

**O/0299/26**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION NO. UK00003968585  
IN THE NAME OF HASSAN ALIRASOOL  
TO REGISTER THE FOLLOWING TRADE MARK:**

**Dreamzie**

**IN CLASSES 10,17, 20 & 24**

**AND**

**IN THE MATTER OF OPPOSITION THERETO  
UNDER NO. OP000447898  
BY DREAMS LIMITED**

## **Background and pleadings**

1. On 17 October 2023, Hassan Alirasool (“the Applicant”) applied to register the trade mark shown on the cover page of this decision in the UK. The application was accepted and published in the Trade Marks Journal on 08 March 2024 in respect of goods in classes 10, 17, 20 and 24 as set out in the Annex to this decision.
2. On 10 June 2024, Dreams Limited (“the Opponent”) opposed the application under Section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The partial opposition is directed against all goods in classes 10, 20 and 24 of the application. The Opponent relies upon the following four marks:

### **DREAMS**

UK Registration no. UK00917963494 (“The ‘494 mark”)

Filing date: 01 October 2018

Date of registration: 15 February 2019

Relying upon the goods and services in classes 20, 24 and 35, as set out in the Annex to this decision.

### **DREAM COACH**

UK Registration no. UK00918169119 (“The ‘119 mark”)

Filing date: 19 December 2019

Date of registration: 22 May 2020

Relying upon the goods and services in classes 20, 24 and 35, as set out in the Annex to this decision.

### **DREAM BIGGER**

UK Registration no. UK00003453941 (“The ‘941 mark”)

Filing date: 24 December 2019

Date of registration: 20 March 2020

Relying upon the goods and services in classes 20, 24 and 35, as set out in the Annex to this decision.

# Dreams

UK Registration no. UK00003849391 (“The ‘391 mark”)

Filing date: 15 November 2022

Date of registration: 17 March 2023

Relying upon the goods and services in classes 20, 24 and 35, as set out in the Annex to this decision.

3. Under Article 54 of the Withdrawal Agreement between the UK and the EU, the UK IPO created comparable UK trade marks for all right holders with an existing registered EUTM or International Registration designating the EU. As a result, the Opponent’s ‘494 and ‘119 marks were converted into comparable UK trade marks. Comparable UK marks are now recorded in the UK trade mark register, have the same legal status as if they had been applied for and registered under UK law, and the original filing dates remain the same.<sup>1</sup>
4. By virtue of their earlier filing dates, the above registrations constitute earlier marks within the meaning of section 6 of the Act. As the earlier marks had not completed their registration process more than five years before the filing date of the application in issue, they are not subject to the use provisions contained in section 6A of the Act. The Opponent can, therefore, rely upon all of the goods and services it has identified without having to demonstrate use.
5. The Opponent submits that the goods at issue are identical or similar, and the marks are highly similar due to the dominant and distinctive ‘DREAM’ element being wholly reproduced within the Applicant’s mark.<sup>2</sup> The Opponent submits that their earlier rights have an enhanced distinctive character.
6. The Applicant filed a counterstatement within which it denied the claims made.

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<sup>1</sup> See also Tribunal Practice Notice (“TPN”) 2/2020 End of Transition Period – impact on tribunal proceedings.

<sup>2</sup> Opponent’s TM7 statement of grounds, paragraph 4.

7. Neither party filed evidence during proceedings.<sup>3</sup> Neither party requested a hearing, however, the Opponent filed submissions in lieu. This decision is taken following a careful consideration of the papers.
8. The Applicant represents themselves; the Opponent is represented by Abion UK Limited.
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.

### **Preliminary Issues**

10. In its written submissions in lieu, the Opponent has referred to three prior decisions of the Registrar (Cases BL O/1023/23, O/323/20 and O/731/18). Whilst I note the contents and findings of those decisions, I am not bound by them and will proceed to conduct a full comparison, having regard to the relevant case law and all the relevant factors.

### **My Approach**

11. The Opponent has relied upon four earlier rights under Section 5(2)(b). I consider that the '494 mark represents the Opponent's strongest case as it consists of the word-only mark "DREAMS" with no additional matter. Further to this, I am of the view that the goods and services within the specification of the '494 mark also represents the Opponent's strongest case.

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<sup>3</sup> The Applicant filed evidence on 06 January 2025, however the official letter of 20 May 2025 struck out the Applicant's evidence under Rule 64(6) due to the party not meeting their obligation to copy evidence to the Opponent. Both parties were given the opportunity to request a hearing on this point, however, no hearing was requested. In view of this, there is no evidence to consider in these proceedings.

12. In the event that I find a likelihood of confusion in respect of the '494 mark, any finding of confusion in respect of the remaining marks will not further the Opponent's case. On the contrary, if I find no likelihood of confusion for the '494 mark, it follows that the same finding will apply to the remaining marks (given that the '119 mark "DREAM COACH" and '941 mark "DREAM BIGGER" both contain additional words and the '391 mark **Dreams** introduces a further point of difference (at least visually) due to its stylised character). I will, therefore, focus my assessment on the Opponent's '494 mark "DREAMS" only. If required, I will address this point further when considering any final remarks at the conclusion of this decision.

## **DECISION**

### **Section 5(2)**

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

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

(a) ...

(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".

14. 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:

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

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

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

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

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

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

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

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

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

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

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

### **Comparison of goods and services**

15. The goods and services relied upon by the Opponent under its '494 mark are as follows:

#### Class 20:

Furniture; bedroom furniture; mirrors; beds; water beds; divans; bedsteads; headboards; bedding, other than bed linen; pillows; mattresses; open spring and pocket spring mattresses; memory foam and latex mattresses; futons; air cushions and air pillows; air mattresses; bed casters not of metal; bed fittings not of metal; chairs; armchairs; cabinets; chests of drawers; desks; footstools; cots and cradles; parts and fittings for all the aforesaid goods.

#### Class 24:

Textiles; fabrics and textiles for beds and furniture; bed linen; duvets; bed covers; bed blankets, bed clothes; covers for duvets; mattress covers; covers for pillows and pillow cases; covers for cushions; bedspreads; covers for hot water bottles; furniture coverings of textile; quilts; parts and fittings for all the aforesaid goods.

#### Class 35:

Retail services relating to the sale of bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, non-medicated soaps, perfumery, essential oils, non-medicated cosmetics, non-medicated hair lotions, scents, fragrances, oils for perfumes and scents, perfumeries, room scenting sprays, scented fabric refresher sprays, scented linen sprays, scented oils, scented room sprays, air fragrance preparations; Retail services relating to the sale of air fragrance reed diffusers, air fragrancing preparations, aromatics for fragrances, cleaning and fragrancing preparations, Cushions filled with fragrant substances, cushions impregnated with fragrant substances, fragrance for household purposes, fragrance preparations, fragrance refills for non-electric room fragrance dispensers, fragrance sachets, refills for

electric room fragrance dispensers, room fragrances, room fragrancing products; Retail services relating to the sale of Scientific, measuring, checking (supervision), life-saving and teaching apparatus and instruments, data processing equipment, computer software, computer hardware, mobiles apps, downloadable software applications, wearable monitors, monitoring instruments, monitoring apparatus, other than for medical purposes, monitoring units [electric], electronic sensors, biosensors, movement sensors; Retail services relating to the sale of sensors for scientific use to be worn by a human to gather human biometric data, electronic tracking apparatus and instruments, wearable activity trackers, measuring apparatus and instruments, computer software in the field of tracking, monitoring and analysing of sleep, movement and heart rate, electronic devices for tracking, monitoring and analysing of sleep, movement and heart rate [other than for medical use]; Retail services relating to the sale of mobiles apps in the field of tracking, monitoring and analysing of sleep, movement and heart rate, downloadable software applications in the field of tracking, monitoring and analysing of sleep, movement and heart rate; Retail services relating to the sale of medical and surgical apparatus and instruments, namely medical devices for sensing, measuring, diagnostic and treatment purposes in the field of sleep including wearable medical devices to be worn while sleeping, Pulse rate monitors, medical devices for measuring sleep, precision sensors for medical use, sensor apparatus for medical use; Retail services relating to the sale of apparatus for lighting, lighting, light bulbs, lamps and light sources, lighting connected to alarm clocks, luminaires, controllable light sources and lighting apparatus, filters for lighting appliances; Retail services relating to the sale of horological and chronometric instruments, clocks, alarm clocks, electronic alarm clocks, alarm clocks which use light to wake-up users, alarm clocks with in-built lights; Retail services relating to the sale of furniture, bedroom furniture, mirrors, beds, water beds, divans, bedsteads, headboards, bedding, pillows, mattresses, open spring and pocket spring mattresses, memory foam and latex mattresses, futons, air cushions and air pillows, air mattresses, sleeping bags, bed casters not of metal, bed fittings not of metal, chairs, armchairs, cabinets, chests of drawers, desks, footstools, cots and cradles; Retail services relating to the sale of household or kitchen utensils and containers, articles for cleaning purposes, scent sprays [atomizers], air fragrancing apparatus, aerosol dispensers, not for medical

purposes, perfume burners, perfume vaporizers, perfume sprayers, plug-in diffusers for mosquito repellents, plug-in diffusers for air fragrancing; Retail services relating to the sale of textiles, fabrics and textiles for beds and furniture, bed linen, duvets, bed covers, bed blankets, bed clothes, covers for duvets, mattress covers, covers for pillows and pillow cases, covers for cushions, bedspreads, covers for hot water bottles, pyjama cases, furniture coverings of textile, eiderdowns, quilts, parts and fittings for all the aforesaid goods; all the aforesaid provided in a retail furniture and bedding superstore, online via the Internet or other interactive electronic platforms, via mail order or catalogues or by means of telecommunications; information, advisory and consultancy services relating to all of the aforesaid.

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

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

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

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

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

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

19. 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 and services. In *Boston Scientific Ltd v OHIM*, Case T-325/06, the GC stated that “complementary” means:

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

20. For the purposes of considering the issue of similarity of the goods and services, it is permissible to consider groups of terms collectively where appropriate: *Separode Trade Mark*, BL O-399-10.

21. While making my comparison, I bear in mind the comments of Floyd J. (as he then was) in *YouView TV Ltd v Total Ltd* [2012] EWHC 3158 (Ch):

"12. ... Trade mark registrations should not be allowed such a liberal interpretation that their limits become fuzzy and imprecise. ... Nevertheless the principle should not be taken too far. ... Where words or phrases in their ordinary and natural meaning are apt to cover the category of goods in question, there is equally no justification for straining the language unnaturally so as to produce a narrow meaning which does not cover the goods in question."

22. In the case of services, the terms used should not be interpreted widely, but confined to the core of the possible meanings attributable to the terms: *SkyKick UK Ltd & Anor v Sky Ltd & Ors (Rev1)* [2024] UKSC 36, at [365].

23. I note the Opponent submits that given the length of the list of goods covered by the Applicant's mark, they do not propose to assess these on a term-by-term basis.<sup>4</sup> Instead, the Opponent submits in general terms that their goods and services are either identical or highly similar to the goods of the Applicant. The Opponent does not identify which of their goods/services are the closest comparator, or which of their terms should be compared to the specific terms within the Applicant's goods. On this point, I refer to the case of *SmartX* (BL O/0911/24) wherein Mr Iain Purvis K.C., sitting as the Appointed Person, addressed the issue of an Opponent's failure to identify similarity in respect of long specifications. Mr Purvis K.C. said:

"28. [...] it is for the Opponent to put forward the combinations of goods on which it relies for similarity (or identity). If it fails to identify a particular combination, it cannot expect the Hearing Officer to do the job for it. The approach [...] would place an intolerable burden on Hearing Officers in cases

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<sup>4</sup> Opponent's submissions in lieu of a hearing, paragraph 31.

of this nature in which there will be thousands of potential combinations of goods which could be relied on, and for each combination a slightly different argument for similarity could be made. Furthermore, such an approach would be unfair on the Applicant for the mark, since they will have had no opportunity to address points on similarity taken by the Hearing Officer if those points are not first raised by the Opponent.”

24. Further on in this decision, Mr Purvis K.C. stated:

“31(v). In fact (as I have pointed out) the Hearing Officer went beyond the written submissions in making findings of similarity in respect of a number of groups of goods on the basis of arguments which had not been raised by the Opponent. If the Applicant had complained about this by way of an Appeal, there would probably have been a good argument that he had been the victim of procedural unfairness. But this has of course not happened and to this extent the Opponent has benefited from the Hearing Officer’s generosity. However, it would obviously be perverse to say that the Hearing Officer ought therefore to have taken every other unpleaded and unargued point in the Opponent’s favour.”

25. I bear in mind the above when considering the Opponent’s submissions regarding the similarity of their goods and services in general terms. I will therefore proceed on the basis of the Opponent’s submissions, and I will only consider similarities where it is obvious to do so; otherwise, the goods and services will be found to be dissimilar.

#### Class 10

#### ***Orthopaedic Leg Memory Foam Pillow.***

26. Section 60A(1)(a) of the Act provides that goods are not to be regarded as being similar to each other on the ground that they appear in the same class under the Nice Classification, nor dissimilar to each other on the ground that they appear in different classes under the Nice Classification. The Applicant submits that the

Opponent's mark does "not specifically cover such niche products".<sup>5</sup> However, the Opponent's specification includes the term "pillows" in class 20.

27. I consider that the goods at issue overlap in user and nature, as they are both cloth casings stuffed with a soft material. In the Applicant's goods this stuffing is specifically made of memory foam, while the Opponent's goods could be made from a range of materials. The Applicant's goods are specifically for orthopaedic support of the leg, and while the ordinary purpose of a pillow would be to support or rest the head, the Opponent's pillows could be used to support any area of the body. In view of this, the goods may be in competition, with the average consumer choosing to purchase one type of pillow in place of another. I do not consider that the goods are complementary as they are neither important nor indispensable to one another. While orthopaedic pillows may be provided by specialist healthcare retailers, they could also be sold in general retail stores, where they are likely to be sold in close proximity to each other. Overall, I consider the goods to be similar to a high degree.

#### Class 20

***Beds; Divan beds; Water beds; Pillows; Mattresses; Air mattresses; Latex mattresses; Air pillows; Air cushions; Cots.***

28. The above goods are explicitly named in both the Applicant's and the Opponent's specifications. They are self-evidently identical.

***Beds, [...] mattresses, pillows [...].***

29. The above goods are self-evidently identical to the Opponent's "beds; mattresses; pillows".

***Chairs [seats].***

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<sup>5</sup> Applicant's counterstatement paragraph 2.

30. Although expressed slightly differently, the Applicant's above goods are self-evidently identical to the Opponent's "chairs".

***Bedding, except linen.***

31. Although expressed slightly differently, the Applicant's above goods are self-evidently identical to the Opponent's "bedding, other than bed linen".

***Seats.***

32. I consider that the words 'seat' and 'chair' are used interchangeably to refer to items of furniture which can be sat on. In view of this, although expressed slightly differently, I consider that the Applicant's "seats" is self-evidently identical to the Opponent's "chairs".

***[...] Bedding, [...].***

33. I consider that the Opponent's "bedding, other than bed linen" is encompassed within the Applicant's wider category "bedding", which is not subject to any limitation. Therefore, the goods are identical on the principle outlined in *Meric*.

***[...] Cushions; Cushions; Cushions [furniture]; Cushions (upholstery); Soft furnishings [cushions].***

34. I consider that the Opponent's "air cushions [...]" is encompassed within the Applicant's above wider categories. Therefore, the goods are identical on the principle outlined in *Meric*.

***Beds incorporating inner sprung mattresses; Beds (Hospital -); Feather beds; Wooden beds; Beach beds; Infant beds; Portable beds; Chair beds; Sofa beds; Camp beds; Foldaway beds; Adjustable beds; Bunk beds; Children's beds; Folding beds; Transportable beds; Portable infant beds; Bean bag beds; Beds of wood; Bed chairs; Bed-settees; Air bed lounge.***

35. The Applicant's above goods are all types of beds. I consider these goods to be encompassed by the Opponent's broad category "beds". They are therefore identical on the principle outlined in *Meric*.

***Bedding for cots [other than bed linen]; Bedding for nursery cots [other than bed linen].***

36. The Applicant's above goods are all types of bedding [other than bed linen] specifically for cots. I consider these goods to be encompassed by the Opponent's wider category "bedding, other than bed linen". They are therefore identical on the principle outlined in *Meric*.

***Scented pillows; Maternity pillows; Throw pillows; Travel pillows; Bath pillows; Nursing pillows; Neck pillows; Latex pillows; Bamboo pillows; Stuffed pillows; Accent pillows; Head supporting pillows; Neck-supporting pillows; Bean bag pillows; U-shaped pillows; Memory foam pillows; Head positioning pillows for babies; Water pillows, other than for medical purposes; Support pillows for use in baby seating; Support pillows for use in baby car safety seats; Neck pillows [other than for medical or surgical use].***

37. The Applicant's above goods are all various types of pillows. I consider these goods to be encompassed by the Opponent's broad category "pillows". They are therefore identical on the principle outlined in *Meric*.

***Mattresses (Spring -); Spring mattresses; Inner sprung mattresses; Foam mattresses; Straw mattress; Nap mats [cushions or mattresses]; Mattresses [other than child birth mattresses]; Bed mattresses; Mattress (Straw -); Straw mattresses; Futon mattresses [other than childbirth mattresses]; Fire resistant mattresses; Portable mattresses for automobiles; Mattresses made of flexible wood.***

38. The Applicant's above goods are all types of mattresses. I consider these goods to be encompassed by the Opponent's broad category "mattresses". They are therefore identical on the principle outlined in *Meric*.

***Air cushions, not for medical purposes; Air cushions in the nature of furniture [not for medical purposes]; Air pillows, not for medical purposes; Inflatable pillows; Inflatable cushions, other than for medical purposes; Inflatable cushions, not for medical use; Inflatable pillows [other than for medical use] for fitting around the neck; Inflatable neck support cushions.***

39. The Applicant's above goods are all types of air cushion or air pillow. I consider these goods to be encompassed by the Opponent's wider category "air cushions and air pillows". I include inflatable pillows and cushions in this grouping as an inflatable pillow/cushion is one that is filled with air. They are therefore identical on the principle outlined in *Meric*.

***Safety cots; Travel cots; Cots for babies.***

40. The Applicant's above goods are all types of cots. I consider these goods to be encompassed by the Opponent's wider category "cots and cradles". They are therefore identical on the principle outlined in *Meric*.

***Padded furniture; Storage boxes for pillows [furniture]; Fitted furniture; Fitted kitchen furniture; Fitted cupboards; Bench seating; Seating furniture; Display cases; Furniture incorporating beds.***

41. The Applicant's above goods are all types of furniture. I consider these goods to be encompassed by the Opponent's wider category "furniture". They are therefore identical on the principle outlined in *Meric*.

***Bed slats; Bed rails; Bed heads; Bed bases; Bed frames; Rods for beds.***

42. The Applicant's above goods are all parts of beds. I consider these goods to be encompassed by the Opponent's wider category "beds; parts and fittings for all the aforesaid goods". They are therefore identical on the principle outlined in *Meric*.

***Mattress bases; Spring assemblies (Non-metallic -) for incorporation into mattresses.***

43. The Applicant's above goods are all component parts used in the manufacture of mattresses. I consider these goods to be encompassed by the Opponent's wider category "mattresses; parts and fittings for all the aforesaid goods". They are therefore identical on the principle outlined in *Meric*.

***Plastic mesh cushioning sheets for lining shelves; Spring assemblies (Non-metallic -) for incorporation into cushions; Chair pads; Seat pads; Seat pads being parts of furniture.***

44. The Applicant's above goods are all component parts used in the manufacture of furniture. I consider these goods to be encompassed by the Opponent's wider category "furniture; parts and fittings for all the aforesaid goods". They are therefore identical on the principle outlined in *Meric*.

***Adjustable seat carriers.***

45. In the absence of any submissions regarding what is meant by the Applicant's above term, I consider it to refer to a furniture component which holds an adjustable seat. The component will likely enable the user to make adjustments to things such as the height or recline of the seating. In view of this, I consider these goods to be encompassed by the Opponent's wider category "furniture; parts and fittings for all the aforesaid goods". They are therefore identical on the principle outlined in *Meric*.

***Fitted bedroom furniture.***

46. The Applicant's above goods are a type of bedroom furniture. I consider these goods to be encompassed by the Opponent's wider category "bedroom furniture". They are therefore identical on the principle outlined in *Meric*.

***Air mattresses for use when camping; Air mattresses, not for medical purposes; Inflatable mattresses for use when camping; Inflatable mattresses, other than for medical purposes; Floating inflatable mattresses [airbeds].***

47. The Applicant's above goods are types of air mattresses. I consider these goods to be encompassed by the Opponent's wider category "air mattresses". I include inflatable mattresses in this grouping as an inflatable mattress is one that is filled with air. They are therefore identical on the principle outlined in *Meric*.

***Booster seats; Bath seats; Office seats; Shower seats; Love seats; Metallic seats; Seats [furniture]; Floating inflatable seats; Floatable [inflatable] seats; Seats for children; Seats of metal; High seats [furniture].***

48. The Applicant's above goods are all types of seats. As set out in paragraph 32, I consider that the words 'seat' and 'chair' are used interchangeably to refer to items of furniture which can be sat on. In view of this, I consider these goods to be encompassed by the Opponent's wider category "chairs". They are therefore identical on the principle outlined in *Meric*.

***Bumper guards for cots, other than bed linen.***

49. The Applicant's above goods are protective guards placed in an infant's cot to protect them from injury. I consider that these goods are a type of furniture fitting as they are accessories designed to be attached to the structure of a cot. They are therefore encompassed within the Opponent's wider category "cots and cradles; parts and fittings for all the aforesaid goods." They are therefore identical on the principle outlined in *Meric*.

***Suction pads [fixings].***

50. I understand the Applicant's above goods to be flexible pads, often made of silicon or plastic, which suction to surfaces. Suction pads are used in the assembly or stabilisation of furniture for purposes including securing shelving components or steadying glass topped tables. I therefore consider them to be fittings for furniture.

In view of this, I consider these goods to be encompassed by the Opponent's wider category "furniture; parts and fittings for all the aforesaid goods". They are therefore identical on the principle outlined in *Meric*.

***Corner protectors of plastics.***

51. I understand the Applicant's above goods to be plastic protectors which are attached to the corners of furniture to prevent damage or injury. In view of this, I consider the goods to be encompassed by the Opponent's wider category "furniture; parts and fittings for all the aforesaid goods". They are therefore identical on the principle outlined in *Meric*.

***Mattress toppers; Mattress pads.***

52. I understand mattress toppers and mattress pads to be removable padded layers placed on top of a mattress to improve comfort or protect the mattress from wear. This overlaps in purpose with the Opponent's "mattress covers" in class 24. There is an overlap in user, being people seeking comfort during sleep or to protect the mattress. The goods overlap in method of use, as both mattress toppers/pads and mattress covers are placed on top of a mattress and laid upon while sleeping. There is an overlap in nature to the extent that they are both made of soft fabrics with cushioning, insulating or protective qualities. However, mattress toppers and pads are likely to be thicker and may also incorporate materials which provide additional support to the user. The same undertaking is likely to produce both goods, and they will likely be placed within close proximity to one another within general retail or specific homeware shops. The goods may be in competition, as dependant on the reason for seeking a covering for a mattress, the average consumer may pick a mattress topper/pad over a mattress cover. I do not consider the goods to be complementary as they are not important or indispensable to one another. Overall, I consider the goods to be similar to a high degree.

***Seat cushions; Chair cushions; Neck support cushions; Bean bag cushions; Japanese floor cushions (zabuton); Baby head support cushions; Anti-roll cushions for babies; Head support cushions for babies; Back support cushions,***

***not for medical purposes; Cushions adapted to support the face [other than for medical use]; Cushions [other than for medical use] for supporting infants being examined.***

53. The above goods are types of cushions. They overlap in user, method of use and purpose with the Opponent's "air cushions [...]" as they are all for support or comfort. Although the goods at issue are both cushions, the Opponent's goods are specifically filled with air, while the Applicant's goods could be filled with a range of materials. The goods are in competition as an individual seeking a cushion may choose to purchase one filled with air over one filled with another material, however, I do not consider the goods to be complementary in the way set out in caselaw. The same undertaking is likely to produce cushions with different fillings which will likely be sold within homeware retailers or supermarkets, within close proximity to each other. Overall, I consider the goods to be similar to a high degree.

***Stadium cushions; Stadium seats (Cushions for -).***

54. I understand 'stadium cushions' to be portable lightweight cushions designed to improve comfort when sitting in stadiums. I consider these goods to be encompassed by the Opponent's wider category "air cushions [...]". I say this because it is likely that the applicant's goods would be filled with air. They are therefore identical on the principle outlined in *Meric*. However, if I am wrong in this finding, I consider that these overlap in method of use, user and purpose with the Opponent's "air cushions [...]". The respective goods all consist of a filled cover, however, while the Applicant's goods could be filled with a range of materials, including air, the Opponent's goods are only those filled with air. The goods are in competition to the extent that an individual seeking a cushion to enhance comfort when sitting for long periods in a stadium may choose to purchase a general use cushion filled with air, however I do not consider the goods to be complementary in the way set out in caselaw. It would not be unusual for an undertaking producing air cushions for general purposes to also produce stadium cushions. I consider that the respective goods are likely to all be sold within specialist camping shops or outdoor leisure retailers, where they will likely be sold within close proximity to each other. Overall, I consider the goods to be similar to a high degree.

***Cushions filled with hair.***

55. The above goods are a type of cushion. They overlap in user, method of use and purpose with the Opponent's "air cushions [...]" as they are all for support or comfort. Although the goods at issue are both cushions, the Opponent's goods are specifically filled with air, while the Applicant's goods are filled with hair. The goods are in competition as an individual seeking a cushion may choose to purchase one filled with air over one filled with hair, however, I do not consider the goods to be complementary in the way set out in caselaw. The same undertaking may produce cushions with different fillings, however I consider that cushions filled with hair are a specialist item, which will likely be sold within specialist homeware retailers, while air cushions will be available more widely in general retailers and camping shops. Overall, I consider the goods to be similar to a high degree.

***Sleeping bag pads; Sleeping pads.***

56. The Applicant's above goods are pads which are laid upon when sleeping. I consider that there is an overlap in method of use and purpose with the Opponent's "air mattresses", being goods which are laid upon to provide comfort to the user when sleeping. Sleeping pads are lightweight, portable mats placed under a sleeping bag to provide essential insulation and cushioning from the ground, which I consider overlaps in nature with the Opponent's 'air mattresses', although the exact materials the goods are made from may differ. The user of both goods will be members of the general public seeking lightweight, portable sleeping solutions; and the goods may be used interchangeably, meaning that they could be in competition. The average consumer would likely expect an undertaking making air mattresses to also produce sleeping pads. I consider there to be an overlap in trade channels, as the respective goods are likely to both be produced and sold via camping retailers. I do not consider the goods to be complementary in the way set out in caselaw. Overall, I consider the goods to be similar to a high degree.

***Foam camping mattresses; Camping mattresses; Sleeping mats for camping [mattresses].***

57. The Applicant's above goods are lightweight portable mattresses which are laid upon for sleep. Based upon the same rationale as set out in paragraph 56, I consider that the Applicant's above goods and the Opponent's 'air-mattresses' are similar a high degree.

***Dog beds; Cat beds; Beds for birds; Beds for animals; Beds for pets; Inflatable pet beds.***

58. The Applicant's above goods are beds which are specifically for animals. I consider that the Opponent's "beds" is a broad term which encompasses beds for pets and other animals. They are therefore identical on the principle outlined in *Meric*. If I am wrong in this finding, I consider that there is an overlap in nature and purpose, as they are all beds, which will be sat or laid upon for comfort or rest. While all the goods will be purchased by the general public, the Opponent's goods are for use by people and the Applicant's goods are for use by animals/pets. I consider that the Applicant's goods will be primarily sold in pet shops, while the Opponent's goods will be provided through furniture shops. Where the goods are both sold within general retail stores, they would not be sold in the same aisle, nor in close proximity to one another. The goods are not in competition, as the average consumer would not pick a bed for an animal in place of a bed for a human. Neither do I consider the goods to be complementary, as they are not important, nor indispensable to one another. Overall, I consider that the goods are similar to a low degree.

***Pet cushions; Cushions (Pet - ).***

59. I consider the Applicant's above goods to be a type of portable bed for pets, consisting of a cushioned pad. In view of this, and for the same reasoning set out in paragraph 58, I consider the Applicant's above goods and the Opponent's "beds" to be similar to a low degree.

***Clothes covers; Covers (Garment -) [storage].***

60. The Applicant's above goods are covers for clothing, used to protect garments from dust or dirt. Without any indication as to what represents the Opponent's best case in respect of these goods, I have been left to determine this myself. In my view, the Opponent's best case lies in "furniture coverings of textile". Whilst the respective nature of the goods differs, there is an overlap in purpose as they are covers which are placed over another item to protect it from environmental factors, dirt or wear. The method of use overlaps as the goods are all placed over another item to cover it. The goods may all be sold by general retailers; however, I consider that furniture covers and clothing covers will not be sold in the same aisles, nor positioned within close proximity to one another. I do not consider the goods to be in competition, as the average consumer would not choose to buy a furniture cover over a cover for clothing. I also do not consider the goods to be complementary, as they are not important or indispensable to one another. Overall, I consider the goods are similar to a low degree.

***Bamboo curtains; Curtains (Bamboo -); Bead curtains; Decorative bead curtains; Curtains (Bead -) for decoration; Bead curtains for decoration; Rollers (Curtain -); Indoor blinds [...].***

61. The Applicant's above goods are curtains and blinds. At a general level, these goods overlap in user with the Opponent's "furniture", being members of the general-public seeking homewares. However, the goods differ in purpose, as curtains and blinds are used to control light or to provide privacy, while furniture is movable, generally functional goods used to equip a room. The nature of the goods differs, as the Opponent's goods are made of a range of materials formed into functional structures, while the Applicant's goods are made of beads, bamboo, or fabrics with specific light blocking qualities. The method of use also differs, as the Applicant's above goods are hung to cover windows or doorways, while furniture is used for sitting, lying or putting things on/in. I consider that curtains/blinds and furniture will both be sold in homeware retailers, and, where sold in supermarkets the goods will be placed within close proximity to one another. I consider it to be common in trade for the same undertaking or designer to produce both curtains/blinds and furniture within the same range of products. I do not consider the goods to be in competition, as a consumer will not choose to buy a curtain or

blinds in place of a piece of furniture. Nor do I consider the goods to be complementary in the way set out in caselaw. Overall, I consider the goods to be similar to a medium degree.

***Curtain fittings; Fittings for curtains; Curtain pins; Curtain rollers; Curtain rings; Rings (Curtain -); Curtain poles; Curtain rods; Rods (Curtain - ); Hooks (Curtain -); Curtain tracks; Curtain rails; Rails (Curtain -); Curtain hooks; Curtain runners; Curtain embraces for holding back curtains; Shower curtain rods; Shower curtain rails; Metal curtain rods; Shower curtain hooks; Curtain tie-backs; Curtain suspension fittings; Shower curtain rings; Rings for curtains; Poles for curtains; Curtain suspending apparatus; Metal curtain rails; Metal curtain rings; Curtain suspension devices; Curtain embraces of plastics for holding back curtains; Curtain embraces of metal for holding back curtains; Support rails for curtains; Non-metal curtain rails; Rods for net curtains; Support rods for curtains; Non-metal curtain rings; Non-metal curtain rods; Supports for fixing curtain poles; Supports for fixing curtain rods; Supports for supporting curtain poles; Curtain hooks made of metal; Supports for supporting curtain rods; Curtain hooks made of plastics; Tie back hooks of brass [curtain]; Curtain holders, not of textile material; Tie back hooks made of plastics [curtain]; Expanding rails of plastics for net curtains; Tie back hooks made of wood [curtain]; Curtain drawing devices, other than electrically operated; [...] fittings for curtains and indoor blinds.***

62. The Applicant's above goods are all fittings and accessories for curtains, blinds and shower curtains. In the absence of any submissions from the Opponent as to where the similarity lies, I consider the Opponent's best-case lays in "furniture; parts and fittings for all the aforesaid goods". However, the nature and purpose of the respective goods is different, as the Opponent's goods are specifically parts and fittings for furniture, which do not, in my view, encompass parts and fittings for curtains. At a general level, the user of the respective goods will overlap, being members of the general public. However, parts and fittings for furniture are integral parts which are fixed to the furniture for stability or function, while the Applicant's curtain accessories are affixed to walls or window frames for privacy or decoration. I do not consider that an undertaking which provides furniture fittings will also

provide curtain accessories. The goods will likely all be sold in DIY stores, however I do not consider that the goods will be positioned in the same aisles, or in close proximity to one another. I do not consider the goods to be in competition, as a consumer will not choose to purchase the Applicant's curtain fittings and accessories over a fitting for furniture. I do not the goods to be complementary, as they are not important or indispensable to one another. Overall, I consider the goods to be similar to a low degree.

***Support cushioning for use in car safety seats for babies.***

63. I understand the Applicant's above goods to be cushions use in infant car seats for the purposes of support, comfort and safe positioning of the baby. In the absence submissions from the Opponent identifying its best case, and keeping in mind the approach taken in *SmartX*, I consider "air cushions" to be the closest comparator. There is a degree of overlap in the broad purpose and method of use, as they are all positioned under a person for comfort or support, however, I bear in mind that support cushioning for use in car safety seats for babies will have to adhere to specific safety standards. I consider that the nature of the goods differs, as while the Opponent's cushions are filled with air, the Applicant's goods are more likely to be filled with memory foam. There is a broad overlap in user and trade channels, as the Opponent's broad category of air cushions will encompass those made for babies, which will likely be sold within the same retailers as the Applicant's goods. I consider, however, that the respective goods are unlikely to be sold in the same aisles, or within close proximity to one another. I do not consider the goods to be in competition, as the average consumer will not buy a car seat support in place of an air cushion. I do not consider the goods to be complimentary, as they are not important or indispensable to one another. Overall, I consider the goods to be similar to a low degree.

***Tree protectors, not of metal; Tree protectors [tubes] not of metal.***

64. I understand tree protectors to be covers which provide protection to trees from damage. I can see no obvious similarity between the contested goods, and any of

the Opponent's goods. In the absence of any submissions from the Opponent as to where the similarity lies, I find that the goods are dissimilar.

65. For the sake of completeness, I do not consider that the specifications of the Opponent's other earlier ('119, '941 and '391) marks contain any goods which would put them in any better position regarding the similarity of 'tree protectors, not of metal' or 'tree protectors [tubes] not of metal'.

#### **Class 24**

***Bed linen; Covers for pillows; Pillow cases; Mattress covers; Quilts; Duvets; Covers for duvets; Covers for [...] duvets; Covers for cushions; Bed covers; Bedspreads; Bed clothes; Bed blankets; Furniture coverings of textile.***

66. The above goods are explicitly named in both the Applicant's and the Opponent's specifications. They are self-evidently identical.

***Bed linen [...]; Linen (bed-); Linen (Bed -); Linen for the bed.***

67. Although expressed slightly differently, the Applicant's above goods are self-evidently identical to the Opponent's "bed linen".

***Pillow covers; Pillowcases [pillow slips]; Pillowcovers; Pillowcases; Pillowcases.***

68. Although expressed slightly differently, the Applicant's above goods are self-evidently identical to the Opponent's "covers for pillows and pillow cases".

***Covers for mattresses.***

69. Although expressed slightly differently, the Applicant's above goods are self-evidently identical to the Opponent's "mattress covers".

***Blankets (bed-); Blankets (Bed -).***

70. Although expressed slightly differently, the Applicant's above goods are self-evidently identical to the Opponent's "bed blankets [...]".

***Duvet covers.***

71. Although expressed slightly differently, the Applicant's above goods are self-evidently identical to the Opponent's "covers for duvets".

***Cushion covers; Cushions (covers for- ); Cushions (Covers for -).***

72. Although expressed slightly differently, the Applicant's above goods are self-evidently identical to the Opponent's "covers for cushions".

***Bed coverings.***

73. Although expressed slightly differently, the Applicant's above goods are self-evidently identical to the Opponent's "bed covers".

***Coverlets [bedspreads].***

74. Although expressed slightly differently, the Applicant's above goods are self-evidently identical to the Opponent's "bedspreads".

***Coverings (Furniture -) of textile; Loose covers made of textile materials for furniture; Textile covers [loose] for furniture; Coverings (furniture-) of textile; Coverings of textile [...] for furniture (not fitted); Coverings of textile [...] for furniture (unfitted).***

75. Although expressed slightly differently, the Applicant's above goods are self-evidently identical to the Opponent's "furniture coverings of textile".

***Bed linen made of nonwoven textile material; Bed linen of paper; Infants' bed linen; Sheets [textile]; Contour sheets; Cot sheets; Valance sheets; Valanced bed sheets; Bedsheets; Bed sheets.***

76. The Applicant's above goods are all types of bed linen. I include sheets within this group as the definition of bed linen includes sheets and pillowcases.<sup>6</sup> In view of the above, I consider these goods to be encompassed by the Opponent's wider category "bed linen". They are therefore identical on the principle outlined in *Meric*.

***Sleeping bag sheet liners; Sleeping bags [sheeting].***

77. I consider that the Applicant's above goods are encompassed within the Opponent's wider category "bed linen". They are therefore identical on the principle outlined in *Meric*.

***Canopies (bed linen).***

78. I understand canopies to be decorative fabric drapes or coverings which are placed above beds. A canopy is not traditionally considered bed linen, nor does it fit into the definition set out in paragraph 21, however, since the Applicant themselves categorise these goods as 'bed linen', I must assess them within that category. In view of this, I consider the goods to be encompassed by the Opponent's wider category "bed linen". They are therefore identical on the principle outlined in *Meric*.

***Pillow shams; Shams.***

79. I understand a pillow sham to be a decorative cover for a pillow. I therefore consider the Applicant's above goods to be encompassed by the Opponent's wider category "covers for pillows and pillow cases". They are therefore identical on the principle outlined in *Meric*.

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<sup>6</sup> <https://www.collinsdictionary.com/dictionary/english/bed-linen> Accessed 11 February 2026

***Contoured mattress covers; Protective loose covers for mattresses [...].***

80. The Applicant's above goods are all covers for mattresses. I consider these goods to be encompassed by the Opponent's wider category "mattress covers". They are therefore identical on the principle outlined in *Meric*.

***Futon quilts; Quilts of textile; Bed quilts; Continental quilts; Quilt bedding mats; Quilt covers.***

81. The Applicant's above goods are all types of quilts. I consider these goods to be encompassed by the Opponent's wider category "quilts". They are therefore identical on the principle outlined in *Meric*.

***Quilted blankets [bedding]; Bed blankets made of cotton; Bed blankets made of manmade fibres; Bed blankets made of wool; Blanket throws; Blankets; Children's blankets; Cot blankets; Quilted blankets [bedding]; Receiving blankets; Travel blankets; Travelling blankets; Underblankets.***

82. The Applicant's above goods are all types of blanket. I consider these goods to be encompassed by the Opponent's wider category "bed blankets [...]". They are therefore identical on the principle outlined in *Meric*.

***Textile covers for duvets.***

83. The Applicant's above goods are a type of duvet cover specifically made of textile. I consider this to be encompassed by the Opponent's wider category "covers for duvets". They are therefore identical on the principle outlined in *Meric*.

***Bed skirts; Bed spreads; Bed throws; Bed valances; Bed warmer covers; Bed canopies; Canopies [covers for beds]; Comforters (bedding); Comforters [covers]; Comforters for beds; Cot covers; Valances; Valances for beds; Valances [textile draperies]; Covers for eiderdown [...]; Comforters (bedding); Comforters; Fabric valances.***

84. I consider the Opponent's broad category "[...] bed clothes" to reasonably encompass a wide range of goods used to dress or cover a bed. I find that the Applicant's above goods all fall within this wider category, and that the goods are therefore identical on the principle outlined in *Meric*.

***Disposable bedding; Disposable bedding of paper; Disposable bedding of textile.***

85. Although the Applicant's above goods are disposable, I still consider that they fall within the Opponent's broad category "[...] bed clothes", as I consider this to reasonably encompass a wide range of items used to dress or cover a bed. In view of this, I consider that the goods are identical on the principle outlined in *Meric*.

***Textile fabrics for use in the manufacture of bedding; Textile piece goods for making bedding covers; Textiles for furnishings; Textile fabric piece goods for the manufacture of upholstered furniture; Textile fabrics; Textiles made of cotton; Textile fabrics for making up into household textile articles; Textile fabrics for use in the manufacture of bedding; Textile fabrics for use in the manufacture of beds; Bedroom textile fabrics; Curtaining material being textile piece goods; Textile fabrics for use in the manufacture of curtains; Textile fabrics for use in the manufacture of furniture; Textile fabrics for use in the manufacture of pillowcases; Textile fabrics for use in the manufacture of sheets; Textile fabrics for use in the manufacture of towels; Textile fabrics for use in the manufacture of wall coverings; Textile materials for use in the manufacture blinds; Printed textile piece goods; Textile materials to be used in making blinds.***

86. The Applicant's above goods are various raw textile materials, including those for use in the manufacture a range of items, including furniture, furnishings and wall coverings. I consider these goods to be encompassed by the Opponent's wider category "textile". They are therefore identical on the principle outlined in *Meric*.

***Breathable waterproof fabrics; Canvas; Cotton base mixed fabrics; Cotton fabric; Cotton fabrics; Cotton knitted fabric; Fabric; Fabrics being textile goods***

***in roll form; Fabrics being textile piece goods; Fabrics for furniture; Fabrics for interior decorating; Fabrics for making curtains; Fabrics for manufacturing garden furniture; Fabrics for manufacturing sun protectors; Fabrics for manufacturing swimming pool covers; Fabrics for manufacturing tarpaulins; Fabrics for manufacturing tents; Fabrics for the manufacture of furnishings; Fabrics for use in covering armchairs; Furnishing and upholstery fabrics; Furnishing fabrics; Furnishing fabrics being textile piece goods; Furnishing fabrics in the piece; Interior decoration fabrics; Polyester fabric; Printed fabrics; Curtain material; Curtaining materials; Curtain fabric; Curtain fabrics; Upholstery fabrics; Cushion covering materials.***

87. The Applicant's above goods are various raw fabrics, including those for use in the manufacture of a range of items, including curtains, swimming pool covers and tents. While the words 'fabric' and 'textile' are often used interchangeably, I understand a 'textile' to be any fabric or cloth, esp. woven<sup>7</sup> and 'fabric' to be any cloth made from yarn or fibres by weaving, knitting, felting, etc.<sup>8</sup> In view of this, I consider fabric to be a type of textile, and therefore the Applicant's above goods are encompassed within the Opponent's wider category "textile". They are therefore identical on the principle outlined in *Meric*.

***Unfitted fabric furniture covers.***

88. Based upon my understanding of the terms 'fabric' and 'textile' set out in paragraph 88, I consider the Applicant's above goods are encompassed within the Opponent's wider category "furniture coverings of textile". They are therefore identical on the principle outlined in *Meric*.

***Valanced bed covers.***

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<sup>7</sup> <https://www.collinsdictionary.com/dictionary/english/textile> Accessed 06 March 2026.

<sup>8</sup> <https://www.collinsdictionary.com/dictionary/english/fabric> Accessed 06 March 2026

89. As the Applicant's above goods are a type of bed cover, I consider them to be encompassed by the Opponent's wider category "bed covers". They are therefore identical on the principle outlined in *Meric*.

***Textile goods for use as bedding.***

90. I understand textile goods for beds to refer to all the fabric-based products used to cover, dress, or accessorise a bed. In view of this I consider the Applicant's above goods to be encompassed by the Opponent's wider category "fabrics and textiles for beds and furniture". The goods are therefore identical on the principle outlined in *Meric*.

***Adhesive fabric; Adhesive fabric for application by heat; Adhesive fabrics for application by heat; Adhesive labels (textile-); Adhesive materials in the form of stickers [textile].***

91. The Applicant's above goods are all adhesive materials which are identified (within the wording of the terms) as being either fabrics or textiles. Based upon my understanding of the terms 'fabric' and 'textile' set out in paragraph 87, I consider the Applicant's above goods are encompassed within the Opponent's wider category "textile". They are therefore identical on the principle outlined in *Meric*.

***Coverings (loose-) for furniture; Furniture coverings (unfitted); Furniture (loose covers for-); Furniture (Loose covers for - ); Loose coverings for furniture; Loose covers for furniture; Loose covers for garden furniture; Loose furniture coverings; Protective coverings for furniture [loose]; Throws (furniture coverings); Chair covers; Furnishing covers for household use; Covers [loose] for furniture; Covers (loose-) for furniture; Protective covers for furniture [loose]; Protective loose covers for [...] furniture; Sofa covers; Canopy covers.***

92. The Applicant's above goods are all types of furniture covering. As none of the above goods define the material from which they are made, I consider that they may be made of textile. As the Applicant's goods may be made of textile, I consider that the Opponent's "furniture coverings of textile" is encompassed within each of

the Applicant's wider categories. Therefore, they are identical on the principle outlined in *Meric*.

***Household linen, including face towels; Household linen; Household linens; Household textile articles; Household textile articles made from non-woven materials; Household textile goods; Household textile piece goods; Household textiles; Linen (household-); Soft furnishings; Linen (Household -); Linens.***

93. The Applicant's above goods are all broad categories of household linens or soft furnishings. I include "household linen, including face towels" in this grouping as "face towels" are only an example of the items included within "household linen" meaning that protection is not restricted to "face towels" only.<sup>9</sup> I consider that the Opponent's "bed linen" is encompassed within each of the Applicant's above wider categories. Therefore, the goods are identical on the principle outlined in *Meric*.

***Curtain linings; Curtains; Curtains and lace curtains of textiles [...]; Curtains for windows; Curtains made from textile materials; Curtains made of textile fabrics; Curtains made of textile materials; Curtains [made up or in the piece]; Curtains of textile; Curtains of textile material; Curtains of textile [...]; Curtains of textiles [...]; Door curtains; Fabric curtains; Indoor and outdoor curtains; Net curtains; Ready made curtains; Ready made curtains of textiles; Roller blinds of textile; Roller blinds of textile for external use; Roller curtains; Small curtains made of textile materials; Venetian blinds [outdoor] made of textile materials; Window curtains; Blackout blinds [outdoor] of textile; Textile materials for use as window coverings; Textiles in the form of window furnishings.***

94. The Applicant's above goods are textile goods in the form of curtains and blinds. In the absence of any submissions from the parties, I consider that where the Applicant's goods are finished articles made of textile, they still fall within the scope of the Opponent's broad term 'textile', which covers both raw and finished textile goods. In view of this, the Applicant's above goods are encompassed within the

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<sup>9</sup> On the use of 'in particular', which has the same function as 'including', see a reference in judgment of 09/04/2003, T-224/01, *Nu-Tride / TUFFTRIDE*, EU: T:2003:107

Opponent's wider category "textile". They are therefore identical on the principle outlined in *Meric*.

***Bath linen, except clothing; Bath sheets; Bath sheets (towels); Bath towels; Bathroom linen; Bathroom towels; Children's towels; Towels; Beach towels; Towels [textile] for the beach.***

95. The Applicant's above goods are all bathroom linen and towels. I understand bath linen to include textile goods such as towels, washcloths, bathmats and bathrobes. I consider that these goods are all encompassed within the Opponent's wider category "textile". They are therefore identical on the principle outlined in *Meric*.

***Individual place mats made of textile; [...] table linen; Runners (table-); Runners (Table -); Runners [textile] for table tops; Table cloths made of textile; Place mats, not of paper; Place mats of textile material; Kitchen furnishings [textile]; Kitchen linen; Chair backs [textile articles]; Bean bag covers; Borders (textile wall hangings); Coverings for walls [wall hangings, of textile]; Coverings for windows; Fabric wall coverings; Handcrafted textile wall hangings; Padded coverings [hangings of textile] for existing walls; Textile materials [hangings] for covering walls; Textile wall coverings; Textile wall hangings; Cloth flags; Banners of textile; Banners textile.***

96. The Applicant's above goods are all textile goods. I consider that these goods are encompassed within the Opponent's wider category "textile". They are therefore identical on the principle outlined in *Meric*.

***Throws; Throws for traveling.***

97. I consider a throw to be a decorative light blanket or cover, often used on bedroom or living room furniture. In view of this, I consider that the Applicant's above goods overlap in nature and user with the Opponent's "bed blankets". The purpose and method of use overlaps as the goods are both household textiles which may be used by the consumer interchangeably as coverings for a bed or chair; they may be used for warmth and comfort, or for decorative purposes. I consider that the goods

may be produced by the same undertakings and will be sold within the same homeware retailers or supermarkets, where the goods will likely be positioned in the same aisles, or within close proximity to each other. The goods are in competition, as the average consumer may choose to purchase a throw in place of a lightweight blanket, however I do not consider them to be complementary in the way set out in caselaw. Overall, I consider the goods to be similar to a high degree.

***Mattress protectors; Mattress protectors [other than incontinence]; Mattress slips [other than incontinence].***

98. I understand mattress protectors to be removable layers placed on top of a mattress to protect the mattress from wear or staining. In the absence of any submissions from the parties, I consider that the nature overlaps with the Opponent's "mattress covers", although the material they are made from could vary dependant on their purpose. Applying the core meaning of the respective terms, I consider that the purpose differs in that a mattress cover could have a wider range of applications. The purpose of a mattress protector is to protect the mattress, while the purpose of a mattress cover is to cover a mattress (which may be for protection, decoration or comfort). There is an overlap in method of use, as the goods are all placed on top of a mattress and laid upon while sleeping. I consider that the same undertaking is likely to produce both goods, and they will likely be sold within close proximity to one another within general retail or specific homeware shops. The goods may be in competition, as dependant on the reason for seeking a covering for a mattress, the average consumer may pick a mattress protector over a mattress cover. I do not consider the goods to be complementary as they are not important or indispensable to one another. Overall, I consider the goods to be similar to a high degree.

***Furniture coverings made of plastic materials; Furniture coverings of plastic; Coverings of plastic for furniture; Coverings of plastics for furniture; Coverings of [...] plastic for furniture (not fitted); Coverings of [...] of plastic for furniture (unfitted).***

99. The Applicant's above goods are furniture coverings made of plastic. I consider that the purpose and method of use, being to cover furniture, overlaps with the Opponent's "furniture coverings of textile". The nature of the goods differs to the extent that they are made of different materials, however they will all be structured to fit the furniture it covers. I consider that the same undertaking may produce furniture covers in a range of materials, and that the respective goods are likely to be sold alongside one another in general retailers. The goods are in competition, as the average consumer could choose to buy a furniture covering of plastic over one made of textile. I do not consider the goods to be complementary, as they are not important or indispensable to one another. Overall, I consider the goods to be similar to a high degree.

***Traveling rugs; Travellers rugs; Travelling rugs; Rugs (travelling); Rugs (Travelling -) [lap robes]; Rugs (travelling-) [lap-robes].***

100. The Applicant's above goods are all travelling rugs, which I understand to be a type of lightweight blanket used outside (as a picnic blanket, for example). In view of this, the Applicant's above goods are encompassed within the Opponent's wider category "textile". They are therefore identical on the principle outlined in *Meric*. However, if I am wrong in this finding, I consider the goods to overlap in user, being members of the general public seeking soft furnishings. The goods overlap in nature in view of them being textiles, however their exact purpose and method of use may differ. I say this because a travelling rug is intended for use when travelling/outdoors and is usually placed on the floor to sit upon, while a textile (to the extent that a textile could be a blanket) is used indoors and placed over the user for warmth. I consider that the goods are likely to originate from the same undertakings, as it is not unusual for the same undertaking to produce various textile goods. The goods are likely to be sold within the same retailers, however, while they may be placed within close proximity to one another, I bear in mind that some retail establishments will position travelling rugs with outdoor leisure goods, rather than alongside home textiles. There is a degree of competition, as the average consumer seeking a portable textile may choose to purchase another textile in place of a travelling rug. I do not consider the goods to be complementary as they are not important or

indispensable to one another. Overall, I consider the goods to be similar to a high degree.

***Oilcloth for use as tablecloths; Place mats made of plastics; Place mats of plastics materials.***

101. The Applicant's above goods are all place mats and tablecloths, made of plastic or oilcloth. I consider that these goods overlap in user with the Opponent's "textile" (to the extent that a textile could be a tablecloth), being members of the general public seeking table coverings. However, the nature of the goods differs in view of the different materials from which they are made. There is an overlap in method of use and purpose as the goods are placed upon a table for either aesthetic reasons, or to protect the table from damage or wear. The goods are likely to originate from the same undertakings, who produce table coverings made from a range of materials. Further to this, the goods are likely to be sold within the same homeware retailers, where they are likely to be positioned within the same aisles. There is a degree of competition, as the average consumer seeking a table covering may choose to purchase an oilcloth tablecloth or plastic placemat in place of a textile tablecloth. I do not consider the goods to be complementary as they are not important or indispensable to one another. Overall, I consider the goods to be similar to a medium degree.

***Curtain holders of cloth; Curtain holders of textile material; Curtain holders of textile materials; Curtain holders or tiebacks of textile; Curtain holders (textile-); Curtain loops made of textile materials; Curtain loops of textile material; Curtain tie-backs of textile; Swags [curtains]; Curtain valences.***

102. The Applicant's above goods are all accessories for curtains, many of which are expressly identified as being of textile. In view of this, the Applicant's above goods are encompassed within the Opponent's wider category "textile". They are therefore identical on the principle outlined in *Meric*. However, if I am wrong in this finding, I consider that the goods overlap in user, being members of the general public. Although the goods are all textiles, they differ in their exact nature, purpose and method of use. I say this because the Applicant's goods are specific accessories

adapted for the purpose of holding curtains. The goods are likely to come from the same undertaking and be sold within the same retailers of homeware or household linen. I do not consider the goods are in competition, as the average consumer would not purchase one item in place of the other, however there is a degree of complementarity, as a curtain holder cannot be used without a curtain, which (as set out in paragraph 94) I consider to be a type of textile. Overall, I consider the goods to be similar to a medium degree.

***Curtains and lace curtains of [...] plastic; Curtains for showers; Curtains made of plastics; Curtains made of plastics for use in shower baths; Curtains of plastic; Curtains of [...] plastic; Curtains of [...] plastic; Ready made curtains of plastics; Shower curtains.***

103. In the absence of any submissions from the parties, while expressed slightly differently, I consider that the Applicant's above curtains of plastic are all shower curtains. Without any indication as to what represents the Opponent's case in respect of these goods, I have been left to determine this myself. In my view, the Opponent's best case lies in "furniture" (to the extent that furniture can include bathroom furniture). While the user of the respective goods may both be members of the general-public, the goods differ in purpose, as plastic curtains are used to form a barrier against water, while bathroom furniture is to provide storage or functional support to bathroom fixtures. While the respective goods are all made from materials suitable for use in wet and humid conditions within a bathroom environment, the core nature and method of use differ. Plastic curtains are made from flexible plastic and hung as a divide between areas, while furniture is structural items made from rigid materials (such as wood or plastic). There is an overlap in trade channels to the extent that shower curtains and bathroom furniture will likely be provided by DIY or homeware retailers, however, I consider that the goods are unlikely to be positioned within close proximity to one another. I do not consider the goods to be in competition, as a consumer will not choose to buy a plastic curtain in place of a piece of bathroom furniture. Nor do I consider the goods to be complementary in the way set out in caselaw. Overall, I consider the goods to be similar to a low degree.

104. It is a prerequisite of section 5(2)(b) that the goods be identical or at least similar. As per *eSure*,<sup>10</sup> in relation to the goods which I have found to be dissimilar, as there can be no likelihood of confusion under section 5(2), I will take no further account of such goods, with the opposition failing to that extent. The opposition under section 5(2)(b) therefore fails at this juncture for the following goods:

Class 20: *Tree protectors, not of metal; Tree protectors [tubes] not of metal.*

### **Average consumer and the purchasing act**

105. 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.

106. 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.

107. 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;

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<sup>10</sup> *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA

(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.

108. The average consumer for the goods at issue will be members of the general public or, for raw materials and component parts, professional users such as businesses concerned with the manufacture of furniture or soft furnishings. The cost and frequency of purchase will vary, from goods which will be relatively low cost and purchased frequently, to furniture which will be purchased infrequently and have a relatively high cost. The average consumer will take various factors into consideration such as the cost, quality, materials used, and aesthetic appearance. I find that, where the average consumer is a member of the general public, they will apply a medium degree of attention to the purchase. Where the average consumer is a business, they will pay a medium-high degree of attention during the purchasing process due to the impact that poor quality goods could have on the reputation of their business. However, I bear in mind that the likelihood of confusion must be

assessed from the perspective of the former (the general public) since they are the group who will pay the lower degree of attention.<sup>11</sup>

109. The goods are likely to be obtained by self-selection from the shelves of a retail outlet, or online equivalent. Given the process of selection, the marks' visual impact is likely to play the greater role, though I do not discount the opportunity for aural recommendations made by salespeople, for example.

### Comparison of the marks

110. As set out in paragraphs 10-11, I continue my assessment based upon the '494 mark only. The respective trade marks are shown below:

Opponent's trade mark	Applicant's trade mark
(“The '494 mark”) <b>DREAMS</b>	<b>Dreamzie</b>

111. The Applicant's mark consists of a single word, “Dreamzie”, absent of any stylisation or embellishments; its overall impression lies solely in that word.

112. The Opponent's '494 mark consists of a single word, “DREAMS”, absent of any stylisation or embellishments; its overall impression lies solely in that word.

113. Visually, the marks coincide in the 5 letters, “DREAM-” which are positioned at the beginning of both marks, to which the average consumer tends to pay more attention.<sup>12</sup> However, the letter “-S” at the end of the Opponent's mark, and the letters “-zie” at the end of the Applicant's mark are points of visual difference. The Opponent's mark is presented in upper case and the Applicant's mark is a mixture of upper and lower case, however, I note that registration of a word only mark covers use in any standard typeface.<sup>13</sup> Taking all of the above into account, I consider that the marks are visually similar to a medium to high degree.

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

<sup>12</sup> *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02

<sup>13</sup> *La Superquímica v EUIPO*, Case T-24/17, paragraph 39.

114. Aurally, the '494 mark is comprised of the word "DREAMS", which will be pronounced in the ordinary way. The Applicant's mark will be pronounced as two syllables, "DREAMZ" and "EE". I consider that the letters "s" and "z" within the marks will be pronounced identically, meaning that the Opponent's mark is entirely replicated in the first syllable of the Applicant's mark. A point of aural difference is the second syllable "-EE" in the Applicant's mark, which is not present in the Opponent's mark. Overall, I consider the marks to be aurally similar to a high degree.

115. Conceptually, I consider that the average consumer will understand "DREAMS" in the Opponent's '494 mark as the plural form of the English dictionary word 'dream', meaning a series of thoughts, images, and sensations occurring in a person's mind during sleep.<sup>14</sup>

116. The Applicant's mark is comprised of the invented word "Dreamzie"; however, I consider that the average consumer will recognise the word 'dream' within the mark. Even though consumers normally perceive marks as a whole,<sup>15</sup> they nevertheless will break down elements if they suggest a meaning or resemble words known to them. The Applicant submits that while their mark incorporates the word 'dream', it does so in a manner that is conceptually unique.<sup>16</sup> However, I do not consider that the suffix '-zie' significantly changes the conceptual nature of the mark. Overall, I consider the marks to be conceptually similar to a high degree.

### **Distinctive character of the earlier trade mark**

117. The distinctive character of a trade mark can be appraised only, first, by reference to the goods in respect of which registration is sought and, secondly, by reference to the way it is perceived by the relevant public – *Rewe Zentral AG v OHIM (LITE)* [2002] ETMR 91. In *Lloyd Schuhfabrik*, the CJEU stated that:

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<sup>14</sup> <https://www.collinsdictionary.com/dictionary/english/dream> Accessed 04 March 2026

<sup>15</sup> *Usinor SA v OHIM*, Case T-189/05

<sup>16</sup> Applicant's TM8 and counterstatement paragraph 1.

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

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

118. Registered trade marks possess varying degrees of inherent distinctive character, being lower where 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 a mark can be enhanced by virtue of the use that has been made of it.

119. In its statement of grounds, the Opponent claimed that all of their Earlier Mark’s had enhanced distinctiveness as a result of them having been used in the market.<sup>17</sup> However, the Opponent has filed no evidence of use of its marks to support this claim. Consequently, I have only the inherent position to consider.

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<sup>17</sup> Form TM7F Statement of Grounds, paragraph 6.

120. The '494 mark is a word only mark which is comprised of the ordinary dictionary word 'dreams', which I consider is somewhat allusive in relation to goods such as furniture for sleeping (which would include beds, bed frames etc.), beds, mattresses, pillows, and bedding, as dreams are experienced by the user while asleep. For such goods, I consider that the inherent distinctiveness of the marks would be between a low and medium degree. For goods which have no connection to sleeping, where the word "dreams" is neither descriptive nor allusive, the mark is inherently distinctive to a medium degree.

### **Likelihood of confusion**

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

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

123. The following factors must be considered to determine if a likelihood of confusion can be established:

- I have found the Applicant's mark and the Opponent's '494 mark to be visually similar to a medium-high degree.

- I have found the Applicant's mark and the Opponent's '494 mark to be aurally similar to a high degree.
- I have found the Applicant's mark and the Opponent's '494 mark to be conceptually similar to a high degree.
- I have found the earlier mark to be inherently distinctive to between a low and medium degree for goods where "DREAMS" is allusive. I have found the earlier mark to be inherently distinctive to a medium degree where "DREAMS" is not allusive.
- I have identified the average consumer to be members of general public, however for textiles and other raw materials, the average consumer may be a professional or manufacturer of furniture/soft furnishings. I have found that both sets of average consumers will select the goods primarily by visual means, although I do not discount an aural component.
- I have concluded that the average consumer (bearing in mind that the likelihood of confusion must be assessed from the perspective of the group who will pay the lower degree of attention) will pay a medium degree of attention during the purchasing process.
- I have found the parties' goods to be between identical and similar to a low degree

124. Bearing in mind the principle of imperfect recollection and recognising that the letters 'd-r-e-a-m' are identically replicated at the beginning of the competing marks, a position which tends to make more of an impact, I consider that the marks are likely to be mistakenly recalled or misremembered as each other. Given that the average consumer rarely has the opportunity to compare marks side-by-side and will instead encounter them in different settings at different times I consider that the differences in the ends of the marks (being "S" in the Opponent's mark and "-zie" in the Applicant's mark) will be easily overlooked by the average consumer, even where they are paying a medium degree of attention,.

125. While I founds the mark 'dreams' to be only distinctive to a low-medium degree for goods relating to sleep (such as beds, bedding, etc.), I bear in mind that weak distinctive character of the earlier trade mark does not preclude a likelihood of

confusion.<sup>18</sup> I consider that the lower level of distinctiveness will be offset by the higher degree of similarity which I found between such goods, and the medium-high degree of visual, aural and conceptual similarity between the marks.

126. Overall, bearing in mind the interdependency principle, I consider that there is a likelihood of direct confusion for all goods which are similar to at least a low degree.

## CONCLUSION

127. The opposition based upon 5(2)(b) has partially succeeded in respect of the following goods, subject to any successful appeal against my decision:

Class 10: *Orthopaedic Leg Memory Foam Pillow.*

Class 20: *Cushions; Stadium cushions; Air cushions; Cushions [furniture]; Seat cushions; Chair cushions; Cushions (upholstery); Pet cushions; Cushions (Pet - ); Soft furnishings [cushions]; Neck support cushions; Bean bag cushions; Stadium seats (Cushions for -); Cushions filled with hair; Japanese floor cushions (zabuton); Inflatable neck support cushions; Baby head support cushions; Nap mats [cushions or mattresses]; Anti-roll cushions for babies; Head support cushions for babies; Inflatable cushions, not for medical use; Air cushions, not for medical purposes; Inflatable cushions, other than for medical purposes; Beds, bedding, mattresses, pillows and cushions; Back support cushions, not for medical purposes; Plastic mesh cushioning sheets for lining shelves; Spring assemblies (Non-metallic -) for incorporation into cushions; Cushions adapted to support the face [other than for medical use]; Cushions [other than for medical use] for supporting infants being examined; Air cushions in the nature of furniture [not for medical purposes]; Mattress pads; Chair pads; Padded furniture; Seat pads; Sleeping pads; Sleeping bag pads; Suction pads [fixings]; Pillows; Scented pillows; Inflatable pillows; Maternity pillows; Throw pillows; Travel pillows; Air pillows; Bath pillows; Nursing pillows; Neck pillows; Latex pillows; Bamboo pillows; Stuffed pillows; Accent pillows; Head supporting pillows; Neck-supporting pillows; Bean bag pillows; U-*

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<sup>18</sup> L'Oréal SA v OHIM, Case C-235/05 P

*shaped pillows; Memory foam pillows; Storage boxes for pillows [furniture]; Head positioning pillows for babies; Air pillows, not for medical purposes; Water pillows, other than for medical purposes; Support pillows for use in baby seating; Support pillows for use in baby car safety seats; Neck pillows [other than for medical or surgical use]; Inflatable pillows [other than for medical use] for fitting around the neck; Seat pads being parts of furniture; Seats; Foam mattresses; Bench seating; Booster seats; Foam camping mattresses; Bath seats; Office seats; Shower seats; Love seats; Metallic seats; Chairs [seats]; Seats [furniture]; Seating furniture; Floating inflatable seats; Adjustable seat carriers; Floatable [inflatable] seats; Seats for children; Seats of metal; High seats [furniture]; Display cases; Fitted cupboards; Fitted furniture; Curtain fittings; Fittings for curtains; Fitted bedroom furniture; Fitted kitchen furniture; Clothes covers; Covers (Garment -) [storage]; Corner protectors of plastics; Curtain pins; Curtain rollers; Curtain rings; Rings (Curtain -); Curtain poles; Curtain rods; Rods (Curtain -); Hooks (Curtain -); Curtain tracks; Bamboo curtains; Curtains (Bamboo -); Curtain rails; Rails (Curtain -); Curtain hooks; Curtain runners; Bead curtains; Rollers (Curtain -); Curtain embraces for holding back curtains; Decorative bead curtains; Shower curtain rods; Shower curtain rails; Metal curtain rods; Shower curtain hooks; Curtain tie-backs; Curtain suspension fittings; Shower curtain rings; Rings for curtains; Poles for curtains; Curtain suspending apparatus; Metal curtain rails; Metal curtain rings; Curtain suspension devices; Curtain embraces of plastics for holding back curtains; Curtain embraces of metal for holding back curtains; Support rails for curtains; Non-metal curtain rails; Rods for net curtains; Support rods for curtains; Curtains (Bead -) for decoration; Bead curtains for decoration; Non-metal curtain rings; Non-metal curtain rods; Supports for fixing curtain poles; Supports for fixing curtain rods; Supports for supporting curtain poles; Curtain hooks made of metal; Supports for supporting curtain rods; Curtain hooks made of plastics; Tie back hooks of brass [curtain]; Curtain holders, not of textile material; Tie back hooks made of plastics [curtain]; Expanding rails of plastics for net curtains; Tie back hooks made of wood [curtain]; Curtain drawing devices, other than electrically operated; Indoor blinds, and fittings for curtains and indoor blinds; Mattresses; Mattresses (Spring -); Straw mattress; Air mattresses; Mattress toppers; Spring mattresses; Mattress bases; Latex mattresses; Camping mattresses; Mattresses [other than child birth mattresses]; Bed mattresses; Mattress (Straw -); Straw mattresses; Futon*

*mattresses [other than childbirth mattresses]; Inner sprung mattresses; Fire resistant mattresses; Portable mattresses for automobiles; Mattresses made of flexible wood; Floating inflatable mattresses [airbeds]; Beds incorporating inner sprung mattresses; Sleeping mats for camping [mattresses]; Air mattresses for use when camping; Inflatable mattresses for use when camping; Inflatable mattresses, other than for medical purposes; Air mattresses, not for medical purposes; Spring assemblies (Non-metallic -) for incorporation into mattresses; Bedding for cots [other than bed linen]; Bedding for nursery cots [other than bed linen]; Cots; Safety cots; Travel cots; Bumper guards for cots, other than bed linen; Cots for babies; Beds; Beds (Hospital -); Feather beds; Dog beds; Wooden beds; Cat beds; Water beds; Beach beds; Infant beds; Portable beds; Bed slats; Chair beds; Bed rails; Sofa beds; Camp beds; Foldaway beds; Bed chairs; Divan beds; Bed heads; Bed-settees; Adjustable beds; Bunk beds; Children's beds; Folding beds; Bed bases; Transportable beds; Bed frames; Beds of wood; Air bed lounge; Bedding, except linen; Beds for birds; Portable infant beds; Beds for animals; Bean bag beds; Beds for pets; Rods for beds; Furniture incorporating beds; Support cushioning for use in car safety seats for babies; Inflatable pet beds.*

*Class 24: Quilt bedding mats; Quilted blankets [bedding]; Textile fabrics for use in the manufacture of bedding; Textile goods for use as bedding; Textile piece goods for making bedding covers; Comforters (bedding); Soft furnishings; Textiles for furnishings; Textiles in the form of window furnishings; Adhesive fabric; Adhesive fabric for application by heat; Adhesive fabrics for application by heat; Adhesive labels (textile-); Adhesive materials in the form of stickers [textile]; Banners of textile; Banners textile; Bath linen, except clothing; Bath sheets; Bath sheets (towels); Bath towels; Bathroom linen; Bathroom towels; Beach towels; Bean bag covers; Bed blankets; Bed blankets made of cotton; Bed blankets made of manmade fibres; Bed blankets made of wool; Bed canopies; Bed clothes; Bed coverings; Bed covers; Bed linen; Bed linen and table linen; Bed linen made of nonwoven textile material; Bed linen of paper; Bed quilts; Bed sheets; Bed skirts; Bed spreads; Bed throws; Bed valances; Bed warmer covers; Bedroom textile fabrics; Bedsheets; Bedspreads; Blackout blinds [outdoor] of textile; Blanket throws; Blankets; Blankets (bed-); Blankets (Bed -); Borders (textile wall hangings); Breathable waterproof fabrics; Canopies (bed linen); Canopies [covers for beds]; Canopy*

*covers; Canvas; Chair backs [textile articles]; Chair covers; Children's blankets; Children's towels; Cloth flags; Comforters; Comforters (bedding); Comforters [covers]; Comforters for beds; Continental quilts; Contour sheets; Contoured mattress covers; Cot blankets; Cot covers; Cot sheets; Cotton base mixed fabrics; Cotton fabric; Cotton fabrics; Cotton knitted fabric; Coverings for walls [wall hangings, of textile]; Coverings for windows; Coverings (Furniture -) of textile; Coverings (furniture-) of textile; Coverings (loose-) for furniture; Coverings of plastic for furniture; Coverings of plastics for furniture; Coverings of textile and of plastic for furniture (not fitted); Coverings of textile and of plastic for furniture (unfitted); Coverlets [bedspreads]; Covers for cushions; Covers for duvets; Covers for eiderdown and duvets; Covers for mattresses; Covers for pillows; Covers [loose] for furniture; Covers (loose-) for furniture; Curtain fabric; Curtain fabrics; Curtain holders of cloth; Curtain holders of textile material; Curtain holders of textile materials; Curtain holders or tiebacks of textile; Curtain holders (textile- ); Curtain linings; Curtain loops made of textile materials; Curtain loops of textile material; Curtain material; Curtain tie-backs of textile; Curtain valences; Curtaining material being textile piece goods; Curtaining materials; Curtains; Curtains and lace curtains of textiles or plastic; Curtains for showers; Curtains for windows; Curtains made from textile materials; Curtains made of plastics; Curtains made of plastics for use in shower baths; Curtains made of textile fabrics; Curtains made of textile materials; Curtains [made up or in the piece]; Curtains of plastic; Curtains of textile; Curtains of textile material; Curtains of textile or plastic; Curtains of textiles or plastic; Cushion covering materials; Cushion covers; Cushions (covers for- ); Cushions (Covers for -); Disposable bedding; Disposable bedding of paper; Disposable bedding of textile; Door curtains; Duvet covers; Duvets; Fabric; Fabric curtains; Fabric valances; Fabric wall coverings; Fabrics being textile goods in roll form; Fabrics being textile piece goods; Fabrics for furniture; Fabrics for interior decorating; Fabrics for making curtains; Fabrics for manufacturing garden furniture; Fabrics for manufacturing sun protectors; Fabrics for manufacturing swimming pool covers; Fabrics for manufacturing tarpaulins; Fabrics for manufacturing tents; Fabrics for the manufacture of furnishings; Fabrics for use in covering armchairs; Furnishing and upholstery fabrics; Furnishing covers for household use; Furnishing fabrics; Furnishing fabrics being textile piece goods; Furnishing fabrics in the piece; Furniture coverings made of plastic materials;*

*Furniture coverings of plastic; Furniture coverings of textile; Furniture coverings (unfitted); Furniture (loose covers for-); Furniture (Loose covers for - ); Futon quilts; Handcrafted textile wall hangings; Household linen; Household linen, including face towels; Household linens; Household textile articles; Household textile articles made from non-woven materials; Household textile goods; Household textile piece goods; Household textiles; Individual place mats made of textile; Indoor and outdoor curtains; Infants' bed linen; Interior decoration fabrics; Kitchen furnishings [textile];Kitchen linen; Linen (bed-);Linen (Bed -);Linen for the bed; Linen (household-);Linen (Household -);Linens; Loose coverings for furniture; Loose covers for furniture; Loose covers for garden furniture; Loose covers made of textile materials for furniture; Loose furniture coverings; Mattress covers; Mattress protectors; Mattress protectors [other than incontinence];Mattress slips [other than incontinence];Net curtains; Oilcloth for use as tablecloths; Padded coverings [hangings of textile] for existing walls; Pillow cases; Pillow covers; Pillow shams; Pillowcases; Pillow-cases; Pillowcases [pillow slips]; Pillowcovers; Place mats made of plastics; Place mats, not of paper; Place mats of plastics materials; Place mats of textile material; Polyester fabric; Printed fabrics; Printed textile piece goods; Protective coverings for furniture [loose]; Protective covers for furniture [loose];Protective loose covers for mattresses and furniture; Quilt bedding mats; Quilt covers; Quilted blankets [bedding]; Quilts; Quilts of textile; Ready made curtains; Ready made curtains of plastics; Ready made curtains of textiles; Receiving blankets; Roller blinds of textile; Roller blinds of textile for external use; Roller curtains; Rugs (travelling); Rugs (Travelling -) [lap robes]; Rugs (travelling-) [lap-robes]; Runners (table-); Runners (Table -); Runners [textile] for table tops; Shams; Sheets [textile]; Shower curtains; Sleeping bag sheet liners; Sleeping bags [sheeting]; Small curtains made of textile materials; Sofa covers; Soft furnishings; Swags [curtains]; Table cloths made of textile; Textile covers for duvets; Textile covers [loose] for furniture; Textile fabric piece goods for the manufacture of upholstered furniture; Textile fabrics; Textile fabrics for making up into household textile articles; Textile fabrics for use in the manufacture of bedding; Textile fabrics for use in the manufacture of beds; Textile fabrics for use in the manufacture of curtains; Textile fabrics for use in the manufacture of furniture; Textile fabrics for use in the manufacture of pillowcases; Textile fabrics for use in the manufacture of sheets; Textile fabrics for use in the manufacture of towels; Textile fabrics for use*

*in the manufacture of wall coverings; Textile materials for use as window coverings; Textile materials for use in the manufacture blinds; Textile materials [hangings] for covering walls; Textile materials to be used in making blinds; Textile wall coverings; Textile wall hangings; Textiles made of cotton; Throws; Throws for traveling; Throws (furniture coverings); Towels; Towels [textile] for the beach; Travel blankets; Traveling rugs; Travellers rugs; Travelling blankets; Travelling rugs; Underblankets; Unfitted fabric furniture covers; Upholstery fabrics; Valance sheets; Valanced bed covers; Valanced bed sheets; Valances; Valances for beds; Valances [textile draperies]; Venetian blinds [outdoor] made of textile materials; Window curtains.*

128. The Applicant's mark may proceed to registration for the following goods, for which the opposition was unsuccessful:

Class 20: *Tree protectors, not of metal; Tree protectors [tubes] not of metal.*

129. The Applicant's mark will also proceed to registration for all goods in class 17, which were unopposed.

## **COSTS**

130. As the Opponent has achieved a significantly greater degree of success overall, it is entitled to a contribution towards its costs. I base the costs awarded on the scale contained in TPN 1/2023. In the circumstances, I award the Opponent the sum of £700 as a contribution towards the costs of the proceedings. The sum is calculated as follows:

Official fee	£100
Preparing a statement and considering the other side's statement	£250
Preparing written submission in lieu of a hearing	£350

**Total:**

**£700**

131. I therefore order Hassan Alirasool to pay Dreams Limited the sum of £700. 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 2<sup>nd</sup> day of April 2026**

**E Rees**

**For the Registrar**

## ANNEX

### Opposed goods within the Applicant's mark (UK00003968585 - Dreamzie)

Class 10:

Orthopaedic Leg Memory Foam Pillow.

Class 20:

Cushions; Stadium cushions; Air cushions; Cushions [furniture]; Seat cushions; Chair cushions; Cushions (upholstery); Pet cushions; Cushions (Pet - ); Soft furnishings [cushions]; Neck support cushions; Bean bag cushions; Stadium seats (Cushions for - ); Cushions filled with hair; Japanese floor cushions (zabuton); Inflatable neck support cushions; Baby head support cushions; Nap mats [cushions or mattresses]; Anti-roll cushions for babies; Head support cushions for babies; Inflatable cushions, not for medical use; Air cushions, not for medical purposes; Inflatable cushions, other than for medical purposes; Beds, bedding, mattresses, pillows and cushions; Back support cushions, not for medical purposes; Plastic mesh cushioning sheets for lining shelves; Spring assemblies (Non-metallic -) for incorporation into cushions; Support cushioning for use in car safety seats for babies; Cushions adapted to support the face [other than for medical use]; Cushions [other than for medical use] for supporting infants being examined; Air cushions in the nature of furniture [not for medical purposes]; Mattress pads; Chair pads; Padded furniture; Seat pads; Sleeping pads; Sleeping bag pads; Suction pads [fixings]; Pillows; Scented pillows; Inflatable pillows; Maternity pillows; Throw pillows; Travel pillows; Air pillows; Bath pillows; Nursing pillows; Neck pillows; Latex pillows; Bamboo pillows; Stuffed pillows; Accent pillows; Head supporting pillows; Neck-supporting pillows; Bean bag pillows; U-shaped pillows; Memory foam pillows; Storage boxes for pillows [furniture]; Head positioning pillows for babies; Air pillows, not for medical purposes; Water pillows, other than for medical purposes; Support pillows for use in baby seating; Support pillows for use in baby car safety seats; Neck pillows [other than for medical or surgical use]; Inflatable pillows [other

than for medical use] for fitting around the neck; Seat pads being parts of furniture; Seats; Foam mattresses; Bench seating; Booster seats; Foam camping mattresses; Bath seats; Office seats; Shower seats; Love seats; Metallic seats; Chairs [seats]; Seats [furniture]; Seating furniture; Floating inflatable seats; Adjustable seat carriers; Floatable [inflatable] seats; Seats for children; Seats of metal; High seats [furniture]; Display cases; Fitted cupboards; Fitted furniture; Curtain fittings; Fittings for curtains; Fitted bedroom furniture; Fitted kitchen furniture; Clothes covers; Covers (Garment -) [storage]; Corner protectors of plastics; Tree protectors, not of metal; Tree protectors [tubes] not of metal; Curtain pins; Curtain rollers; Curtain rings; Rings (Curtain -); Curtain poles; Curtain rods; Rods (Curtain -); Hooks (Curtain -); Curtain tracks; Bamboo curtains; Curtains (Bamboo -); Curtain rails; Rails (Curtain -); Curtain hooks; Curtain runners; Bead curtains; Rollers (Curtain -); Curtain embraces for holding back curtains; Decorative bead curtains; Shower curtain rods; Shower curtain rails; Metal curtain rods; Shower curtain hooks; Curtain tie-backs; Curtain suspension fittings; Shower curtain rings; Rings for curtains; Poles for curtains; Curtain suspending apparatus; Metal curtain rails; Metal curtain rings; Curtain suspension devices; Curtain embraces of plastics for holding back curtains; Curtain embraces of metal for holding back curtains; Support rails for curtains; Non-metal curtain rails; Rods for net curtains; Support rods for curtains; Curtains (Bead -) for decoration; Bead curtains for decoration; Non-metal curtain rings; Non-metal curtain rods; Supports for fixing curtain poles; Supports for fixing curtain rods; Supports for supporting curtain poles; Curtain hooks made of metal; Supports for supporting curtain rods; Curtain hooks made of plastics; Tie back hooks of brass [curtain]; Curtain holders, not of textile material; Tie back hooks made of plastics [curtain]; Expanding rails of plastics for net curtains; Tie back hooks made of wood [curtain]; Curtain drawing devices, other than electrically operated; Indoor blinds, and fittings for curtains and indoor blinds; Mattresses; Mattresses (Spring -); Straw mattress; Air mattresses; Mattress toppers; Spring mattresses; Mattress bases; Latex mattresses; Camping mattresses; Mattresses [other than child birth mattresses]; Bed mattresses; Mattress (Straw -); Straw mattresses; Futon mattresses [other than childbirth mattresses]; Inner sprung mattresses; Fire resistant mattresses; Portable mattresses for automobiles; Mattresses made of flexible wood; Floating inflatable mattresses [airbeds]; Beds incorporating inner sprung mattresses; Sleeping mats for camping [mattresses]; Air mattresses for use when camping; Inflatable mattresses for use when camping;

Inflatable mattresses, other than for medical purposes; Air mattresses, not for medical purposes; Spring assemblies (Non-metallic -) for incorporation into mattresses; Bedding for cots [other than bed linen]; Bedding for nursery cots [other than bed linen]; Cots; Safety cots; Travel cots; Bumper guards for cots, other than bed linen; Cots for babies; Beds; Beds (Hospital -); Feather beds; Dog beds; Wooden beds; Cat beds; Water beds; Beach beds; Infant beds; Portable beds; Bed slats; Chair beds; Bed rails; Sofa beds; Camp beds; Foldaway beds; Bed chairs; Divan beds; Bed heads; Bed-settees; Adjustable beds; Bunk beds; Children's beds; Folding beds; Bed bases; Transportable beds; Bed frames; Beds of wood; Air bed lounge; Bedding, except linen; Beds for birds; Portable infant beds; Beds for animals; Bean bag beds; Beds for pets; Rods for beds; Furniture incorporating beds; Inflatable pet beds.

#### Class 24:

Quilt bedding mats; Quilted blankets [bedding]; Textile fabrics for use in the manufacture of bedding; Textile goods for use as bedding; Textile piece goods for making bedding covers; Comforters (bedding); Soft furnishings; Textiles for furnishings; Textiles in the form of window furnishings; Adhesive fabric; Adhesive fabric for application by heat; Adhesive fabrics for application by heat; Adhesive labels (textile-); Adhesive materials in the form of stickers [textile]; Banners of textile; Banners textile; Bath linen, except clothing; Bath sheets; Bath sheets (towels); Bath towels; Bathroom linen; Bathroom towels; Beach towels; Bean bag covers; Bed blankets; Bed blankets made of cotton; Bed blankets made of manmade fibres; Bed blankets made of wool; Bed canopies; Bed clothes; Bed coverings; Bed covers; Bed linen; Bed linen and table linen; Bed linen made of nonwoven textile material; Bed linen of paper; Bed quilts; Bed sheets; Bed skirts; Bed spreads; Bed throws; Bed valances; Bed warmer covers; Bedroom textile fabrics; Bedsheets; Bedspreads; Blackout blinds [outdoor] of textile; Blanket throws; Blankets; Blankets (bed-); Blankets (Bed -); Borders (textile wall hangings); Breathable waterproof fabrics; Canopies (bed linen); Canopies [covers for beds]; Canopy covers; Canvas; Chair backs [textile articles]; Chair covers; Children's blankets; Children's towels; Cloth flags; Comforters; Comforters (bedding); Comforters [covers]; Comforters for beds; Continental quilts; Contour sheets; Contoured mattress covers; Cot blankets; Cot covers; Cot sheets; Cotton base mixed fabrics; Cotton fabric; Cotton fabrics; Cotton knitted fabric; Coverings for walls [wall hangings, of textile]; Coverings for windows; Coverings (Furniture -) of textile; Coverings (furniture-

) of textile; Coverings (loose-) for furniture; Coverings of plastic for furniture; Coverings of plastics for furniture; Coverings of textile and of plastic for furniture (not fitted); Coverings of textile and of plastic for furniture (unfitted); Coverlets [bedspreads]; Covers for cushions; Covers for duvets; Covers for eiderdown and duvets; Covers for mattresses; Covers for pillows; Covers [loose] for furniture; Covers (loose-) for furniture; Curtain fabric; Curtain fabrics; Curtain holders of cloth; Curtain holders of textile material; Curtain holders of textile materials; Curtain holders or tiebacks of textile; Curtain holders (textile- ); Curtain linings; Curtain loops made of textile materials; Curtain loops of textile material; Curtain material; Curtain tie-backs of textile; Curtain valences; Curtaining material being textile piece goods; Curtaining materials; Curtains; Curtains and lace curtains of textiles or plastic; Curtains for showers; Curtains for windows; Curtains made from textile materials; Curtains made of plastics; Curtains made of plastics for use in shower baths; Curtains made of textile fabrics; Curtains made of textile materials; Curtains [made up or in the piece]; Curtains of plastic; Curtains of textile; Curtains of textile material; Curtains of textile or plastic; Curtains of textiles or plastic; Cushion covering materials; Cushion covers; Cushions (covers for- ); Cushions (Covers for -); Disposable bedding; Disposable bedding of paper; Disposable bedding of textile; Door curtains; Duvet covers; Duvets; Fabric; Fabric curtains; Fabric valances; Fabric wall coverings; Fabrics being textile goods in roll form; Fabrics being textile piece goods; Fabrics for furniture; Fabrics for interior decorating; Fabrics for making curtains; Fabrics for manufacturing garden furniture; Fabrics for manufacturing sun protectors; Fabrics for manufacturing swimming pool covers; Fabrics for manufacturing tarpaulins; Fabrics for manufacturing tents; Fabrics for the manufacture of furnishings; Fabrics for use in covering armchairs; Furnishing and upholstery fabrics; Furnishing covers for household use; Furnishing fabrics; Furnishing fabrics being textile piece goods; Furnishing fabrics in the piece; Furniture coverings made of plastic materials; Furniture coverings of plastic; Furniture coverings of textile; Furniture coverings (unfitted); Furniture (loose covers for-); Furniture (Loose covers for - ); Futon quilts; Handcrafted textile wall hangings; Household linen; Household linen, including face towels; Household linens; Household textile articles; Household textile articles made from non-woven materials; Household textile goods; Household textile piece goods; Household textiles; Individual place mats made of textile; Indoor and outdoor curtains; Infants' bed linen; Interior decoration fabrics; Kitchen furnishings [textile]; Kitchen linen; Linen (bed-); Linen (Bed -); Linen for the bed;

Linen (household-);Linen (Household -);Linens; Loose coverings for furniture; Loose covers for furniture; Loose covers for garden furniture; Loose covers made of textile materials for furniture; Loose furniture coverings; Mattress covers; Mattress protectors; Mattress protectors [other than incontinence];Mattress slips [other than incontinence];Net curtains; Oilcloth for use as tablecloths; Padded coverings [hangings of textile] for existing walls; Pillow cases; Pillow covers; Pillow shams; Pillowcases; Pillow-cases; Pillowcases [pillow slips]; Pillowcovers; Place mats made of plastics; Place mats, not of paper; Place mats of plastics materials; Place mats of textile material; Polyester fabric; Printed fabrics; Printed textile piece goods; Protective coverings for furniture [loose]; Protective covers for furniture [loose];Protective loose covers for mattresses and furniture; Quilt bedding mats; Quilt covers; Quilted blankets [bedding]; Quilts; Quilts of textile; Ready made curtains; Ready made curtains of plastics; Ready made curtains of textiles; Receiving blankets; Roller blinds of textile; Roller blinds of textile for external use; Roller curtains; Rugs (travelling); Rugs (Travelling -) [lap robes]; Rugs (travelling-) [lap-robes]; Runners (table-); Runners (Table -); Runners [textile] for table tops; Shams; Sheets [textile]; Shower curtains; Sleeping bag sheet liners; Sleeping bags [sheeting]; Small curtains made of textile materials; Sofa covers; Soft furnishings; Swags [curtains]; Table cloths made of textile; Textile covers for duvets; Textile covers [loose] for furniture; Textile fabric piece goods for the manufacture of upholstered furniture; Textile fabrics; Textile fabrics for making up into household textile articles; Textile fabrics for use in the manufacture of bedding; Textile fabrics for use in the manufacture of beds; Textile fabrics for use in the manufacture of curtains; Textile fabrics for use in the manufacture of furniture; Textile fabrics for use in the manufacture of pillowcases; Textile fabrics for use in the manufacture of sheets; Textile fabrics for use in the manufacture of towels; Textile fabrics for use in the manufacture of wall coverings; Textile materials for use as window coverings; Textile materials for use in the manufacture blinds; Textile materials [hangings] for covering walls; Textile materials to be used in making blinds; Textile wall coverings; Textile wall hangings; Textiles made of cotton; Throws; Throws for traveling; Throws (furniture coverings); Towels; Towels [textile] for the beach; Travel blankets; Traveling rugs; Travellers rugs; Travelling blankets; Travelling rugs; Underblankets; Unfitted fabric furniture covers; Upholstery fabrics; Valance sheets; Valanced bed covers; Valanced bed sheets; Valances; Valances for beds; Valances

[textile draperies]; Venetian blinds [outdoor] made of textile materials; Window curtains.

**Goods and services relied upon by the Opponent for UK Registration no. UK00917963494 (“The ‘494 mark”)**

**Class 20:**

Furniture; bedroom furniture; mirrors; beds; water beds; divans; bedsteads; headboards; bedding, other than bed linen; pillows; mattresses; open spring and pocket spring mattresses; memory foam and latex mattresses; futons; air cushions and air pillows; air mattresses; bed casters not of metal; bed fittings not of metal; chairs; armchairs; cabinets; chests of drawers; desks; footstools; cots and cradles; parts and fittings for all the aforesaid goods.

**Class 24:**

Textiles; fabrics and textiles for beds and furniture; bed linen; duvets; bed covers; bed blankets, bed clothes; covers for duvets; mattress covers; covers for pillows and pillow cases; covers for cushions; bedspreads; covers for hot water bottles; furniture coverings of textile; quilts; parts and fittings for all the aforesaid goods.

**Class 35:**

Retail services relating to the sale of bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, non-medicated soaps, perfumery, essential oils, non-medicated cosmetics, non-medicated hair lotions, scents, fragrances, oils for perfumes and scents, perfumeries, room scenting sprays, scented fabric refresher sprays, scented linen sprays, scented oils, scented room sprays, air fragrance preparations; Retail services relating to the sale of air fragrance reed diffusers, air fragrancing preparations, aromatics for fragrances, cleaning and fragrancing preparations, Cushions filled with fragrant substances, cushions impregnated with fragrant substances, fragrance for household purposes, fragrance preparations, fragrance refills for non-electric room fragrance dispensers, fragrance sachets, refills for electric room fragrance dispensers, room fragrances, room fragrancing products; Retail services relating to the sale of Scientific, measuring,

checking (supervision), life-saving and teaching apparatus and instruments, data processing equipment, computer software, computer hardware, mobiles apps, downloadable software applications, wearable monitors, monitoring instruments, monitoring apparatus, other than for medical purposes, monitoring units [electric], electronic sensors, bio-sensors, movement sensors; Retail services relating to the sale of sensors for scientific use to be worn by a human to gather human biometric data, electronic tracking apparatus and instruments, wearable activity trackers, measuring apparatus and instruments, computer software in the field of tracking, monitoring and analysing of sleep, movement and heart rate, electronic devices for tracking, monitoring and analysing of sleep, movement and heart rate [other than for medical use]; Retail services relating to the sale of mobiles apps in the field of tracking, monitoring and analysing of sleep, movement and heart rate, downloadable software applications in the field of tracking, monitoring and analysing of sleep, movement and heart rate; Retail services relating to the sale of medical and surgical apparatus and instruments, namely medical devices for sensing, measuring, diagnostic and treatment purposes in the field of sleep including wearable medical devices to be worn while sleeping, Pulse rate monitors, medical devices for measuring sleep, precision sensors for medical use, sensor apparatus for medical use; Retail services relating to the sale of apparatus for lighting, lighting, light bulbs, lamps and light sources, lighting connected to alarm clocks, luminaires, controllable light sources and lighting apparatus, filters for lighting appliances; Retail services relating to the sale of horological and chronometric instruments, clocks, alarm clocks, electronic alarm clocks, alarm clocks which use light to wake-up users, alarm clocks with in-built lights; Retail services relating to the sale of furniture, bedroom furniture, mirrors, beds, water beds, divans, bedsteads, headboards, bedding, pillows, mattresses, open spring and pocket spring mattresses, memory foam and latex mattresses, futons, air cushions and air pillows, air mattresses, sleeping bags, bed casters not of metal, bed fittings not of metal, chairs, armchairs, cabinets, chests of drawers, desks, footstools, cots and cradles; Retail services relating to the sale of household or kitchen utensils and containers, articles for cleaning purposes, scent sprays [atomizers], air fragrancing apparatus, aerosol dispensers, not for medical purposes, perfume burners, perfume vaporizers, perfume sprayers, plug-in diffusers for mosquito repellents, plug-in diffusers for air fragrancing; Retail services relating to the sale of textiles, fabrics and textiles for beds and furniture, bed linen, duvets, bed covers, bed blankets, bed

clothes, covers for duvets, mattress covers, covers for pillows and pillow cases, covers for cushions, bedspreads, covers for hot water bottles, pyjama cases, furniture coverings of textile, eiderdowns, quilts, parts and fittings for all the aforesaid goods; all the aforesaid provided in a retail furniture and bedding superstore, online via the Internet or other interactive electronic platforms, via mail order or catalogues or by means of telecommunications; information, advisory and consultancy services relating to all of the aforesaid.

**Goods and services relied upon by the Opponent for UK Registration no. UK00918169119 (“The ‘119 mark”)**

**Class 20:**

Furniture; bedroom furniture; mirrors; beds; water beds; divans; bedsteads; headboards; bedding, other than bed linen; pillows; mattresses; open spring and pocket spring mattresses; memory foam and latex mattresses; futons; air cushions and air pillows; air mattresses; bed casters not of metal; bed fittings not of metal; chairs; armchairs; cabinets; chests of drawers; desks; footstools; cots and cradles; parts and fittings for all the aforesaid goods.

**Class 24:**

Textiles; fabrics and textiles for beds and furniture; bed linen; duvets; bed covers; bed blankets, bed clothes; covers for duvets; mattress covers; covers for pillows and pillow cases; covers for cushions; bedspreads; furniture coverings of textile; quilts; parts and fittings for all the aforesaid goods.

**Class 35:**

Retail services connected with the sale of furniture, bedroom furniture, beds, water beds, sofa beds, divans, bedsteads, headboards, bedding, pillows, mattresses, open spring and pocket spring mattresses, memory foam and latex mattresses, futons, parts and fittings for all the aforesaid goods, all provided in a retail furniture and bedding superstore, online via the Internet or other interactive electronic platforms, via mail order or catalogues or by means of telecommunications; retail services connected with the sale of air cushions and air pillows, air mattresses, sleeping bags, bed casters not of metal, bed fittings not of metal, chairs, armchairs, cabinets, chests of drawers,

desks, footstools, cots and cradles, parts and fittings for all the aforesaid goods, all provided in a retail furniture and bedding superstore, online via the Internet or other interactive electronic platforms, via mail order or catalogues or by means of telecommunications; retail services connected with the sale of textiles, fabrics and textiles for beds and furniture, bed linen, duvets, bed covers, bed blankets, covers for duvets, mattress covers, parts and fittings for all the aforesaid goods, all provided in a retail furniture and bedding superstore, online via the Internet or other interactive electronic platforms, via mail order or catalogues or by means of telecommunications; retail services connected with the sale of covers for pillows and pillow cases, covers for cushions, bedspreads, furniture coverings of textile, eiderdowns, quilts, parts and fittings for all the aforesaid goods, all provided in a retail furniture and bedding superstore, online via the Internet or other interactive electronic platforms, via mail order or catalogues or by means of telecommunications; information, advisory and consultancy services relating to all of the aforesaid.

**Goods and services relied upon by the Opponent for UK Registration no. UK00003453941 (“The ‘941 mark”)**

**Class 20:**

Furniture; bedroom furniture; mirrors; beds; water beds; divans; bedsteads; headboards; bedding, other than bed linen; pillows; mattresses; open spring and pocket spring mattresses; memory foam and latex mattresses; futons; air cushions and air pillows; air mattresses; bed casters not of metal; bed fittings not of metal; chairs; armchairs; cabinets; chests of drawers; desks; footstools; cots and cradles; parts and fittings for all the aforesaid goods.

**Class 24:**

Textiles; fabrics and textiles for beds and furniture; bed linen; duvets; bed covers; bed blankets, bed clothes; covers for duvets; mattress covers; covers for pillows and pillow cases; covers for cushions; bedspreads; furniture coverings of textile; quilts; parts and fittings for all the aforesaid goods.

**Class 35:**

Retail services connected with the sale of furniture, bedroom furniture, beds, water beds, sofa beds, divans, bedsteads, headboards, bedding, pillows, mattresses, open spring and pocket spring mattresses, memory foam and latex mattresses, futons, parts and fittings for all the aforesaid goods, all provided in a retail furniture and bedding superstore, online via the Internet or other interactive electronic platforms, via mail order or catalogues or by means of telecommunications; retail services connected with the sale of air cushions and air pillows, air mattresses, sleeping bags, bed casters not of metal, bed fittings not of metal, chairs, armchairs, cabinets, chests of drawers, desks, footstools, cots and cradles, parts and fittings for all the aforesaid goods, all provided in a retail furniture and bedding superstore, online via the Internet or other interactive electronic platforms, via mail order or catalogues or by means of telecommunications; retail services connected with the sale of textiles, fabrics and textiles for beds and furniture, bed linen, duvets, bed covers, bed blankets, covers for duvets, mattress covers, parts and fittings for all the aforesaid goods, all provided in a retail furniture and bedding superstore, online via the Internet or other interactive electronic platforms, via mail order or catalogues or by means of telecommunications; retail services connected with the sale of covers for pillows and pillow cases, covers for cushions, bedspreads, furniture coverings of textile, eiderdowns, quilts, parts and fittings for all the aforesaid goods, all provided in a retail furniture and bedding superstore, online via the Internet or other interactive electronic platforms, via mail order or catalogues or by means of telecommunications; information, advisory and consultancy services relating to all of the aforesaid.

**Goods and services relied upon by the Opponent for UK Registration no. UK00003849391 (“The ‘391 mark”)**

Class 20:

Furniture; bedroom furniture; mirrors; beds; water beds; divans; bedsteads; headboards; bedding, other than bed linen; pillows; mattresses; open spring and pocket spring mattresses; memory foam and latex mattresses; futons; air cushions and air pillows; air mattresses; bed casters not of metal; bed fittings not of metal; chairs; armchairs; cabinets; chests of drawers; wardrobes; tables; desks; footstools; storage furniture; storage boxes [furniture]; bedside tables; bookcases; cots and

cradles; sofa beds; bunk beds; children's beds; cushions; parts and fittings for all the aforesaid goods.

**Class 24:**

Textiles; fabrics and textiles for beds and furniture; bed linen; duvets; bed covers; bed blankets, bed clothes; covers for duvets; mattress covers; covers for pillows and pillow cases; covers for cushions; bedspreads; covers for hot water bottles; furniture coverings of textile; quilts; parts and fittings for all the aforesaid goods.

**Class 35:**

Retail services relating to the sale of bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, non-medicated soaps, perfumery, essential oils, non-medicated cosmetics, non-medicated hair lotions, scents, fragrances, oils for perfumes and scents, perfumeries, room scenting sprays, scented fabric refresher sprays, scented linen sprays, scented oils, scented room sprays, air fragrance preparations; Retail services relating to the sale of air fragrance reed diffusers, air fragrancing preparations, aromatics for fragrances, cleaning and fragrancing preparations, Cushions filled with fragrant substances, cushions impregnated with fragrant substances, fragrance for household purposes, fragrance preparations, fragrance refills for non-electric room fragrance dispensers, fragrance sachets, refills for electric room fragrance dispensers, room fragrances, room fragrancing products; Retail services relating to the sale of Scientific, measuring, checking (supervision), life-saving and teaching apparatus and instruments, data processing equipment, computer software, computer hardware, mobiles apps, downloadable software applications, wearable monitors, monitoring instruments, monitoring apparatus, other than for medical purposes, monitoring units [electric], electronic sensors, bio-sensors, movement sensors; Retail services relating to the sale of sensors for scientific use to be worn by a human to gather human biometric data, electronic tracking apparatus and instruments, wearable activity trackers, measuring apparatus and instruments, computer software in the field of tracking, monitoring and analysing of sleep, movement and heart rate, electronic devices for tracking, monitoring and analysing of sleep, movement and heart rate [other than for medical use]; Retail services relating to the sale of mobiles apps in the field of tracking, monitoring and analysing of sleep, movement and heart rate, downloadable software

applications in the field of tracking, monitoring and analysing of sleep, movement and heart rate; Retail services relating to the sale of medical and surgical apparatus and instruments, namely medical devices for sensing, measuring, diagnostic and treatment purposes in the field of sleep including wearable medical devices to be worn while sleeping, Pulse rate monitors, medical devices for measuring sleep, precision sensors for medical use, sensor apparatus for medical use; Retail services relating to the sale of apparatus for lighting, lighting, light bulbs, lamps and light sources, lighting connected to alarm clocks, luminaires, controllable light sources and lighting apparatus, filters for lighting appliances; Retail services relating to the sale of horological and chronometric instruments, clocks, alarm clocks, electronic alarm clocks, alarm clocks which use light to wake-up users, alarm clocks with in-built lights; Retail services relating to the sale of furniture, bedroom furniture, mirrors, beds, water beds, divans, bedsteads, headboards, bedding, pillows, mattresses, open spring and pocket spring mattresses, memory foam and latex mattresses, futons, air cushions and air pillows, air mattresses, sleeping bags, bed casters not of metal, bed fittings not of metal, chairs, armchairs, cabinets, chests of drawers, desks, footstools, cots and cradles; Retail services relating to the sale of household or kitchen utensils and containers, articles for cleaning purposes, scent sprays [atomizers], air fragrancing apparatus, aerosol dispensers, not for medical purposes, perfume burners, perfume vaporizers, perfume sprayers, plug-in diffusers for mosquito repellents, plug-in diffusers for air fragrancing; Retail services relating to the sale of textiles, fabrics and textiles for beds and furniture, bed linen, duvets, bed covers, bed blankets, bed clothes, covers for duvets, mattress covers, covers for pillows and pillow cases, covers for cushions, bedspreads, covers for hot water bottles, pyjama cases, furniture coverings of textile, eiderdowns, quilts, parts and fittings for all the aforesaid goods; all the aforesaid provided in a retail furniture and bedding superstore, online via the Internet or other interactive electronic platforms, via mail order or catalogues or by means of telecommunications; information, advisory and consultancy services relating to all of the aforesaid.