

O/0208/26

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. 4177360

IN THE NAME OF INDIA JACOBS
TO REGISTER THE FOLLOWING TRADE MARK:



IN CLASSES 3 AND 25

AND

IN THE MATTER OF FAST TRACK OPPOSITION THERETO

UNDER NO. 600003726

BY

MÜLLER & MEIRER LEDERWARENFABRIK GMBH

Background and pleadings

1. India Jacobs (“the applicant”) applied to register the trade mark shown on the cover of this decision in the UK on 21 March 2025. It was accepted and published in the Trade Marks Journal on 11 April 2025, in respect of the goods set out in Annex 1.

2. On 11 July 2025, Müller & Meirer Lederwarenfabrik GmbH (“the opponent”) opposed the trade mark on the basis of Section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). This is on the basis of its earlier trade marks:

WO1546857

BREE

UK designating date: 22 June 2020

Date protection granted in the UK: 9 March 2021

Relying on all goods and services as set out in Annex 2 of this decision.

(“the 857 mark”)

UK918198775

BREE

Filing date: 20 February 2020; registration date: 9 July 2020

Relying on all services as set out in Annex 2 of this decision.

(“the 775 mark”)

UK918157320

BREE

Filing date: 25 November 2019; registration date: 3 June 2020

Relying on all goods and services as set out in Annex 2 of this decision.

(“the 320 mark”)

3. Under section 5(2)(b) of the Act, the opponent claims that the marks are similar, and the goods are either identical or highly similar leading to a likelihood of confusion, including a likelihood of association, and that the contested mark should be refused registration.

4. The applicant filed a counterstatement denying the claims made.

5. In accordance with section 6 of the Act, the marks relied upon by the opponent are considered earlier marks. The marks had not been registered for five years at the date of application for the contested mark and so, in accordance with section 6A of the Act, they are not subject to proof of use; the opponent may rely upon all the goods and services as identified.

6. Rule 6 of the Trade Marks (Fast Track Opposition (Amendment) Rules 2013, S.I. 2013 2235 disapplies paragraphs 1-3 of Rule 20 of the Trade Mark Rules 2008, but it provides that Rule 20(4) shall continue to apply. Rule 20(4) states that:

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

7. The effect of the above is to require parties to seek leave in order to file evidence in fast track oppositions. Further, Rule 62(5) (as amended) states that arguments in fast track proceedings shall be heard orally only if (i) the Office requests it, or (ii) either party to the proceedings requests it and the registrar considers that oral proceedings

are necessary to deal with the case justly and at proportionate cost; otherwise, written arguments will be taken.

Representation

8. The opponent is represented by HGF Limited. The applicant is self-represented. In this case, neither party sought leave to file evidence. A hearing was neither requested nor was it considered necessary. The parties did, however, elect to file written submissions in lieu, both dated 17 October 2025. Whilst I do not propose to summarise the parties' submissions, I shall refer to them as and where appropriate during this decision. This decision is taken following a careful consideration of all papers on file.

Relevance of EU Law

9. 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 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.

Decision

Section 5(2)(b)

10. Section 5(2)(b) of the Act is 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”.

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

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

Relevant law

12. The following standard summary of the principles applicable to the assessment of the likelihood of confusion was approved by the Supreme Court in *Iconix Luxembourg Holdings SARL v Dream Pairs Europe Inc & Anor*, [2025] UKSC 25:

(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, in certain circumstances, be dominated by one or more of its components;

(f) and beyond the usual case, where the overall impression created by a mark depends heavily on the dominant features of the mark, it is quite possible that

in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;

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

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

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

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

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

Comparison of goods and services

13. The competing goods/services are shown in Annex 1 and Annex 2 of this decision.

14. When making the comparison, all relevant factors relating to the goods and services in the specifications should be taken into account, as per *Canon*, where the CJEU stated at paragraph 23 of its judgement:

“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.”

15. The relevant factors identified by Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, for assessing similarity were:

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

16. In *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T- 133/05, the General Court (“GC”) stated that:

“29. 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.”

17. 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 Office for Harmonization in the Internal*

Market (Trade Marks and Designs) (OHIM), Case T-325/06, the General Court stated that “complementary” means:

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

18. In *Sanco SA v OHIM*, Case T-249/11, the General Court indicated that goods and services may be regarded as ‘complementary’ and therefore similar to a degree in circumstances where the nature and purpose of the respective goods and services are very different, i.e. *chicken* against *transport services for chickens*. The purpose of examining whether there is a complementary relationship between goods/services is to assess whether the relevant public are liable to believe that responsibility for the goods/services lies with the same undertaking or with economically connected undertakings. As Mr Daniel Alexander Q.C. noted as the Appointed Person in *Sandra Amalia Mary Elliot v LRC Holdings Limited* BL O/255/13:

“It may well be the case that wine glasses are almost always used with wine – and are, on any normal view, complementary in that sense - but it does not follow that wine and glassware are similar goods for trade mark purposes.”

Whilst on the other hand:

“.....it is neither necessary nor sufficient for a finding of similarity that the goods in question must be used together or that they are sold together.”

19. I bear in mind that it is permissible to group goods together for the purposes of the assessment.¹

20. The opponent submits:

¹ *Separode* Trade Mark O/399/10

“Identity and similarity of goods in class 25

12. Two of the Earlier Registrations cover clothing, headgear and footwear, as does the Application. Therefore, given that the specifications of the Application and these Earlier Registrations cover clothing, belts and footwear, these goods are identical.

13. The clothing related items covered by the Application are similar to clothing. In this way, they would share the same nature, uses, users, trade channels and would be complementary or competitive. As such, these goods would be deemed similar.

Similarity of Applicant’s Class 25 to Opponent’s Classes 9, 18 and 35

14. The Opponent submits that the Applicant’s class 25 goods are highly similar to the Opponent’s coverage of accessories across classes 9 and 18, as well for clothing/accessory related products in class 35.

15. These products are often sold through the same retailers. For example, clothing, accessories and cosmetic goods could all be sold through a department store. In this way, they share the same end users and trade channels. Many of these products are often bought together, so can also be deemed complementary.

Retail services are also similar to clothing, given that they would have the same end users. Indeed, the retail of clothing related products and the sale of clothes themselves have the ultimate objective of enabling the sale clothing related products to consumers. The similarity of these goods/services is supported by the case *Maier & Anor v Asos Plc & Anor* [2015] EWCA Civ 220. Essentially the retail of a product is similar to the product itself.

Similarity of Applicant’s Class 3 to Opponent’s Classes 9, 18 and 35

16. The Opponent submits that cosmetics in the Application under class 3 are highly similar to the Opponent’s coverage of clothing and associated accessories. These products do share the same end users, trade channels and are complementary, given that they are often provided through the same

retailers, such as department stores. Clothing and accessory brands often extend their offering into cosmetics.

As outlined above, retail services for clothing can also be deemed similar to physical products like clothing (Maier & Anor v Asos Plc & Anor [2015] EWCA Civ 220). These retail services could also be deemed similar to cosmetics, given that they do involve the sale of clothing products that are similar to cosmetics”.

21. The applicant submits:

“6.1 The goods in Class 3 are distinct from the Opponent’s Classes 9, 18 and 35, and the mere overlap in Class 25 does not imply that two brands operate in the same market or target the same consumers. Fashion is a crowded market where similar or identical goods are sold under different brand names, and the coexistence of similar goods within the same class is insufficient to establish a likelihood of confusion without substantial similarity of the marks.

6.2 Cosmetics (Class 3) differ in nature, function and intended use from clothing and accessories, and marketing services (Class 35) are also generally distinct from cosmetics and fashion goods.

6.3 PREE LONDON operates in the luxury fashion and cosmetics sector, offering ready-to-wear fashion from street style to evening wear, the differences in market positioning, brand focus and intended consumer base reduce the likelihood of confusion with high-street or mass-market offerings.

6.4 Accordingly, the goods, market positioning and retail channels of PREE LONDON and BREE are clearly distinct.”

Class 3

Cosmetics; Skincare cosmetics; Moisturisers [cosmetics]; Cosmetics and cosmetic preparations; Hair cosmetics; Skin fresheners [cosmetics]; Cosmetics for eye-lashes; Anti-aging moisturizers used as cosmetics; Cosmetics for suntanning; Organic cosmetics; Non-medicated cosmetics; Lip cosmetics; Nail cosmetics; Skin

moisturizers used as cosmetics; Natural cosmetics; Mousses [cosmetics]; Cosmetics preparations; Make-up palettes containing cosmetics; Cosmetics in the form of lotions; Tanning oils [cosmetics]; Tanning gels [cosmetics]; Beauty care cosmetics; Facial creams [cosmetics]; Colour cosmetics; Cosmetics for animals; Self-tanning preparations [cosmetics]; Suncare lotions [for cosmetic use]; Eyebrow cosmetics; Tanning preparations [cosmetics]; Decorative cosmetics; Multifunctional cosmetics; Body creams [cosmetics]; Eye cosmetics; Milks [cosmetics]; After-sun oils [cosmetics]; Skin masks [cosmetics]; Cosmetics for eye-brows; Tanning milks [cosmetics]; Suntan oils [cosmetics]; Functional cosmetics; Facial gels [cosmetics]; Skin care cosmetics; Cosmetics for children; Humectant preparations [cosmetics]; Emollient preparations [cosmetics]; Cosmetics in the form of creams; Powder compacts [cosmetics]; Sun-tanning preparations [cosmetics]; Cosmetic hair lotions; Suntanning oil [cosmetics]; After-sun milks [cosmetics]; Colour cosmetics for the skin; After-sun milk [cosmetics]; Cosmetics for use on the skin; Cosmetic moisturisers; Sunscreens [for cosmetic use]; Cosmetic creams and lotions; Bath powder [cosmetics]; Night creams [cosmetics]; Skin recovery creams [cosmetics]; Sun blocking lipsticks [cosmetics]; Body gels [cosmetics]; Cosmetics for the use on the hair; Cosmetic products in the form of aerosols for skincare; Body and facial creams [cosmetics]; Lip stains [cosmetics]; Sunscreen [for cosmetic use]; Sunscreen creams [for cosmetic use]; Body care cosmetics; Creams (Cosmetic -); Cosmetic creams; Cosmetic soaps; Cosmetics containing keratin; Cosmetics in the form of powders; Cosmetic skin fresheners; Hair care lotions [for cosmetic use]; Dyes (Cosmetic -); Cosmetic dyes; Cosmetics in the form of oils; After-sun lotions [for cosmetic use]; Beauty lotions; Cosmetics containing panthenol; Cosmetic facial lotions; Facial lotions [cosmetic]; Nail paint [cosmetics]; Cosmetic suntan lotions; Colour cosmetics for children; Skin care lotions [cosmetic]; Nail hardeners [cosmetics]; Nail tips [cosmetics]; Tissues impregnated with cosmetics; Anti-aging creams [for cosmetic use]; Sun protecting creams [cosmetics]; Cosmetic products for the shower; Nail primer [cosmetics]; Anti-ageing creams [for cosmetic use]; Smoothing emulsions [cosmetics]; Skin cleansers [cosmetic]; Liners [cosmetics] for the eyes; Perfumed powders [for cosmetic use]; Moisturising skin lotions [cosmetic]; Cosmetic creams for the skin; Skin creams [cosmetic]; Skin creams [for cosmetic use]; Body and facial gels [cosmetics]; Deodorants for personal use [perfumery]; Aftershave lotions; Aftershave balms; Aftershave balm; After-shave lotions; After-shave balms; Aftershave creams; Aftershave creams; Aftershave milk;

Perfumed lotions [toilet preparations]; Perfumed body lotions [toilet preparations]; Scented body lotions; Roll-on deodorants [toilettries]; Scented body lotions and creams; Body lotion; Body powder; Body deodorants; Body oil spray; Body wash; Body mask lotion; Body lotions; Moisture body lotion; Hair spray; Body oils; Body washes; Hair and body wash; Body scrub; Body shampoos; Body oil; Body mask powder; Body paint (cosmetic); Face and body lotions; Body cleansing foams; Body glitter; Body gels; Foot deodorant spray; Body moisturisers; Body and facial oils; Body massage oils; Body polish; Body soap; Body splash; Body cream; Body butter; Body powder (Non-medicated -); Body masks; Toning lotion, for the face, body and hands; Body oils [for cosmetic use]; Body butters; Moisturizing body lotions; Body creams; Body milk; Body oil [for cosmetic use]; Body emulsions; Body mask cream; Face and body glitter; Body talcum powder; Body scrubs; Hair styling spray; Deodorants for body care; Body and facial butters; Scented body creams; Liquid latex body paint for cosmetic purposes; Moisturising body lotion [cosmetic]; Cosmetic body mud; Face and body creams; Lotions for face and body care; Exfoliating body scrub; Body emulsions for cosmetic use; Body soufflé; Body cream for cosmetic use; Body glitters; Body paint for cosmetic purposes; Glitter in spray form for use as a cosmetics; Sparkling fluid for the body; Cosmetic body scrubs; Body scrubs [cosmetic]; Shaving sprays; Gel eye patches for cosmetic purposes; Patches containing sun screen and sun block for use on the skin; Sun protectors for lips; Face creams; Hand masks for skin care; Creams (Non-medicated -) for the eyes; Sun screen; Eye shadow; Eye shadows; Cosmetics in the form of eye shadow; Eyelid shadow; Eye make-up; Eye makeup; Eye cream; Eye concealers; Eye pencils; Eye liner; Under eye correctors; Eye creams; Eye gel; Eye sticks; Eye brightening correctors; Eye correction serum; Eye makeup remover; Eye make-up removers; Eye lotions; Eye gels; Gel eye masks; Cosmetic eye pencils; Eye wrinkle lotions; Eyes make-up; Cosmetic preparations for eye lashes; Cosmetic eye gels; Eye stylers; Eye make up remover; Colour cosmetics for the eyes; Skin, eye and nail care preparations; Eyes pencils; Eye compresses for cosmetic purposes; Cosmetic creams for firming skin around eyes; Eyelash tint; Eyelid doubling makeup; Face glitter; Eyelid pencils; Make-up for the face; Make-up for the face and body; Cosmetic paste for application to the face to counteract glare; Face blusher; Eye care products, non-medicated; Eyebrow colors; Eyebrow mascara; Make-up preparations for the face and body; Cosmetic white face powder; Face and body masks; Lip makeup; Eyebrow pencils; Pencils (Eyebrow -); Lip tints; Face wash [cosmetic];

Double eyelid tapes; Lip gloss palettes; Eyeliner; Eyelashes; Long lash mascaras; Hair mascara; Mascara; Foundation; Skin foundation; Foundation make-up; Make-up foundation; Liquid foundation; Creamy foundation; Perfumes in solid form; Concealers; Eyeshadow palettes; Eyeliners; Moisturiser; Lipstick; Makeup; Anti-ageing moisturiser; Blush; Blemish balm creams; Blush pencils; Cream foundation; Skin balms [cosmetic]; Perfumed soaps; Perfumed soap; Scented soaps; Deodorant soap; Soap (Deodorant -); Suntan lotion [cosmetics]; Perfumed creams;

22. The opponent's 857 mark includes the terms *toiletry bags* as well as *cosmetic bags and pouches* and *make-up bags*. These are specific bags used to carry cosmetics, make-up and toiletries. The parties' goods have distinct purposes; cosmetics and toiletries such as those contained within the applicant's specification are intended to improve the appearance/condition of an aspect of the person or are used in washing and taking care of their body, whereas the various bags in the opponent's specification, function as receptacles for toiletries and items of cosmetics. Users overlap. I consider that trade channels also overlap. Methods of use plainly differ; cosmetics and toiletries are typically applied to the person, whereas bags such as those within the opponent's specification will be used to house toiletries and cosmetic products. The goods also differ in terms of their physical nature; toiletries and cosmetics are typically in the form of substances such as creams, gels and powders, whereas cosmetics cases are receptacles typically composed of a fabric or other solid materials. The respective goods are not competitive, neither being substitutable for the other. I do not find complementarity, as whilst the function of toiletry bags and cosmetic bags is to house toiletries and cosmetics, and therefore the goods are important to one another, I do not consider that consumers would believe that responsibility for both lies with the same undertakings². I find the respective goods to have a low degree of similarity.

Perfume; Perfumes; Perfume oils; Perfumery and fragrances; Amber [perfume]; Fragrances; Oils for perfumes and scents; Fragrance sachets; Musk [perfumery]; Cologne; Perfume water; Aromatics for perfumes; Room perfume sprays; Liquid perfumes; Potpourris [fragrances]; Colognes; Scents; Fragrance emitting wicks for room fragrance; Aromatics for fragrances; Perfumery; Perfumes for cardboard;

² *Everest Dairies Limited v Everest Food Products Private Limited*, [23] BL O/0107/23

Fragrance refills for non-electric room fragrance dispensers; Cedarwood perfumery; Extracts of perfumes; Eau de cologne [cologne water]; Perfumes for ceramics; Body deodorants [perfumery]; Extracts of flowers [perfumes]; Flowers (Extracts of -) [perfumes]; Extracts of flowers being perfumes; Ionone [perfumery]; Body fragrances; Perfumeries; Fragrance preparations; Fragrances for automobiles; Perfumed potpourris; Vanilla perfumery; Household fragrances; Perfumed sachets; Room perfumes in spray form; Fragrance sachets for eye pillows; Natural oils for perfumes; Room fragrances; Perfumery products; Mint for perfumery; Feminine deodorant sprays; Cologne water; Solid perfumes; Scented water for fragancing; Peppermint oil [perfumery]; Air fragrance preparations; Perfuming sachets; Scented oils; Scented linen sprays; Synthetic perfumery; Scented sachets; Air fragrance reed diffusers; Geraniol for fragancing; Synthetic vanillin [perfumery]; Perfumed powder [for cosmetic use]; Perfumed powders; Incense spray; Essential oils as perfume for laundry purposes; Eau de Cologne; Eau de cologne; Sachets for perfuming linen; Linen (Sachets for perfuming -); Perfumed powder; Essences for fragancing; Eau de colognes; Scented room sprays; Fumigation preparations [perfumes]; Ethereal oils for fragancing; Fragrance for household purposes; Aromatherapy lotions; Eaux de Cologne; Eaux de cologne; Scented fabric refresher sprays; Fragrant sachets; Geraniol fragancing compounds; Incense sachets; Agarwood [incense]; Natural perfumery; Perfumed water; Eau de parfum; Synthetic musk; Jasmine oil; Ambergris; Aromatic potpourris; Scented wood; Incense; Musk [natural]; Natural musk; Aromatic oils for the bath; Perfume oils for the manufacture of cosmetic preparations; Aftershave; After-shave; Aftershaves; Scented body spray; Body spray; Body sprays; Body sprays [non-medicated]; Body mist;

23. In the absence of specific submissions, I would consider the applicant's terms to include fragrances, or extracts thereof, for various different purposes. I note the opponent's submissions that the products share the same end users, trade channels and are complementary. Whilst this may be true in the most general terms, I consider any similarity to be too remote to have any real overlap. Whilst the goods may appear in a department store, I do not consider that they will share the same shelves or appear in proximity to each other. Neither do I consider that the goods are complementary. Having considered all of the opponent's specifications, they do not include a term/s which are identical, nor any other terms which I would consider to be similar to the

above. I cannot find similarity between the applicant's above term and any of the terms within the opponent's specification, and I therefore find these to be dissimilar.

Polish for musical instruments

24. In the absence of specific submissions, the applicant's term includes polish for musical instruments. The opponent's specification does not include a term/s which are identical, nor any other terms which I would consider to be similar to the above. I cannot find similarity between the applicant's above term and any of the terms within the opponent's specification, and I therefore find these to be dissimilar.

Class 25

Clothing

25. The opponent's 857 mark contains the term *Clothing, footwear, headgear, belts (clothing)* which is identical to the applicant's above term on the principles outlined in *Meric*.

Clothes; Swaddling clothes; Baby clothes; Beach clothes; Nappy pants [clothing]; Denims [clothing]; Jackets [clothing]; Work clothes; Shorts [clothing]; Aprons [clothing]; Drawers [clothing]; Drawers as clothing; Clothes for sports; Jackets (Stuff -) [clothing]; Stuff jackets [clothing]; Clothes for sport; Linen clothing; Headbands [clothing]; Headbands for clothing; Kerchiefs [clothing]; Bottoms [clothing]; Gloves [clothing]; Gloves as clothing; Capes (clothing); Furs [clothing]; Trunks being clothing; Maternity clothing; Babies' pants [clothing]; Layettees [clothing]; Clothing layettes; Jerseys [clothing]; Clothing for leisure wear; Hoods [clothing]; Woolen clothing; Ready-to-wear clothing; Gabardines [clothing]; Clothing for babies; Bodies [clothing]; Garments for protecting clothing; Tops [clothing]; Playsuits [clothing]; Collars [clothing]; Veils [clothing]; Knitwear [clothing]; Paper hats for use as clothing items; Corsets [clothing, foundation garments]; Silk clothing; Mitts [clothing]; Hats (Paper -) [clothing]; Paper hats [clothing]; Beach clothing; Chaps (clothing); Ready-made clothing; Embroidered clothing; Visors [clothing]; Casual clothing; Knitted clothing; Dresses; Bridesmaid dresses; Pinafore dresses; Wedding dresses; Cocktail dresses; Jumper dresses; Leather dresses; Dresses for evening wear; Evening dresses; Dress

shirts; Nurse dresses; Tennis dresses; Gowns; Shift dresses; Bridal gowns; Ladies' dresses; Dress pants; Dress suits; Fancy dress costumes; Wedding gowns; Blouses; Dressing gowns; Dresses made from skins; Women's ceremonial dresses; Pleated skirts for formal kimonos (hakama); Cheongsams (Chinese gowns); Bridesmaids wear; Skirt suits; Imitation leather dresses; Christening gowns; Bodices [lingerie]; Skirts; Men's dress socks; Sundresses; Bandeaux [clothing]; Nightgowns; Pleated skirts; Dress shields; Shields (Dress -); Sleeveless jackets; Evening gowns; Frock coats; Romper suits; Bridal garters; Skating outfits; Strapless bras; Dresses for infants and toddlers; Jumpsuits; Cardigans; Petticoats; Night gowns; Caftans; Ladies wear; Leggings [trousers]; Sashes for wear; Tunics; Tuxedos; Nightdresses; Kimonos; Kaftans; Quilted jackets [clothing]; Camisoles; Maternity shirts; Ball gowns; Bathing costumes for women; Wedding garters; Underskirts; Foulards [clothing articles]; Capelets; Sleeved jackets; Jogging outfits; Sleeveless jerseys; Costumes; Boas [clothing]; Swimsuits; Training suits; Gym shorts; Gym suits; Referees uniforms; Toe socks; Ankle socks; Knee-high stockings; Anklets [socks]; Jogging pants; Yoga pants; Exercise wear; Boxing shorts; Yoga shirts; Gymwear; Tennis sweatbands; Yoga socks; Clothing for gymnastics; Maternity dresses; Formalwear; Formal evening wear; Swim wear for gentlemen and ladies; Evening wear; Pyjamas; Pajamas; Pyjamas [from tricot only]; Baby doll pyjamas; Nightwear; Knitted underwear; Teddies [undergarments]; Trousers; Nighties; Bed socks; Underpants; Nightshirts; Trousers shorts; Housecoats; Underwear; Corduroy trousers; Sweatpants; Teddies [underclothing]; Sleep shirts; Boy shorts [underwear]; Sleep pants; Pajamas (Am.); Trousers for children; Bed jackets; Briefs [underwear]; Underpants for babies; Tracksuits; Maternity underwear; Tracksuit bottoms; Pajama bottoms; Lounging robes; Knickers; Woollen socks; Underclothes; Teddies; Tracksuit tops; Dungarees; Trousers for sweating; Sleepwear; Woollen tights; Sweat-absorbent underwear; Waterproof trousers; Lounge pants; Trouser socks; Sleepsuits; Sweat-absorbent underclothing [underwear]; Fleece shorts; Sleeping garments; Negligees; Babies' pants [underwear]; Maternity sleepwear; Corduroy shirts; Loungewear; Corduroy pants; Men's underwear; Maternity shorts; Pinafores; Short-sleeved shirts; Night shirts; Long-sleeved shirts; Short-sleeved T-shirts; Underwear (Anti-sweat -); Anti-sweat underwear; Trunks [underwear]; Socks and stockings; Turtleneck shirts; Open-necked shirts; Maternity pants; Golf trousers; Casual trousers; Slipper socks; Hooded bathrobes; Disposable underwear; Nightcaps; Waistcoats; Undershirts for kimonos

(juban); Trousers of leather; Thermal underwear; Rain trousers; Bib shorts; Bras; Strapless brassieres; Fitted swimming costumes with bra cups; Adhesive bras; Sports bras; Lingerie; Bralettes; Panties; Slips [undergarments]; Corsets [underclothing]

26. All the aforementioned goods in the applicant's specification are items of clothing which fall within the broader category of *Clothing, footwear, headgear, belts (clothing)* in the opponent's 857 specification in class 25. The goods are, therefore, identical on the principles outlined in *Meric*.

Dress shoes; Shoes for casual wear; Trainers; Trainers [footwear]; Training shoes; Gym boots; Boxing shoes; Athletic shoes; Sport shoes; Heels; High-heeled shoes; Shoes; Ankle boots; Sandals; Hidden heel shoes; Sandals and beach shoes; Yoga shoes; Boots; Spiked running shoes; Slip-on shoes; Esparto shoes or sandals; Booties; Shoes for foot volleyball; Foot volleyball shoes; Walking boots; Walking shoes; Thong sandals; Lace boots; Flat shoes; Pedicure sandals; Pumps [footwear]; Platform shoes; Wedge sneakers; Esparto shoes or sandals; Dance shoes; Ballet shoes; Tap shoes; Running shoes; Leather shoes; Men's sandals; Sneakers [footwear]; Rubber shoes; Women's shoes; Jogging shoes; Sneakers; Riding shoes; Wooden shoes [footwear]; Beach shoes; Rain shoes; Wellington boots; Riding boots; Flip-flops for use as footwear; Climbing boots; Roller shoes; Volleyball shoes; Winter boots; Aqua shoes; Apres-ski shoes; Nursing shoes; Baby boots; Athletics shoes; Hiking shoes; Work shoes; Wooden shoes; Snow boots; Bath sandals; Climbing boots [mountaineering boots]; Deck shoes; Baby sandals; Tennis shoes; Baby shoes; Infants' boots; Driving shoes; Basketball shoes; After ski boots; Rain boots; Gymnastic shoes; Slippers; Bootees (woollen baby shoes); Bath slippers; Shoes for leisurewear; Knitted baby shoes; Snowboard boots; Hiking boots; Waterproof boots; Ski boots.

27. The applicant's above terms are items of footwear which fall within the broader category of *Clothing, footwear, headgear, belts (clothing)* in the opponent's 857 specification in class 25. The goods are, therefore, identical on the principles outlined in *Meric*.

Fashion hats; Head wear;

28. The applicant's above terms are items of headwear which fall within the broader category of *Clothing, footwear, headgear, belts (clothing)* in the opponent's 320 specification in class 25. The goods are, therefore, identical on the principles outlined in *Meric*.

Fabric belts [clothing]; Belts [clothing]; Belts for clothing; Braces for clothing; Belts (Money -) [clothing]; Money belts [clothing];

29. The applicant's above terms are different types of belts, which fall within the broader category of *Clothing, footwear, headgear, belts (clothing)* in the opponent's 320 specification in class 25. The goods are, therefore, identical on the principles outlined in *Meric*.

Eye masks

30. In the absence of specific submissions, I consider eye masks to be eye coverings made of soft material designed to block out light, to assist with relaxation and sleep. In my view, eye masks would fall within the broader category of *Clothing, footwear, headgear, belts (clothing)* in the opponent's 320 specification and would therefore be identical on the principles outlined in *Meric*. If I am wrong about that, they may be sold through the same trade channels and to the same users as *clothing*. The method of use will overlap to the extent that they will all be worn on the body, and their purpose will overlap to the extent that they are to provide some sort of protection/covering for the body. The specific natures will clearly differ. There is no competition or complementarity. If not identical, I consider the goods to be similar to between a low and medium degree.

Face mask [clothing]

31. In the absence of specific submissions, I consider face masks to be a fabric mask which is worn over the nose and mouth. In my view, face masks would fall within the broader category of *Clothing, footwear, headgear, belts (clothing)* in the opponent's 857 specification and would therefore be identical on the principles outlined in *Meric*. If I am wrong about that, I consider that there may be an overlap in user. The method

of use will also overlap to the extent that they will all be worn on the body and their purpose will overlap to the extent that they are to provide some sort of protection/covering for the body. Trade channels will overlap. The specific natures will clearly differ. There is no competition or complementarity. If not identical, I consider the goods to be similar to between a low and medium degree.

Gussets for underwear [parts of clothing]; Pockets for clothing; Gussets for bathing suits [parts of clothing]; Gussets for leotards [parts of clothing]; Bra straps [parts of clothing]; Stockings (Heel pieces for -); Heel pieces for stockings; Straps for bras; Bra extenders; Bra strap extenders; Heel pieces for shoes; Tongues for shoes and boots; Heel protectors for shoes; Insoles for shoes and boots; Pullstraps for shoes and boots; Fittings of metal for boots and shoes; Toe straps for Japanese style sandals [zori]; Studs for football shoes; Shoe straps; Studs for football boots; Football boots (Studs for -); Soles for Japanese style sandals; Heelpieces for footwear; Embossed heels of rubber or of plastic materials; Welts for footwear; Footwear (Welts for -); Protective metal members for shoes and boots; Insoles for footwear; Shoe soles; Footwear soles; Soles for footwear; Slipper soles; Shoes soles for repair

32. I consider all of the applicant's above terms to be parts of *clothing* and *footwear*. In *Les Éditions Albert René v OHIM*³, the GC found that:

“61... The mere fact that a particular good is used as a part, element or component of another does not suffice in itself to show that the finished goods containing those components are similar since, in particular, their nature, intended purpose and the customers for those goods may be completely different.”

33. As highlighted in *Les Éditions* above, the GC held that just because a particular good is used as a part, element or component of another does not suffice in itself to show that the finished goods containing those components are similar. In this case, the applicant's terms such as *gussets for leotards [parts of clothing]*, *bra straps [parts*

³ Case T-336/03

of clothing] and *shoe straps* etc relate to components of the opponent's above clothing and footwear.

34. I consider that the nature of these items will likely be similar to the opponent's clothing and footwear, and they will overlap in purpose as the items will be used to make the finished product. These items may be sold through the same trade channels to the same users as the opponent's goods. It is also necessary for me to consider whether the goods are complementary, in that there is a close connection between them in the sense that one is essential or important for the use of the other. As Ms Emma Himsworth stated, "the question of whether goods are 'complementary' is to be distinguished from use in combination, where goods are merely used together, whether for choice or convenience."⁴ Given that the items in this class are parts of clothing, I do consider them complimentary (for example, you cannot have a shoe without a sole). Overall, I find the above goods to be similar to a medium degree to the opponent's *clothing, footwear, headgear, belts (clothing)* in their 320 specification.

Goods and services summary

35. I have considered the opponent's services in the 775 mark against the applicant's goods, above. Notwithstanding that I have found identity/similarity between the goods/services in the opponent's 320 and 857 marks, I find that none of the services in the opponent's 775 mark are similar to the applicant's goods. For the avoidance of doubt, I cannot find similarity between the applicant's terms and any of the terms within the opponent's 775 specification, and I therefore find these to be dissimilar. As such, I will only proceed with this opposition on the basis of the opponent's 320 and 857 marks.

36. I have considered the other goods/services relied upon; however, I do not consider that they improve the opponent's position. As some degree of similarity between goods/services is necessary to engage the test for likelihood of confusion, my findings above mean that the opposition aimed against those goods that I have found to be

⁴ Sitting as the Appointed Person in *Everest Dairies Limited*

dissimilar will fail⁵. Therefore, the opposition under section 5(2)(b) fails for the following goods:

Class 3 - Perfume; Perfumes; Perfume oils; Perfumery and fragrances; Amber [perfume]; Fragrances; Oils for perfumes and scents; Fragrance sachets; Musk [perfumery]; Cologne; Perfume water; Aromatics for perfumes; Room perfume sprays; Liquid perfumes; Potpourris [fragrances]; Colognes; Scents; Fragrance emitting wicks for room fragrance; Aromatics for fragrances; Perfumery; Perfumes for cardboard; Fragrance refills for non-electric room fragrance dispensers; Cedarwood perfumery; Extracts of perfumes; Eau de cologne [cologne water]; Perfumes for ceramics; Body deodorants [perfumery]; Extracts of flowers [perfumes]; Flowers (Extracts of -) [perfumes]; Extracts of flowers being perfumes; Ionone [perfumery]; Body fragrances; Perfumeries; Fragrance preparations; Fragrances for automobiles; Perfumed potpourris; Vanilla perfumery; Household fragrances; Perfumed sachets; Room perfumes in spray form; Fragrance sachets for eye pillows; Natural oils for perfumes; Room fragrances; Perfumery products; Mint for perfumery; Feminine deodorant sprays; Cologne water; Solid perfumes; Scented water for fragrancing; Peppermint oil [perfumery]; Air fragrance preparations; Perfuming sachets; Scented oils; Scented linen sprays; Synthetic perfumery; Scented sachets; Air fragrance reed diffusers; Geraniol for fragrancing; Synthetic vanillin [perfumery]; Perfumed powder [for cosmetic use]; Perfumed powders; Incense spray; Essential oils as perfume for laundry purposes; Eau de Cologne; Eau de cologne; Sachets for perfuming linen; Linen (Sachets for perfuming -); Perfumed powder; Essences for fragrancing; Eau de colognes; Scented room sprays; Fumigation preparations [perfumes]; Ethereal oils for fragrancing; Fragrance for household purposes; Aromatherapy lotions; Eaux de Cologne; Eaux de cologne; Scented fabric refresher sprays; Fragrant sachets; Geraniol fragrancing compounds; Incense sachets; Agarwood [incense]; Natural perfumery; Perfumed water; Eau de parfum; Synthetic musk; Jasmine oil; Ambergris; Aromatic potpourris; Scented wood; Incense; Musk [natural]; Natural musk; Aromatic oils for the bath; Polish for musical instruments; Perfume oils for the manufacture of cosmetic preparations; Aftershave; After-shave; Aftershaves; Scented body spray; Body spray; Body sprays; Body sprays [non-medicated]; Body mist;

⁵ *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA

Average consumer and the purchasing act

37. 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 or services in question: *Lloyd Schuhfabrik Meyer*, Case C-342/97.

32. In *Iconix Luxembourg Holdings SARL v Dream Paris Europe Inc & Anor*, [2025] UKSC 25, the Supreme Court approved the comments of Arnold LJ in *Lidl Great Britain Ltd & Anor v Tesco Stores Ltd & Anor (Rev1)* [2024] EWCA Civ 262, where he pointed out that:

(a) Consumers who are ill-informed or careless, or consumers with specialised knowledge or who are excessively careful are excluded from consideration;

(b) The average consumer provides a standard which enables the courts to strike a balance between the competing interests involved, such as trade mark owners, their competitors and consumers;

(c) The average consumer is neither a single hypothetical person nor a mathematical average; assessment from the perspective of the average consumer does not involve a statistical test. There is no single meaning rule and if, having regard to the perceptions and expectations of the average consumer, the court considers that a significant proportion of the relevant public is likely to be confused, a finding of infringement may properly be made;

(d) Assessment from the perspective of the average consumer is intended to facilitate adjudication of trade mark disputes by providing an objective criterion, by promoting consistency of assessment and by enabling courts and tribunals to determine such issues so far as possible without the need for evidence;

(e) The average consumer's level of attention varies according to the category of goods or services in question; and

(f) the average consumer rarely has the opportunity to make direct comparisons between trade marks (or between trade marks and signs) and must instead rely upon the imperfect picture of the trade mark they have kept in their mind.

38. The average consumer of the goods is likely to be a member of the general public. The goods are unlikely to be particularly expensive purchases. They are not likely to be purchased every day, although will be purchased reasonably frequently. For the class 3 goods, factors such as ingredients, suitability for skin type and type of fragrance will be considered. For the class 25 goods, factors such as materials, aesthetics and comfort are likely to be taken into consideration. Consequently, I consider that the average consumer will pay a medium (or average) degree of attention during the purchasing process. The goods are likely to be purchased by self-selection from the shelves of a retail outlet, or online equivalent. Consequently, visual considerations will dominate the selection process. However, I do not discount an aural component to the purchase given that advice may be sought from retail assistants and word-of-mouth recommendations may play a part.




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 trade mark	Contested trade mark
	 <p data-bbox="997 929 1200 963">The 857 mark</p>  <p data-bbox="997 1236 1200 1270">The 320 mark</p>

42. The applicant submits:

“3.1 The Applicant denies that the marks are visually or aurally similar to a degree that would cause confusion.

3.2 The visual appearance of the marks is entirely different, with distinct logos, fonts and stylisation.

3.3 “PREE LONDON” consists of 10 characters, while “BREE” consists only of 4.

3.4 “PREE LONDON” is pronounced “PREE LON-don” a two-beat rhythm with emphasis on both words, whereas “BREE” is a single syllable standalone

sound. Their rhythm, tone and length make the marks aurally distinct in every context.

3.5 UKIPO case law (e.g. *BioID v OHIM*) confirms that marks must be compared in their entirety when one element changes the overall impression.

3.6 Many brands are more recognisable by visual identity than sound, which further emphasises the difference between the marks.”

Overall comparison

43. The opponent’s 857 and 320 marks are identical. The marks are figurative four-letter marks, BREE, written in a stylised font. Whilst the stylisation contributes to the mark, the overall impression is dominated by the word BREE.

44. The applicant’s mark is a figurative mark consisting of a pictorial element depicting an eye with a geometric diamond contained within the iris. Joined to the lashes on the upper part of the eye is the word PREE in a basic font. Below the pictorial element of the mark is the word LONDON in a much smaller, basic font. The whole mark is presented in black and white. The overall impression of the mark is dominated by the word PREE and the eye device in roughly equal measure. The word LONDON, whilst contributing to the mark, plays a much lesser role.

Visual comparison

45. The opponent submits:

“8. The Opponent submits that the marks are visually similar. Although the Opponent accepts that the trade mark forming the subject of the Application incorporates a device element and it cannot be discounted in the visual comparison of the trade marks, the PREE and BREE elements are visually highly similar. Indeed, the REE element forms the subject of the word elements of both trade marks and although two of the trade marks forming the subject of the Earlier Registrations are slightly stylised they would be viewed in the main as word marks. BREE and PREE have an identical number of letters”.

46. The marks contain four-letter words, BREE and PREE respectively. These share three out of four letters, with the difference arising from the B and P at the start of the words. BREE is the only word in the opponent's mark, and PREE co-dominates the applicant's mark. The opponent's marks are written in a stylised font which will lower the level of visual similarity, but not significantly so, as I consider the font in the marks to be simple.

47. The marks also differ insofar as the contested mark contains a pictorial element, which is not present in the earlier marks, along with the word LONDON. Weighing up the similarities and the differences I consider that the marks are visually similar to a low to medium degree.

Aural comparison

48. The opponent submits as follows:

“7. The Opponent contends that phonetically the trade marks are highly similar. The word elements PREE and BREE sound similar. The words obviously have three letters in common, notably the REE element which have identical pronunciations. The only difference between the word elements of the trade marks are the letters P and B. However, BREE and PREE have very similar pronunciations despite the differences between the letters P and B. Indeed the letters P and B have similar pronunciations”

49. Since no articulation will be given to the pictorial element of the application, I consider that each mark will be referred to by reference to the words only.

50. The point of aural overlap lies with the words BREE and PREE, as these words share three out of four letters. The GC has previously noted that the beginnings of a word tend to have more impact than the ends,⁶ and in this case, I find the beginning of each mark to be aurally different as they start with different letters. The second word in the contested mark, LONDON, has two syllables and will be pronounced in the normal way. There is no comparator in the earlier marks, and this will be a point of

⁶ *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02

difference between the marks. However, as the word LONDON plays a much lesser role in the mark, I find the marks to be aurally similar to a medium degree.

Conceptual comparison

51. The applicant submits:

“10.1 “PREE” is not a coined or arbitrary term – it is deeply rooted in Caribbean and African cultural linguistics.

10.2 The logo’s eye symbol and diamond motif visually communicate this concept, making the brand distinct both semantically and visually.

10.3 This brand identity is deliberate, distinctive and easily distinguished from “BREE” which lacks comparable cultural or conceptual association”.

52. The opponent submits:

“9. Conceptually, when we consider the perspective of the average consumer, we contend that BREE and PREE elements have no meaning. We note that the Applicant states that the word ‘PREE’ has colloquial meaning in London, however, we would argue that most UK consumers would be unaware of this. The Opponent notes that (a) the Applicant did not ask for leave to file evidence in these proceedings and thus (b) filed no supporting evidence that PREE has a colloquial meaning in London. Although the Hearing Officer can make this assessment based on his personal knowledge available to him, nothing submitted in these proceedings to date shows or has been argued to show that PREE has any conceptual meaning beyond London. Therefore, for the vast majority of consumers in the UK, the word PREE has no conceptual meaning, This means the visual and phonetic similarities between the trade marks would be all the more be emphasised.”

53. For a conceptual message to be relevant it must be capable of immediate grasp by the average consumer, as highlighted in numerous judgments of the GC and the CJEU.⁷

54. I note the applicant's submissions that the word PREE has a meaning in African and Caribbean cultures, however, I do not consider that this meaning will be understood by the average UK consumer. As such, I consider that both BREE and PREE will be understood as being invented words with no meaning. LONDON is the capital city of the United Kingdom, and the use of this in the contested mark indicates that the business is located in London, or the goods are produced in London, which is a point of conceptual difference.

55. The contested mark contains a device depicting an eye with a geometric diamond contained within the iris. The applicant submits that the device reinforces the concept of the mark, however, as I have found that PREE will be understood to be an invented word, I do not agree with this submission. The eye and diamond will be seen as such, and so the consumer may take those concepts from the mark, as well as the geographic indication, London. As such, insofar as the marks convey any concept, I find that they are dissimilar.

Distinctive character of the earlier trade mark

56. 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).

⁷ See, for example, *Ruiz Picasso v OHIM* [2006] e.c.r.-I-643; [2006] E.T.M.R 29

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).”

57. 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, to those with high inherent distinctive character, such as invented words which have no allusive qualities. Being fast track proceedings, no evidence has been filed and therefore I only have the inherent position to consider.

58. The opponent’s marks are figurative marks which consist of the word, BREE, presented in a stylised font. In both marks the distinctive character lies in the word itself. The stylisation contributes, but not materially so, over and above the distinctiveness of the word, BREE. I consider that BREE will be perceived as an invented word which does not allude to or describe the goods provided. Therefore, I am of the view that the earlier marks are inherently distinctive to a high degree.

GLOBAL ASSESSMENT – Conclusions on Likelihood of Confusion

59. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods down to the responsible undertakings being the same or related. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The first is the interdependency principle, i.e. a lesser degree of similarity between the respective trade marks may be offset by a

greater degree of similarity between the respective goods and vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the opponent's trade marks, the average consumer for the goods and the nature of the purchasing process. In doing so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

60. I remind myself that I made the following findings:

- That the goods at issue range from being identical to similar to a low degree (except those that I have found to be dissimilar);
- I have identified that the average consumer will be a member of the general public who will select the goods primarily by visual means, although I do not discount an aural component;
- I have concluded that a medium degree of attention will be paid during the purchasing of goods;
- The contested mark is visually similar to the earlier marks to a low to medium degree;
- The contested mark is aurally similar to the earlier marks to a medium degree;
- I have found the contested mark and the earlier marks to be conceptually dissimilar;
- I have found the earlier marks overall to be inherently distinctive to a high degree;

61. I begin by considering a likelihood of direct confusion. The earlier marks are figurative marks which consist of the word BREE which is written in a stylised font. I have found the earlier marks to be highly distinctive. The applicant's mark is a figurative mark consisting of a pictorial element depicting an eye with a geometric diamond contained within the iris. Joined to the lashes on the upper part of the eye is the word PREE in a basic font. Below the pictorial element of the mark is the word

LONDON in a much smaller, basic font. The overall impression of the mark is dominated by the picture and the word PREE in roughly equal measure, with LONDON (being a geographical location) playing a much lesser role. Whilst the words BREE and PREE share three out of four letters, both are short words and as the beginnings of a word tend to have more impact than the ends, the different letters will not go unnoticed. I am conscious that there is no special test for short marks,⁸ however, as BREE and PREE consist of only four letters, the differences between them are more likely to be noticed. Whilst I have found the level of aural similarity to be higher than the visual/conceptual similarities, I have found the purchasing process to be predominantly visual in nature, and therefore the visual/conceptual similarities will carry greater weight⁹.

62. I have found that the figurative element of the contested mark co-dominates the overall impression and is unlikely to be overlooked. Taking the above into account, it is my view that the differences between the competing marks are likely to be sufficient for consumers – paying an average level of attention – to distinguish between them and avoid mistaking them for one another. Accordingly, notwithstanding the principles of imperfect recollection and interdependency, it follows that there will be no direct confusion, even in instances where the goods in question are identical.

63. This leads me to consider indirect confusion. In *L.A. Sugar Limited v By Back Beat Inc*, BL O/375/10, Mr Iain Purvis Q.C., as the Appointed Person, explained that:

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

⁸ *Robert Bosch GmbH v Bosco Brands UK Limited*, BL O/301/20, paragraph 43

⁹ *New Look Limited v OHIM*, joined cases T-117/03 to T-119/03 and T-171/03

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. These three categories are not exhaustive; rather, they were intended to be illustrative of the general approach, as has been confirmed by the Court of Appeal.¹⁰ I recognise that a finding of indirect confusion should not be made merely because the competing marks share a common element. In this connection, it is not sufficient that a mark merely calls to mind another mark; this is mere association not indirect confusion.¹¹ The Court of Appeal has also emphasised that, where there is no direct confusion, there must be a “proper basis” for finding indirect confusion.

65. For indirect confusion to arise the average consumer must consider that as a result of the similarities between the marks, there is an economic connection between the respective marks, such that the goods provided under one are regarded as a brand extension or sub brand of the other, for example.

¹⁰ *Liverpool Gin Distillery and others v Sazerac Brands, LLC and others* [2021] EWCA Civ 1207

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

66. In this instance, the earlier marks consist of an invented word, BREE. This renders them highly distinctive. However, the distinctive character of those marks lies (entirely or overwhelmingly) in the word BREE as a whole. The average consumer would not dissect this word and separate the last three letters from the first. The shared letters REE form part of different words in the competing marks. There is no sharing of an independent distinctive element which could give rise to indirect confusion. Moreover, the differences between the marks are not simple additions or removals of non-distinctive elements. Further, the differences do not appear to be consistent with any logical brand extensions with which the average consumer would be familiar. Although the addition/removal of figurative elements and a geographical indication could lend itself to the use of variant marks by the same (or an economically connected) undertaking, the difference in one letter at the start of the mark is not consistent with a sub-brand or brand extension. For the reasons outlined above, it is my view that consumers will notice the difference between BREE and PREE, and I do not consider that it would be logical for an undertaking with a highly distinctive, invented word mark to change the first letter, resulting in a different invented word. Whilst I acknowledge that the categories identified in *L.A. Sugar* are not exhaustive, I can see no basis upon which the average consumer would conclude that there is an economic connection between the marks. Taking all of the above into account, I do not consider that there exists a likelihood of indirect confusion between the marks, even when used on identical goods.

Conclusion

67. The opposition has failed entirely and, subject to any successful appeal, the applicant's mark will proceed to registration.

COSTS

68. As the applicant has been successful in these proceedings, they are entitled to a contribution towards their costs. The applicant, being unrepresented, was invited by the tribunal to indicate whether they intended to make a request for an award of costs, including providing accurate estimates of the number of hours spent on a range of given activities relating to the prosecution of the proceedings. It was made clear by letter dated 17 September 2025 that if the pro-forma was not completed, costs arising

from the action may not be awarded. As the applicant has not provided such information, I therefore make no award as a contribution towards costs of the proceedings.

Dated this 12th day of March 2026

LA Bailey

For the Registrar

Annex 1

Class 3

Cosmetics; Skincare cosmetics; Moisturisers [cosmetics]; Cosmetics and cosmetic preparations; Hair cosmetics; Skin fresheners [cosmetics]; Cosmetics for eye-lashes; Anti-aging moisturizers used as cosmetics; Cosmetics for suntanning; Organic cosmetics; Non-medicated cosmetics; Lip cosmetics; Nail cosmetics; Skin moisturizers used as cosmetics; Natural cosmetics; Mousses [cosmetics]; Cosmetics preparations; Make-up palettes containing cosmetics; Cosmetics in the form of lotions; Tanning oils [cosmetics]; Tanning gels [cosmetics]; Beauty care cosmetics; Facial creams [cosmetics]; Colour cosmetics; Cosmetics for animals; Self-tanning preparations [cosmetics]; Suncare lotions [for cosmetic use]; Eyebrow cosmetics; Tanning preparations [cosmetics]; Decorative cosmetics; Multifunctional cosmetics; Body creams [cosmetics]; Eye cosmetics; Milks [cosmetics]; After-sun oils [cosmetics]; Skin masks [cosmetics]; Cosmetics for eye-brows; Tanning milks [cosmetics]; Suntan oils [cosmetics]; Functional cosmetics; Facial gels [cosmetics]; Skin care cosmetics; Cosmetics for children; Humectant preparations [cosmetics]; Emollient preparations [cosmetics]; Cosmetics in the form of creams; Powder compacts [cosmetics]; Suntanning preparations [cosmetics]; Cosmetic hair lotions; Suntanning oil [cosmetics]; After-sun milks [cosmetics]; Colour cosmetics for the skin; After-sun milk [cosmetics]; Cosmetics for use on the skin; Cosmetic moisturisers; Sunscreens [for cosmetic use]; Cosmetic creams and lotions; Bath powder [cosmetics]; Night creams [cosmetics]; Skin recovery creams [cosmetics]; Sun blocking lipsticks [cosmetics]; Body gels [cosmetics]; Cosmetics for the use on the hair; Cosmetic products in the form of aerosols for skincare; Body and facial creams [cosmetics]; Lip stains [cosmetics]; Sunscreen [for cosmetic use]; Sunscreen creams [for cosmetic use]; Body care cosmetics; Creams (Cosmetic -); Cosmetic creams; Cosmetic soaps; Cosmetics containing keratin; Cosmetics in the form of powders; Cosmetic skin fresheners; Hair care lotions [for cosmetic use]; Dyes (Cosmetic -); Cosmetic dyes; Cosmetics in the form of oils; After-sun lotions [for cosmetic use]; Beauty lotions; Cosmetics containing panthenol; Cosmetic facial lotions; Facial lotions [cosmetic]; Nail paint [cosmetics]; Cosmetic suntan lotions; Colour cosmetics for children; Perfume oils for the manufacture of cosmetic preparations; Skin care lotions [cosmetic]; Nail hardeners

[cosmetics]; Nail tips [cosmetics]; Tissues impregnated with cosmetics; Anti-aging creams [for cosmetic use]; Sun protecting creams [cosmetics]; Cosmetic products for the shower; Nail primer [cosmetics]; Anti-ageing creams [for cosmetic use]; Smoothing emulsions [cosmetics]; Skin cleansers [cosmetic]; Liners [cosmetics] for the eyes; Perfumed powders [for cosmetic use]; Moisturising skin lotions [cosmetic]; Cosmetic creams for the skin; Skin creams [cosmetic]; Skin creams [for cosmetic use]; Body and facial gels [cosmetics]; Perfume; Perfumes; Perfume oils; Perfumery and fragrances; Amber [perfume]; Fragrances; Oils for perfumes and scents; Fragrance sachets; Musk [perfumery]; Cologne; Perfume water; Aromatics for perfumes; Room perfume sprays; Liquid perfumes; Potpourris [fragrances]; Colognes; Scents; Fragrance emitting wicks for room fragrance; Aromatics for fragrances; Perfumery; Perfumes for cardboard; Fragrance refills for non-electric room fragrance dispensers; Cedarwood perfumery; Extracts of perfumes; Eau de cologne [cologne water]; Perfumes for ceramics; Body deodorants [perfumery]; Extracts of flowers [perfumes]; Flowers (Extracts of -) [perfumes]; Extracts of flowers being perfumes; Deodorants for personal use [perfumery]; Ionone [perfumery]; Aftershave lotions; Body fragrances; Perfumeries; Fragrance preparations; Fragrances for automobiles; Perfumed potpourris; Vanilla perfumery; Household fragrances; Perfumed sachets; Room perfumes in spray form; Fragrance sachets for eye pillows; Natural oils for perfumes; Room fragrances; Perfumery products; Aftershave; Mint for perfumery; Feminine deodorant sprays; Perfumed soaps; Cologne water; Solid perfumes; Scented water for fragrancing; After-shave lotions; Peppermint oil [perfumery]; Air fragrance preparations; Perfuming sachets; Perfumed soap; Aftershave balms; Scented oils; Scented linen sprays; Synthetic perfumery; Aftershave balm; Scented sachets; Air fragrance reed diffusers; Aftershaves; Geraniol for fragrancing; Scented body lotions; Synthetic vanillin [perfumery]; Scented soaps; Perfumed powder [for cosmetic use]; Perfumed powders; Incense spray; Perfumed creams; Scented body spray; Essential oils as perfume for laundry purposes; Eau de Cologne; Eau de cologne; Suntan lotion [cosmetics]; Sachets for perfuming linen; Linen (Sachets for perfuming -); Perfumed powder; Essences for fragrancing; Eau de colognes; Scented room sprays; Fumigation preparations [perfumes]; Ethereal oils for fragrancing; Perfumed lotions [toilet preparations]; After-shave; Fragrance for household purposes; Aromatherapy lotions; After-shave balms; Eaux de Cologne; Eaux de cologne; Scented body lotions and creams; Aftershave creams; Scented fabric refresher sprays; Perfumed body lotions

[toilet preparations]; Deodorant soap; Soap (Deodorant -); Fragrant sachets; Aftershave milk; Geraniol fragrancings compounds; Incense sachets; Agarwood [incense]; Roll-on deodorants [toilettries]; Natural perfumery; Perfumed water; Eau de parfum; Synthetic musk; Jasmine oil; Ambergris; Aromatic potpourris; Scented wood; Incense; Musk [natural]; Natural musk; Aromatic oils for the bath; Polish for musical instruments; Body spray; Body sprays; Body oil spray; Body sprays [non-medicated]; Body lotion; Body mist; Body powder; Body deodorants; Body wash; Body mask lotion; Body lotions; Moisture body lotion; Hair spray; Body oils; Body washes; Hair and body wash; Body scrub; Body shampoos; Body oil; Body mask powder; Body paint (cosmetic); Face and body lotions; Body cleansing foams; Body glitter; Body gels; Foot deodorant spray; Body moisturisers; Body and facial oils; Body massage oils; Body polish; Body soap; Body splash; Body cream; Body butter; Body powder (Non-medicated -); Body masks; Toning lotion, for the face, body and hands; Body oils [for cosmetic use]; Body butters; Moisturizing body lotions; Body creams; Body milk; Body oil [for cosmetic use]; Body emulsions; Body mask cream; Face and body glitter; Body talcum powder; Body scrubs; Hair styling spray; Deodorants for body care; Body and facial butters; Scented body creams; Liquid latex body paint for cosmetic purposes; Moisturising body lotion [cosmetic]; Cosmetic body mud; Face and body creams; Lotions for face and body care; Exfoliating body scrub; Body emulsions for cosmetic use; Body soufflé; Body cream for cosmetic use; Body glitters; Body paint for cosmetic purposes; Glitter in spray form for use as a cosmetics; Sparkling fluid for the body; Cosmetic body scrubs; Body scrubs [cosmetic]; Shaving sprays; Eye shadow; Eye shadows; Cosmetics in the form of eye shadow; Eyelid shadow; Eye make-up; Eye makeup; Eye cream; Eye concealers; Eye pencils; Eye liner; Under eye correctors; Eye creams; Eye gel; Eye sticks; Eye brightening correctors; Eye correction serum; Eye makeup remover; Eye make-up removers; Eye lotions; Eye gels; Gel eye masks; Cosmetic eye pencils; Eye wrinkle lotions; Eyes make-up; Cosmetic preparations for eye lashes; Cosmetic eye gels; Eye stylers; Eye make up remover; Colour cosmetics for the eyes; Skin, eye and nail care preparations; Eyes pencils; Eye compresses for cosmetic purposes; Gel eye patches for cosmetic purposes; Cosmetic creams for firming skin around eyes; Eyelash tint; Eyelid doubling makeup; Face glitter; Eyelid pencils; Make-up for the face; Make-up for the face and body; Cosmetic paste for application to the face to counteract glare; Face blusher; Eye care products, non-medicated; Patches containing sun screen and sun block for use on the skin; Eyebrow

colors; Creams (Non-medicated -) for the eyes; Eyebrow mascara; Make-up preparations for the face and body; Cosmetic white face powder; Hand masks for skin care; Sun protectors for lips; Face creams; Face and body masks; Lip makeup; Eyebrow pencils; Pencils (Eyebrow -); Lip tints; Face wash [cosmetic]; Sun screen; Double eyelid tapes; Lip gloss palettes; Eyeliner; Eyelashes; Long lash mascaras; Hair mascara; Mascara; Foundation; Skin foundation; Foundation make-up; Make-up foundation; Liquid foundation; Creamy foundation; Perfumes in solid form; Concealers; Eyeshadow palettes; Eyeliners; Moisturiser; Lipstick; Makeup; Anti-ageing moisturiser; Blush; Blemish balm creams; Blush pencils; Cream foundation; Skin balms [cosmetic].

Class 25

Clothes; Clothing; Swaddling clothes; Baby clothes; Beach clothes; Nappy pants [clothing]; Denims [clothing]; Jackets [clothing]; Work clothes; Shorts [clothing]; Aprons [clothing]; Drawers [clothing]; Drawers as clothing; Clothes for sports; Jackets (Stuff -) [clothing]; Stuff jackets [clothing]; Clothes for sport; Linen clothing; Headbands [clothing]; Headbands for clothing; Kerchiefs [clothing]; Bottoms [clothing]; Gloves [clothing]; Gloves as clothing; Capes (clothing); Furs [clothing]; Trunks being clothing; Maternity clothing; Babies' pants [clothing]; Layettes [clothing]; Clothing layettes; Jerseys [clothing]; Clothing for leisure wear; Hoods [clothing]; Woolen clothing; Ready-to-wear clothing; Gabardines [clothing]; Clothing for babies; Bodies [clothing]; Garments for protecting clothing; Tops [clothing]; Belts [clothing]; Belts for clothing; Gussets for underwear [parts of clothing]; Playsuits [clothing]; Collars [clothing]; Pockets for clothing; Veils [clothing]; Knitwear [clothing]; Paper hats for use as clothing items; Corsets [clothing, foundation garments]; Silk clothing; Fabric belts [clothing]; Mitts [clothing]; Hats (Paper -) [clothing]; Paper hats [clothing]; Beach clothing; Braces for clothing; Belts (Money -) [clothing]; Money belts [clothing]; Chaps (clothing); Gussets for bathing suits [parts of clothing]; Ready-made clothing; Embroidered clothing; Visors [clothing]; Casual clothing; Knitted clothing; Dresses; Bridesmaid dresses; Pinafore dresses; Wedding dresses; Cocktail dresses; Collars for dresses; Jumper dresses; Leather dresses; Dresses for evening wear; Evening dresses; Dress shirts; Nurse dresses; Tennis dresses; Gowns; Shift dresses; Dress shoes; Bridal gowns; Ladies' dresses; Dress pants; Dress suits; Fancy dress costumes; Wedding

gowns; Blouses; Dressing gowns; Dresses made from skins; Women's ceremonial dresses; Pleated skirts for formal kimonos (hakama); Cheongsams (Chinese gowns); Bridesmaids wear; Skirt suits; Imitation leather dresses; Christening gowns; Bodices [lingerie]; Skirts; Men's dress socks; Sundresses; Bandeaux [clothing]; Nightgowns; Pleated skirts; Dress shields; Shields (Dress -); Sleeveless jackets; Evening gowns; Frock coats; Romper suits; Skating outfits; Bridal garters; Strapless bras; Dresses for infants and toddlers; Jumpsuits; Cardigans; Petticoats; Night gowns; Caftans; Ladies wear; Leggings [trousers]; Sashes for wear; Tunics; Tuxedos; Nightdresses; Kimonos; Kaftans; Quilted jackets [clothing]; Camisoles; Maternity shirts; Ball gowns; Bathing costumes for women; Fashion hats; Wedding garters; Underskirts; Foulards [clothing articles]; Gussets for leotards [parts of clothing]; Capelets; Sleeved jackets; Jogging outfits; Sleeveless jerseys; Shoes for casual wear; Costumes; Boas [clothing]; Bra straps [parts of clothing]; Swimsuits; Trainers; Trainers [footwear]; Training shoes; Training suits; Gym boots; Boxing shoes; Athletic shoes; Gym shorts; Gym suits; Yoga shoes; Referees uniforms; Sport shoes; Heels; High-heeled shoes; Heel pieces for shoes; Tongues for shoes and boots; Heel protectors for shoes; Insoles for shoes and boots; Shoes; Ankle boots; Sandals; Pullstraps for shoes and boots; Hidden heel shoes; Sandals and beach shoes; Stockings (Heel pieces for -); Heel pieces for stockings; Boots; Spiked running shoes; Slip-on shoes; Esparto shoes or sandals; Booties; Shoes for foot volleyball; Foot volleyball shoes; Walking boots; Walking shoes; Toe socks; Thong sandals; Shoe soles; Lace boots; Flat shoes; Pedicure sandals; Pumps [footwear]; Platform shoes; Wedge sneakers; Fittings of metal for boots and shoes; Esparto shoes or sandals; Dance shoes; Ballet shoes; Tap shoes; Footwear soles; Soles for footwear; Toe straps for Japanese style sandals [zori]; Running shoes; Leather shoes; Men's sandals; Sneakers [footwear]; Rubber shoes; Women's shoes; Jogging shoes; Sneakers; Slipper soles; Riding shoes; Wooden shoes [footwear]; Shoes soles for repair; Beach shoes; Studs for football shoes; Ankle socks; Head wear; Rain shoes; Wellington boots; Shoe straps; Riding boots; Flip-flops for use as footwear; Climbing boots; Roller shoes; Studs for football boots; Football boots (Studs for -); Volleyball shoes; Winter boots; Aqua shoes; Apres-ski shoes; Soles for japanese style sandals; Knee-high stockings; Nursing shoes; Baby boots; Athletics shoes; Hiking shoes; Work shoes; Heelpieces for footwear; Embossed heels of rubber or of plastic materials; Wooden shoes; Snow boots; Welts for footwear; Footwear (Welts for -); Anklets [socks]; Bath sandals; Protective metal members for

shoes and boots; Climbing boots [mountaineering boots]; Deck shoes; Baby sandals; Tennis shoes; Baby shoes; Insoles for footwear; Infants' boots; Driving shoes; Basketball shoes; After ski boots; Rain boots; Jogging pants; Yoga pants; Exercise wear; Boxing shorts; Yoga shirts; Gymwear; Gymnastic shoes; Tennis sweatbands; Yoga socks; Clothing for gymnastics; Maternity dresses; Formalwear; Formal evening wear; Swim wear for gentlemen and ladies; Evening wear; Eye masks; Face mask [clothing] ; Pyjamas; Pajamas; Pyjamas [from tricot only]; Baby doll pyjamas; Nightwear; Knitted underwear; Teddies [undergarments]; Trousers; Nighties; Bed socks; Underpants; Nightshirts; Trousers shorts; Housecoats; Underwear; Corduroy trousers; Sweatpants; Teddies [underclothing]; Sleep shirts; Boy shorts [underwear]; Sleep pants; Pajamas (Am.); Trousers for children; Bed jackets; Briefs [underwear]; Underpants for babies; Tracksuits; Maternity underwear; Tracksuit bottoms; Pajama bottoms; Slippers; Lounging robes; Knickers; Woollen socks; Underclothes; Teddies; Tracksuit tops; Bootees (woollen baby shoes); Dungarees; Trousers for sweating; Sleepwear; Bath slippers; Woollen tights; Sweat-absorbent underwear; Waterproof trousers; Lounge pants; Trouser socks; Sleepsuits; Sweat-absorbent underclothing [underwear]; Fleece shorts; Sleeping garments; Negligees; Babies' pants [underwear]; Maternity sleepwear; Corduroy shirts; Loungewear; Corduroy pants; Men's underwear; Maternity shorts; Pinafores; Shoes for leisurewear; Short-sleeved shirts; Night shirts; Long-sleeved shirts; Short-sleeved T-shirts; Underwear (Anti-sweat -); Anti-sweat underwear; Trunks [underwear]; Socks and stockings; Turtleneck shirts; Open-necked shirts; Maternity pants; Knitted baby shoes; Golf trousers; Casual trousers; Slipper socks; Hooded bathrobes; Disposable underwear; Nightcaps; Waistcoats; Undershirts for kimonos (juban); Trousers of leather; Thermal underwear; Rain trousers; Bib shorts; Bras; Straps for bras; Bra extenders; Bra strap extenders; Strapless brassieres; Fitted swimming costumes with bra cups; Adhesive bras; Sports bras; Lingerie; Bralettes; Panties; Slips [undergarments]; Corsets [underclothing]; Snowboard boots; Hiking boots; Waterproof boots; Ski boots.

Annex 2

The 857 mark

Class 9 Cell phone covers, covers and bags for laptop computers, covers for e-book readers.

Class 18 Luggage, bags, wallets and carrying bags; backpacks; vanity cases, not fitted; key cases; purses; trunks and travelling bags; travel cases; suitcases; overnight cases; holdalls; port manteaux; attaché cases; handbags; shoulder bags; cosmetic bags and pouches; school bags; suit bags; beach bags; toiletry bags; make-up bags; vanity cases; garment bags for travel; briefcases and attaché cases.

Class 25 Clothing, footwear, headgear, belts (clothing).

Class 35 Presentation of goods and services, marketing services, sales promotion, all of the aforementioned services for presentation, marketing and promotion of cell phone covers, covers and bags for laptop computers, electronic book reader covers, luggage, bags, wallets and other carrying cases, rucksacks, vanity cases, not fitted, key cases, purses, leather and imitations of leather, clothing, footwear, headgear, belts (clothing), none of the aforesaid being connected to the presentation, marketing or promotion of computer software, computer programs, printed matter, books, magazines, publications, tool bags, tool belts, tool pouches for attachments to tool belts, protective clothing or personal protective equipment; retail and wholesale services connected with the sale of cell phone covers, covers and bags for laptop computers, electronic book reader covers, luggage, bags, wallets, carrying bags, backpacks, vanity cases, key cases, purses, trunks, travelling bags, travel cases, suitcases, overnight cases, holdalls, port manteaux, attaché cases, handbags, shoulder bags, cosmetic bags, pouches, school bags, suit bags, beach bags, toiletry bags, make-up bags, vanity cases, garment bags for travel, briefcases, attaché cases, clothing, footwear, headgear, belts (clothing), none of the aforesaid being the retail or wholesale of computer software, computer programs, printed matter, books, magazines, publications, tool bags, tool belts, tool pouches for attachments to tool belts, protective clothing or personal protective equipment.

The 775 mark

Class 35 Presentation of goods and services; Marketing services; Promotion services; Retailing and wholesaling, including via the internet, relating to covers and bags for mobile phones, laptops, tablets (computers), e-book readers, luggage, bags, wallets and other carrying cases, rucksacks, vanity cases, key cases, purses, leather and imitation leather.

The 320 mark

Class 9 Cell phone covers, Covers and bags for laptop computers, Covers for e-book readers.

Class 18 Luggage, bags, wallets and other carriers; Backpacks; Vanity cases, not fitted; Key cases; Purses; Leather and imitation leather; not including tool bags.

Class 25 Clothing, footwear, headgear, belts (clothing).

Class 35 Presentation of goods and services, marketing services, sales promotion, all of the aforementioned services for presentation, marketing and promotion of cell phone covers, covers and bags for laptop computers, electronic book reader covers, luggage, bags, wallets and other carrying cases, rucksacks, vanity cases, not fitted, key cases, purses, leather and imitations of leather, clothing, footwear, headgear, belts (clothing), none of the aforesaid being connected to the presentation, marketing or promotion of computer software, computer programs, printed matter, books, magazines, publications, tool bags, tool belts, tool pouches for attachments to tool belts, protective clothing or personal protective equipment; retailing and wholesaling, including online, with cell phone covers, covers and bags for laptop computers, electronic book reader covers, luggage, bags, and wallets and other carrying cases, rucksacks, vanity cases, not fitted, key cases, purses, leather and imitations of leather, clothing, footwear, headgear, belts (clothing), none of the aforesaid being the retail or wholesale of computer software, computer programs, printed matter, books, magazines, publications, tool bags, tool belts, tool pouches for attachments to tool belts, protective clothing or personal protective equipment.