

BL O/0433/26

TRADE MARKS ACT 1994

IN THE MATTER OF TRADE MARK APPLICATION No. 4125542

BY TIVOGLOBENE LTD

TO REGISTER THE FOLLOWING TRADE MARK:



**ONWARD**

IN CLASSES 3, 14, 18, 21, 25 AND 40

-AND-

THE OPPOSITION THERETO UNDER No. 452494

BY ONWARD HOLDINGS CO., LTD.

## **Background and pleadings**

1. On 16 November 2024, tivogliobene Ltd (“the Applicant”) applied to register the trade mark shown on the cover page of this decision in the UK. It was accepted and published in the Trade Marks Journal on 13 February 2025. Registration is sought for a variety of goods and services in Classes 3, 14, 18, 21, 25 and 40 – these are set out in full at Annex 1 of this decision.

2. On 13 February 2025, ONWARD HOLDINGS CO., LTD. (“the Opponent”) opposed the application under section 5(2)(b) of the Trade Marks Act 1994 (“the Act”).<sup>1</sup> The opposition is directed at all of the goods and services for which registration is sought; and is reliant upon the Opponent’s international trade mark registration designating the UK, details of which are set out below. The Opponent relies on all the goods and services for which its mark is registered, these are set out in full at Annex 2 of this decision.

Representation of the mark:	<b>ONWARD</b>
Type of mark:	word mark
Registration Number:	1503736
Priority date: <sup>2</sup>	2 September 2019
Designation date:	12 September 2019
Date protection granted in UK	7 May 2020
Classes:	3, 14, 18, 25, 35, 40

3. By virtue of its priority date, the registration upon which the Opponent relies qualifies as an earlier trade mark pursuant to section 6 of the Act. As the earlier mark had not been registered for more than five years at the filing date of the contested application, it is not subject to the use conditions pursuant to section 6A of the Act, and accordingly, the Opponent may rely on all the goods and services for which its trade mark is registered without having to show any use at all.

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<sup>1</sup> The provisions of the Act relied upon in these proceedings are assimilated law, as they are derived from EU law. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 (as amended by Schedule 2 of the Retained EU Law (Revocation and Reform) Act 2023) requires tribunals applying assimilated law to follow assimilated EU case law. That is why this decision refers to decisions of the EU courts which predate the UK’s withdrawal from the EU.

<sup>2</sup> Claiming priority from Japanese trade mark number 2019-116626

4. The Opponent claims that the competing marks are similar and that the respective goods and services are similar, giving rise to a likelihood of confusion.

5. The Applicant filed a defence and counterstatement, submitting that “*yes we accept we have applied for similar goods*”, however it denies that the marks are similar.

6. Neither party filed evidence nor submissions during the evidence rounds. A hearing was not requested, and only the Opponent elected to file submissions in lieu of a hearing. I therefore make this decision following careful consideration of the papers before me.

7. The Opponent is represented by Venner Shipley LLP and the Applicant represents itself.

### **Preliminary Issues**

8. The Applicant’s counterstatement includes a link to ‘theguardian.com’ and an undated screenshot from ‘onward.co.jp’. In accordance with the Tribunal section of the Registry’s Manual of Trade Mark Practice, paragraph 4.8.4, I cannot undertake independent research which prevents me from accessing website links, therefore I cannot take account of the material accessible via ‘theguardian.com’ link. Furthermore, the screenshot provided, which appears directed to an alleged non-use of the earlier mark, has no bearing in these proceedings, since the earlier mark is in any event not subject to proof of use. I therefore shall make no further reference to these materials in my decision.

9. In its submissions in lieu, the Opponent notes at that:

“22. The Applicant has submitted arguments in its defence and counterstatement which included a number of comments about how the Opponent is (or allegedly is not) using the Earlier Mark in the marketplace. The Opponent highlights that the nature of the Opponent’s use of the Earlier Mark is irrelevant to the assessment of a likelihood of confusion in this opposition for various reasons, most notable that the Opponent is not required to file proof of use in this opposition. In line with established practice, whether or not a likelihood of confusion exists must be assessed based on the fair and notional use of the Earlier Registration as it appears on the register.

23. The Applicant has also submitted arguments that it has coexistence agreements with third party brands. Again, the Opponent highlights that this is irrelevant to the current proceedings and should be disregarded.”

10. Arguments such as those presented by the Applicant fail to take into account the principle that the Opponent’s mark, being less than five years old, is not subject to proof of use. It follows from this that the Opponent may rely on the full range of goods and services for which its mark is registered without having to show any use at all. This further means that the assessment of likelihood of confusion must be conducted based on a notional and fair use of the terms in the competing specifications, with the segments of the market in which the parties have so far chosen to trade being irrelevant. The Applicant’s comments about alleged non-use therefore do not affect the notional assessment required under section 5(2)(b) of the Act.

11. Nor are coexistence agreements with third parties a relevant consideration since such arrangements do not determine whether there is a likelihood of confusion between the marks in these proceedings.

12. Lastly, the Applicant makes submissions about its brand identity and origin story. The assessment under section 5(2)(b) is based on the marks themselves and how the average consumer would perceive them; it does not involve examining the Applicant’s reasons for choosing the mark (which will be unknown to the average consumer). For the avoidance of doubt, in the context of comparing competing trade marks, a conceptual comparison refers to an assessment of the idea or meaning conveyed by the marks themselves, as perceived by the average consumer. It does not involve an assessment of the Applicant’s brand identity, ethos, origin story or wider brand concept. Those are matters of branding strategy, not the conceptual content of the sign for the purposes of trade mark comparison. These submissions therefore have no bearing on my assessment.

### **Legislation and Case Law**

13. Section 5(2)(b) of the Act states:

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

(a) [...]

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected,

there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark.

14. I am guided by the principles applicable to the assessment of the likelihood of confusion, as cited with approval by the Supreme Court in *Iconix Luxembourg Holdings SARL v Dream Paris Europe Inc & Anor*, [2025] UKSC 25. These principles are gleaned from the decisions of the EU courts in *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v Office for Harmonisation in the Internal Market ("OHIM")*, Case C-3/03, *Medion AG v Thomson Multimedia Sales Germany & Austria GmbH*, Case C-120/04, *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P:

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

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

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

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

- (e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;
- (f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;
- (g) a lesser degree of similarity between the goods or services may be offset by a great degree of similarity between the marks, and vice versa;
- (h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;
- (i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;
- (j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;
- (k) if the association between the marks creates a risk that the public might believe that the respective goods or services come from the same or economically linked undertakings, there is a likelihood of confusion.

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

15. The Applicant expressly *“accept[s] we have applied for similar goods”*.

16. Whilst I proceed on the basis of this concession, and that therefore all the competing goods are at least similar, it is also worth noting that the applied-for specification contains goods that are self-evidently identical to the Opponent’s specification or, goods that are identical on the principle outlined in *Gérard Meric v OHIM*,<sup>3</sup> (*“Meric”*). In *Meric*, the General Court (“GC”) held to the effect that goods can be considered as identical when the goods designated by the earlier mark are included

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<sup>3</sup> Case T- 133/05

in a more general category, designated by the trade mark application and vice versa (this principle equally applies to services).

17. For example, both competing specifications contain the terms “*perfumes*” and “*fragrances*” in Class 3, “*necklaces*” in Class 14 and “*clothing*” in Class 25, and are therefore self-evidently identical; equally, the term “*handbags made of leather*” in the Applicant’s Class 18 is identical to the Opponent’s “*handbags*” on the principle outlined in *Meric*.

18. The only services the Applicant has applied for are “*waterproofing of clothing*” in Class 40. The Opponent notes that “*it is unclear whether the Applicant additionally intended its admission of similarity of “goods” to extend to the Contested Services in class 40. For completeness, the Contested Service “Waterproofing of clothing” is identical to the Earlier Service “Treatment or processing of cloth, clothing or fur, including drying”.*”<sup>4</sup> I agree that the Applicant’s concession only extends to ‘goods’ as opposed to services; nevertheless, I also agree that the competing services are identical, this is because the waterproofing of clothing is a sub-category of the Opponent’s service of “*treatment or processing of cloth*”, these competing services are therefore identical according to the *Meric* principle. Consequently, the goods and services I have specifically identified are identical. As for the remaining goods, I will proceed based on the Applicant’s concession that they are similar (at least to a low degree).

### **The average consumer and the nature of the purchasing process**

19. Trade mark questions, including the likelihood of confusion, must be viewed through the eyes of the average consumer of the goods and services in question. In *Iconix Luxembourg Holdings SARL v Dream Paris Europe Inc & Anor*, [2025] UKSC 25, the Supreme Court approved the comments of Arnold LJ in *Lidl Great Britain Ltd & Anor v Tesco Stores Ltd & Anor (Rev1)* [2024] EWCA Civ 262, at [15]-[20], where he pointed out the following in relation to the average consumer:

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<sup>4</sup> Opponent’s submissions in lieu at [10].

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

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

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

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

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

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

20. The average consumer of the goods at issue will be a member of the general public. The average consumer of the services will likely be either a member of the general public (requiring the waterproofing/ re-waterproofing of their garments) and/or another business.

21. The goods will typically be selected via retail stores, catalogues and their online equivalents; the services are likely to be provided by garment care specialists (such as a dry cleaners). In all instances, the consumer will be presented with an image of

the marks, and the selection process will therefore be predominantly visual. I do not rule out an aural element, particularly in relation to the services, since an in-person visit/ consultation is likely necessary to discuss the consumer's requirements, although even where the goods and services are selected orally, the consumer is still likely to have viewed the marks first before asking for them. Accordingly, visual considerations dominate.

22. The services are likely to be generally inexpensive, notwithstanding they are specialist; and although the goods will range in price from inexpensive to luxury high-end prices (this is true even in the case of jewellery, particularly where the jewellery is inexpensive costume jewellery that is not made of precious metals), for the most they are not particularly costly. In any event, when different levels of attention towards the marks are involved, the likelihood of confusion must be assessed based on the lower level of attention.

23. Given the nature of the goods and services, the purchasing process will not require an overly considered thought process, therefore the average consumer (whether they are members of the public or businesses) is likely to pay a medium degree of attention when selecting them, as they will nonetheless wish to ensure that the goods and services meet their needs and requirements.

### **Comparison of marks**

24. I have already set out the principles gleaned from established case law with regard to comparing competing marks. I also note that the Court of Justice of the European Union ("CJEU") stated in *Bimbo SA v OHIM*,<sup>5</sup> 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."

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<sup>5</sup> Case C-591/12P, at paragraph 34.

25. 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.

26. The marks being compared are shown below:

Earlier Mark	Contested mark
ONWARD	ONWARD

#### Overall impression

27. The earlier mark is a word-only mark. Since a word mark protects the word itself, the overall impression of the mark lies in the word ONWARD.

28. The contested mark is a figurative word mark applied for in black and white, consisting of two interlocking letter O's or circles, followed by the letter sequence NWARD in a standard font.

#### Visual comparison

29. As explained by the Appointed Person in *HERNO S.p.A. v Miss Sparrow Ltd*,<sup>6</sup> the form in which a word may be depicted on the Register is irrelevant, as a word mark is not limited to any specific script. It is therefore not legitimate to compare a word mark with a stylised word mark by reference to specific ways in which the word might be presented, since a word mark must be compared as the word itself, without reference to any particular presentation.

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<sup>6</sup> BL O/954/22, in particular, at [23], [28], [34] and [37].

30. Accordingly, although the letters in the contested mark are presented in a (minimal) stylised form, that stylisation does not constitute a point of distinction<sup>7</sup> from the earlier word mark as it appears on the Register.

31. Consequently, in terms of a visual comparison, the marks coincide in the same letter sequence NWARD. Whilst an interlocking O device is visually different from a single letter O, that difference is insufficient to dispel a finding that the competing marks are visually similar to a very high degree.

#### Aural comparison

32. The earlier mark is pronounced in the ordinary way.

33. Although the first part of the contested mark consists of an interlocking O device, the average consumer is likely to interpret it, in the context of the mark as a whole, as replacing the ordinary letter O. This is particularly so since it is followed by the letters NWARD. Since the average consumer has a tendency to see what they expect to see,<sup>8</sup> and are drawn to the parts of a mark that can be read,<sup>9</sup> they are likely to read the mark as the ordinary word ONWARD, and will therefore pronounce it as that ordinary word, rather than attributing a double-O sound at the beginning (where the double O is pronounced the same as in too and soon, for example). Therefore a significant proportion of the average consumer will pronounce the mark as ONWARD as opposed to OONWARD. Even if it were pronounced with a double O sound, I consider there would still be scope for mishearing it as the ordinary word ONWARD, since the difference in sound between a single letter O and a double letter O, when followed by the sequence NWARD, is not especially noticeable.

34. I therefore consider the marks will be aurally identical for a significant proportion of the average consumer and, for the remainder, very highly similar.

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<sup>7</sup> Ibid. at [34].

<sup>8</sup> *Kennedy Fried Chicken* (BL O/227/04 at [18])

<sup>9</sup> *Migros-Genossenschafts-Bund v EUIPO – Luigi Lavazza (CReMESPRESSO)*, Case T-189/16.

### Conceptual comparison

35. For a conceptual message to be relevant it must be capable of immediate grasp by the average consumer.<sup>10</sup> The Opponent submits that the competing marks are “*conceptually identical as they will both be understood by consumers as the common English word ONWARD, meaning ‘in a continuing forward direction’.*” I agree. Although the contested mark contains a device element, I do not consider that it conveys any concept capable of immediate grasp. The conceptual impression of that mark therefore lies in the ordinary meaning of the word ONWARD. Accordingly, the marks are conceptually identical.

### Distinctive character of the earlier trade mark

36. The degree of distinctiveness of the earlier mark is one of the factors that must be taken into account when assessing whether there is a likelihood of confusion. This is because the more distinctive the earlier mark, the greater the likelihood of confusion may be.<sup>11</sup>

37. Registered trade marks possess varying degrees of inherent distinctive character, ranging from low, because they are suggestive or allusive of a characteristic of the goods or services, to those with high inherent distinctive character, such as invented words which have no allusive qualities.

38. The Opponent makes no claim to enhanced distinctiveness through the use made of the earlier word mark, and has filed no evidence of use, therefore I only have the inherent distinctiveness of the mark to consider.

39. Whilst I do not consider the word ONWARD to have any descriptive or allusive qualities, it is nonetheless an ordinary English word which enjoys a medium degree of inherent distinctive character in respect of the goods and services for which it is registered.

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<sup>10</sup> This is highlighted in numerous judgments of the General Court and the CJEU including *Ruiz Picasso v OHIM* [2006] E.C.R. I-643; [2006] E.T.M.R. 29.

<sup>11</sup> *Sabel v Puma*.

## **Conclusions on Likelihood of Confusion**

40. In assessing the likelihood of confusion, I must adopt the global approach advocated by case law and take into account the fact that marks are rarely recalled perfectly, the consumer relying instead on the imperfect picture of them that they have kept in mind.<sup>12</sup> I must also consider the average consumer of the goods and services, the nature of the purchasing process and bear in mind that 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.<sup>13</sup>

41. Making an assessment as to the likelihood of confusion is a matter of considering the relevant factors from the viewpoint of the average consumer and determining whether they are likely to be confused. The global assessment is supposed to emulate what happens in the mind of the average consumer on encountering the later mark with an imperfect recollection of the earlier mark in mind. It is not a process of analysis or reasoning, but an impression or instinctive reaction.<sup>14</sup> The relative weight of the factors is not laid down by law but is a matter of judgement for the tribunal on the particular facts of each case.<sup>15</sup>

42. It is well established that direct confusion arises where the consumer mistakes one mark for the other; whereas indirect confusion arises where the consumer recognises that the marks are different, but because of their similarities, believes that the goods or services bearing the later mark come from the same undertaking, or from an economically linked undertaking.<sup>16</sup> For example, the consumer concludes that the later mark is another brand of the owner of the earlier mark because the marks share a common element.<sup>17</sup> Such instances may arise where, for example, the later mark

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<sup>12</sup> *Lloyd Schuhfabrik Meyer & Co. GmbH v. Klijsen Handel B.V.*, Case C-342/97, paragraph 27

<sup>13</sup> *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc.*, Case C-39/97, paragraph 17

<sup>14</sup> *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17, paragraph 81

<sup>15</sup> See paragraph 33 of the Appointed Person's decision in Case No. O/049/17, (*Rochester Trade Mark*).

<sup>16</sup> *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207, paragraph 10

<sup>17</sup> *L.A. Sugar Limited v By Back Beat Inc.*, Case BL-O/375/10, paragraphs 16-17 wherein Mr Iain Purvis QC, sitting as the Appointed Person, dealt with the distinction between direct and indirect confusion. In *Liverpool Gin Distillery* Arnold LJ approved Mr Purvis's formulation but added at [12] that it is a helpful explanation of the concept of indirect confusion, which has frequently been cited subsequently, but as Mr Purvis made clear it was not intended to be an exhaustive definition.

simply adds a non-distinctive element to the earlier mark of the kind one would expect to find in a sub-brand or brand extension.<sup>18</sup>

43. I summarise my findings as follows:

- (1) I am proceeding on the basis of the Applicant's concession, that the goods are similar (at least to a low degree). However, I do not overlook that the competing specifications also contain identical terms. The contested Class 40 services are likewise identical to the Opponent's.
- (2) The average consumer will predominantly select the goods and services visually, paying a medium degree of attention during the selection process.
- (3) The marks are visually similar to a very high degree. Aurally they are either identical or similar to a very high degree, although the finding of aural identity will apply to a significant proportion of the average consumer. Conceptually the marks are identical.
- (4) The earlier mark has a medium level of inherent distinctive character.

44. Taking all the above factors into consideration, and allowing for imperfect recollection, whilst bearing in mind the principle of interdependency, I find that a significant proportion of the average consumer will simply mistake one mark for the other and will therefore be directly confused as to the origin of the goods and services as a result, even where goods similar to a low degree are involved.

45. Where a proportion of the average consumer recognises the difference between the marks created by the interlocking O device, they are nonetheless likely to be indirectly confused. This is because they may perceive that slight difference as no more than an adaptation or variation of the ONWARD sign to incorporate a logo, attributable to marketing or promotional considerations, rather than as indicating that the goods and services come from different traders.

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<sup>18</sup> Ibid.

## **OUTCOME**

46. The opposition under section 5(2)(b) of the Act is successful. Subject to any appeal, the contested trade mark application, number 4125542, shall be refused registration.

## **COSTS**

47. The Opponent has been successful and is therefore entitled to an award of costs based on the contributory scale set out in Tribunal Practice Notice 1/2023. In the circumstances I award the Opponent the sum of £700, which is calculated as follows:

Official fee	£100
Preparing the Statement of Grounds and considering the Counterstatement	£250
Preparation of submissions in lieu of a hearing	£350
<b>TOTAL</b>	<b>£700</b>

48. I therefore order **tivogliobene Ltd** to pay **ONWARD HOLDINGS CO., LTD.** the sum of **£700**. This 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 20<sup>th</sup> day of May 2026**

**Daniela Ferrari**  
**For the Registrar**

## Annex 1

### Goods and services applied for

Class 3	Scents; Oils for perfumes and scents; Perfume; Fragrances; Cologne; Perfumery and fragrances; Perfumes; Colognes; Scented body lotions; Scented room sprays; Eau de cologne [cologne water]; Scented body creams; Aftershave balm; Aftershave; Household fragrances; Aftershave balms; Perfumed soaps; Perfumed creams; Aftershaves; Eau de Cologne; Eau de cologne; Skin fresheners; Perfumery.
Class 14	Jewelry; Jewellery; Brooches [jewellery]; Jewellery brooches; Necklaces [jewellery]; Pearls [jewellery, jewelry (Am.)]; Brooches [jewelry]; Jewelry brooches; Necklaces [jewellery, jewelry (Am.)]; Rings [jewellery, jewelry (Am.)]; Pendants [jewellery]; Medallions [jewellery, jewelry (Am.)]; Rings being jewellery; Charms [jewellery]; Charms for jewellery; Decorative brooches [jewellery]; Wristlets [jewellery]; Jewelry; Items of jewellery; Gold jewellery; Fashion jewellery; Necklaces [jewelry]; Shoe jewellery; Precious jewellery; Rings [jewelry]; Jewellery products; Diamond jewelry; Bracelets [jewelry]; Jewellery made from gold.
Class 18	Briefcases [leather goods]; Leather; Key cases [leather goods]; Leather and imitations of leather; Leather and imitation leather; Leather handbags; Saddlery of leather; Leather bags; Leather for shoes; Leather purses; Leather wallets; Leather suitcases; Handbags made of leather; Tanned leather; Leather boxes; Boxes of leather; Leather bags and wallets; Bags made of leather; Handbags made of imitations leather; Moleskin [imitation of leather]; Moleskin [imitation leather]; Leather luggage tags.
Class 21	Scent sprays [atomizers]; Perfume atomisers; Perfume sprayers.
Class 25	Clothing; Knitwear [clothing]; Jackets [clothing]; Ready-to-wear clothing; Woolen clothing; Furs [clothing]; Linen clothing; Headbands [clothing]; Headbands for clothing; Gloves [clothing]; Gloves as clothing; Jerseys [clothing]; Denims [clothing]; Shorts [clothing]; Cashmere clothing; Silk clothing; Leather clothing; Clothing of leather; Leather (Clothing of -); Collars [clothing]; Parts of clothing, footwear and headgear; Knitted clothing; Windproof clothing; Hoods [clothing]; Embroidered clothing; Belts for clothing; Belts [clothing]; Wristbands [clothing]; Rainproof clothing; Casual clothing; Waterproof clothing; Visors [clothing]; Jackets being sports clothing; Jackets (Stuff -) [clothing]; Stuff jackets [clothing]; Bottoms [clothing]; Clothing for leisure wear; Ready-made clothing; Trunks being clothing; Woven clothing; Drawers [clothing]; Drawers as clothing; Sports clothing; Clothing for sports; Ties [clothing]; Athletic clothing; Clothing for children; Muffs [clothing]; Bodies [clothing]; Clothing for babies; Tops [clothing]; Clothing for infants; Clothing for cycling; Weatherproof clothing; Fabric belts [clothing]; Pockets for clothing; Water-resistant clothing; Handwarmers [clothing]; Clothing for skiing; Beach clothing; Chaps (clothing); Men's clothing; Fishing clothing; Thermal clothing; Dance clothing; Leather garments; Clothing of imitations of leather; Leather (Clothing of imitations of -); Leather shoes; Clothing made of leather; Clothing made of imitation leather; Leather belts [clothing]; Leather slippers; Trousers of leather; Leather jackets; Leather coats.
Class 40	Waterproofing of clothing.

## Annex 2

### Opponent's goods and services relied on

Class 3	Antistatic preparations for household purposes; degreasing preparations for household purposes; rust removing preparations; stain removing benzine; fabric softeners for laundry use; laundry bleach; shoe cream; shoe polish; soaps and detergents; dentifrices; mouthwash; cosmetics; make-up powder; toilet water and skin lotion; cosmetic creams; cosmetic rouges; hair care preparations; shampoo; hair conditioner; hair treatment preparations; perfumes; incenses; fragrances; essential oils; false nails; false eyelashes.
Class 14	Precious metals; keyrings, trinkets, fobs; jewelry cases; personal ornaments (other than cufflinks) [jewelry]; earrings; tie clips; tie pins; necklaces; bracelets; pendants; rings [jewelry]; cufflinks; semi-wrought precious stones and their imitations; clocks and watches; parts and accessories of clocks and watches; watch bands and straps.
Class 18	Handbag frames; purse frames; industrial packaging containers of leather; clothing for domestic pets; backpacks; shoulder bags; handbags; leather shopping bags; tote bags; trunks and travelling bags; bags; pouches; purses; wallets; card cases of leather; unfitted vanity cases; parasols; umbrellas and their parts; fur.
Class 25	Clothing; non-Japanese style outer clothing; headgear for wear; caps being headwear; hats being headwear; suits; jackets [clothing]; coats; sweaters; pants; trousers; shirts; one-piece dresses; skirts; neckties; scarves; shawls; gloves and mittens for wear; sock suspenders; suspenders, braces; waistbands; belts for clothing; footwear; shoes and boots; slippers; sandals; masquerade costumes; clothing for sports; footwear for sports; anoraks; wristbands [clothing]; clothing for water sports; golf shoes.
Class 35	Retail services or wholesale services for woven fabrics and bed clothes; retail services or wholesale services for clothing, footwear and headgear; retail services or wholesale services for diapers; retail services or wholesale services for bags and pouches; retail services or wholesale services for personal articles; retail services or wholesale services for umbrellas, wallets, eyewear, sunglasses, watches; retail services or wholesale services for cosmetics, shaving lotions, shampoos for personal use, dentifrices, soaps for personal use and laundry detergents; retail services or wholesale services for printed matter; retail services or wholesale services for paper and stationery; retail services or wholesale services for sports goods; retail services or wholesale services for sporting articles (other than golf articles/climbing articles), golf clubs, golf bags, golf club covers, golf tees, golf balls, golf gloves, golf shoes and cases for golf shoes; retail services or wholesale services for toys, dolls, game machines and apparatus; retail services or wholesale services for clocks, watches and spectacles, eyeglasses and goggles.
Class 40	Treatment or processing of cloth, clothing or fur, including drying; custom tailoring; dressmaking; embroidering; metal treating; processing of cinematographic films; photographic enlarging; photographic printing; photographic film development; bookbinding; engraving of sealing stamps; printing.