L.A. Sugar Limited v By Back Beat Inc*, BL O/375/10, wherein Mr Iain Purvis Q.C., as the Appointed Person, explained that:

"16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in

¹⁸ *Bristol Global Co Ltd v EUIPO*, T-194/14

¹⁹ Case C-361/04 *P Ruiz-Picasso and others v OHIM* [2006], paragraph 56

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

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

- (a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right (‘26 RED TESCO’ would no doubt be such a case).
- (b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as ‘LITE’, ‘EXPRESS’, ‘WORLDWIDE’, ‘MINI’ etc.).
- (c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension (‘FAT FACE’ to ‘BRAT FACE’ for example)”.

64. While the above examples in *L.A. Sugar* are noted, they are not intended to be treated as an exhaustive list of the only instances wherein indirect confusion occurs.

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

66. In the present case, I am of the view that when confronted with the parties' marks, consumers would identify them as originating from different and economically unconnected undertakings. In light of this, I see no reason why a consumer would believe that the differences, in particular the beginning of 'GOLF LE' and 'GLOF' where the average consumer pays a greater degree of attention, between the marks are logical indicators of sub-brands or brand extensions of one another even when accompanied by the shared element of 'FLEUR'. For example, I do not consider that a consumer would consider it logical for an undertaking that refers to 'GOLF LE FLEUR' would alter their brand to the point that the reference to the brand 'GLOFLEUR', especially taking into account the conceptual difference between the marks. I appreciate that when the consumers view the holder's mark, the shared use of the word 'FLEUR' may call the opponent's mark to mind. However, this is a mere association, not indirect confusion.²⁰ In addition, I do not consider that the shared use of 'FLEUR' would be seen as something that only one undertaking would use. I consider that the shared use would be coincidental, even when considering the fact that the marks would be viewed on goods that are identical. Taking all of this into account together with the comments of Arnold LJ and Mr Mellor Q.C. in the preceding paragraph, I find that there exists no likelihood of indirect confusion between the marks at issue. For the same reason as set out when considering direct confusion above, I consider that this finding applies even when the marks are viewed on identical goods or in circumstances where the consumer pays a medium degree of attention.

CONCLUSION

67. The opposition fails in its entirety and, subject to any successful appeal of my decision, the holder's mark may proceed to registration for all goods.

COSTS

68. The holder has succeeded in defending their mark in its entirety. The holder would, therefore, in the ordinary course of these proceedings, be entitled to a contribution towards its costs. However, the holder is unrepresented, meaning that, in order to claim their costs, they were required to file a completed costs pro-forma. They did not do so. On this point, I note that a blank costs pro-forma was provided to the holder under the cover of a letter from the Tribunal dated 8 April 2025. This letter sets out that:

²⁰ See *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17

“If the pro-forma is not completed and returned, costs, other than official fees arising from the action (excluding extensions of time), may not be awarded.”

69. As no costs pro-forma was filed and the holder incurred no official fees arising from this action, I make no order as to costs. Therefore, both parties are to bear their own costs of these proceedings.

Dated this 21st day of January 2026

**A Klass
For the Registrar**

Annex 1

Class 3

Adhesives for cosmetic purposes; almond lotion for cosmetic purposes; almond lotion for cosmetic use; almond milk for cosmetic purposes; aloe vera preparations for cosmetic purposes; anti-sun preparations (cosmetics); astringents for cosmetic purposes; basma [cosmetic dye]; bath tea for cosmetic purposes; bleaching preparations (decolourants) for cosmetic purposes; body creams (cosmetics); body paint (cosmetic); body paint for cosmetic purposes; cellulose wadding for cosmetic purposes; cellulose wipes for cosmetic purposes; cellulose wool for cosmetic use; chemical products for bleaching (cosmetic use); cleaning oils for cosmetic purposes; collagen preparations for cosmetic purposes; colour cosmetics for the eyes; colour cosmetics for the skin; colouring agents for cosmetic purposes; colouring preparations for cosmetic purposes; cooling sprays for cosmetic purposes; cosmetic acne cleansers; cosmetic acne creams; cosmetic bath products; cosmetic cotton wool; cosmetic creams; cosmetic creams for firming the skin; cosmetic creams for toning the skin; cosmetic creams for wrinkles; cosmetic dyes; cosmetic dyestuffs; cosmetic eye gels; cosmetic eye pencils; cosmetic face powders; cosmetic goods for care of the skin; cosmetic masks; cosmetic milks; cosmetic moisturisers; cosmetic oils; cosmetic pencils; cosmetic powder; cosmetic preparations; cosmetic preparations adapted for sun-tanning; cosmetic preparations for application to the nails; cosmetic preparations for baths; cosmetic preparations for cleansing the mouth; cosmetic preparations for cleansing the skin; cosmetic preparations for cleansing the teeth; cosmetic preparations for eyelashes; cosmetic preparations for skin care; cosmetic preparations for skin tanning; cosmetic preparations for slimming purposes; cosmetic preparations for tanning the skin; cosmetic preparations for use in giving a sun-tan effect; cosmetic preparations for use in suntanning; cosmetic preparations for use in the bath; cosmetic preparations for use on the body; cosmetic preparations for use on the face; cosmetic preparations for use on the skin; cosmetic products for eyebrows; cosmetic products for eyelashes; cosmetic products for protection against the sun; cosmetic products for skin care; cosmetic skin care products; cosmetic soaps; cosmetic stamps, filled; cosmetics; cosmetics containing plant extracts, other than for pharmaceutical purposes; cosmetics for animals; cosmetics for bronzing the skin; cosmetics for children; cosmetics for eyebrows; cosmetics for eyelashes; cosmetics for personal use; cosmetics for protecting the skin from sunburn; cosmetics for skin tanning; cosmetics for suntanning; cosmetics for the treatment of dry skin; cosmetics for use on the hair; cosmetics for use on the skin; cosmetics in the form of creams; cosmetics in the form of eye shadow; cosmetics in the form of gels; cosmetics in the form of mascara; cosmetics in the form of milks; cosmetics in the form of nail polish; cosmetics

in the form of non-medicated lotions; cosmetics in the form of oils; cosmetics in the form of powders; cosmetics in the form of rouge; cosmetics preparations; cosmetics to remove pigmentation marks; cotton balls for cosmetic use; cotton buds for cosmetic use; cotton for cosmetic purposes; cotton pads for cosmetic use; cotton sticks for cosmetic purposes; cotton swabs for cosmetic purposes; cotton tipped sticks for cosmetic purposes; cotton wool balls for cosmetic use; cotton wool buds for cosmetic use; cotton wool for cosmetic purposes; cotton wool in the form of balls for cosmetic use; cotton wool in the form of buds for cosmetic use; cotton wool in the form of pads for cosmetic use; cotton wool in the form of rolls for cosmetic use; cotton wool in the form of sticks for cosmetic use; cotton wool in the form of wipes for cosmetic use; cotton wool swabs for cosmetic use; cotton wool tips for cosmetic purposes; decorative transfers for cosmetic purposes; dermatological cosmetic preparations; dyes for cosmetic use; essential oils for cosmetic purposes; essential oils for use in cosmetics; eye lotions for cosmetic use; eye masks (cosmetic); eye moisturisers for cosmetic use; eye pads for cosmetic use; eyebrow cosmetics; facial care products (cosmetic); facial creams (cosmetic); facial masks (cosmetic); facial moisturisers (cosmetic); facial packs (cosmetic); facial packs for cosmetic purposes; facial preparations (cosmetic); facial scrubs (cosmetic); facial toners (cosmetic); facial washes (cosmetic); facial wipes impregnated with cosmetics; gel eye patches for cosmetic purposes; glitter for cosmetic purposes; gloves impregnated with cosmetic moisturising cream; greases for cosmetic purposes; hair cosmetics; henna (cosmetic dye); herbal extracts for cosmetic purposes; hydrogen peroxide for cosmetic purposes; impregnated cloths for cosmetic use; impregnated pads containing cosmetic preparations; liners (cosmetics) for the eyes; liquid latex body paint for cosmetic purposes; lotions for cosmetic purposes; make-up palettes containing cosmetics; masks for the face (cosmetic); massage candles for cosmetic purposes; milks (cosmetics); mineral oils (cosmetic); mineral water sprays for cosmetic purposes; moisturisers (cosmetics); moisturising body lotion (cosmetic); moisturising creams (cosmetic); moisturising gels (cosmetic); moisturising lotions (cosmetic); moisturising preparations (cosmetic); moisturising skin creams (cosmetic); moisturising skin lotions (cosmetic); natural oils for cosmetic purposes; nibs for pens for cosmetic use; night creams (cosmetics); non-medicated cosmetic preparations; non-medicated cosmetics; non-medicated facial lotions (cosmetic); non-medicated skin care lotions (cosmetic); nourishing creams (non-medicated cosmetics); oil for cosmetic use; oils for cosmetic purposes; oils for the body (cosmetics); oils for the breasts (cosmetics); oils for the skin (cosmetics); ointments for cosmetic use; paper face towels impregnated with a cosmetic preparation; paper hand towels impregnated with cosmetics; paper tissues impregnated with cosmetic preparations; paper towels impregnated with cosmetic preparations; paper wipes impregnated with cosmetic preparations; pencils for cosmetic use; petroleum jelly for cosmetic purposes; pomades for cosmetic purposes; powders for cosmetic purposes; powders for the

face (cosmetic); preparations for removing cosmetics; preparations for the nails (cosmetic); preparations for the skin (cosmetic); pumice stones for cosmetic purposes; rouge (cosmetic); self tanning creams (cosmetic); self tanning lotions (cosmetic); self tanning mists (cosmetic); self tanning preparations (cosmetic); serum (cosmetic preparations); serums for cosmetic purposes; sheet masks for cosmetic purposes; skin balms (cosmetic); skin care creams (cosmetic); skin care oils (cosmetic); skin care preparations (cosmetic); skin care products (cosmetic); skin cleaners (cosmetic); skin cleansing cream (cosmetic); skin cleansing preparations (cosmetic); skin creams (cosmetic); skin discomfort cream (cosmetic); skin hydrators for cosmetic purposes; skin jewels (for cosmetic use) (other than jewellery); skin lightening compositions (cosmetic); skincare cosmetics; skincare preparations (cosmetic); slimming aids (cosmetic), other than for medical use; slimming preparations (cosmetic), other than for medical use; slimming products (cosmetic), other than for medical use; socks impregnated with cosmetic moisturising cream; sprays for use on the body (cosmetics); sun barriers (cosmetics); sun blocking cream (cosmetics); sun blocking gel (cosmetics); sun blocking lipsticks (cosmetics); sun blocking lotions (cosmetics); sun blocking oils (cosmetics); sun blocking preparations (cosmetics); sun creams (cosmetics); sun gel (cosmetics); sun lotions (cosmetics); sun milk (cosmetics); sun protecting creams (cosmetics); sun protection oils (cosmetics); sun protection products (cosmetics); sun protectors for lips (cosmetics); sun screen preparations (cosmetics); sun screening preparations (cosmetics); sun skin care products (cosmetics); sun-tanning preparations (cosmetics); suntan lotion (cosmetics); suntan milk (cosmetics); suntan oils (cosmetics); suntan preparations (cosmetics); tan lotions (cosmetic); tanning compositions (cosmetics); tanning creams (cosmetics); tanning oils (cosmetics); tanning preparations (cosmetics); temporary tattoos (decorative transfers for cosmetic purposes); textile pads impregnated with cosmetics; tints (cosmetics); tissues impregnated with cosmetic lotions; tissues impregnated with cosmetics; toilet napkins of cellulose impregnated with cosmetics; toilet napkins of cellulose wadding impregnated with cosmetics; toilet napkins of paper impregnated with cosmetics; toners for cosmetic purposes; tonics (cosmetic); tonics (cosmetic) based on plant extracts; toning creams (cosmetic); toy cosmetics (usable); varnishes (cosmetics); water for cosmetic use; wipes (tissues) impregnated with cosmetic lotions; wipes for toilet use impregnated with cosmetic preparations.