

O/0231/26

TRADE MARKS ACT 1994

IN THE MATTER OF UK REGISTRATION NO. 3866470
IN THE NAME OF MICHAEL KA CHUN LI
FOR THE FOLLOWING TRADE MARK:

COLLAB DEPT.

IN CLASSES

3, 9, 14, 16, 18, 20, 25, 35 AND 42

AND

AN APPLICATION FOR A DECLARATION OF INVALIDITY
THERE TO UNDER NO. CA000507606
BY GALLERY DEPARTMENT, LLC.

Background and pleadings

1. The trade mark (“contested mark”) shown on the front page of this decision stands registered in the name of MICHAEL KA CHUN LI (“the proprietor”). The mark was applied for on 10 January 2023 in the UK and was registered on 12 May 2023. The contested mark stands registered for goods and services in classes 3, 9, 14 16, 18, 20, 25, 35 and 42. The full list of goods and services is outlined in Annex 1 of this decision.

2. On 29 July 2024, Gallery Department, LLC (“the applicant”) filed an application to have this trade mark declared invalid under the provisions of Section 5(2)(b) of the Trade Marks Act 1994 (“the Act”)¹, which are relevant in invalidation proceedings under Section 47 of the Act. The application is targeted at the following goods and services:

Class 25: Clothing; footwear; headgear; rainproof clothing; sportswear; loungewear; hoods; bandannas; visors; berets; ear warmers; ear bands; ear muffs; clothes made of artificial leather; leather garments; gloves; underwear; lingerie; underclothing; outerwear; nightwear; sleepwear; sleep masks; mittens; gloves; scarves; neckwear; snoods; belts for clothing; socks; swimwear; hairdressing capes; capes; wristbands; braces [suspenders].

Class 35: Retail and wholesale services connected with the sale of clothing patterns, clothing, footwear, headgear, rainproof clothing, sportswear, loungewear, hoods, bandanas [shawls], visors, berets, ears-warmers [clothing], clothes made of artificial leather, leather garments, gloves, underwear, lingerie, underclothing, outerwear, nightwear, sleepwear, sleep masks, mittens, gloves, scarves, neckwear, snoods, belts for clothing, socks, swimwear, hairdressing capes, capes, wristbands, braces [suspenders]; fashion shows for promotional purposes (organisation of-); organisation of fashion shows for commercial purposes; promoting the sale of fashion goods through promotional articles in

¹ 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.

magazines; advertising, promoting and conducting trade shows in the field of fashion; conducting an on-line trade show exhibition, in the field of fashion; promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with fashion.

3. The applicant relies upon the UK trade mark registration:

DEPT.

UK registration no. 3797617

Filing date 10 June 2022;² registration date 28 October 2022.

Relying on all goods in class 25: Clothing, namely, men's, women's, missy's, juniors', children's and infants' jeans, pants, trousers, capris, leggings, shorts, skorts, overalls, shortalls, skirts, dresses, tops, t-shirts, sweatshirts, blouses, shirts, jackets, coats, sweaters, vests, cardigans, scarves, socks, bandanas, neckties, belts, boots, sandals, footwear, hats, caps being headwear, headwear, underwear, swimwear, gloves and ties.

4. By virtue of its earlier filing date, the above mark constitutes an earlier mark in accordance with section 6 of the Act. As the applicant's mark had not completed its registration process more than five years before the date of the application in issue, it is not subject to proof of use pursuant to section 47(2B) of the Act. Consequently, the applicant may rely on all of the goods it has identified without having to demonstrate use.

5. The applicant claims that the marks are highly similar and that the goods and services are identical or similar to the goods of the earlier mark. As a result, the applicant claims that there is a risk of confusion between the marks.

² The earlier mark claims a priority filing date of 20 December 2021 on the basis of US filing no. 97181452.

6. The proprietor filed a counterstatement denying the claims made.

7. The proprietor is represented by London IP Limited, and the applicant is represented by Lee & Thompson LLP. Only the proprietor filed evidence and written submissions. No hearing was requested and neither party filed written submissions in lieu, so this decision is taken following a careful perusal of the papers.

Evidence

8. The proprietor's evidence came in the form of the witness statement of Louise Fielding dated 27 March 2025. Ms Fielding provides is a trade mark attorney at London IP Limited, the UK representatives for the proprietor. Her statement is accompanied by one exhibit, being LF1. The purpose of the evidence is to show different brands using the term "DEPT" on various items of clothing.

9. Whilst I do not intend to summarise the evidence in full here, I confirm that I have taken all filed documents into account and will summarise them to the extent that I deem necessary below.

DECISION

10. Section 5(2)(b) of the Act has application in invalidation proceedings pursuant to section 47 of the Act, which states as follows:

"47. –

[...]

(2) Subject to subsections (2A) and (2G), the registration of a trade mark may be declared invalid on the ground-

(a) that there is an earlier trade mark in relation to which the conditions set out in section 5(1), (2) or (3) obtain, or

(b) [...]

unless the proprietor of that earlier trade mark or other earlier right has consented to the registration.

(2A) The registration of a trade mark may not be declared invalid on the ground that there is an earlier trade mark unless –

(a) the registration procedure for the earlier trade mark was completed within the period of five years ending with the date of the application for the declaration,

(b) the registration procedure for the earlier trade mark was not completed before that date, or

(c) the use conditions are met.

[...]

(5) Where the grounds of invalidity exist in respect of only some of the goods or services for which the trade mark is registered, the trade mark shall be declared invalid as regards those goods or services only.

(5A) An application for a declaration of invalidity may be filed on the basis of one or more earlier trade marks or other earlier rights provided they all belong to the same proprietor.

(6) Where the registration of a trade mark is declared invalid to any extent, the registration shall to that extent be deemed never to have been made: Provided that this shall not affect transactions past and closed.”

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

“(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 or association with the earlier trade mark.”

12. Section 47(5) of the Act is as follows:

“Where the grounds of invalidity exist in respect of only some of the goods or services for which the trade mark is registered, the trade mark shall be declared invalid as regards those goods or services only”.

13. 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 Paris Europe Inc & Anor*, [2025] UKSC 25. These principles are gleaned from the decisions of the EU courts in *Sabel BV v Puma AG*, Case C 251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v Office for Harmonisation in the Internal Market (“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, 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

14. When considering whether goods and services are similar, all the relevant factors relating to the goods and services should be taken into account. According to the

judgement of the Court of Justice of the European Union (“CJEU”) in *Canon*,³ and the guidance from Jacob J. (as he then was) in the *Treat* case,⁴ those factors include, inter alia:

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

15. In *Gérard Meric v OHIM*,⁵ (“*Meric*”), the General Court (“GC”) held to the effect that goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by the trade mark application and vice versa (this principle equally applies to services).

16. 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”.⁶ Complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity,⁷ and it can be clearly distinguished from ‘use in combination’ – the latter being where goods/services are merely used together,

³ Case C-39/97, paragraph 23

⁴ *British Sugar PLC v James Robertson & Sons Ltd.*, [1996] R.P.C. 281 – the “*Treat*” case.

⁵ Case T-133/05

⁶ *Boston Scientific Ltd v OHIM*, Case T-325/06, paragraph 82

⁷ *Kurt Hesse v OHIM*, Case C-50/15 P

whether by choice or convenience (e.g. bread and butter; or wine and wine glasses),⁸ this means that they are not essential for each other.

17. In relation to the retail services at issue, I note that in *Oakley, Inc v OHIM*, Case T-116/06, at paragraphs 46-57, the GC held that although retail services are different in nature, purpose and method of use to goods, retail services for particular goods may be complementary to those goods, and distributed through the same trade channels, and therefore similar to a degree.

18. Further, in *In Tony Van Gulck v Wasabi Frog Ltd*, Case BL O/391/14, Mr Geoffrey Hobbs Q.C. as the Appointed Person reviewed the law concerning retail services v goods. He said (at paragraph 9 of his judgment) that:

“9. The position with regard to the question of conflict between use of **BOO!** for handbags in Class 18 and shoes for women in Class 25 and use of **MissBoo** for the Listed Services is considerably more complex. There are four main reasons for that: (i) selling and offering to sell goods does not, in itself, amount to providing retail services in Class 35; (ii) an application for registration of a trade mark for retail services in Class 35 can validly describe the retail services for which protection is requested in general terms; (iii) for the purpose of determining whether such an application is objectionable under Section 5(2)(b), it is necessary to ascertain whether there is a likelihood of confusion with the opponent’s earlier trade mark in all the circumstances in which the trade mark applied for might be used if it were to be registered; (iv) the criteria for determining whether, when and to what degree services are ‘*similar*’ to goods are not clear cut.”

19. However, on the basis of the European courts’ judgments in *Sanco SA v OHIM*, Case C-411/13P and *Assembled Investments (Proprietary) Ltd v. OHIM*, Case T-105/05, at paragraphs [30] to [35] of the judgment, upheld on appeal in *Waterford*

⁸ As Mr Daniel Alexander Q.C. noted as the Appointed Person in *Sandra Amalia Mary Elliot v LRC Products 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.”

Wedgewood Plc v. Assembled Investments (Proprietary) Ltd Case C-398/07P, Mr Hobbs concluded that:

i) Goods and services are not similar on the basis that they are complementary if the complementarity between them is insufficiently pronounced that, from the consumer's point of view, they are unlikely to be offered by one and the same undertaking;

ii) In making a comparison involving a mark registered for goods and a mark proposed to be registered for retail services (or vice versa), it is necessary to envisage the retail services normally associated with the opponent's goods and then to compare the opponent's goods with the retail services covered by the applicant's trade mark;

iii) It is not permissible to treat a mark registered for 'retail services for goods X' as though the mark was registered for goods X;

iv) The General Court's findings in *Oakley* did not mean that goods could only be regarded as similar to retail services where the retail services related to exactly the same goods as those for which the other party's trade mark was registered (or proposed to be registered).

20. The goods and services to be compared are as follows:

Applicant's goods	Proprietor's goods and services
Class 25: Clothing, namely, men's, women's, missy's, juniors', children's and infants' jeans, pants, trousers, capris, leggings, shorts, skorts, overalls, shortalls, skirts, dresses, tops, t-shirts, sweatshirts, blouses, shirts, jackets, coats, sweaters, vests, cardigans, scarves, socks, bandanas, neckties, belts, boots, sandals, footwear, hats,	Class 25: Clothing; footwear; headgear; rainproof clothing; sportswear; loungewear; hoods; bandannas; visors; berets; ear warmers; ear bands; earmuffs; clothes made of artificial leather; leather garments; gloves; underwear; lingerie; underclothing; outerwear; nightwear; sleepwear; sleep masks; mittens; gloves; scarves;

caps being headwear, headwear, underwear, swimwear, gloves and ties.

neckwear; snoods; belts for clothing; socks; swimwear; hairdressing capes; capes; wristbands; braces [suspenders].

Class 35: Retail and wholesale services connected with the sale of clothing patterns, clothing, footwear, headgear, rainproof clothing, sportswear, loungewear, hoods, bandanas [shawls], visors, berets, ears-warmers [clothing], clothes made of artificial leather, leather garments, gloves, underwear, lingerie, underclothing, outerwear, nightwear, sleepwear, sleep masks, mittens, gloves, scarves, neckwear, snoods, belts for clothing, socks, swimwear, hairdressing capes, capes, wristbands, braces [suspenders]; fashion shows for promotional purposes (organisation of-); organisation of fashion shows for commercial purposes; promoting the sale of fashion goods through promotional articles in magazines; advertising, promoting and conducting trade shows in the field of fashion; conducting an on-line trade show exhibition, in the field of fashion; promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with fashion.

21. I first note that the proprietor has admitted that the goods covered by both marks in class 25 are similar if not identical.⁹ In respect of the class 35 services, they accept that the retail services are similar to the applicant's goods albeit to only a low degree. As for the remaining services, they maintain that there is no similarity.

22. I will now move on to assess the degree of similarity of these goods whilst keeping in mind the proprietor's concessions.

Class 25

23. The terms *footwear; underwear; gloves; scarves; belts/belts for clothing; socks and swimwear* appear in both specifications and are self-evidently identical. The applicant's specification also contains the term *headwear* which I consider to be identical to the proprietor's term *headgear* albeit worded slightly differently.

24. The proprietor's specification contains the terms *lingerie* and *underclothing*. I consider these goods to be identical to the term *underwear* contained in the applicant's specification but worded differently.

25. The proprietor's specification includes the terms *hoods; bandannas; visors; berets* and *snoods*. I consider these goods to be identical to the applicant's term *headwear* based on the principle outlined in *Meric*.

26. The term *clothing* in the proprietor's specification is very broad and would encompass several terms in the earlier specification such as *clothing, namely, men's, women's, missy's, juniors', children's and infants' jeans*. Therefore, I find these goods to be identical based on the principle outlined in *Meric*.

27. I consider the term *loungewear* to be clothing designed for comfort and *sportswear* to be clothing designed for exercise. Both categories of clothing would include items such as leggings. Accordingly, I find the proprietor's *loungewear* and *sportswear* to be identical to the applicant's *leggings* in line with *Meric*.

⁹ Paragraph 21 of the proprietor's submissions dated 28 March 2025.

28. The proprietor's specification includes the terms *clothes made of artificial leather* and *leather garments*. I consider this would include clothing items such as *jackets* and *trousers* which are contained in the applicant's specification. As such, I find these terms to be identical based on the principle outlined in *Meric*.

29. *Rainproof clothing* in the proprietor's specification would include items such as coats and trousers made from waterproof materials. The applicant's specification includes the terms *coats* and *trousers*. These terms have not been limited in any way and could therefore be made from waterproof materials. Consequently, I consider these terms to be identical in line with *Meric*.

30. I consider the term *outerwear* in the proprietor's specification to be broad and would include items contained in the applicant's specification such as *coats* and *jackets*. These terms are therefore identical as outlined in *Meric*.

31. The proprietor's specification includes the broad term *neckwear*. I consider this would encompass goods contained in the applicant's specification such as *neckties* and *scarves*. As such, I find these goods to be identical based on the principle outlined in *Meric*.

32. The applicant's *gloves* have a similar nature compared to the proprietor's *mittens*. They share the same purpose and would be used in the same way. I consider these goods would be sold alongside each other and overlap in users. Although there is no complementary relationship between these goods, I consider there to be a degree of competition between the same. These goods are similar to a high degree.

33. The proprietor's *braces [suspenders]* have a different nature and method of use compared to the applicant's *belts* however, they share the same functional purpose which is to hold up trousers. I consider these goods would overlap in user and trade channels and would be found in close proximity to one another in a retail store or online equivalent. Due to their shared purpose, there would also be a degree of competition. I do not consider, however, there to be any complementary relationship between the same. Accordingly, I find these goods to be similar to a medium to high degree.

34. I consider the closest comparator to the proprietor's *hairdressing capes* to be *overalls*. Both goods are worn over clothing for the purposes of protecting clothing from stains. There is therefore an overlap in terms of nature, method of use and purpose. As hairdressing capes have a very specific purpose, I do not consider there to be an overlap in user and trade channels. There may also be a degree of competition however, the goods are not complementary. As such, I find there is a low degree of similarity between these goods.

35. The proprietor's specification includes the term *capas*. I consider the closest comparator in the applicant's specification to be *coats*. Both items are worn over clothing to protect oneself from the elements. As such, I consider there to be an overlap in purpose and method of use. However, they differ slightly in terms of nature. I consider there would be an overlap in users and trade channels. There may be a degree of competition between the goods however, they are not complementary. I find these goods to be similar to a medium degree.

36. The proprietor's *nightwear* and *sleepwear* would include garments made from soft materials such as flannel and silk to be worn when lounging at home or when sleeping. I therefore consider there to be a broad overlap with these goods and the applicant's *tops* and *trousers*. The respective goods would also overlap in user and trade channels however the goods would usually be found in different departments in a retail outlet. Further, there is no complementarity or competition between the same. I consider these goods to have a medium degree of similarity.

37. I find the closest comparator to the proprietor's *wristbands* to be *headgear*. This is because *wristbands* would include those used when playing sport of the purposes of protection and sweat absorption. Similarly, *headgear* would include headbands that are worn during sport also for protection and sweat absorption. There would be some overlap in nature where the goods are made from the same materials and some overlap in purpose. There would also be an overlap in users and trade channels. The method of use would be different, and I do not consider the goods to be in any competition, nor are they complementary. Overall, I find there is a low to medium degree of similarity.

Class 35

38. On the same basis as the *Oakley* case referred to above, I consider *Retail and wholesale services connected with the sale of clothing patterns, clothing, footwear, headgear, rainproof clothing, sportswear, loungewear, hoods, bandanas [shawls], visors, berets, ears-warmers [clothing], clothes made of artificial leather, leather garments, gloves, underwear, lingerie, underclothing, outerwear, nightwear, sleepwear, sleep masks, mittens, gloves, scarves, neckwear, snoods, belts for clothing, socks, swimwear, hairdressing capes, capes, wristbands, braces [suspenders]* in the proprietor's specification to be complementary to the applicant's goods in class 25. However, the respective nature, purpose and method of use differ. There is also no competition however, the respective goods are services would overlap in users and trade channels. I consider there to be a medium degree of similarity between these goods and services.

39. The remaining contested services are *fashion shows for promotional purposes (organisation of-); organisation of fashion shows for commercial purposes; promoting the sale of fashion goods through promotional articles in magazines; advertising, promoting and conducting trade shows in the field of fashion; conducting an on-line trade show exhibition, in the field of fashion; promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with fashion.* These services comprise advertising, promotional and trade-show organisation services within the fashion sector. Their nature, purpose and methods of use are different from the applicant's goods because clothing is bought and worn by the general public, whereas the proprietor's services are commissioned by businesses seeking to promote fashion-related goods. The trade channels also differ, as clothing is retailed through shops and their online equivalents while advertising and event-organisation services are delivered by specialist commercial providers. Although the services may feature clothing as part of their promotional content, this does not create similarity. They are neither in competition nor complementary; clothing is not indispensable or important for the use of advertising or trade-show services in a way that would lead consumers to believe they originate from the same undertaking. Any overlap is limited to the sector in which the services operate, which is insufficient to establish similarity. Overall, I find the goods and services to be dissimilar. As a

likelihood of confusion under section 5(2) of the Act may only succeed where there is a degree of similarity between goods and services,¹⁰ the cancellation action against these services must therefore fail.

Average consumer and the purchasing act

40. As the case law above indicates, it is necessary to determine who the average consumer is for the goods and services at issue. I must then determine the manner in which the goods and services are likely to be selected by the average consumer.

41. 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.

42. 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;

¹⁰ See *eSure Insurance Limited v Direct Line Insurance Plc* [2008] EWCA Civ 842 CA.

(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.

43. The average consumer for the goods will comprise members of the general public. As for the services, I consider that the average consumer will comprise both members of the general public and business users such as wholesalers of clothing.

44. The cost of the goods and services is likely to vary considerably, and the goods/services will be purchased/utilised relatively frequently. However, various factors are still likely to be taken into consideration during the purchasing process, such as price, quality and suitability of the product. In relation to the class 25 goods, the average consumer is likely to also consider factors such as materials used, available sizes, cut, aesthetic appearance and durability for the goods. In addition, when selecting the class 35 services, the average consumer is likely to consider things such as stock, price of goods offered in comparison to other retailers, expertise/knowledge of staff and delivery time. Overall, I consider that a medium degree of attention will be paid by the general public when selecting both the goods and services. Business users are likely to pay at least a medium degree of attention when selecting the services however, the assessment of a possible likelihood of

confusion must ultimately be based on the actual perception of the average consumer with a lower degree of attention, which, in this case, is medium.¹¹

45. The goods are likely to be obtained by self-selection from the shelves of a retail outlet, or an online or catalogue equivalent. As for the retail services at issue, I consider that these are most likely to be selected having considered, for example, promotional material (in hard copy and online), signage appearing on the high street (for physical retailers only) or web content from retailers' websites. Visual considerations are, therefore, likely to dominate the selection process for the goods and services. However, I do not discount that there will also be an aural component, as a result of word-of-mouth recommendations, or advice being sought from a sales assistant or representative.

Comparison of marks

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

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

47. 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

¹¹ Case T-356/14, *CareAbout v OHMI - Florido Rodríguez (Kerashot)*, paragraph 25.

and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the marks.

48. The respective trade marks are shown below:

Earlier trade mark	Contested trade mark
DEPT.	COLLAB DEPT.

Overall impression

49. The earlier mark is a figurative mark consisting of the word “DEPT” presented in an upper-case font followed by a full stop. Given the size and position of “DEPT” in the mark and considering that the eye is naturally drawn to the element of the mark that can be read¹² I find the word “DEPT” dominates the overall impression. The full stop element is less dominant; however, this element still contributes in part to the overall impression. Whilst the mark is figurative, the word “DEPT” is presented in a standard font so the stylisation will have little impact on the consumer.

50. The contested mark comprises the words “COLLAB DEPT” presented in standard upper-case letters followed by a full stop. For reasons I shall come to discuss in the conceptual comparison, in my view, the word “COLLAB” qualifies the word “DEPT” and these two words create a unitary meaning. I find that the overall impression lies in these two words combined. The full stop plays a lesser role.

Visual comparison

51. Visually, “DEPT.” is the entirety of the earlier mark and this is fully replicated at the end of the contested mark; this acts as a point of visual similarity. There is a point of difference created through the presence of the word “COLLAB” at the beginning of the contested mark. This has no counterpart in the earlier mark, and I bear in mind that

¹² *MigrosGenossenschafts-Bund v EUIPO*, Case T-189/16.

beginnings of marks are where the average consumer tends to pay more attention.¹³ However, I note that this is a rule of thumb, rather than a rule of law.¹⁴ I acknowledge that the earlier mark is figurative, however, I remind myself that in my assessment of the overall impression, I found the stylisation to be unremarkable. I find there to be a low to medium level of visual similarity between these marks.

Aural comparison

52. The contested mark will be pronounced in three syllables as “COL-LAB DEPT”. The earlier mark will be pronounced in one syllable as “DEPT”. I do not consider that the full stop in either mark will be articulated by consumers. The marks therefore overlap in the pronunciation of the word “DEPT” but differ in the word “COLLAB”. Overall, I find there to be a low to medium degree of aural similarity.

Conceptual comparison

53. For a conceptual message to be relevant it must be capable of immediate grasp by the average consumer. This is highlighted in numerous judgments of the GC and the CJEU including *Ruiz Picasso v OHIM*.¹⁵ The assessment must be made from the point of view of the average consumer.

54. The applicant submits that the word “DEPT” in both marks will be understood by consumers as an abbreviation of the word “department”.¹⁶ The proprietor submits that the earlier mark will bring to mind the word “department” for the average consumer. However, they claim their contested mark has no meaning and the combination of the words “COLLAB” and “DEPT” are unusual and fanciful and the average consumer would not expect to see those words in combination.¹⁷

55. I agree with the parties that the earlier mark will be perceived by consumers as an abbreviation of the known dictionary word “department”.

¹³ *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02

¹⁴ Paragraph 21 of case BL O/0648/24, Dr Brian Whitehead, sitting as the Appointed Person.

¹⁵ [2006] e.c.r.-I-643; [2006] E.T.M.R. 29

¹⁶ Paragraph 10 of the applicant’s statement of grounds.

¹⁷ Paragraphs 17 and 18 of the proprietor’s submissions.

56. Turning to the contested mark, I note the proprietor's submissions however I am of the view that a significant proportion of consumers would regard "COLLAB" as an abbreviation of the word "collaboration". This will bring to mind the idea of something created by working jointly with others. I further note that in *Locksley Distilling Company Limited v 58 and CO*,¹⁸ Dr. Brian Whitehead K.C as the Appointed Person also found that the term "collab" would bring to mind an arrangement between two entities to manufacture goods. Although the proprietor has submitted that the "DEPT" in the earlier mark would be seen as an abbreviation of "department" whereas in the contested mark, it would be seen as a fanciful term, I can see no reason why consumers would make this distinction. Accordingly, I find that the word "DEPT" in the contested mark will be interpreted by a significant proportion of consumers as an abbreviation for the word "department." When viewed as a whole, I find that "COLLAB DEPT." would be seen by a significant proportion of consumers as a department concerned with collaboration or where collaborations take place.

57. In comparing the marks, I note that the concept associated with the term "DEPT" will be shared. However, the contested mark brings to mind "collaboration", a concept which is not present in the earlier mark. On balance, I therefore find there is a medium degree of conceptual similarity.

Distinctive character of the earlier trade mark

58. 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).

¹⁸ Case BL O/1143/25 at [28].

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).”

59. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods or services, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctiveness of marks can be enhanced through use. The applicant has not pleaded that its mark has obtained an enhanced level of distinctiveness, nor has it filed any evidence to that effect. As a result, I only have the inherent position to consider.

60. A point relied upon by the proprietor is that the applicant’s mark has a low level of distinctiveness due to the presence of other entities using the word “DEPT” in relation to clothing. In support of this, the applicant has provided printouts of various websites displaying goods such as t-shirts, hoodies, hats and socks that include the wording “DEPT”.¹⁹ I have given consideration to this evidence however, as the evidence is undated, it is not clear if the examples provided were available at the relevant date (i.e., prior the filing date of the invalidation action). I also note that the images of the goods provided in the evidence have names such as “Wildcats Ath Dept” and “RST Race Dept”. Although they contain the wording “DEPT”, these are not the marks at issue in these proceedings. I also find the use of the word “DEPT” in the examples is used as adornment and is treated as part of the design of the garment as opposed to trade mark use. As a result, I do not consider that this evidence supports the proprietor and I will assess the earlier mark’s distinctiveness in the usual way.

¹⁹ Exhibit LF1

61. The earlier mark comprises the word “DEPT” followed by a full stop. Although the mark is figurative, the wording is presented in a standard font. As I have previously outlined in my conceptual comparison above, I have found that the mark will likely be seen as an abbreviation for the word “department”. In relation to clothing goods in class 25, the word does not describe any characteristic of the items however, it would be allusive to a clothing retail environment. I also find this to be the case in relation to the retail services in class 35. This is because clothing goods are usually sold in different departments such as “menswear department” or “children’s department”. It may also bring to mind a department store in which clothing is sold. Accordingly, I find the earlier mark has a low to medium degree of inherent distinctiveness but on the lower end of the scale.

GLOBAL ASSESSMENT – Conclusions on Likelihood of Confusion

62. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods and services down to the responsible undertakings being the same or related. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods and services and vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the earlier mark, the average consumer for the goods and services and the nature of the purchasing process. In doing so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he or she has retained in their mind.

63. I have found the goods and services at issue to either be identical or similar from a high or low to medium degree. I have found the average consumer will comprise of members of the general public and business users, the former of which will pay a medium degree of attention during the purchasing process and the latter will pay at

least a medium degree of attention. I found that the goods and services would be selected primarily by visual means, although I did not discount an aural aspect to the purchasing process. I have found the marks to be visually and aurally similar to a low to medium degree and conceptually similar to a medium degree. I have found the earlier mark to hold a low to medium degree of inherent distinctiveness but at the lower end of the scale.

64. The identity of at least some of the goods is clearly a factor in favour of the applicant. However, taking all of the above factors into account, I consider it unlikely that the marks will be mistakenly recalled or misremembered as each other. The purchasing process will be predominantly visual, and the marks are likely to be encountered visually prior to purchase. As I outlined previously, the visual element the respective marks share (“DEPT”) is found at the end of the contested mark. When considering the marks as a whole, the contested mark is noticeably longer and includes a six-letter word at the beginning which has no counterpart in the applicant’s mark. I therefore consider that notwithstanding the shared presence of the word “DEPT”, the differences between the marks will assist in distinguishing one mark from the other and the average consumer even when paying a medium degree of attention for identical goods will recognise these differences and not confuse the marks for one another. Taking into account all of the relevant factors, I do not find there to be any likelihood of direct confusion.

65. I 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 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”).

66. These examples are not exhaustive but provide helpful focus.

67. I recognise that the Court of Appeal has emphasised that, where there is no direct confusion, there must be a “proper basis” for finding indirect confusion.²⁰ In this connection, it is not sufficient that a mark merely calls to mind another mark: this is mere association not indirect confusion.²¹

²⁰ *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207

²¹ *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17

68. On reflection of my findings throughout the decision, even when approached in regard to identical goods, I see no logical basis on which the average consumer, having identified that the marks are not the same and acknowledged their differences, would be minded to conclude that they originate from a shared or related undertaking. The differences between the marks are not consistent with any of the examples set out in *L. A. Sugar*. The shared element “DEPT” is not of such striking distinctiveness that consumers would assume it to be used exclusively by one undertaking. Although it is commonplace for fashion brands to engage in collaborations, I do not consider the addition of the word “COLLAB” in the present case would be perceived as a logical brand extension. This is because it does not identify the collaborating brand or designer. Instead, any similarity arising from the shared element “DEPT” is likely to be attributed to coincidence rather than perceived as a logical brand extension or joint venture between two undertakings. For these reasons, I do not consider there to be a likelihood of indirect confusion.

CONCLUSION

69. The application fails in its entirety and the contested mark is, subject to any successful appeal of my decision, permitted to remain on the trade marks register for all of the goods and services for which it is registered.

COSTS

70. The proprietor has been successful and is entitled to a contribution towards its costs based upon the scale published in Tribunal Practice Notice 1/2023. In the circumstances I award the proprietor the sum of £750 as a contribution towards the cost of the proceedings. The sum is calculated as follows:

Preparing a statement and considering	
the other side’s statement:	£250
Filing evidence and submissions:	£500 ²²

²² I have reduced this to below the scale minimum as the evidence and submissions were light (totalling 25 pages) and did not assist me in my decision.

71. I therefore order Gallery Department, LLC to pay MICHAEL KA CHUN LI the sum of £750. The above sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

Dated this 19th day of March 2026

Catrin Williams

For the Registrar

Annex 1- Full list of proprietor's goods and services

Class 3: Perfumes and perfumery; eau-de-toilette; cologne; after-shave; essential oils and herbal oils; aromatherapy oils; cosmetics; organic cosmetics; make-up; lipsticks; lip gloss; lip pencils; lipstick cases face and body glitter; cosmetic compacts; make-up removers; make-up pads of cotton wool; hair lotions; hair care preparations; soaps; shampoos; conditioners; hair styling products; mousse; gels; hair sprays; hair colour; hair waving lotion; permanent wave preparations, hair lighteners, hair dyes, hair emollients, hair mascara, hair pomades, hair colour removers, hair relaxing preparations, hair styling preparations; hair removing cream; hair care preparations; skincare; eye creams; facial cleansers; toners; facial exfoliants and scrubs; facial creams; facial moisturisers; facial lotions and non-medicated facial treatments; wrinkle removing skin care preparations; shaving preparations; after-shave creams; after-shave lotions; beard oil; beard care preparations; sunscreen preparations; sun tanning preparations; after-sun lotions and creams; antiperspirants; deodorants; toothpaste; mouthwash; beauty care preparations; bath preparations; body cleaning and beauty care preparations; body fragrances; body scrubs; body oils; body paints; breath fresheners; bubble baths; bath and shower gels; skincare cosmetics; skincare preparations; hand cream; hand cleaning preparations; nail varnish and polish; nail care preparations; cuticle removing preparations, nail tips, and nail buffing preparations; artificial nails for cosmetic purposes; false eyelashes; adhesives for false eyelashes, hair and nails; lip care preparations; teeth whitening strips impregnated with teeth whitening preparations [cosmetics]; on-medicated topical skin creams, ointments, gels, toners, lotions, sprays and powders; aromatherapy creams, lotions and oils; baby wipes; disposable wipes impregnated with chemicals or compounds for personal hygiene and household use; incense; air fragrance preparations; room fragrances; room fragrance sprays, mists and diffusers; fragrance emitting wicks for room fragrances; scented ceramic stones; scented linen sprays and scented room sprays; oils for perfumes and scents.

Class 9: Eyewear; protective eyewear; sunglasses; eyeglasses; breathing masks; face masks, not for medical use; goggles; eyeglass frames; spectacle frames; frames for sunglasses; eyeshades; lenses; eyeglass lenses; sunglass lenses; frames for spectacles and sunglasses; straps for sunglasses; cases for eyeglasses and

sunglasses chains for spectacles and for sunglasses; clip-on sunglasses; eyeglass cords; laptop carrying cases; protective covers for mobile phones; leather cases for mobile phones; cases for mobile phones; laptop cases; portable media players; camera cases; phone cases; phone covers [specifically adapted]; musical sound recordings; audio-visual recordings; CDs; DVDs; MP3s; MP3 players; MP4s; MP4 players; electronic publications; downloadable publications; applications for smartphones and tablets; smart glasses; smart earbuds; earbuds; ear phones; time measuring instruments; protective helmets; cameras; camcorders; video recorders; binoculars; cases for cameras, camcorders, video recorders and binoculars; watches that communicate data to smartphones; smart watches; wristwatches with GPS apparatus; calculator watches; smart jewellery; downloadable computer software; computer software for the collection, editing, organising, modifying, transmission, storage and sharing of data and information; computer software to enable uploading, downloading, accessing, posting, displaying, tagging, blogging, streaming, linking, sharing or otherwise providing electronic media or information via computer and communication networks; computer software for the reproduction, processing and streaming of audio, video and multimedia content; computer software for controlling the operation of audio and video devices and for viewing, searching and/or playing audio, video, television, movies, photographs and other digital images, and other multimedia content; computer carrying cases; wrist rests and supports for computer mouse users; wrist rests for computers and computer accessories; computer keyboard wrist pads.

Class 14: Jewellery; body jewellery; precious stones; precious metals and their alloys; gemstones, pearls and precious metals and imitations thereof; watches; clocks; horological instruments; chronometric instruments; precious metal alloys; badges of precious metal; decorative pins of precious metal; jewellery boxes of precious metals; jewellery chains; chains (watch -); jewellery cases [caskets or boxes]; jewellery rolls; hat pins; presentation boxes for watches; cufflinks; boxes for cufflinks; tie pins; tie clips; tie fasteners; figurines [statuettes] of precious metal; key rings and key chains; key fobs; rings [jewellery]; pendants; medallions; medals; gems; pearls; silver objets d'art; watch bands; watch bracelets; watch accessories, namely, parts of watches; ring bands [jewellery]; wrist watches; action figures (decorative-) of precious metal; busts

of precious metal; articles of imitation jewellery; coins; Jewellery boxes; parts and fittings relating to the aforesaid goods.

Class 16: Paper and cardboard; clothing patterns; printed matter; books; magazines; leaflets, journals, newsletters, booklets, pamphlets and brochures; bookbinding material; photographs; photographic, picture or art mounts; photographic prints; collages; photographs; lithographs; illustrations; decorative paper centre-pieces and pencil-top ornaments; picture books; globes; paperweights; coasters made of paper; stationery and office requisites, except furniture; adhesives for stationery or household purposes; artists' and drawing materials; paintbrushes; instructional and teaching materials; plastic sheets, films and bags for wrapping and packaging; printers' type, printing blocks; pictures; craft paper; colour pens; drawing books; wrapping paper; party ornaments of paper; photograph stands; tissues; Christmas gift wrap; gift bags; gift boxes; gift wrapping foil; gift paper; paper gift bags; paper ribbon; plastic gift wrap; pens; pen and pencil cases; leather pencil cases; writing stationery; rubber stamps; stamp pads; stamping inks; pencil sharpeners, electric or non-electric; albums; event albums; autograph books; guest books; ledger books; log books; desk pads; photo albums; scrapbooks; address books; motivational cards; occasion and note cards; art prints; cardboard hangtags; cases for passports; document holders; letter clips; letter openers, racks and trays; colouring books; gift vouchers; postcards; posters; printed calendars; scented paper drawer liners; facial tissue; advertising publications; events programmes; mounted and unmounted photographs; printed training materials; stickers; catalogues; hat boxes of cardboard; hat boxes of paper; tour books.

Class 18: Trunks and travelling bags; luggage; luggage tags; all-purpose sports and athletic bags; hand bags; beach bags; book bags; carry-on bags; duffel bags; nappy bags; gym bags; shopping bags; school bags; leather shopping bags; shoulder bags; tote bags; travel bags; umbrellas and parasols; walking sticks; whips, harness and saddlery; bags; backpacks; knapsacks; rucksacks, briefcases; handbags; vanity cases; pocket wallets; purses; fanny packs; bum bags; garment bags for travel; hat boxes for travel not of paper or cardboard; travelling bags and sets; cosmetic cases and bags sold empty; toiletry and vanity cases sold empty; tool bags sold empty; attaché cases; briefcases; briefcase-type portfolios; document cases; men's clutches;

business cases; business card cases; calling and credit card cases; key cases; leather key chains; wallets; banknote holders; coin holders; card holders made of leather.

Class 20: Furniture and furnishings; bed frames of metal; bedroom furniture; beds; mattresses; accent pillows; cushions [furniture]; art (works of-) of wood, wax, plaster or plastic; Figurines, statues, sculptures and busts of wax, plaster, plastics, wood; mobiles [decoration]; party ornaments of plastic; picture frames; mirrors; cushions; advertising banners and materials made of plastic; inflatable or rigid promotional object of plastic material; fans for personal use, non-electric; jewellery organiser displays; key racks [furniture]; key cabinets [furniture]; window and venetian blinds; curtain fittings; advertisement boards; displays, stands and signage, non-metallic; make-up mirrors for purses; mannequins and tailors' dummies; point of sale displays [furniture].

Class 25: Clothing; footwear; headgear; rainproof clothing; sportswear; loungewear; hoods; bandannas; visors; berets; ear warmers; ear bands; ear muffs; clothes made of artificial leather; leather garments; gloves; underwear; lingerie; underclothing; outerwear; nightwear; sleepwear; sleep masks; mittens; gloves; scarves; neckwear; snoods; belts for clothing; socks; swimwear; hairdressing capes; capes; wristbands; braces [suspenders].

Class 35: Retail and wholesale services connected with the sale of perfumes and perfumery, eau-de-toilette, cologne, after-shave, essential oils and herbal oils, aromatherapy oils, cosmetics, organic cosmetics, make-up, lipsticks, lip gloss, lip pencils, lipstick cases face and body glitter, cosmetic compacts, make-up removers, make-up pads of cotton wool, hair lotions, hair care preparations, soaps, shampoos, conditioners, hair styling products, mousse, gels, hair sprays, hair colour, hair waving lotion, permanent wave preparations, hair lighteners, hair dyes, hair emollients, hair mascara, hair pomades, hair colour removers, hair relaxing preparations, hair styling preparations, hair removing cream, hair care preparations, skincare, eye creams, facial cleansers, toners, facial exfoliants and scrubs, facial creams, facial moisturisers, facial lotions and non-medicated facial treatments, wrinkle removing skin care preparations, shaving preparations, after-shave creams, after-shave lotions, beard oil, beard care preparations, sunscreen preparations, sun tanning preparations, after-sun lotions and creams, antiperspirants, deodorants, toothpaste, mouthwash, beauty care preparations, bath preparations, body cleaning and beauty care preparations, body

fragrances, body scrubs, body oils, body paints, breath fresheners, bubble baths, bath and shower gels, skincare cosmetics, skincare preparations, hand cream, hand cleaning preparations, nail varnish and polish, nail care preparations, cuticle removing preparations, nail tips, and nail buffing preparations, artificial nails for cosmetic purposes, false eyelashes, adhesives for false eyelashes, hair and nails, lip care preparations, teeth whitening strips impregnated with teeth whitening preparations [cosmetics], on-medicated topical skin creams, ointments, gels, toners, lotions, sprays and powders, aromatherapy creams, lotions and oils, baby wipes, disposable wipes impregnated with chemicals or compounds for personal hygiene and household use, incense, air fragrance preparations, room fragrances, room fragrance sprays, mists and diffusers, fragrance emitting wicks for room fragrances, scented ceramic stones, scented linen sprays and scented room sprays, oils for perfumes and scents; retail and wholesale services connected with the sale of eyewear, protective eyewear, sunglasses, eyeglasses, breathing masks, goggles, eyeglass frames, spectacle frames, frames for sunglasses, eyeshades, lenses, eyeglass lenses, sunglass lenses, frames for spectacles and sunglasses, straps for sunglasses, cases for eyeglasses and sunglasses chains for spectacles and for sunglasses, clip-on sunglasses, eyeglass cords, laptop carrying cases, protective covers for mobile phones, leather cases for mobile phones, cases for mobile phones, laptop cases, portable media players, camera cases, phone cases, phone covers [specifically adapted], musical sound recordings, audio-visual recordings, CDs, DVDs, MP3s, MP3 players, MP4s, MP4 players, electronic publications, downloadable publications, applications for smartphones and tablets, smart glasses, smart earbuds, earbuds, ear phones, time measuring instruments, protective helmets, cameras, camcorders, video recorders, binoculars, cases for cameras, camcorders, video recorders and binoculars, watches that communicate data to smartphones, smart watches, wristwatches with GPS apparatus, calculator watches, smart jewellery, downloadable computer software, computer software for the collection, editing, organising, modifying, transmission, storage and sharing of data and information, computer software to enable uploading, downloading, accessing, posting, displaying, tagging, blogging, streaming, linking, sharing or otherwise providing electronic media or information via computer and communication networks, computer software for the reproduction, processing and streaming of audio, video and multimedia content, computer software for controlling the operation of audio and video devices and for viewing, searching and/or playing

audio, video, television, movies, photographs and other digital images, and other multimedia content, computer carrying cases, wrist rests and supports for computer mouse users, wrist rests for computers and computer accessories, computer keyboard wrist pads; retail and wholesale services connected with the sale of jewellery, body jewellery, precious stones, precious metals and their alloys, gemstones, pearls and precious metals and imitations thereof, watches, clocks, horological instruments, chronometric instruments, precious metal alloys, badges of precious metal, decorative pins of precious metal, jewellery boxes of precious metals, jewellery chains, chains (watch -), jewellery cases [caskets or boxes], jewellery rolls, hat pins, presentation boxes for watches, cufflinks, boxes for cufflinks, tie pins, tie clips, tie fasteners, figurines [statuettes] of precious metal, key rings and key chains, key fobs, rings [jewellery], pendants, medallions, medals, gems, pearls, silver objets d'art, watch bands, watch bracelets, watch accessories, namely, parts of watches, ring bands [jewellery], wrist watches, action figures (decorative-) of precious metal, busts of precious metal, articles of imitation jewellery, coins; retail and wholesale services connected with the sale of paper and cardboard, clothing patterns, printed matter, books, magazines, leaflets, journals, newsletters, booklets, pamphlets and brochures bookbinding material, photographs, photographic, picture or art mounts, photographic prints, collages, photographs, lithographs, illustrations, decorative paper centre-pieces and pencil-top ornaments, picture books, tour books, globes, paperweights, coasters made of paper, stationery and office requisites, except furniture, adhesives for stationery or household purposes, artists' and drawing materials, paintbrushes, instructional and teaching materials, plastic sheets, films and bags for wrapping and packaging, printers' type, printing blocks, pictures, craft paper, colour pens, drawing books, wrapping paper, party ornaments of paper, photograph stands, tissues, Christmas gift wrap, gift bags, gift boxes, gift wrapping foil, gift paper, paper gift bags, paper ribbon, plastic gift wrap, pens, pen and pencil cases, leather pencil cases, writing stationery, rubber stamps, stamp pads, stamping inks, pencil sharpeners, electric or non-electric, albums, event albums, autograph books, guest books, ledger books, log books, desk pads, photo albums, scrapbooks, address books, motivational cards, occasion and note cards, art prints, cardboard hangtags, cases for passports, document holders, letter clips, letter openers, racks and trays, colouring books, gift vouchers, postcards, posters, printed calendars, scented paper drawer liners, facial tissue, advertising publications, events programmes, mounted and unmounted

photographs, printed training materials, stickers, catalogues, hat boxes of cardboard, hat boxes of paper; retail and wholesale services connected with the sale of trunks and travelling bags, luggage, luggage tags, all-purpose sports and athletic bags, hand bags, beach bags, book bags, carry-on bags, duffel bags, nappy bags, gym bags, shopping bags, school bags, leather shopping bags, shoulder bags, tote bags, travel bags, umbrellas and parasols, walking sticks, whips, harness and saddlery, bags, backpacks, knapsacks, rucksacks, briefcases, handbags, vanity cases, pocket wallets, purses, fanny packs, bum bags, garment bags for travel, hat boxes for travel not of paper or cardboard, travelling bags and sets, cosmetic cases and bags sold empty, toiletry and vanity cases sold empty, tool bags sold empty, attaché cases, briefcases, briefcase-type portfolios, document cases, men's clutches, business cases, business card cases, calling and credit card cases, key cases, leather key chains, wallets, banknote holders, coin holders, card holders made of leather; retail and wholesale services connected with the sale of furniture and furnishings, bed frames of metal, bedroom furniture, beds, mattresses, accent pillows, cushions [furniture], art (works of-) of wood, wax, plaster or plastic, Figurines, statues, sculptures and busts of wax, plaster, plastics, wood, mobiles [decoration], party ornaments of plastic, picture frames, mirrors, cushions, advertising banners and materials made of plastic, inflatable or rigid promotional object of plastic material, fans for personal use [non-electric], jewellery boxes, jewellery organiser displays, key racks [furniture], key cabinets [furniture], window and venetian blinds, curtain fittings, action figures, make-up mirrors for purses; retail and wholesale services connected with the sale of clothing, footwear, headgear, rainproof clothing, sportswear, loungewear, hoods, bandanas [shawls], visors, berets, ears-warmers [clothing], clothes made of artificial leather, leather garments, gloves, underwear, lingerie, underclothing, outerwear, nightwear, sleepwear, sleep masks, mittens, gloves, scarves, neckwear, snoods, belts for clothing, socks, swimwear, hairdressing capes, capes, wristbands, braces [suspenders]; business management; fashion shows for promotional purposes (organisation of-); organisation of fashion shows for commercial purposes; promoting the sale of fashion goods through promotional articles in magazines; window dressing; window display arrangement services; advertising, promotional, marketing, merchandising and branding services; product merchandising; promoting the goods and services of others through issuance of product and/or service endorsements, and through appearances for product and/or service; advertising, promoting and

conducting trade shows in the fields of music, entertainment, television, film, fashion, beauty, lifestyles, home furnishings, games, and the arts; conducting an on-line trade show exhibition, in the fields of music, entertainment, television, film, fashion, beauty, lifestyles, home furnishings, games, and the arts; promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with music, fashion, cultural and entertainment events.

Class 42: Fashion design; fashion designer services; graphic design; lighting design; design of fashion accessories; fashion articles; design services; design of clothing, footwear and headgear; furniture design; design of furnishings; industrial design; retail design services; interior design; architectural consultancy; interior design services for the retail industry; consultancy, advisory and information services relating to the foregoing.