O/0362/26

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. UK00004088924

BY SANCHA CURRIE

TO REGISTER THE TRADE MARK:

FanGirl Press

IN CLASSES 14, 16, 25, 35, 41 and 42

AND

IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 600003506

BY TORRID MERCHANDISING, INC.

Background and pleadings

1. On 18 August 2024, **Sancha Currie** ("the Applicant") applied to register the trade mark shown on the cover page of this decision in the UK. The application was published for opposition purposes on the 30 August 2024. The full specification applied for is set out at Annexe 1 to this decision[1].

2. The application was partially opposed by **Torrid Merchandising, Inc.** ("the opponent") on 2 December 2024. The opposition is based upon section 5(2)(b) of the Trade Marks Act 1994 ("the Act") and is directed against the following goods of the application:

Class 25 Wristbands [clothing]; Embroidered clothing; Clothing; Parts of clothing, footwear and headgear; Combinations [clothing].

Class 35 Promoting the sale of fashion goods through promotional articles in magazines.

3. Under section 5(2)(b), the Opponent relies upon the following earlier trade mark:

FANGIRL

IR Registration no. **WO0000001685721**

Date of protection of international registration in the UK: 27 June 2023

International registration date: 12 August 2022

Priority date: 15 February 2022 (United States of America)

Priority claimed from the following marks: 97267813 and 97267836

("the Opponent's mark")

[1] Annexe 1

4. The Opponent relies upon all of the goods and services for which its earlier mark is registered, namely:

Class 25

> Blazers; boots; bras; dresses; gloves; hats; heels; hoods; jeans; leggings; lingerie; loungewear; robes; sandals; scarves; shoes; slippers; socks; stockings; sweaters; underwear; belts; bottoms as clothing; cargo pants; denims; dress pants; evening dresses; heavy coats; jackets; jeggings; ladies' underwear; lounge pants; strapless bras; swimsuits; T-shirts; tops as clothing; women's clothing, namely, shirts, dresses, skirts, blouses; women's shoes; women's underwear.

Class 35

> Retail store services connected with the sale of clothing, denim, bags, shoes, fashion accessories, jewelry, cosmetics, perfume, lingerie, swimwear, scarves, hats, hair goods, novelty goods being a set of fashion accessories and hair goods; on-line retail store services connected with the sale of clothing, denim, bags, shoes, fashion accessories, jewelry, cosmetics, perfume, lingerie, swimwear, scarves, hats, hair goods, novelty goods being a set of fashion accessories and hair goods, and gifts being a set of fashion accessories and hair goods.

5. The Opponent submits that 'the Contested Goods and Services are identical with, and highly similar to, the 5(2) Goods and Services' and that 'The Later Mark is visually, phonetically, and conceptually highly similar' to the mark relied upon.[2]

6. The Applicant filed a counterstatement asserting that their 'goods, specifically wristbands and embroidered clothing do not directly compete with the broad range of clothing listed in the Opponent's registration. Whilst there may be some overlap, our focus on niche products targets a different consumer segment.'[3] They also submit that

[2] TM7F Statement of Grounds - para 7 and 11
[3] Applicant TM8 Counterstatement – para 5

'the addition of "Press" (in the contested mark) introduces a significant distinction between the two marks'.[4]

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

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

8. The net effect of these changes is to require the parties to seek leave in order to file evidence in fast track oppositions.

9. No leave was sought to file any evidence in respect of these proceedings.

10. Rule 62 (5) (as amended) states that arguments in fast track proceedings shall be heard orally only if (i) the Office requests it or (ii) either party to the proceedings requests it and the registrar considers that oral proceedings are necessary to deal with the case justly and at proportionate cost; otherwise, written arguments will be taken.

11. The Opponent is represented by **Boult Wade Tennant LLP**, and the Applicant is represented by **Akeem Famuyiwa**. A hearing was neither requested nor considered necessary; however, the Opponent filed submissions in lieu thereof. The Applicant elected not to file written submissions in lieu. This decision is taken following a careful perusal of the papers, and I will refer to them where necessary.

PRELIMINARY ISSUES

Fair and notional use

12. In its counterstatement, the Applicant states that their '*offerings are not only distinct but also marketed towards a unique audience interested in fandom culture*' and that '*our focus on niche products targets a different consumer segment*'.[5] In the light of the Applicant's comments, it is necessary for me to explain the correct

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[4] Applicant TM8 Counterstatement – para 6

[5] Applicant TM8 and Counterstatement – para 5

approach that I must take when assessing the similarity between the parties' goods and services.

13. Differences between the goods and services currently provided by the parties, such as particular characteristics of the goods, including whether they are intended for consumers of '*fandom culture*' or a '*niche market*' etc., are irrelevant, except to the extent that those differences are apparent from each party's specification. Since the Opponent's earlier mark is not subject to proof of use, it is entitled to protection in relation to all the goods and services for which it is registered. It is the goods and services relied upon by the Opponent, and the goods and services applied for by the Applicant that I will be comparing later in this decision. The assessment I must make between the goods is a notional and objective assessment, rather than a subjective one.

14. Furthermore, marketing strategies, including the targeting of specific consumers, are temporary and may change over time. As such, it is not appropriate to take that factor into account in my assessment. That assessment requires that I must not take into account the actual way that either party has used their marks in the marketplace or the kinds of goods in respect of which those marks have been used thus far. However, I will make an assessment, later in this decision, as to who the average consumer could be for the goods and services at issue. Further, I must consider all of the circumstances in which the mark applied for might be used if it were registered.[6] In this connection, in *Devinlec Développement Innovation Leclerc SA v OHIM*, Case C-171/06P, the Court of Justice of the European Union ("CJEU") stated:

> "59. As regards the fact that the particular circumstances in which the goods in question were marketed were not taken into account, the Court of First Instance was fully entitled to hold that, since these may vary in time and depending on the wishes of the proprietors of the opposing marks, it is inappropriate to take those circumstances into account in the prospective analysis of the likelihood of confusion between those marks."

[6] As per *O2 Holdings Limited, O2 (UK) Limited v Hutchison 3G UK Limited*, Case C- 533/06, [66]

Decision

15. Section 5(2)(b) of the Act states 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."

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

> "5A Where grounds for refusal of an application for registration of a trade mark exist in respect of only some of the goods or services in respect of which the trade mark is applied for, the application is to be refused in relation to those goods and services only."

17. An earlier trade mark is defined in section 6 of the Act, the relevant parts of which state:

> "6.- (1) In this Act an "earlier trade mark" means – (a) a registered trade mark, international trade mark (UK) a European Union trade mark or international trade mark (EC) which has a date of application for registration earlier than that of the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks.
>
> …
>
> (2) References in this Act to an earlier trade mark include a trade mark in respect of which an application for registration has been made and which, if

registered, would be an earlier trade mark by virtue of subsection (1)(a) or (b), subject to its being so registered.”

18. By virtue of its earlier priority date, the trade mark relied upon by the Opponent is an “earlier mark” in accordance with Section 6 of the Act. As the Opponent’s earlier mark had not been registered for five years or more at the filing date of the Applicant’s mark, it is not subject to the use conditions under Section 6A of the Act. Consequently, the Opponent may rely upon all of the goods and services it has identified without demonstrating that it has used the mark.

Relevance of EU law

19. Although the UK has left the EU, section 6(3)(a) of the European (Withdrawal) Act 2018 requires tribunals to apply EU-derived national law in accordance with EU law as it stood at the end of the transition period. The provisions of the Trade Marks Act relied on in these proceedings are derived from an EU Directive. This is why this decision continues to make reference to the trade mark case law of EU courts.

Relevant law

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

(f) and beyond the usual case, where the overall impression created by a mark depends heavily on the dominant features of the mark, it is quite possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;

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

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

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

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

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

Comparison of goods and services

21. The Applicant's goods are listed in paragraph 2, and the Opponent's goods are listed in paragraph 4 of this decision.

22. Section 60A of the Act provides:

"(1) For the purpose of this Act goods and services-

(a) 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.

(b) are not to be regarded as being dissimilar from each other on the ground that they appear in different classes under the Nice Classification.[7]

23. In comparing the respective specifications, all relevant factors should be considered, as per *Canon*, where the CJEU stated at paragraph 23 of its judgment:

"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."

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

(a) The respective uses of the respective goods or services;

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[7] the 'Nice Classification' means the system of classification under the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957

(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.

25. For the purposes of considering the issue of similarity of goods or services it is permissible to consider groups of terms collectively where they are sufficiently comparable to be assessed in essentially the same way and for the same reasons (see *Separode Trade Mark* (BL O/399/10), Mr Geoffrey Hobbs Q.C. (as he then was), sitting as the Appointed Person ("AP"), and *BVBA Management, Training en Consultancy v. Benelux-Merkenbureau* [2007] ETMR 35 at paragraphs 30 to 38).

26. In *Kurt Hesse v OHIM*, Case C-50/15 P, the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-325/06, the General Court ("the GC") stated that "complementary" means:

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

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

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

> Whilst on the other hand:

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

28. The case-law definition with regard to complementarity implies that complementary goods or services can be used together, which presupposes that they are intended for the same public. It follows therefore that goods and services cannot be complementary if they are intended for different publics.[8]

29. In *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T- 133/05, the GC stated that:

> "29. In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 *Institut for Lernsysterne v OHIM – Educational Services (ELS)* [2002] ECR II-4301, paragraph 53) or

[8] *Commercy AG v OHIM*, Case T-316/07

where the goods designated by the trade mark application are included in a more general category designated by the earlier mark."

30. The competing goods and services are as follows:

Opponent's goods and services	**Applicant's goods and services**
Class 25 Blazers; boots; bras; dresses; gloves; hats; heels; hoods; jeans; leggings; lingerie; loungewear; robes; sandals; scarves; shoes; slippers; socks; stockings; sweaters; underwear; belts; bottoms as clothing; cargo pants; denims; dress pants; evening dresses; heavy coats; jackets; jeggings; ladies' underwear; lounge pants; strapless bras; swimsuits; T-shirts; tops as clothing; women's clothing, namely, shirts, dresses, skirts, blouses; women's shoes; women's underwear.	Class 25 Wristbands [clothing]; Embroidered clothing; Clothing; Parts of clothing, footwear and headgear; Combinations [clothing].
Class 35 Retail store services connected with the sale of clothing, denim, bags, shoes, fashion accessories, jewelry, cosmetics, perfume, lingerie, swimwear, scarves, hats, hair goods, novelty goods being a set of fashion accessories and hair goods; on-line retail store services connected with the sale of clothing, denim, bags, shoes, fashion accessories, jewelry, cosmetics, perfume, lingerie, swimwear, scarves,	Class 35 Promoting the sale of fashion goods through promotional articles in magazines

hats, hair goods, novelty goods being a set of fashion accessories and hair goods, and gifts being a set of fashion accessories and hair goods.	

Class 25

31. The Opponent submits that 'all of the Applicant's Class 25 goods are identical or strongly similar to the Opponent's Class 25 goods'.[9]

32. The Applicant claims that the contested goods 'specifically wristbands and embroidered clothing, do not directly compete with the broad range of clothing listed in Torrid's registration'.[10]

Contested term: Wristbands [clothing]

33. The contested term '*Wristbands [clothing*]' are items of clothing worn on the wrist, e.g. as accessories to sportswear clothing. However, I do not discount that they may also be worn for purposes of fashion. I compare these to the Opponent's '*gloves*'. Whilst these are not identical to the Opponent's goods, they are none the less, items of clothing that share the same purpose of covering part of the body and may be used to absorb sweat (for example, during exercise) and/or serve as adornment for fashion. I acknowledge that they are not used in the same way as gloves but both may form part of an athlete's gear, they may both be worn for fashion purposes and both may provide the user with support, for example wrist wraps (a type of wristband) and gloves can both support the wrist in sports such as weightlifting, though they do so differently.

34. Whilst their nature may be different to the extent that they may consist of different shapes in order to be used on different parts of the body, they are the similar insofar that they may be made from the same or similar materials. They are sold through the same trade channels such as clothing outlets and shops, online, and in catalogues.

[9] Opponent Submissions – paragraph 12
[10] Applicant TM8 counterstatement – para 5

These types of clothing accessories are also typically found near the Opponent's goods within these trade channels. These items are likely to be bought to aesthetically complement the Opponent's goods, as part of a fashion outfit, for example. I do not consider that the goods are complementary as they are not important or indispensable to each other. Nor do I consider that the goods are in competition. Taking all of this into account, I consider that the goods are similar to a **medium** degree to the Opponent's "gloves".

Contested term: Parts of footwear

35. The Nice classification defines 'heels' as an example of 'parts of footwear'[11], which are, in this instance, components used in the construction or repair of footwear. On that basis, I consider that the Opponent's Class 25 term 'Heels' fall within the Applicant's above broader category 'Parts of footwear'. I consider them **identical** based on the principle outlined in *Meric.*

Contested term: Parts of clothing

36. These goods comprise component parts for clothing. I compare them to the Opponent's Class 25 goods. In *Les Editions Albert Rene v OHIM*, Case T-336/03, the GC said that:

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

37. However, it does not mean that there can never be similarity between such goods where there is overlap in the factors identified in *Treat*.

[11] Nice Classification – Class 25 – accessed 30/03/2026 at 17.00

38. In this instance, I consider that the Applicant's '*Parts of clothing'* have different purposes to that of the Opponent's goods. I consider Clothing to mean the finished garment. Parts of clothing are simply, component parts which are put together to form a garment. I compare the above to "*Blazers; bras; dresses; hoods; jeans; leggings; lingerie; loungewear; robes; scarves; slippers; socks; stockings; sweaters; underwear; bottoms as clothing; cargo pants; denims; dress pants; evening dresses; heavy coats; jackets; jeggings; ladies' underwear; lounge pants; strapless bras; swimsuits; T-shirts; tops as clothing; women's clothing, namely, shirts, dresses, skirts, blouses; women's shoes; women's underwear*".

39. The respective goods have some similarity in nature to the extent that they may be made from the same materials. The main purposes of clothing are coverage, warmth/protection from the elements and adornment. Parts of clothing, includes various goods such as bra straps, collars, cuffs and pockets intended for use as component parts for, or additions to, items of clothing. Methods of use will, therefore, be different.

40. The Applicant's parts of clothing would be purchased predominantly by professionals in the business of manufacturing or crafting clothing. Where parts for clothing are purchased by professionals manufacturing at scale, they would typically be bought from wholesale or via direct sales to be used in the production of the finished article, which would then be on sale to the general public. However, some parts of clothing may overlap in trade channels with the opponent's finished clothing goods in retail environments and be sold in close proximity with both being purchased by the general public. I do not consider that the goods are in competition, neither being substitutable for the other. Weighing all factors, I find the competing goods similar to a **low** degree.

Contested term: Parts of headgear

41. I now turn to "parts of headgear" in the Applicant's specification. 'Headgear' can be defined as 'hats or other things worn on the head'.[12] I note that the Opponent's specification includes 'scarves' which would include 'head scarves'. The nature of the

[12] Collins dictionary definition 'headgear'

respective goods will be similar to the extent that they may be made of the same or similar materials, and the respective users and trade channels may overlap to some degree. However, there is no overlap in methods of use or intended purpose and they are not in competition. I find the competing goods similar to a **low** degree.

Contested terms: Embroidered clothing;

42. I note that the Applicant's "*Embroidered clothing;"* are clothing items that have been embroidered. I consider that the Applicant's goods above will encompass the Opponent's 'clothing' terms (i.e. *"Blazers; dresses; gloves; hoods; jeans; leggings; lingerie; loungewear; robes; scarves; socks; sweaters; bottoms as clothing; cargo pants; denims; dress pants; evening dresses; heavy coats; jackets; jeggings; ladies' underwear; lounge pants; T-shirts; tops as clothing; women's clothing, namely, shirts, dresses, skirts, blouses;*") to the extent that they are embroidered. Therefore, these goods are **identical** according to the principle set out in *Meric.*

Contested terms: Clothing.

43. The Opponent's Class 25 goods contain various items of clothing, for example "T-shirts". I find that "T-shirts" fall within the Applicant's above broader category. Therefore, I consider them **identical** on the principle outlined in *Meric.*

Contested terms: Combinations [clothing]

44. The term 'combinations' is defined as a "one-piece woollen undergarment with long sleeves and legs"[13]. I would consider this to be worn underneath other pieces of clothing to keep the user warm. The definition of 'underwear' in the Opponent's Class 25 specification is 'clothing worn under the outer garments, usually next to the skin',[14] e.g. items such as vests or thermals that can be used to keep a person warm. Therefore, I find that the contested term "*Combinations [clothing]*" fall within the

[13] -Collins English Dictionary – 'Combinations' (online version), accessed 5 January, at 16:23 GMT
[14] Collins English Dictionary- 'Underwear' (online version), accessed 6 January, at 15:33 GMT

Opponent's broader category 'underwear'. Therefore, I consider them **identical** on the principle outlined in *Meric.*

Class 35

Contested term: Promoting the sale of fashion goods through promotional articles in magazines

45. In its Submissions, the Opponent claims that "all of the Applicant's Class 35 services are identical or strongly similar to the Opponent's Class 35 services"[15] and draws attention to Decision BL 0/804/21.[16] The Opponent 'asserts that the Hearing Officer's reasoning in Decision BL 0/804/21 applies equally to many of the Applicant's Class 35 services'.[17] I note that a different Hearing Officer, Mr Allan James, gave a different view in Decision BL O/1054/22 at [63]. In any event, I am not bound by earlier decisions of this tribunal and will make my own assessment of the matter.

46. I compare these services to the Opponent's "*Retail store services connected with the sale of clothing, denim, bags, shoes, fashion accessories, jewelry, cosmetics, perfume, lingerie, swimwear, scarves, hats, hair goods, novelty goods being a set of fashion accessories and hair goods".* The purpose of the contested services is to promote fashion goods via advertorials in printed magazine format or their online equivalents. The purpose of the Opponent's service is defined in the Nice Classification as 'the bringing together, for the benefit of others, of a variety of goods, excluding the transport thereof, enabling customers to conveniently view and purchase those goods'[18], in this case "*fashion goods and accessories*".

47. It is my view that the contested service would be offered by advertising or promotion companies. For example, a fashion label might engage the service provider to devise an advertising campaign for use in the printed press or online equivalents. The primary purpose of the Applicant's services is to promote such goods whereas the purpose of the Opponent's services is to provide the retail services for such goods.

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[15] Opponent submissions para 13
[16] Decision BL O/804/21 paragraph 45
[17] Opponent submissions para 13- 14
[18] Nice Classification – Class 35 – accessed 30/03/2026 at 17.19

Whilst I acknowledge that it is the general public who are the end-users of the magazines in which the advertisements appear, they are not the end users of the services.

48. I also find that the trade channels would not overlap as the Opponent’s services are provided by clothing retail stores whereas the Applicant’s services would be provided by magazine companies or advertising undertakings. Given that trade channels will be separate, there can be no complementarity between the parties' offerings. I therefore consider the parties’ services to be **dissimilar.** I do not consider that comparison with any other of the Opponent's terms would improve the Opponent's position.

49. Some similarity between the parties’ goods and services is essential in order to find a likelihood of confusion between the parties’ marks. In the case of *eSure Insurance v Direct Line Insurance,* [2008] ETMR 77 CA, Lady Justice Arden stated that:

> 49........... I do not find any threshold condition in the jurisprudence of the Court of Justice cited to us. Moreover, I consider that no useful purpose is served by holding that there is some minimum threshold level of similarity that has to be shown. If there is no similarity at all, there is no likelihood of confusion to be considered. If there is some similarity, then the likelihood of confusion has to be considered but it is unnecessary to interpose a need to find a minimum level of similarity’.

50. The opposition against the services that I have found to be dissimilar therefore fails at this point, namely:

- Class 35 - *Promoting the sale of fashion goods through promotional articles in magazines*

51. The opposition remains 'live' for all terms that I have found to have some level of similarity with those of the Opponent.

Average consumer and the purchasing act

52. As the case law above indicates, it is necessary for me to determine who the average consumer is for the respective parties' goods. I must then determine the manner in which the goods are likely to be selected by the average consumer. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch), Birss J (as he then was) described the average consumer in these terms:

> "60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The word "average" denotes that the person is typical. The term "average" does not denote some form of numerical mean, mode or median."

53. I bear in mind the decision of the GC in *New Look Ltd v Office for the Harmonization in the Internal Market (Trade Marks and Designs)*, Joined cases T 1 17/03 to T-119/03 and T-171/03 *("New Look'),* in which it commented:

> "43. It should be noted in this regard that the average consumer's level of attention may vary according to the category of goods or services in question (see, by analogy, Case C-342/97 *Lloyd Schuhfabrik Meyer* [1999] ECR 1-3819, paragraph 26). As OHIM rightly pointed out, an Applicant cannot simply assert that in a particular sector the consumer is particularly attentive to trade marks without supporting that claim with facts or evidence. As regards the clothing sector, the Court finds that it comprises goods which vary widely in quality and price. Whilst it is possible that the consumer is more attentive to the choice of mark where he or she buys a particularly expensive item of clothing, such an approach on the part of the consumer cannot be presumed without evidence with regard to all goods in that sector."

54. With regard to the selection process, I also keep in mind the following passage from *New Look:*[19]

> "50. ...Generally in clothes shops customers can themselves either choose the clothes they wish to buy or be assisted by the sales staff. Whilst oral communication in respect of the product and the trade mark is not excluded, the choice of the item of clothing is generally made visually. Therefore, the visual perception of the marks in question will generally take place prior to purchase. Accordingly, the visual aspect plays a greater role in the global assessment of the likelihood of confusion."

55. As noted previously in this decision, the nature of the purchasing act/level of attention needs to be considered within the scope of notional and fair use. I note that the Opponent has submitted that 'the goods in this case may be low or high-priced, resulting in a degree of attention varying from high to low. The lowest degree of attention must be taken into account when assessing the likelihood of confusion'.[20]

56. The relevant goods include items of clothing and parts of clothing, footwear and headgear. The average consumer of such goods are likely to be members of the general public who will self-select the goods from the shelves or rails of a traditional clothing retail outlet or their online or catalogue equivalents. I understand the same to be true in respect of the goods which do not necessarily fall within the same remit but are instead components or accessories, though some of these are likely to be purchased predominantly by manufacturers or those with an interest in creating ready-made garments, professionals and business users be that at their premises or online. I do not discount the possibility of the general public purchasing these items also and, as above, the process would be largely visual to ensure that these goods fit their requirements, maybe for making a new item or for repairing a previously owned item. In this instance, they would need to take care to make sure the item matched with what they needed. For online selections, the goods will be selected after consideration of images on webpages. For that reason, the marks' visual impact would likely carry

[19] *New Look Ltd v Office for the Harmonization in the Internal Market* (Trade Marks and Designs) Joined cases T-117/03 to T-119/03 and T-171/03
[20] Opponent submissions para 17

the greatest weight during the purchasing process[21] though I do not discount the opportunity for aural recommendations in this field (from salespeople or peers, for example). The goods may be purchased relatively frequently, though the cost can vary considerably. However, various factors are still likely to be taken into consideration during the purchasing process, such as aesthetics, fit, style, durability, and material.

57. I take into consideration that component parts of clothing, footwear and headgear may often be purchased by manufacturers in bulk, or, at least in multiples. Therefore, although the unit price may be low, the value of the manufacturer's order will not necessarily be so and will vary. The goods are, in my estimation, most likely to be obtained directly from, inter alia: wholesalers; by way of direct sales from manufacturers e.g. fabric mills; from trade shows; through agents; and via online marketplaces. A number of factors will be taken into account during the purchasing process such as material, aesthetic appearance, turnaround time for orders or whether the supplier actually has enough stock to fulfil the manufacturer's need.

58. Weighing all factors, I find it likely that the average consumer will apply a **medium** degree of attention to the purchase of all of the relevant goods.

Comparison of marks

59. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a trade mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the trade marks must be assessed by reference to the overall impressions created by the trade marks, bearing in mind their distinctive and dominant components. The CJEU stated, at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

> "… it is necessary to ascertain, in each individual case, the overall impression made on the target public by the sign for which registration is sought, by means

[21] *New Look Ltd v Office for the Harmonization in the Internal Market (Trade Marks and Designs),* Joined cases T117/03 to T-119/03 and T-171/03 *("New Look")*

of, inter alia, an analysis of the components of a sign and of their relative weight in the perception of the target public, and then, in the light of that overall impression and all factors relevant to the circumstances of the case, to assess the likelihood of confusion."

60. It would be wrong, therefore, to artificially dissect the trade marks, although it is necessary to take into account the distinctive and dominant components of the marks and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the marks.

61. The respective trade marks are shown below:

Opponent's trade mark	Applicant's trade mark
FANGIRL	**FanGirl Press**

62. In its TM8 and Counterstatement, the Applicant states that "the addition of "Press" introduces a significant distinction between the two marks" and that "the term "Press" implies a different context and purpose, suggesting involvement in publishing or media rather than clothing".[22]

63. In its TM7F Statement of Grounds and Submissions, the Opponent states that "The Later Mark is visually, phonetically, and conceptually highly similar", that the "element "PRESS" is non-distinctive and descriptive for the contested services in Class 35" and that "FANGIRL" is the "distinctive and dominant element" as it appears at "the beginning of the mark, and hence is more apt to catch the consumer's attention".

[22] Applicant TM8 Counterstatement – paragraph 6

64. I acknowledge that, according to established case-law, in order to assess the similarity of two marks, it is necessary to consider each of the marks as a whole.[23] In certain circumstances the mark may be dominated by one or more of its components. However, it is only if all the other components of the mark are negligible that the assessment of the similarity can be carried out solely on the basis of the dominant element. [24]

<u>Overall impressions</u>

The earlier mark WO0000001685721

65. The Opponent's mark is a dictionary word-only mark; FANGIRL in upper case letters. In *LA Superquimica v European Union Intellectual Property Office (EUIPO)*, Case T-24/17 at paragraph [39], the GC held that such plain word marks protected the word or words contained in the mark in whatever form, colour or typeface.[25] I note that 'FANGIRL' is a dictionary word in its own right,[26] which I shall consider in further detail below. There are no additional elements to the earlier mark. Consequently, the overall impression lies in the word "FANGIRL" itself.

The contested mark

66. The Applicant's mark is a word-only mark and consists of the words "FanGirl Press". The letters "F", "G" and "P" are presented in upper case letters and the remaining letters in lower case. I find that the word element 'Fangirl' plays the greater role within the mark as a whole, given its prominent position at the beginning and that it is typically the beginning of marks which have the greatest impact on the perception. That said, 'Press' is far from negligible and will not go unnoticed by the average consumer.

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[23] C-591/12P, *Bimbo SA v OHIM*
[24] *OHIM v Shake*r, paragraphs 41 and 42; the judgment of 20 September 2007 in Case C-193/06 P *Nestlé v OHIM*, paragraphs 42 and 43; and *Aceites del Sur-Coosur v Koipe*, pargraph 62
[25] *LA Superquimica v European Union Intellectual Property Office (EUIPO)*, Case T-24/17 at paragraph [39]
[26] Collins dictionary entry 'fangirl' FANGIRL definition and meaning | Collins English Dictionary

Visual comparison

67. The marks overlap visually to the extent that they each contain the word 'FANGIRL'. The Opponent submits that "the variation of upper- and lower-case lettering in the Applicant's "FanGirl" does nothing to lessen the degree of similarity".[27] Despite these words being presented in a different case, the Opponent's mark in capitals and the Applicant's mark a mix of capitals and lower case letters, to my mind, this will have little bearing on the visual comparison assessment. Consequently, I would agree with the Opponent that, based on notional and fair use, the words within the earlier mark could be presented in the same font, case or position as the Applicant's.[28] The marks differ in so far as the application contains the word "Press", there being no counterpart in the earlier mark. Weighing up the similarities and the differences I consider that the marks are visually similar to a **medium to high degree**.

Aural comparison

68. The Opponent's mark will be articulated in two syllables: FAN-GIRL. The Applicant's mark will be pronounced in three syllables: FAN-GIRL PRESS. The difference in length (two syllables (Opponent) versus three syllables (Applicant)) will be discerned aurally by the average consumer. The marks' first and second syllables are identical. The marks differ by the addition of the word 'PRESS' in the Applicant's mark. I find the marks to have a **medium to high** level of aural similarity.

Conceptual comparison

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[27] Opponent Submissions in Lieu para 25

[28] In *LA Superquimica v EUIPO*, Case T-24/17, at paragraph [39] it was held that:

' […] it should be noted that a word mark is a mark consisting entirely of letters, words or groups of words, without any specific figurative element. The protection which results from registration of a word mark thus relates to the word mentioned in the application for registration and not the specific figurative or stylistic aspects which that mark might have. As a result, the font in which the word sign might be presented must not be taken into account. It follows that a word mark may be used in any form, in any colour or font type (see judgment of 28 June 2017, *Josel* v *EUIPO — Nationale-Nederlanden Nederland (NN)*, T-333/15, not published, EU:T:2017:444, paragraphs 37 and 38 and the case-law cited).'

69. The marks' conceptual impressions must be capable of immediate grasp by the average consumer.[29]

70. In its Statement of Grounds, the Opponent states that:

> "The Later Mark is visually, phonetically, and conceptually highly similar. The Later Mark contains the entirety of the Opponent's Earlier Mark as its dominant and distinctive element. The addition of the element "PRESS" does nothing to distinguish the Later Mark from the Earlier Mark. Furthermore, the element "PRESS" is non-distinctive and descriptive for the contested services in Class 35, referring to a publisher or edition."

71. The Opponent submits that:

> "The term PRESS is descriptive for some of the opposed goods and services, "press" being a reference to a publication outlet to communicate news of the Applicant's products."

72. In the Applicant's Counterstatement, it states:

> "the term "Press" implies a different context and purpose, suggesting involvement in publishing or media rather than merely clothing."

73. Conceptually, both the earlier mark and the applied for mark convey the concept of a 'fangirl', being a dictionary term which refers to "a girl or young woman who is very enthusiastic about and interested in a particular thing such as a film, entertainer, or type of music".[30] As to the word 'press', I note the Opponent's submission above. However, in the context of the relevant goods under consideration in class 25, the meaning of 'press' is not obviously non-distinctive or descriptive in any way, regardless of which of its possible meanings is grasped (it can mean to apply force/push, to urge/persuade or to squeeze/iron or to the media). The combination of 'Fangirl press'

[29] *Ruiz Picasso v OHIM* [2006] e.c.r.-i-643; [2006] E.T.M.R 29
[30] Collins English Dictionary - definition 'fangirl' (online version), accessed '01-03-2026' at 14:21 GMT

does not naturally, and immediately, combine to create a conceptual unit with a meaning which is different to the individual words ‘Fangirl’ and ‘press’ alone, regardless of whichever possible meaning is gasped from the word ‘press’. I find that each word retains its own conceptual meaning in the applicant’s mark. It follows that the respective ‘Fangirl’ elements are conceptually identical and, whichever possible meaning is grasped from the word ‘press’, this creates an additional concept in the Applicant’s mark which is absent from the Opponent’s mark. I find the marks to have a **medium to high** level of conceptual similarity.

Distinctive character of the earlier trade mark

74. In *Lloyd Schuhfabrik Meyer & Co. GmbH* v *Klijsen Handel BV,* Case C-342/97 the CJEU stated that:

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

75. The Opponent has not filed any evidence to show that the earlier mark's distinctive character has been enhanced through use. Consequently, I have only the inherent position to consider.

76. The earlier mark consists of the word 'FANGIRL', its concept identified above. [31] In terms of the relationship between the term 'FANGIRL' and the goods of the earlier mark, I am not aware of any associated connection with fashion or the retail of it.

77. I do not consider the word 'FANGIRL' to describe or allude to the relevant goods for which the earlier mark is registered. I have found 'FANGIRL' to be a dictionary word with which a significant proportion of average consumers will be familiar. All things considered, I find the earlier mark to have an **average (or medium)** degree of inherent distinctive character.

Likelihood of Confusion

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

[31] a dictionary term which refers to "a girl or young woman who is very enthusiastic about and interested in a particular thing such as a film, entertainer, or type of music"

rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

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

- I have found the respective marks visually and aurally similar to a **medium to high** degree.

- I have found the marks to be conceptually similar to a **medium to high** degree with the 'press' element providing a point of distinction.

- I have found the Opponent’s mark to be inherently distinctive to an **average (or medium)** for the relevant goods relied upon.

- I have identified the average consumer for Class 25 ‘clothing’ goods to be members of the general public paying a medium degree of attention, who will select the goods primarily by visual means, but I do not discount the aural component to the purchase.

- I have found the parties’ goods in class 25 range from being **lowly similar**, to similar to a **medium** degree and *Meric* **identical**.

80. I consider direct confusion first. I acknowledge the main point of difference between the marks to be the presence of the word “Press” at the end of the contested mark and they share the first word ‘FANGIRL’. For me to be satisfied that there is a likelihood of direct confusion requires me to find that the average consumer will overlook the presence of the word ‘Press’ in the contested mark. In my view, the average consumer would unlikely overlook the presence of the 'PRESS' element when the mark is viewed as a whole, even though I have found “Press” to be less dominant than the element “FANGIRL”.

81. Although the additional element within the contested mark contributes less to the overall impressions of the mark, this is not negligible and it is unlikely that the average

consumer, paying a medium degree of attention, would completely overlook it. This difference is, therefore, likely to be sufficient to prevent the average consumer from mistaking one for the other. It is my view that the net effect of the visual, aural and conceptual differences that I have identified is sufficient to prevent one mark being mistaken or mis-remembered as the other. I find that there is no likelihood of direct confusion, even in respect of identical goods.

82. I now consider whether there is a likelihood of indirect confusion.

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

84. Indirect confusion was described in the following terms by Iain Purvis QC (as he then was), sitting as the Appointed Person, in *L.A. Sugar Limited v By Back Beat Inc*:[32]

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

[32] BL O/375/10

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

a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right ("26 RED TESCO" would no doubt be such a case).

b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as "LITE", "EXPRESS", "WORLDWIDE", "MINI" etc.).

c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension ("FAT FACE" to "BRAT FACE" for example)."

85. These three categories are not exhaustive. Rather, they were intended to be illustrative of the general approach. I recognise that a finding of indirect confusion should not be made merely because the competing marks share a common element. In this connection, it is not sufficient that a mark merely calls to mind another mark, this is mere association not indirect confusion.[33]

86. The case before me does not fall squarely into one of the categories set out in *L.A. Sugar* above. However, I remind myself that these are not exhaustive. I also consider the relevance of *Medion v Thomson*[34] and the subsequent case law. In *Whyte and Mackay Ltd v Origin Wine UK Ltd and Another*[35], Arnold J. (as he then was) considered the impact of the CJEU's judgment in *Bimbo*[36], on the court's earlier judgment in *Medion.* The judge said:

"18. The judgment in *Bimbo* confirms that the principle established in *Medion v Thomson* is not confined to the situation where the composite trade mark for

[33] *Duebros limited v Heirler Cenovis GmbH*, BL O/547/17
[34] Case C-120/04
[35] [2015] EWHC 1271 (Ch)
[36] Case C-591/12P

which registration is sought contains an element which is identical to an earlier trade mark, but extends to the situation where the composite mark contains an element which is similar to the earlier mark. More importantly for present purposes, it also confirms three other points.

19. The first is that the assessment of likelihood of confusion must be made by considering and comparing the respective marks — visually, aurally and conceptually — as a whole. In *Medion v Thomson* and subsequent case law, the Court of Justice has recognised that there are situations in which the average consumer, while perceiving a composite mark as a whole, will also perceive that it consists of two (or more) signs one (or more) of which has a distinctive significance which is independent of the significance of the whole, and thus may be confused as a result of the identity or similarity of that sign to the earlier mark.

20. The second point is that this principle can only apply in circumstances where the average consumer would perceive the relevant part of the composite mark to have distinctive significance independently of the whole. It does not apply where the average consumer would perceive the composite mark as a unit having a different meaning to the meanings of the separate components. That includes the situation where the meaning of one of the components is qualified by another component, as with a surname and a first name (e.g. BECKER and BARBARA BECKER).

21. The third point is that, even where an element of the composite mark which is identical or similar to the earlier trade mark has an independent distinctive role, it does not automatically follow that there is a likelihood of confusion. It remains necessary for the competent authority to carry out a global assessment taking into account all relevant factors"

87. The 'Fangirl' element in the Applicant's mark has its own conceptual independence from the word "press". The distinctive significance of the former word is independent from the distinctive significance of the whole. Bearing this in mind, together with the dominance of the 'Fangirl' element in the Applicant's mark, and viewing the marks as wholes, I find that the common presence of that identical word in the marks is likely to

lead the consumer to believe that the respective goods come from the same or linked undertaking(s), even where the respective goods are similar to a low degree. There is a likelihood of indirect confusion in respect of all the goods in class 25.

CONCLUSION

88. The opposition succeeds for the following goods which will be refused:

Class 25 Wristbands [clothing]; Embroidered clothing; Clothing; Parts of clothing; Parts of footwear and headgear; Combinations [clothing].

89. The opposition is unsuccessful in relation to the following services, for which the application may proceed to registration:

Class 35 Promoting the sale of fashion goods through promotional articles in magazines

90. The application will also proceed to registration for the following unopposed goods:

Class 14 Jewellery products.

Class 16 Printed matter; Printed packaging materials of paper; Printed paper labels; Printed paper signs; Printed advertising boards of paper; Paper for printing photographs; Newsprint paper; Digital printing paper.

Class 41 Publishing services for books and magazines; Publishing of books, magazines; Online electronic publishing of books and periodicals; Publishing of electronic books and journals online; Publishing services for books; Publishing of journals, books and handbooks in the field of medicine; On-line publication of electronic books and journals (non-downloadable);Multimedia entertainment software publishing services; Entertainment services relating to quizzes; Video production services; Providing television programmes, not downloadable, via video-on-demand services; Providing online electronic publications; Television studio services; Animated musical entertainment services.

Class 42	Hosting of digital content online; Hosting of digital content, namely, on-line journals and blogs; Interactive hosting services which allow the users to publish and share their own content and images online; Hosting of digital content on the Internet; Cross-platform conversion of digital content into other forms of digital content.

COSTS

91. Bearing in mind the scope of the goods and services applied for and the partial success of each party, I decline to favour either party with an award of costs.

Dated this 29th day of April 2026

Janeve Manca
For the Registrar

Annexe 1

Class 14

Jewellery products.

Class 16

Printed matter; Printed packaging materials of paper; Printed paper labels; Printed paper signs; Printed advertising boards of paper; Paper for printing photographs; Newsprint paper; Digital printing paper.

Class 25

Wristbands [clothing]; Embroidered clothing; Clothing; Parts of clothing, footwear and headgear; Combinations [clothing].

Class 35

Promoting the sale of fashion goods through promotional articles in magazines; Arranging business introductions relating to the buying and selling of products; Promoting the sale of goods and services of others through the distribution of printed material and promotional contests; Promoting the goods and services of others through infomercials; Providing a searchable online advertising guide featuring the goods and services of other on-line vendors on the internet; Promoting the music of others by means of providing online portfolios via a website; Advertising the goods and services of online vendors via a searchable online guide; Dissemination of advertising for others via an on-line communications network on the internet; Creating advertising material; Online retail store services relating to cosmetic and beauty products; Providing consumer product advice relating to cosmetics; Commercial information and advice services for consumers in the field of beauty products; Providing consumer product information relating to food or drink products; Retail services in relation to downloadable electronic publications.

Class 41

Publishing services for books and magazines; Publishing of books, magazines; Online electronic publishing of books and periodicals; Publishing of electronic books and journals online; Publishing services

for books; Publishing of journals, books and handbooks in the field of medicine; On-line publication of electronic books and journals (non-downloadable);Multimedia entertainment software publishing services; Entertainment services relating to quizzes; Video production services; Providing television programmes, not downloadable, via video-on-demand services; Providing online electronic publications; Television studio services; Animated musical entertainment services.

Class 42

Hosting of digital content online; Hosting of digital content, namely, on-line journals and blogs; Interactive hosting services which allow the users to publish and share their own content and images online; Hosting of digital content on the Internet; Cross-platform conversion of digital content into other forms of digital content.