O/0423/26

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. 4109960
IN THE NAME OF TAIZHOU WAN-HAWK IMP&EXP CO.,LTD
TO REGISTER THE FOLLOWING TRADE MARK:

CHICBLOOMS

IN CLASS 25

AND

IN THE MATTER OF OPPOSITION THERETO
UNDER NO. 451405
BY BLOOMCHIC LIMITED

Background and pleadings

1. TAIZHOU WAN-HAWK IMP&EXP CO.,LTD ("the applicant") applied to register the trade mark "Chicblooms" in the UK on 10 October 2024, under number 4109960. It was accepted and published in the Trade Marks Journal on 25 October 2024 in respect of the following goods:

> *Class 25: Ankle boots; boots; football shoes; football boots; footwear; hats; heels; hosiery; sandals; shoes; slippers; sports shoes.*

2. BLOOMCHIC LIMITED ("the opponent") opposes the trade mark on the basis of section 5(2)(b) of the Trade Marks Act 1994 ("the Act"). The opposition is directed at all the goods. The opponent relies upon the following trade marks and the following goods and services for which they are registered:

(i) BLOOMCHIC

UK registration no. 3625326
Filing date: 13 April 2021
Registration date: 5 November 2021
Goods and services relied upon for opposition purposes:

Class 25: Shirts; clothing; ready-made clothing; Pants; outerclothing; knitwear [clothing]; coats; skirts; sports jerseys; dresses; tee-shirts; underclothing; beach clothes; bath robes; footwear; headwear; hosiery; jumpers [pullovers]; overcoats; pajamas.

Class 35: Demonstration of goods; Presentation of goods on communication media, for retail purposes.

Class 42: Dress designing.

("the '326 mark")

(ii) BLOOMCHIC

UK registration no. 3919801
Filing date: 7 June 2023
Registration date: 1 September 2023
Goods relied upon for opposition purposes:

Class 18: Bags; Pocket wallets; Rucksacks; Attaché cases; Handbags; Travelling trunks; Key cases; Bags for sports; Umbrellas; Imitation leather; Purses; Suitcases; Beach bags; school bags; Shopping bags.

("the '801 mark")

3. As the filing date of the opponent's marks are earlier than the filing dates of the applicant's mark, the opponent's marks constitute earlier marks in accordance with section 6 of the Act. However, as they had not been registered for five years or more at the filing date of the application, they are not subject to the proof of use requirements specified within section 6A of the Act. As a consequence, the opponent may rely upon all of the goods and services identified without having to establish genuine use.

4. In its statement of grounds, the opponent argues that the competing marks are highly similar, and that the parties' goods and services are identical or similar. On this basis, the opponent submits that there is a likelihood of confusion.

5. The applicant filed a counterstatement denying the ground of opposition.

6. The opponent is professionally represented by Trademarkit LLP, and the applicant is represented by Pablo Albert Catala. Only the applicant filed evidence and submissions, which were filed during the evidence rounds. This decision is taken following careful consideration of all the papers before me.

Evidence

7. The applicant's evidence consists of a witness statement provided by Jiang, Xiangen (dated 29 May 2025). They state that they are the CEO/president of applicant in these proceedings. They have filed Annexes A and B1-5. These show a range of information, such as the applicant's website, as well as screenshots of various product listings on Amazon.

Preliminary issue

8. The witness statement refers to Annexes A and B1 to B8. However, the applicant only filed Annexes A and B1 to B5. The applicant was therefore informed on 8 July 2025 that, unless it filed the missing Annexes B6 to B8 with a retrospective request for

a deadline extension, the Registry would disregard all references to the missing Annexes B6 to B8. No response was received, and therefore only the references to Annexes A and B1 to B5 have been taken into account.

Relevance of EU law

9. The provisions of the Act relied upon in these proceedings are assimilated law, as they are derived from EU law. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018[1] 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.

Section 5(2)(b)

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

> "5(2) A trade mark shall not be registered if because –
>
> > (b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected, there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark

11. Section 5A states: […] "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."

12. The following standard summary of the principles applicable to the assessment of the likelihood of confusion was approved by the Supreme Court in *Iconix Luxembourg Holdings SARL v Dream Pairs Europe Inc & Anor:*[2]

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

[1] As amended by Schedule 2 of the Retained EU Law (Revocation and Reform) Act 2023
[2] [2025] UKSC 25

(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;

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

Comparison of goods and services

13. In *Gérard Meric v OHIM*[3], the General Court ("GC") confirmed that even if goods and services are not worded identically, they can still be considered identical if one term falls within the scope of another (or vice versa):

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

14. The goods and services to be compared are shown in the table below:

The opponent's goods and services	The applicant's goods
The '326 mark: *Class 25: Shirts; clothing; ready-made clothing; Pants; outerclothing; knitwear [clothing]; coats; skirts; sports jerseys; dresses; tee-shirts; underclothing; beach clothes; bath robes; footwear; headwear; hosiery; jumpers [pullovers]; overcoats; pajamas.*	*Class 25: Ankle boots; boots; football shoes; football boots; footwear; hats; heels; hosiery; sandals; shoes; slippers; sports shoes.*

[3] Case T-33/05

Class 35: *Demonstration of goods; Presentation of goods on communication media, for retail purposes.* *Class 42:* *Dress designing.* **The '801 mark:** *Class 18:* *Bags; Pocket wallets; Rucksacks; Attaché cases; Handbags; Travelling trunks; Key cases; Bags for sports; Umbrellas; Imitation leather; Purses; Suitcases; Beach bags; school bags; Shopping bags.*	

15. In its statement of grounds, the opponent argues that the applicant's terms are identical to the opponent's terms, or if not, they are highly similar or complementary. In its submissions, the applicant acknowledges that both marks cover similar goods in class 25.

16. For the purposes of comparing goods, 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.[4] I have therefore assessed the applicant's goods by dividing the terms into groups as per below:

Footwear.

17. This term is identical to the opponent's term *footwear* on a literal basis.

Ankle boots; boots; football shoes; football boots; footwear; heels; sandals; shoes; slippers; sports shoes.

[4] *Separode Trade Mark* (BL O/399/10) and *BVBA Management, Training en Consultancy v. Benelux-Merkenbureau* [2007] ETMR 35 at paragraphs 30 to 38

18. These goods are all narrower types of footwear and are therefore all included in the opponent's wider term *footwear*. As such, they are identical under the principle within *Meric.*

Hosiery.

19. This term is identical to the opponent's term *hosiery* on a literal basis.

Hats.

20. This term is included within the opponent wider term *headwear*. As such, the goods are identical under the principle within *Meric.*

My approach

21. Given the identity of the goods in class 25 between the opponent's '326 mark and the applicant's mark, I consider that the '326 mark represents the opponent's strongest case. Furthermore, in both the '326 and '801 marks, the word "BLOOMCHIC" appears in a very basic typeface. In the event that the opposition fails on the basis of the '326 mark, the '801 mark (which is registered for class 18 goods only) will not improve the opponent's position. As such, I will determine the opponent's claim on the basis of the '326 mark only, referring to it as "the opponent's mark" from this point onwards

Average consumer and the purchasing act

22. In *Iconix Luxembourg Holdings SARL v Dream Pairs Europe Inc & Anor*,[5] the Supreme Court approved the comments of Arnold LJ in *Lidl Great Britain Ltd & Anor v Tesco Stores Ltd & Anor (Rev1)*,[6] 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;

[5] [2025] UKSC 25
[6] [2024] EWCA Civ 262

(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 and 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.

23. In its submissions, the applicant argues that the goods "are not typically impulse purchases" and that the "fashion market, especially in the mid to high-end segment, is characterized by discerning customers who pay attention to brand identity, style, and design details before marking a purchase".

24. The average consumer for the goods will be members of the general public as well as some trade customers. The cost of purchase is likely to vary considerably, with inexpensive "fast fashion" items at one end of the scale, and higher end items on the other. The goods will be purchased on a reasonably frequent basis. Several factors may influence the average consumer when purchasing the goods, such as, inter alia, the type of material, the quality, and the aesthetic appearance. Whilst the applicant argues that consumers pay attention to brand identity within the high-end segment, the terms in the specifications are general terms which cover goods at all price points, and therefore my assessment is based on the notional and fair use of both marks. I

therefore disagree with the applicant and instead find that, based on these factors, the average consumer will pay a medium level of attention when selecting the goods, although this may be slightly higher for trade customers. The goods are likely to be self-selected from shelves within retail outlets, via online retailers, or in catalogues. The visual component will therefore dominate the purchasing process, but I do not discount aural considerations, such as word-of-mouth recommendations, or placing telephone orders.

Comparison of marks

25. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The Court of Justice of the European Union ("CJEU") stated at paragraph 34 of its judgment in *Bimbo SA v OHIM*[7] that:

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

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

27. The respective trade marks are shown below:

[7] Case C-591/12P

The opponent's mark	The applicant's mark
BLOOMCHIC	**CHICBLOOMS**

28. Neither the opponent nor the applicant has made specific arguments in relation to the competing marks' distinctive or dominant elements.

29. The opponent's mark is a figurative mark which contains only the uppercase word "BLOOMCHIC" in a very basic typeface. As it is registered as a figurative mark, it protects the word in the particular form shown on the register. With no other elements within the mark, I find that the mark's overall impression lies in the conjoined word "BLOOMCHIC".

30. The applicant's mark is a plain word mark. With no other elements within the mark, I find that the mark's overall impression lies in the conjoined word "CHICBLOOMS".

Visual comparison

31. In its statement of grounds, the opponent submits that there is a high degree of visual similarity between the competing marks due to "the use of identical terms". In its submissions, the applicant submits that the placement of 'Chic' as the first word and 'Bloom' as the second "conveys a different…visual impression compared to "BloomChic"".

32. The competing marks are visually similar as they both contain the words "BLOOM" and "CHIC" combined to form one word. The competing marks differ visually as the words "BLOOM" and "CHIC" are presented in a different order in each of the marks. In addition to this, the marks also differ as the applicant's mark has an "S" on the end of its mark. Although the applicant's ten-letter mark is one letter longer than the opponent's nine-letter mark, this is not a significant visual difference given that both are of a similar overall length. Taking all these factors into account, I am of the view that the marks are visually similar to a medium degree.

Aural comparison

33. In its statement of grounds, the opponent submits that “the marks have the same syllables (chic and bloom) pronounced in reverse order. The sound of each component is phonetically identical, resulting in a high degree of aural similarity despite the order difference”. In its submissions, the applicant submits that “the inclusion of the letter "s" at the end of “Chicblooms” contributes to a subtle but important distinction in phonetic recall”.

34. The opponent’s two-syllable mark will pronounced as “BLOOM-SHEEK”, and the applicant’s two-syllable mark will be pronounced as “SHEEK-BLOOMS”. The competing marks are therefore aurally similar as they both contain the words “CHIC” and “BLOOM”. Also, as both marks are two syllables, they are of the same length. However, the competing marks differ aurally as words “BLOOM” and “CHIC” are transposed in the later mark. The applicant’s mark also has an “S” on the end of its mark, which is another a minor point of aural difference between the two marks. Taking all these factors into account, I am of the view that the marks are aurally similar to a medium degree.

Conceptual comparison

35. In its statement of grounds, the opponent submits that “both marks evoke a similar concept: “chic” relates to style and sophistication, and “bloom” relates to flowers or flourishing. The reversal does not change the overall conceptual impression significantly. Both marks convey a combination of elegance and natural growth or beauty, which has some relevance to the goods in question, resulting in a high degree of conceptual similarity”. In its submissions, the applicant states that ““Bloom” is commonly associated with flowers, freshness, and growth”, and that ““Chic” is a common term denoting style and sophistication”. It submits that “reversal of the word order, “Chicblooms” versus “BloomChic”, changes the way consumers will read and interpret the marks”.

36. Cambridge Dictionary defines “BLOOM” as “a flower on a plant” and “CHIC” as “stylish and fashionable”, which are both consistent with the parties' definitions of the words. As the words “CHIC” and “BLOOM(S)” are both recognisable dictionary-defined words, I am of the view that, when encountering the combined words “CHICBLOOMS”

or “BLOOMCHIC”, the average consumer will identify the two words and understand their meanings, perceiving them to be independent of each other. It is considered that the average consumer would not understand the words in either mark as being a complete unit with its own meaning. This is because, in the opponent’s mark, there is no obvious conceptual meaning to the combination of the two words “BLOOMCHIC”, given the abstract nature of the combination along with the placement of the adjective “CHIC” at the end. Whilst it is possible that, in the applicant’s mark, the placement of the adjective “CHIC” in front of the noun “BLOOMS” means that there may be some consumers who understand the term “CHICBLOOMS” as meaning “BLOOMS” which are “CHIC”. However, I am of the view that consumers who perceive the mark in this way will not form a significant proportion of consumers, as “CHIC” is not a common or meaningful way to define “BLOOMS”. For a conceptual message to be relevant, it must be capable of immediate grasp by the average consumer.[8] As it is my view that a significant proportion of consumers would not view the words “CHICBLOOMS” as being a meaningful term given the unusual combination of words, I am of the view that a significant majority of consumers will also perceive the two separate words within the mark without assigning a meaning to the overall term as a unit. The marks also differ as the applicant’s mark also contains the letter “S” on the end of its mark. However, I do not find this to be a significant point of conceptual difference on the basis that the words “BLOOM” and “BLOOMS” still convey the concept of “BLOOM”, regardless of whether the word appears in the singular or plural form. Given that it is my view that the average consumer will derive the same two individual meanings from each verbal component with the competing marks, insofar as the marks convey any concept, they are identical. However, as the opponent has only pleaded that they are highly similar, I find instead that the marks’ conceptually similar to a high degree.

Distinctive character of the earlier mark

37. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV,*[9] 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

[8] *Ruiz-Picasso v OHIM* (Case C-361/04), para 56
[9] Case C-342/97

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)."

38. Registered trade marks possess various degrees of inherent distinctive character; marks which are suggestive or allusive of a characteristic of the goods tend to be at the lower end of the scale, whereas invented words with no allusive qualities tend to be at the higher end of the scale. A range of marks will fall in between, such as dictionary words with no obvious connection to the goods.

39. Although the distinctiveness of a mark can be enhanced by virtue of the use made of it, the opponent has not filed any evidence of use. As such, I have only the inherent position to consider.

40. In its statement of grounds, the opponent does not specifically refer to the level of inherent distinctiveness of its mark. In its submissions, the applicant submits that ""chic" is commonly used to describe stylish clothing, and "bloom" alludes to natural beauty or flourishing, which are frequently used themes in fashion branding", and therefore it argues that "the distinctiveness of the opponent's mark is inherently limited".

41. As stated previously, the average consumer will understand “BLOOMCHIC” as a conjoined word formed of two dictionary words, namely “BLOOM” and “CHIC”. It is my view that, in relation to the class 25 footwear, headwear, and clothing goods, the word “CHIC” is non-distinctive. However, whilst the applicant has argued that the word “BLOOM” is frequently used in the fashion industry, it has not filed any evidence to show this is the case. It is therefore my view that the word “BLOOM” is not descriptive or non-distinctive in relation to the goods and is distinctive to a medium degree. I find that the unusual combination of the two words as “BLOOMCHIC” results in the opponent’s mark in totality having a medium level of inherent distinctive character.

Global assessment – conclusions on likelihood of confusion

42. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods down to the responsible undertakings being the same or related. There is no set formula for establishing a likelihood of confusion between marks; it is a global assessment where a number of factors need to be borne in mind.

43. One such factor is the interdependency principle, i.e. a lesser degree of similarity between the competing marks may be offset by a greater degree of similarity between the respective goods, and vice versa. As mentioned above, it is necessary for me to keep in mind the distinctive character of the applicant’s mark, the average consumer for the goods, and the nature of the purchasing process. In doing so, I must be mindful that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that they have retained in their mind.

44. In its statement of grounds, the opponent submits that the marks’ visual, aural, and conceptual similarities and the goods being identical or highly similar results in the likelihood of confusion. In its submissions, the applicant submits that the differences between the competing marks and the “attentive nature of the relevant consumer base mitigates the risk of the confusion”, notwithstanding the overlapping nature of the class 25 goods. In addition to this, the applicant also highlights that the opponent “has not

provided any evidence of actual confusion despite both marks being in use in the market" and argues therefore that this is "a strong indicator that the marks can coexist without causing confusion among the relevant public". In support of this, it has filed Annexes A and B1 to B5 showing the use of the applicant's mark. In its submissions, it argues that these exhibits show "prominent use" within the marketplace, "and supports the applicant's position regarding distinctive use and market presence".

45. In *Roger Maier and Another v ASOS*,[10] Kitchin L.J. (as he then was) stated that:

> "80. …the likelihood of confusion must be assessed globally taking into account all relevant factors and having regard to the matters set out in *Specsavers* at paragraph [52] and repeated above. If the mark and the sign have both been used and there has been actual confusion between them, this may be powerful evidence that their similarity is such that there exists a likelihood of confusion. But conversely, the absence of actual confusion despite side by side use may be powerful evidence that they are not sufficiently similar to give rise to a likelihood of confusion. This may not always be so, however. The reason for the absence of confusion may be that the mark has only been used to a limited extent or in relation to only some of the goods or services for which it is registered, or in such a way that there has been no possibility of the one being taken for the other. So there may, in truth, have been limited opportunity for real confusion to occur."

46. In *The European Limited v The Economist Newspaper Ltd*[11] stated that:

> "Absence of evidence of actual confusion is rarely significant, especially in a trade mark case where it may be due to differences extraneous to the plaintiff's registered trade mark".

47. As there is no evidence that the registered mark is in use (given that the opponent's mark is not subject to proof of use), or that consumers have become accustomed to differentiating between the competing parties' marks, the opponent's lack of evidence to show actual confusion cannot be taken as evidence per se that the marks are

[10] [2015] EWCA Civ 220

[11] [1998] FSR 283 Millett L.J.

peacefully coexisting in the marketplace. I therefore do not find this a significant factor when assessing the likelihood of confusion between the competing marks.

48. Furthermore, I also dispute the applicant's assertion that there is no evidence of confusion despite concurrent market use of both marks. This is because, on page 3 of Annex A filed by the applicant, a customer review taken from the applicant's own website (https://chicblooms.com/) states the following:


Emma...

★★★★★

BloomChic is keenly aware ofthe reputation of fast fashion within the fashion industry and is working hard to setthemselves apart and set new standards. The team takes customer feedback very seriously, often connectingcustomers with their product team to gather insight into what works and needs improvement.

Wednesday, Jan 26, 2019

https://chicblooms.com/ Página 3 de 5

49. Given that the applicant's customer appears to be mistakenly referring to Chicblooms as BloomChic, the applicant's own evidence suggests that the marks are not peacefully coexisting and that there is actual confusion within the marketplace.

50. Earlier in this decision I found that the applicant's goods to be identical to the opponent's goods. The average consumer of the goods will be the general public as well as trade customers. The average consumer is likely to pay a medium degree of attention when selecting the goods, although this may be higher for trade customers. The goods will primarily be selected through visual means, although I do not discount an aural element to the selection process. I have found the marks to be visually similar to a medium degree, aurally similar to a medium degree, and conceptually similar to a high degree (in line with the opponent's pleadings). The earlier mark has a medium level of inherent distinctive character.

51. It is my view that, when accounting for imperfect recollection, the marks' differences are insufficient to avoid them being mistakenly recalled for each other. The two verbal elements "BLOOM(S)" and "CHIC" within both competing marks are almost identical, albeit transposed. I am of the view that the average consumer, when paying a medium degree of attention, is likely to overlook the final 'S' on the end of the applicant's mark and misremember the order of the words "BLOOM(S)" and "CHIC" when they appear conjoined as one term. The competing marks' visual, aural, and conceptual similarities and the earlier mark's medium degree of inherent distinctive character are factors which support this finding. Moreover, taking into account the interdependency principle, there is an increased risk of confusion due to the identical nature of the competing parties' goods. Consequently, I find that there exists the likelihood of direct confusion.

Conclusion

52. The opposition under section 5(2)(b) has been successful in its entirety. Subject to any successful appeal, the application will be refused registration.

Costs

53. The opponent has been successful and is entitled to a contribution towards its costs based upon the scale published in Tribunal Practice Notice 1/2023. In the circumstances I award the opponent the sum of £450 as a contribution towards the cost of the proceedings. The sum is calculated as follows:

Official fees: £100

Preparing a statement: £250

Considering the other side's evidence and submissions £100

54. I recognise that the opponent would have spent time reviewing the applicant's evidence and submissions. However, as it did not file its own evidence or submissions, I have awarded a below-scale figure for this activity which takes into account the review of both.

55. I therefore order TAIZHOU WAN-HAWK IMP&EXP CO.,LTD to pay BLOOMCHIC LIMITED the sum of £450. 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 18th day of May 2026

KATHRYN SERRAVALLE

For the Registrar