

BL O/0640/23

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. UK00003743525

BY ROSEGOLD (THAILAND) COMPANY LIMITED

TO REGISTER THE TRADE MARK:



IN CLASSES 3 AND 5

AND

IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 434443

BY KYRIAN LEGHBALI

BACKGROUND AND PLEADINGS

1. On 14 January 2022, ROSEGOLD (THAILAND) COMPANY LIMITED (“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 1 April 2022. The applicant seeks registration for the following goods:

Class 3 Make-Up Powder; Lipsticks; Skin Whitening Creams; Cosmetics; Cosmetic Creams; Collagen preparations for cosmetic purposes; Make-Up; Skin care preparations; Mascara; Eyebrow Pencils; Lip Pencils; Eye Pencils; Cosmetic Pencils; Cosmetic preparations for skin care; Eyeshadow; Eye pencils; Pencils For Cosmetic Use; Eyeshadow; Extracts of flowers; Cream foundation; Foundation Make-Up; Rose oil; Foundations; Make-up base; Sun block [cosmetics]; Sunscreens; Serums for cosmetic purposes; Facial Masks [Cosmetic]; Perfume; Skin Care Preparations; Essences For Skin Care.

Class 5 Collagen for medical purposes; Food supplements for medical purposes; Dietary and nutritional supplements; Dietary supplemental drinks; Nutritional supplement meal replacement bars for boosting energy; Dietetic preparations adapted for medical use; Nutritional supplements; Moisturising creams [pharmaceutical]; Alcohol for pharmaceutical purposes; Medicinal alcohol.

2. The application was opposed by Kyrian LEGHBALI (“the opponent”) on 22 June 2022. The opposition is based upon section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The opponent relies upon the following trade mark:

ROSEGOLD Paris

Comparable UK trade mark (EU) registration no. UK00918217356

Filing date 27 March 2020; Registration date 14 July 2020.

Priority date 21 December 2019.

3. The opponent relies upon some of its class 3 goods for which its earlier mark is registered, as underlined in the Annex to this decision.

4. As shown above, the opposition is based upon the opponent's earlier comparable UK trade mark (EU),¹ claiming that there is a likelihood of confusion because the marks are highly similar, and the goods are identical or similar.

5. The applicant filed a counterstatement denying the claims made.

6. The opponent is represented by Brandsmiths S.L. Limited and the applicant is represented by Trademarkit LLP. Neither party requested a hearing, however, the opponent filed evidence in chief and submissions in lieu of a hearing. I make this decision having taken full account of all the papers, referring to them as necessary.

EVIDENCE

7. The opponent's evidence consists of the witness statement of Ms Mollie Lambert dated 15 November 2022. Ms Lambert is a paralegal at Brandsmiths, the representatives for the opponent. Ms Lambert's statement was accompanied by 2 exhibits (ML1-ML2).

8. I have taken all of the evidence and submissions into account in reaching this decision.

RELEVANCE OF EU LAW

9. Although the UK has left the EU, section 6(3)(a) of the European Union (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 Act relied on in

¹ Following the end of the transition period of the UK's withdrawal from the EU, all EU trade marks ("EUTM") registered before 1 January 2021 were recorded as comparable trade marks in the UK trade mark register (and as a consequence, have the same legal status as if they had been applied for and registered under UK law). A 'comparable trade mark (EU)' retains the same filing date, priority date (if applicable) and registration date of the EUTM from which it derives.

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.

DECISION

Section 5(2)(b)

10. Section 5(2)(b) reads 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.”

11. The earlier mark had not completed its registration process more than five years before the relevant date (the filing date of the mark in issue). Accordingly, the use provisions at s.6A of the Act do not apply. The opponent may rely on all of the goods it has identified without demonstrating that it has used the mark.

Section 5(2)(b) case law

12. The following 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 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

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

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

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

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

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

15. In *Gérard Meric v Office for Harmonisation in the Internal Market (OHIM)*, Case T-133/05, the General Court (“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 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.”

16. In *YouView TV Ltd v Total Ltd*, [2012] EWHC 3158 (Ch), Floyd J. (as he then was) stated that:

“... Trade mark registrations should not be allowed such a liberal interpretation that their limits become fuzzy and imprecise: see the observations of the CJEU in Case C-307/10 *The Chartered Institute of Patent Attorneys (Trademarks) (IP TRANSLATOR)* [2012] ETMR 42 at [47]-[49]. Nevertheless the principle should not be taken too far. Treat was decided the way it was because the ordinary and natural, or core, meaning of ‘dessert sauce’ did not include jam, or because the ordinary and natural description of jam was not ‘a dessert sauce’. Each

involved a straining of the relevant language, which is incorrect. Where words or phrases in their ordinary and natural meaning are apt to cover the category of goods in question, there is equally no justification for straining the language unnaturally so as to produce a narrow meaning which does not cover the goods in question.”

17. 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 OHIM*, Case T-325/06, 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 the responsibility for those goods lies with the same undertaking.”

Class 3

18. “Make-up powder”, “cosmetics”, “make-up”, “mascara”, “eyebrow pencils”, “eye pencils”, “eye pencils”, “skin whitening creams”, “extracts of flowers”, “rose oil”, “skin care preparations” and “essences for skin care” appears identically in both parties’ specifications.

19. “Cream foundation” in the applicant’s specification is self-evidently identical to “creamy foundation” in the opponent’s specification.

20. “Perfume” in the applicant’s specification is self-evidently identical to “perfumes” in the opponent’s specification.

21. “Sun block [cosmetics]” and “sunscreens” in the applicant’s specification is self-evidently identical to “sunblock” in the opponent’s specification.

22. “Lipsticks”, “cosmetic creams”, “collagen preparations for cosmetic purposes”, “lip pencils”, “cosmetic pencils”, “cosmetic preparations for skin care”, “eyeshadow”, “pencils for cosmetic use”, “eyeshadow”, “foundation make-up”, “foundations”, “make-

up base”, “serums for cosmetic purposes” and “facial masks [cosmetic]” in the applicant’s specification falls within the broader category of “cosmetics” in the opponent’s specification. I consider them identical on the principle outlined in *Meric*.

Class 5

23. I consider that the applicant’s “moisturising creams [pharmaceutical]” will overlap with the opponent’s “moisturising creams” in class 3. I consider that there is an overlap in nature, method of use, user, and to some extent purpose, as all of the goods are applied and used to moisturise the user’s skin. However, the applicant’s goods are used for medical purposes, such as for helping with dry and sensitive skin (including eczema). I do not consider that there would be an overlap in trade channels, as the opponent’s goods would be sold by cosmetic or skin care undertakings, whereas the applicant’s goods would be sold by pharmaceutical undertakings. I do not consider that the goods are complementary, but they may be, to some extent, in competition, as the user will look to choose one cream over the other. Therefore, taking the above into account, the goods are similar to a medium degree.

24. “Collagen for medical purposes”, “food supplements for medical purposes”, “dietary and nutritional supplements”, “dietary supplemental drinks”, “dietetic preparations adapted for medical use” and “nutritional supplements” in the applicant’s specification overlaps in purpose with a number of goods in the opponent’s specification, such as “skin care preparations”, “cosmetic preparations for skin care” and “cosmetics and cosmetic preparations”. There will be an overlap in users and purpose, as all of the above goods may be used by members of the general public who wish to improve the appearance and wellbeing of their skin. However, I recognise that some of the goods will be used for medical purposes, such as to help with acne, hyperpigmentation or eczema, and some of the goods will be used for non-medical purposes, such as to help with fine lines and wrinkles. I recognise that at **exhibit ML2**, I have been provided with multiple examples of shared trade channels; with the same undertaking selling both skin care as well as supplements. I note that the evidence is undated, however, I consider that this correlates with my own, and the average consumers, personal knowledge and experience, that the same undertaking can produce and sell skin care and supplements, because its focus is to improve the user’s

skin. I also consider that there will be a degree of complementarity between these goods. However, there is clearly no overlap in nature and method of use. I recognise that there may be a degree of competition to the extent that someone seeking to achieve a particular outcome or change to their skin may choose to purchase a supplement that promises to achieve that benefit, or a skin care product with the same purpose. However, to my mind, it is more likely that they would be used together rather than as an alternative. Overall, I consider the goods to be similar to between a low and medium degree.

25. I consider that the applicant's "nutritional supplement meal replacement bars for boosting energy" does not overlap with any of the opponent's class 3 goods, including its "skin care preparations" and "cosmetics and cosmetic preparations". This is on the basis that the applicant's goods state that they are specifically consumed to boost the users energy. The opponent's goods are used for improving the appearance of skin, and therefore, the goods clearly do not overlap in purpose. I haven't been provided with any evidence to support the notion that the same undertakings produce skin care goods as well as meal replacement bars for boosting energy. Therefore, they do not overlap in trade channels. The goods clearly do not overlap in nature or method of use, nor are they in competition or complementary. The goods may overlap in distribution channels, as general retail stores or supermarkets would sell all of the goods. However, they would not be sold within the same aisle, or near each other. Consequently, the goods are dissimilar.

26. I consider that the applicant's "alcohol for pharmaceutical purposes" and "medicinal alcohol" do not overlap with any of the opponent's class 3 goods. The applicant's goods would be used as an antiseptic or disinfectant which is applied to the users skin. The opponent's goods covers a range of cosmetic, skin care and essential oil goods which are used for cosmetic purposes, to beautify the user's face, and to care for the user's skin. The goods therefore do not overlap in nature, method of use or purpose. I also do not consider that there would be an overlap in trade channels, as the applicant's goods would be sold by medical or pharmaceutical undertakings, and the opponent's goods would be sold by cosmetic or skin care undertakings. The goods are neither in competition nor complementary. Even if there

was an overlap in user, this would not be enough on its own to establish similarity. Taking all of the above into account, the goods are dissimilar.

27. It is a prerequisite of section 5(2)(b) that the goods be identical or at least similar. The opposition will, therefore, fail in respect of the above goods that I have found to be dissimilar.²

28. The opposition under section 5(2)(b) fails for the following goods:

Class 5 Nutritional supplement meal replacement bars for boosting energy;
 Alcohol for pharmaceutical purposes; Medicinal alcohol.

The average consumer and the nature of the purchasing act

29. 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 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 words “average” denotes that the person is typical. The term “average” does not denote some form of numerical mean, mode or median.”

30. The average consumer for the goods will be members of the general public, however, I do not discount that it could also include a professional user such as a beautician. The cost of the goods in question is likely to vary, however, on balance it

² eSure Insurance v Direct Line Insurance, [2008] ETMR 77 CA

is likely to be relatively low. The goods will be purchased relatively frequently. The average consumer will take various factors into consideration such as the cost, quality, aesthetic, scent and the suitability for their specific needs. Therefore, the level of attention paid during the purchasing process will be medium.

31. The goods are likely to be obtained by self-selection from the shelves of a (beauty) retail outlet, or online equivalent. I also note that beauty care goods can be on display with tester products, for the user to test and use in store. Alternatively, the goods may be purchased following perusal of advertisements or inspection of a catalogue. Visual considerations are, therefore, likely to dominate the selection process. However, I do not discount that there may also be an aural component to the purchase through advice sought from a sales assistant or representative.

Comparison of the trade marks

32. 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 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.”

33. 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.

34. The respective trade marks are shown below:

Opponent's trade mark	Applicant's trade mark
ROSEGOLD Paris	

35. The opponent's mark consists of the words "ROSEGOLD Paris". I consider that, for the reasons I will come to discuss in the conceptual comparison, I consider that the word ROSEGOLD is the dominant element within the opponent's mark, and therefore will play a greater role in the overall impression, with the word Paris playing a lesser role.

36. The applicant's mark consists of an abstract rose device in a silver chrome colour, with the letter "R" in the middle of the petals. Below the rose device, is the word ROSEGOLD presented in a capitalised font, in the same silver chrome colour. The eye is naturally drawn to the element of the mark that can be read, and therefore, the rose device will play a lesser role in the overall impression of the mark.

37. Visually, the marks coincide in the word ROSEGOLD. This acts as a visual point of similarity. However, the opponent's mark ends with the word "Paris" and the applicant's mark contains the rose device, and is presented in a silver chrome colour. I note that registration of a word only mark covers use in any standard typeface, and registration of a mark in black and white covers use in any colour. I also bear in mind that the average consumer tends to pay more attention to the beginning of the marks.³ Consequently, I consider that the marks are visually similar to above a medium degree.

³ *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02

38. Aurally, the opponent's mark will be pronounced as RH-OSE-GOLD PA-RIS. The applicant's mark will be pronounced as RH-OSE-GOLD, with the silver chrome rose device not being articulated. Therefore, as they overlap in the pronunciation of "ROSEGOLD", the marks are aurally similar to between a medium and high degree.

39. Conceptually, both marks overlap in the meaning of ROSEGOLD which is a type of gold, combined with copper, to create its "rose" colour. I also note that the meaning of "rose" is reinforced by the rose device in the applicant's mark. The opponent's mark also contains the word "Paris" at the end of its mark, which will be understood by the average consumer as a geographical location.

40. The opponent submits that the use of the word "Paris" is also used by various beauty brands, as supported by **exhibit ML1**, which shows the following brands with the word "PARIS" in its name:

- NUXE PARIS
- CAUDALIE PARIS
- L'Oreal Paris
- Typology PARIS
- LANCÔME PARIS
- LÉONIA PARIS

41. These brands are all selling class 3 skincare goods such as cleansing foams, night serums and eye creams. Furthermore, I note that some of the web pages are clearly aimed at the UK (for example, lancome.co.uk). I also note that all of the screenshots are undated. However, I consider that this evidence correlates with my own personal knowledge and experience, that cosmetic brands use the word "PARIS" after the house-brand name, normally to convey where the goods are produced, or where the company is based. Furthermore, and in the context of cosmetic goods, the location of PARIS, or France, connotes to the average consumer that the goods are luxury, high-quality goods. On this basis, as the word "Paris" alludes to the quality of the goods, or to the location from which the products derive, it consequently plays a lesser role in the overall impression of the mark.

42. Regardless, as both marks share the concept of “ROSEGOLD”, the marks are conceptually similar to a medium degree.

Distinctive character of the earlier trade mark

43. 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 C108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-2779, 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 promotion of 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).”

44. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctiveness of a mark can be enhanced by virtue of the use that has been made of it.

45. As highlighted above, the opponent's mark is composed of the words "ROSEGOLD Paris". ROSEGOLD will convey the concept of gold, which is mixed with copper, to create its "rose" colour, and the "Paris" element will be recognised as a geographical location. In the context of the above goods, I consider that the average consumer will see the "Paris" element as denoting the location where the cosmetics are produced or where the company is based. I also consider that due to its luxury connotation for cosmetics, the word Paris could be indicative or allusive of the quality of the goods. However, the word ROSEGOLD is neither allusive nor descriptive of the goods. Therefore, taking the mark as a whole into account, I consider that it is inherently distinctive to a medium degree.

Likelihood of confusion

46. 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 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 vice versa. It is necessary for me to keep in mind the distinctive character of the earlier 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 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.

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

- I have found the marks to be visually similar to above a medium degree.

- I have found the marks to be aurally similar to between a medium and high degree.
- I have found the marks to be conceptually similar to a medium degree.
- I have found the opponent's mark to be inherently distinctive to a medium degree.
- I have identified the average consumer for the goods to be members of general public, and also professional users such as beauticians, who will select the goods primarily by visual means, although I do not discount an aural component.
- I have concluded that a medium degree of attention will be paid during the purchasing process.
- I have found the parties' goods to be identical or similar to between a low and medium degree.

48. Both marks consist of the dominant word ROSEGOLD. Therefore, bearing in mind the principle of imperfect recollection, I consider that the average consumer would overlook the word "Paris" at the end of the opponent's mark (which is both a geographical location, and alludes to the quality of the goods), and the abstract silver chrome rose device and stylisation in the applicant's mark, as they play lesser roles in the overall impression of the marks. Therefore, I consider there to be a likelihood of direct confusion, even where the goods are similar to between a low and medium degree.

49. It now falls to me to consider the likelihood of indirect confusion. Indirect confusion was described in the following terms by Iain Purvis Q.C. (as he then was), sitting as the Appointed Person, in *L.A. Sugar Limited v By Back Beat Inc*, Case BL-O/375/10:

"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.

50. 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 Appointed Person 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.

51. I consider that the shared common use of the dominant word ROSEGOLD in both marks will lead the average consumer to conclude that the marks originate from the same or economically linked undertakings. I consider that the average consumer will see the use of the word “Paris” in the opponent’s mark, or use or the abstract silver chrome rose device and stylisation in the applicant’s mark, as alternative marks being used by the same or economically linked undertakings, perhaps being an updated version of the same mark, and therefore indicative of re-branding. Consequently, I consider there to be a likelihood of indirect confusion, even where the goods are similar to between a low and medium degree.

CONCLUSION

52. The opposition is partially successful in respect of the following goods for which the application is refused:

Class 3 Make-Up Powder; Lipsticks; Skin Whitening Creams; Cosmetics; Cosmetic Creams; Collagen preparations for cosmetic purposes; Make-Up; Skin care preparations; Mascara; Eyebrow Pencils; Lip Pencils; Eye Pencils; Cosmetic Pencils; Cosmetic preparations for skin care;

Eyeshadow; Eye pencils; Pencils For Cosmetic Use; Eyeshadow; Extracts of flowers; Cream foundation; Foundation Make-Up; Rose oil; Foundations; Make-up base; Sun block [cosmetics]; Sunscreens; Serums for cosmetic purposes; Facial Masks [Cosmetic]; Perfume; Skin Care Preparations; Essences For Skin Care.

Class 5 Collagen for medical purposes; Food supplements for medical purposes; Dietary and nutritional supplements; Dietary supplemental drinks; Dietetic preparations adapted for medical use; Nutritional supplements; Moisturising creams [pharmaceutical].

53. The application can proceed to registration in respect of the following goods for which the opposition has been unsuccessful:

Class 5 Nutritional supplement meal replacement bars for boosting energy; Alcohol for pharmaceutical purposes; Medicinal alcohol.

COSTS

54. The opponent has enjoyed a greater degree of success in the opposition and is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 2/2016. I will make an appropriate reduction in the award of costs made to reflect the opponent's only partial success. In the circumstances, I award the opponent the sum of **£700** as a contribution towards the costs of the proceedings. The sum is calculated as follows:

Official Fee	£100
Filing a Notice of opposition and considering the applicant's counterstatement	£150
Preparing and filing evidence	£350

Filing written submissions £100⁴

Total £700

55. I therefore order ROSEGOLD (THAILAND) COMPANY LIMITED to pay Kyrian LEGHBALI the sum of £700. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

Dated this 5th day of July 2023

L FAYTER

For the Registrar

⁴ As the opponent's submissions were only filed as a short email, with minimal detail, I consider that £100 is the appropriate amount to award in these circumstances.

ANNEX

Class 3

Abrasives; Industrial abrasives; Flexible abrasives; Starch for abrasive purposes; Abrasive strips; Sandpaper pads for sharpening drawing pencils; Silicon carbide [abrasive]; Carbides of metal [abrasives]; Prepared wax for polishing; Spray polish; Furniture polish; Corundum [abrasive]; Granular corundum; Diamantine [abrasive]; Adhesive removers; Floor finish removers; Descaling preparations for household purposes; Abrasive sheets; Sanding gloves; Abrasive granules; Liquid floor polishes; Sandpaper; Sandpaper for sharpening drawing pencils; Polishing paper; Emery; Abrasive sanding sponges; Emery paper; Abrasive paper; Polishing stones; Smoothing stones; Polishing powders; Scouring powders; General purpose scouring powder; Abrasive preparations for polishing; Floor polish; Natural floor polishes; Grinding preparations; Rust removing preparations; Metal polishes; Wood treatment preparations for polishing; Abrasive preparations for vehicle care; Grinding preparations for semiconductors; Abrasive paste; Abrasive rolls; Abrasive sand; Sandcloth; Glass cloth [abrasive cloth]; Emery cloth; Tripoli stone for polishing; Tailors' and cobblers' wax; Shoemakers' wax; Tailors' wax; Cobblers' wax; Essential oils and aromatic extracts; Aromatics [essential oils]; Food flavourings [essential oils]; Food flavorings prepared from essential oils; Flavourings for beverages [essential oils]; Cake flavourings [essential oils]; Floral water; Fumigating incenses (Kunko); Badian essence; Mint essence [essential oil]; Ethereal essences; Flavour enhancers for food [essential oils]; Geraniol; Peppermint crude oil; Almond oil; Wintergreen oil; Jasmine oil; Lavender oil; Coconut oil for cosmetic purposes; Pine oil; Castor oil for cosmetic purposes; Rose oil; Tea-tree oil; Amla oil for cosmetic purposes; Aromatic oils; Helichrysum [essential oils]; Aromatherapy oil; Skin care oils [non-medicated]; Distilled oils for beauty care; Ethereal oils; Aromatic essential oils; Essential oils of sandalwood; Essential oils of lemon; Essential oils of cedarwood; Essential oils of citron; Natural essential oils; Essential oils for soothing the nerves; Essential oils for aromatherapy use; Essential oils for household use; Essential oils for use in manufacturing processes; Essential oils for use in the manufacture of scented products; Essential vegetable oils; Essential oils for industrial use; Essential oils for personal use; Emulsified essential oils; Ethereal essences and oils; Natural oils for cosmetic purposes; Non-medicated oils; Scented oils; Scented oils used to produce aromas when heated; Perfume oils for the manufacture of cosmetic preparations; Oils for

perfumes and scents; Blended essential oils; Perfumery, essential oils; Aromatherapy preparations; Safrol; Terpenes [essential oils]; Cleaning and fragancing preparations; Anti-smear agents for cleaning purposes; Caustic cleaning agents; Dishwasher rinsing agents; Drying agents for dishwashing machines; Stain removing agents; Cleaning agents for household purposes; Agents for removing wax; Canned pressurized air for cleaning and dusting purposes; Starch for cleaning purposes; Ammonia for cleaning purposes; Ammonia [volatile alkali] [detergent]; All-purpose cotton buds for personal use; Volcanic ash for cleaning; Cloths impregnated with polishing preparations for cleaning; Cloths impregnated with a detergent for cleaning camera lenses; Impregnated cloths for polishing; Non-slipping wax for floors; Polish for musical instruments; Wax for parquet floors; Polishing wax; Natural floor waxes; Polishes for guitars; Floor wax; Colorants for toilet purposes; Detergent compositions for cleaning golf clubs; Lavatory cleaning compositions; Cleaning compositions for spot removal; Window cleaning compositions; Geraniol fragancing compounds; Heliotropin fragancing compounds; Floor shining compositions; Paint removing compositions; Floor treatment compositions; Floor buffing compound; Buffing compounds; Cleaning chalk; Polishing creams; Scouring solutions; Floor wax removers [scouring preparations]; Destainers; Stain removing benzine; Stain removers; Air fragrance reed diffusers; Spirit gum remover; Solvents for removing paints; Solvents for removing varnishes; Time-release solid drain detergent; Detergents; Detergents, other than for use in manufacturing operations and for medical purposes; Washing-up detergent; Liquid dishwasher detergents; Detergents for household use; Toilet bowl detergents; Detergents for machine dishwashing; Dishwasher detergents in gel form; Synthetic detergents for clothes; Detergents prepared from petroleum; Household detergents; Javelle water; Household bleach; Scented linen water; Polish for furniture and flooring; Oil of turpentine for degreasing; Cleaning fluids; Geraniol for fragancing; Oils for cleaning purposes; Pine oils for cleaning floors; Natural oils for cleaning purposes; Sugar soap; Soda lye; Eyeglass wipes impregnated with a detergent; Pre-moistened towelettes impregnated with a detergent for cleaning; Wipes incorporating cleaning preparations; Wiping cloth impregnated with a cleaning preparation for cleaning eye glasses; Cleaning preparations impregnated into pads; Soap pads; Pre-moistened towelettes impregnated with dishwashing detergent; Non-slipping liquids for floors; Cleaning fluids for camera lenses; Scouring liquids; Washing liquids; Dishwashing liquid; Furbishing preparations; Foam detergents; Cleaning fluid for typewriter type;

Cleaners for litter trays; Chrome cleaners; Whitewall cleaners; Upholstery cleaners; Window cleaners [polish]; Cakes of soap for household cleaning purposes; Perfumes for cardboard; Perfumes for ceramics; Fragrances for automobiles; Dishwasher powder; Scrubbing powder; Bleaching preparations [decolorants] for household purposes; Carpet cleaning preparations; Preparations for stripping wax from floors; Bleaching preparations; Degreasing preparations with a solvent base; Washing preparations; Cleaning preparations for use on masonry; Drain cleaning preparations; Cleaning preparations in the form of foams; Drain and sink unblocking preparations; Preparations for unblocking drain pipes; Preparations for unblocking sinks; Grease-removing preparations; Preparations to make the leaves of plants shiny; Shining preparations for fruit; Windscreen cleaning preparations; Wax stripping preparations; Floor stripping preparations; Cleaning preparations for plant leaves; Kettle cleaner; Furniture cleaner; Fruit and vegetable wash; Mould removing preparations; Chemical cleaning preparations for household purposes; Antistatic preparations for household purposes; Bleaching preparations for household use; Degreasers, other than for use in manufacturing processes; Degreasing preparations for engines; Cleaning preparations; Litter tray cleaners incorporating a deodorizer; Cleaning preparations for animal cages; Cleaning agents for deep freezers; Cleaning agents for stone; Cleaning preparations for cleansing drains; Cleaning agents for metal; Cleaning preparations for use in livestock farming; Rinse aids; Pet stain removers; Cleaning and shining preparations for plant leaves; Floor cleaning preparations; Polishing preparations; Dewaxing preparations; De-greasing preparations for household purposes; Stain removing preparations for use on household goods; Lime removers; Spray cleaners for household use; Spray cleaners for use on textiles; Cleaning preparations for use on tiles; Oven cleaning preparations; Cleansers for household purposes; Toilet cleaners; Glass cleaning preparations; Window cleaners in spray form; Paint stripping preparations; Lacquer-removing preparations; Colour-removing preparations; Varnish-removing preparations; Shining preparations [polish]; Salt crystal removers; Wallpaper cleaning preparations; Chrome polish; Detergent strengtheners; Polishing rouge; Soaps for household use; Saddle soap; Soap powder; Liquid soap for dish washing; Impregnated paper tissues for cleaning dishware; Carpet shampoo; Cleaning solutions for dental ultrasonic sterilization apparatus; Eyeglass lens cleaning solutions; Degreasing solvents, other than for use in manufacturing processes; Emulsifying solvent cleaners; Alcoholic solvents being cleaning preparations; Scented

fabric refresher sprays; Graffiti removing substances; Scouring substances; Dishwasher tablets; Cloths impregnated with a detergent for cleaning; Turpentine for degreasing; Cleaning sprays; Degreasing sprays; Spray cleaners for freshening athletic mouth guards; Household fragrances; Scented wood; Joss sticks; Scented wax melts; Aromatherapy pillows comprising potpourri in fabric containers; Cushions impregnated with fragrant substances; Cushions impregnated with perfumed substances; Cushions filled with fragrant substances; Cushions filled with perfumed substances; Incense cones; Dhoop; Pet odor removers; Carpet freshening preparations; Incense; Incense spray; Extracts of flowers; Fragrance emitting wicks for room fragrance; Air fragrancing preparations; Room perfumes in spray form; Scented ceramic stones; Scented pine cones; Potpourris [fragrances]; Aromatics for household purposes; Sachets for perfuming linen; Room fragrancing preparations; Fragrance refills for non-electric room fragrance dispensers; Refills for electric room fragrance dispensers; Potpourri sachets for incorporating in aromatherapy pillows; Scented sachets; Fragrance sachets for eye pillows; Room scenting sprays; Scented linen sprays; Laundry preparations; Laundry additives for water softening; Laundry additives; Fabric brighteners; Washing conservation agents; Rinsing agents for laundry; Washing agents for textiles; Starch for laundry purposes; Starch glaze for laundry purposes; Natural starches for laundry purposes; Laundry sizing; Fabric softeners; Fabric softeners for laundry use; Laundry blueing; Laundry balls containing laundry detergent; Laundry wax; Washing soda, for cleaning; Biological laundry detergents; Commercial laundry detergents; Antistatic dryer sheets; Dry cleaning fluids; Seaweed gelatine for laundry use (funori); Essential oils as perfume for laundry purposes; Laundry liquids; Laundry detergents for household cleaning use; Quillaia bark for washing; Colour run prevention laundry sheets; Laundry soaking preparations; Fabric conditioning preparations; Colour-brightening chemicals for household purposes [laundry]; Laundry bleach; Laundry glaze; Dry-cleaning preparations; Rinsing aids for use when washing clothes; Washing preparations for household purposes; Smoothing preparations [starching]; Chemical laundry preparations; Laundry preparations for attracting dirt; Laundry preparations for attracting dyes; Cleaning preparations for fabrics; Bleaching preparations and other substances for laundry use; Substances for laundry use; Soap for brightening textile; Detergent soap; Liquid soap for laundry; Laundry soap; Bleaching salts; Bleaching soda; Antistatic sprays for clothing; Leather and shoe cleaning and polishing preparations; Shoe polish

applicators containing shoe polish; Leather dressings; Shoe sprays; Shoe polish and creams; Shoe polish; Boot wax; Shoe wax; Detergent compositions for cleaning shoes; Shoe cream; Preservative creams for leather; Creams for leather; Shoe cleaners [preparations]; Shoe black [shoe polish]; Leather polishes; Leather bleaching preparations; Leather preservatives [polishes]; Cleaning preparations for leather; Pastes for cleaning shoes; Vehicle cleaning preparations; Carnauba wax for automotive use; Car wax; Car wax with a paint sealant; Automobile wax; Detergents for automobiles; Windscreen cleaning liquids; Automobile polishes; Automobile cleaners; Car shampoos; Shampoos for vehicles; Vehicle tyre polish; Animal grooming preparations; Non-medicated mouth washes for pets; Bath preparations for animals; Cosmetics for animals; Deodorants for animals; Deodorants for pets; Skin care products for animals; Dental care preparations for animals; Breath fresheners for animals; Preparations and products for fur care; Shampoos for animals [non-medicated grooming preparations]; Shampoos for pets [non-medicated grooming preparations]; Conditioning sprays for animals; Toiletries; Adhesives for cosmetic purposes; Adhesives for affixing false hair; Seaweed for cosmetology; Balms, other than for medical purposes; Massage candles for cosmetic purposes; Cotton balls for cosmetic purposes; Mineral water sprays for cosmetic purposes; Cotton swabs for cosmetic purposes; Massage waxes; Spirit gum for cosmetic use; Hair piece bonding glue; Cosmetics; Non-medicated cosmetics; Cosmetics containing keratin; Cosmetics containing hyaluronic acid; Cosmetics containing panthenol; Colour cosmetics for children; Cosmetics and cosmetic preparations; Organic cosmetics; Cosmetic preparations for body care; Cosmetics in the form of oils; Chalk for cosmetic use; Cuticle cream; Massage creams, not medicated; Make-up pads of cotton wool; Bergamot oil; Paper hand towels impregnated with cosmetics; Lint for cosmetic purposes; Aloe vera gel for cosmetic purposes; Massage gels, other than for medical purposes; Greases for cosmetic purposes; Geraniol for cosmetic use; Henna [cosmetic dye]; Massage oils; Massage oils, not medicated; Oils for toilet purposes; Mineral oils [cosmetic]; Oils for cosmetic purposes; Lacquer for cosmetic purposes; Moist wipes impregnated with a cosmetic lotion; Tissues impregnated with cosmetics; Impregnated cloths for cosmetic use; Impregnated cleaning pads impregnated with cosmetics; Impregnated cleaning pads impregnated with toilet preparations; Massage oils and lotions; Perfumed lotions [toilet preparations]; Perfumed body lotions [toilet preparations]; Cosmetic kits; Ointments for cosmetic use; Cotton wool for cosmetic

purposes; Pumice stone; Pumice stones for use on the body; Foot smoothing stones; Piperonal for cosmetic use; Henna powders; Cleaner for cosmetic brushes; Non-medicated cosmetics and toiletry preparations; Natural cosmetics; Cosmetics for children; Cosmetics for personal use; Pedicure preparations; Abrasive preparations for use on the body; Emollient preparations [cosmetics]; Cosmetic preparations for use as aids to slimming; Cosmetic preparations for slimming purposes; Aloe vera preparations for cosmetic purposes; Non-medicated massage preparations; Sanitary preparations being toiletries; Facial preparations; Cuticle conditioners; Baby care products (Non-medicated -); Nasal cleaning preparations for personal sanitary purposes; Non-medicated toiletry preparations; Slimming aids [cosmetic], other than for medical use; Cuticle removers; Tissues impregnated with cosmetic lotions; Scalp treatments (Non-medicated -); Perfumery and fragrances; Amber [perfume]; Aromatics for fragrances; Aromatics for perfumes; Cedarwood perfumery; Bases for flower perfumes; Bay rums; Aromatherapy creams; Scented body lotions and creams; Perfumed creams; Body deodorants [perfumery]; Eau de Cologne; Lavender water; Eau de parfum; Toilet water containing snake oil; Scented water; Toilet water; Perfumed toilet waters; Extracts of flowers [perfumes]; Extracts of perfumes; Lavender oil for cosmetic use; Rose oil for cosmetic purposes; Heliotropine; Peppermint oil [perfumery]; Natural oils for perfumes; Ionone [perfumery]; Cologne impregnated disposable wipes; Perfumed tissues; Aromatherapy lotions; Mint for perfumery; Musk [natural]; Musk [perfumery]; Synthetic musk; Perfumes; Liquid perfumes; Solid perfumes; Perfumes for industrial purposes; Fragrances for personal use; Pomanders [aromatic substances]; Perfumery; Natural perfumery; Synthetic perfumery; Vanilla perfumery; Fragrances; Fumigation preparations [perfumes]; Body splash; Fragrance preparations; Scented body spray; Body sprays [non-medicated]; Synthetic vanillin [perfumery]; Oral hygiene preparations; Breath freshening sprays; Mouthwash; Mouthwashes, not for medical purposes; Teeth whitening strips; Teeth whitening strips impregnated with teeth whitening preparations [cosmetics]; Breath freshening strips; Solid toothpaste tablets; Disclosing tablets for personal use in indicating tartar on the teeth; Cosmetic preparations for the care of mouth and teeth; Tooth whitening creams; Swallowable toothpaste; Dentifrices; Non-medicated dentifrices; Dentifrices and mouthwashes; Liquid dentifrice; Non-medicated toothpaste; Tooth whitening pastes; Tooth gel; Dentifrices in the form of chewing gum; Dentifrice powder; Chewable dentifrices; Sets of cosmetic oral care products; Dental bleaching gels; Teeth cleaning

lotions; Toothpaste; Moistened tooth powder; Tooth powder; Tooth whitening preparations; Tooth care preparations; Tooth polish; Breath fresheners; Breath fresheners in the form of chew sticks made from birchwood extracts; Mouth [breath] fresheners, not for medical use; Tooth cleaning preparations; Chewable tooth cleaning preparations; Preparations for cleaning dentures; Denture polishes; Breath freshening preparations for personal hygiene; Toothpaste in soft cake form; Non-medicated mouth sprays; Mouth sprays, not for medical use; Throat sprays [non-medicated]; Non-medicated foot soaks; Lip neutralizers; Basma [cosmetic dye]; Facial butters; Body and facial butters; Body mist; Hydrolyzed collagen for cosmetic purposes; Functional cosmetics; Cosmetic preparations for bath and shower; Cosmetics for use on the skin; Body and facial creams [cosmetics]; Beauty balm creams; Fluid creams [cosmetics]; Washing creams; Recovery creams for cosmetic use; Baby suncreams; Micellar water; Soap free washing emulsions for the body; Paper hand towels impregnated with cleaning agents; Foot scrubs; Herbal extracts for cosmetic purposes; Shower and bath gel; Body washes; Body gels; Body and facial gels [cosmetics]; Hand gels; Henna for cosmetic purposes; Non-medicated shower oils; Body massage oils; Facial massage oils; Bath and shower oils [non-medicated]; Body and facial oils; Face oils; Beauty milk; Pre-moistened cosmetic wipes; Moist wipes for sanitary and cosmetic purposes; Tissues impregnated with essential oils, for cosmetic use; Tissues impregnated with make-up removing preparations; Impregnated tissues for cleaning [non-medicated, for use on the person]; Disposable wipes impregnated with cleansing compounds for use on the face; Feminine hygiene cleansing towelettes; Baby wipes impregnated with cleaning preparations; Sponges impregnated with toiletries; Beauty lotions; Cosmetic creams and lotions; Cleaning masks for the face; Face and body masks; Body cleansing foams; Shower and bath foam; Foams for use in the shower; Skin cleansing foams; Cotton wool in the form of wipes for cosmetic use; Glitter in spray form for use as a cosmetics; Body glitters; Gel eye patches for cosmetic purposes; Artificial pumice stone; Pumice stones for personal use; Creamy face powder; Hand powders; Collagen preparations for cosmetic application; Colouring preparations for cosmetic purposes; Cosmetic breast firming preparations; Collagen preparations for cosmetic purposes; Bath and shower preparations; Douching preparations for personal sanitary or deodorant purposes [toiletries]; Facial peel preparations for cosmetic use; Non-medicated body care preparations; Cleaning preparations for personal use; Procollagen for cosmetic purposes; Colour cosmetics

for the skin; Beauty care cosmetics; Cosmetic hair regrowth inhibiting preparations; Cosmetics in the form of creams; Cosmetics in the form of powders; Non-medicated beauty preparations; Make-up preparations; Hand washes; Washing preparations for personal use; Hair and body wash; Hand cleansers; Non-medicated douches; Shower preparations; Phytocosmetic preparations; Skin care preparations; Refill packs for cosmetics dispensers; Anti-aging serum for cosmetic use; Beauty serums; Serums for cosmetic purposes; Cosmetic dyes; Makeup setting sprays; Deodorants and antiperspirants; Non-medicated antiperspirants; Antiperspirants for personal use; Deodorants for human beings or for animals; Anti-perspirant deodorants; Deodorants for body care; Deodorants for the feet; Deodorants for human beings; Feminine deodorant sprays; Roll-on deodorants [toiletries]; Personal deodorants; Deodorants for personal use [perfumery]; Deodorants, for personal use in the form of sticks; Body sprays; Foot powder [non-medicated]; Anti-perspirants in the form of sprays; Antiperspirants [toiletries]; Deodorant soap; Make-up; Adhesives for false eyelashes, hair and nails; Eye concealers; Body art stickers; Make-up bases in the form of pastes; Lip glosses; Lip stains [cosmetics]; Facial concealer; Concealers; Concealers for spots and blemishes; Concealers for lines and wrinkles; Colour cosmetics; Decorative cosmetics; Cosmetic preparations for eyelashes; Lip cosmetics; Eyebrow cosmetics; Cosmetics in the form of gels; Cotton wool impregnated with make-up removing preparations; Chalk for make-up; Cosmetic pencils for cheeks; Make-up pencils; Eyeliner pencils; Blush pencils; Lip liners; Cosmetic pencils; Cosmetic eye pencils; Eyelid pencils; Eyebrow pencils; Eye pencils; Base cream; Fair complexion cream; Self tanning creams [cosmetic]; Suntan creams; Cold creams for cosmetic use; Camouflage cream; Sun creams; Cosmetic paste for application to the face to counteract glare; Creams for tanning the skin; Eye make up remover; Moist paper hand towels impregnated with a cosmetic lotion; Eyeliner; Liners [cosmetics] for the eyes; Liquid eyeliners; Cheek colors; Creamy rouge; Liquid rouge; Creamy rouges; Eyelid shadow; Eyebrow colors in the form of pencils and powders; Fake blood; Lipstick cases; Liquid foundation (mizu-oshiroi); Creamy foundation; Make up foundations; Liquid foundation; Skin foundation; Eyebrow gel; Make-up removing gels; Cuticle oil; Tanning milks [cosmetics]; Make-up removing milks; Liquid latex body paint for cosmetic purposes; Facial wipes impregnated with cosmetics; Self tanning lotions [cosmetic]; Make-up removing lotions; Eyelid doubling makeup; Multifunctional makeup; Theatrical makeup; Make-up for the face; Make-up for the face and body;

Make-up for compacts; Make-up kits; Greasepaint; Mascara; Eyebrow mascara; Long lash mascaras; Beauty masks; Decorative transfers for cosmetic purposes; Mousses [cosmetics]; Face glitter; Face and body glitter; Glitter for cosmetic purposes; Lip gloss palettes; Eyeshadow palettes; Face powder in the form of powder-coated paper; Body paint for cosmetic purposes; Face paint; Cosmetic white face powder; Pressed face powder; Loose face powder; Face powder (Non-medicated -); Make-up powder; Solid powder for compacts [cosmetics]; Eyebrow powder; Cosmetic face powders; Powder for make-up; Face powder; Powder compacts [cosmetics]; Compacts containing make-up; Self-tanning preparations [cosmetics]; Artificial tanning preparations; Under-eye enhancers; Lip coatings [cosmetic]; Cosmetics in the form of rouge; Cosmetics in the form of eye shadow; Sun bronzers; Make-up removing preparations; Colour cosmetics for the eyes; Skin make-up; Make-up preparations for the face and body; Eyes make-up; Powder compact refills [cosmetics]; Rouges; Lip rouge; Cosmetic rouges; Cover sticks; Temporary tattoos for cosmetic purposes; Eyebrow colors; Bath preparations; Baby bubble bath; Bath foam; Bubble bath; Bath foams (Non-medicated -); Non-medicated body soaks; Bath bombs; Bath creams (Non-medicated -); Bath gel; Foaming bath gels; Bath herbs; Aromatic oils for the bath; Bath oils for cosmetic purposes; Bath oil; Non-medicated bath oils; Bath milk; Foaming bath liquids; Bath lotions (Non-medicated -); Bath pearls; Bath pearls (Non-medicated -); Bath powders (Non-medicated -); Bath concentrates (Non-medicated -); Cosmetic preparations for baths; Bath preparations, not for medical purposes; Bath flakes; Bath soak for cosmetic use; Bath soap; Non-medicated bath salts; Scented bathing salts; Bath salts, not for medical purposes; Skin, eye and nail care preparations; Adhesives for affixing false eyebrows; Adhesives for affixing false eyelashes; Adhesives for affixing artificial fingernails; Nail whiteners; Astringents for cosmetic purposes; Nail art stickers; Skin cleaning and freshening sprays; Double eyelid tapes; Nail primer [cosmetics]; Nail polish base coat; Nail base coat [cosmetics]; Cleansing balm; Blemish balm creams; Baby bottom balm; Lip balms [non-medicated]; Salves [non-medicated]; Skin balms (Non-medicated -); Foot balms (Non-medicated -); Cocoa butter for cosmetic purposes; Hand and body butter; Whiting; Cosmetic body mud; Eyelashes; False eyelashes; Cold cream; Glue for strengthening nails; Skin lightening compositions [cosmetic]; Compounds for skin care after exposure to the sun's rays; Eye compresses for cosmetic purposes; Moisturising concentrates [cosmetic]; Cosmetics for use in the treatment of wrinkled skin; Nail cosmetics; Cosmetics in the form of milks; Cosmetics

in the form of lotions; Fingernail overlay material; Retinol cream for cosmetic purposes; Microdermabrasion polish; Night cream; Skin cleansing cream; Non-medicated diaper rash cream; Skin whitening creams; Body butter; Lip cream; Nail cream; Body soufflé; Anti-aging creams; Creams for cellulite reduction; Anti-wrinkle cream; Horse oil cream for skin care; Aftershave creams; Non-medicated creams; Anti-freckle creams; Cosmetic nourishing creams; Cosmetic hand creams; Cosmetic creams for dry skin; Nappy cream [non-medicated]; Day creams; Night creams [cosmetics]; Skin care creams [cosmetic]; Skin care creams, other than for medical use; Dermatological creams [other than medicated]; Make-up removing creams; Exfoliant creams; Moisturising creams; Aftershave moisturising cream; Moisturising skin creams [cosmetic]; Hydrating creams for cosmetic use; Cleansing creams; Non-medicated cleansing creams; Skin cleansing cream [non-medicated]; Sunscreen cream; Moisturising creams, lotions and gels; Barrier creams; Non-medicated scalp treatment cream; Babies' creams [non-medicated]; Nutritional creams (Non-medicated -); Scented body creams; Skin lightening creams; Skin cream; Non-medicated skin creams; Age spot reducing creams; Creams (Non-medicated -) for the eyes; Body cream; Body mask cream; Creams (Non-medicated -) for the body; Face cream (Non-medicated -); Face and body creams; Face creams for cosmetic use; Hand creams; Non-medicated foot cream; Eye cream; Fair complexion creams; Cosmetic creams for firming skin around eyes; Creams for firming the skin; Toning creams [cosmetic]; Skin conditioning creams for cosmetic purposes; Nail polish remover pens; Nail varnish removers; Nail varnish remover [cosmetics]; Nail strengtheners; Essences for skin care; Exfoliants; Cosmetic body scrubs; Body scrub; Exfoliants for the cleansing of the skin; Exfoliants for the care of the skin; Exfoliating scrubs for the face; Face scrubs (Non-medicated -); Artificial fingernails of precious metal; Artificial nails for cosmetic purposes; Sun protecting creams [cosmetics]; Sunscreen; SPF sun block sprays; Sunscreen sticks; Sunblock; Emollients; Skin emollients; Skin emollients [non-medicated]; Smoothing emulsions for the skin; Body emulsions; Facial emulsions; False toenails; Eyebrows [false]; Self-adhesive false eyebrows; Sparkling fluid for the body; Age retardant gel; Sun-tanning gels; Nail gel; Cosmetic eye gels; Moisturising gels [cosmetic]; Cleansing gels; Face gels; Eye gels; Petroleum jelly for cosmetic purposes; Facial cleansing grains; Citronella oil for cosmetic use; Rosemary oil for cosmetic use; Eucalyptus oil for cosmetic use; Body oil spray; After-sun oils [cosmetics]; Body oils [for cosmetic use]; Sun-tanning oils; Suntan oils for cosmetic

purposes; Sun blocking oils [cosmetics]; Skin care oils [cosmetic]; Essential oils for use in air fresheners; Essential oils for the care of the skin; Cleansing oil; Perfumed oils for skin care; Baby oils; Oils for moisturising the skin after sunbathing; Cosmetic oils for the epidermis; Hand oils (Non-medicated -); Anti-aging moisturizers; Skin moisturisers; Almond milk for cosmetic purposes; Facial cleansing milk; After sun creams; Aftershave milk; Baby body milks; Sun tan milk; Cleansing milk for toilet purposes; Moisturizing milk; Cleansing milks for skin care; Body milks; Milky lotions for skin care; Hand milks; Wipes impregnated with a skin cleanser; Baby wipes; Age retardant lotion; Day lotion; Skin cleansing lotion; Toning lotion, for the face, body and hands; Toning spritz; Tonics [cosmetic]; Eye wrinkle lotions; Sunscreen lotions; After-sun lotions; Sun tan lotion; Body lotions; Moisturising body lotion [cosmetic]; Cosmetic suntan lotions; Lotions for strengthening the nails; Lotions for cellulite reduction; Suntan lotion [cosmetics]; Suncare lotions; Shaving lotion; Skin care lotions [cosmetic]; Sun-tanning creams and lotions; Moisturising skin lotions [cosmetic]; Cleansing lotions; Non-medicated foot lotions; Non-medicated skin clarifying lotions; Lotions for cosmetic purposes; Baby lotions; Skin lotion; Bath lotion; Scented body lotions; Lotions for face and body care; Cosmetic facial lotions; Hand lotions; Hand lotion (Non-medicated -); Eye lotions; Skin fresheners; Non-medicated stimulating lotions for the skin; Skin toners; Facial toners [cosmetic]; Face packs; Hand masks for skin care; Foot masks for skin care; Cosmetic mud masks; Gel eye masks; Clay skin masks; Facial scrubs [cosmetic]; Hydrating masks; Skin moisturizer masks; Cleansing masks; Skin masks [cosmetics]; Body masks; Body mask lotion; Body mask powder; Facial masks; Pores tightening mask packs used as cosmetics; Fingernail sculpturing overlays; Cleansing mousse; Cosmetic foams containing sunscreens; Skin care mousse; Cleansing foam; Facial cleansers [cosmetic]; Cleansers for intimate personal hygiene purposes, non medicated; Skin cleansers [non-medicated]; Facial washes [cosmetic]; False nails; Nail glitter; Abrasive paper for use on the fingernails; Abrasive emery paper for use on fingernails; Patches containing sun screen and sun block for use on the skin; Alum stones [astringents]; Shaving stones [astringents]; Fingernail tips; Nail tips [cosmetics]; Powder for forming sculpted finger nail tips; Nail polishing powder; Face-powder on paper; Toilet powders; Perfumed powder [for cosmetic use]; Body powder; Body powder (Non-medicated -); After-sun preparations for cosmetic use; Wrinkle-minimizing cosmetic preparations for topical facial use; Cosmetic preparations for dry skin during pregnancy; Cosmetic sun-protecting preparations;

Cosmetic preparations for skin renewal; Sun-tanning preparations [cosmetics];
Cosmetic preparations for skin firming; Cosmetic preparations for nail drying;
Cosmetics for protecting the skin from sunburn; Sunscreen preparations; Sun care
preparations; Sun care preparations for cosmetic use; Anti-aging skincare
preparations; Facial care preparations; Cosmetic nail care preparations; Moisturising
preparations; Non-medicated lip care preparations; Skin softening preparations; Skin
whitening preparations [cosmetic]; Wrinkle removing skin care preparations; Lip
protectors [cosmetic]; Facial moisturisers [cosmetic]; Cosmetic skin enhancers;
Cosmetic products for the shower; Cosmetic preparations for skin care; Cosmetics for
the treatment of dry skin; Cosmetic products in the form of aerosols for skincare;
Beauty tonics for application to the body; Beauty tonics for application to the face; Lip
protectors (Non-medicated -); Nail hardeners [cosmetics]; Exfoliating scrubs for the
body; Exfoliating scrubs for cosmetic purposes; After sun moisturisers; Non-medicated
moisturisers; Body moisturisers; Cosmetic moisturisers; Acne cleansers, cosmetic;
Skin whitening preparations; Eye-washes, not for medical purposes; Preparations for
reinforcing the nails; Gel nail removers; Nail repair preparations; Skin lighteners; Skin
cleansers; Skin cleansers [cosmetic]; Cleansing products for the eyes; Eye care
products, non-medicated; Non-medicated face care preparations; Nail care
preparations; Foot care preparations (Non-medicated -); Lip coatings (Non-medicated
-); Skin texturizers; Skin conditioners; Non medicated skin toners; Lip conditioners;
Sun protectors for lips; Waterproof sunscreen; Cuticle softeners; Refill packs for skin
care cream dispensers; Refill packs for body cleansing product dispensers; Nail
conditioners; Shower salts not for medical purposes; Moisturizers; Anti-aging
moisturizers used as cosmetics; Anti-ageing serum; Facial serum for cosmetic use;
Non-medicated skin serums; Skin polishing rice bran (arai-nuka); Topical skin sprays
for cosmetic purposes; Sun blocking lipsticks [cosmetics]; Nail polish pens; Abrasive
boards for use on fingernails; Body talcum powder; Baby powder; Talcum powder
(Non-medicated -) for babies; Talcum powder, for toilet use; Eyelash dye; Toners for
cosmetic use; Nail polish top coat; Nail varnish; Nail varnish for cosmetic purposes;
Hair preparations and treatments; Hair neutralizers; Hair texturizers; Hair dressings
for men; Hair conditioners; Hair moisturising conditioners; Hair conditioners for babies;
Conditioners in the form of sprays for the scalp; Hair conditioner bars; Conditioning
balsam; Hair balsam; Hair balm; Beard balm; Brilliantine; Hair glaze; Hair wax;
Moustache wax; Hair styling waxes; Cosmetic preparations for the hair and scalp;

Cosmetics for the use on the hair; Hair chalks; Hair care creams; Conditioning creams; Creams for fixing hair; Hair creams; Hair protection creams; Bleaching preparations [decolorants] for cosmetic purposes; Detanglers; Hydrogen peroxide for use on the hair; Hair fixers; Hair gel; Styling gels; Hair protection gels; Gel sprays being styling aids; Gels for fixing hair; Hair fixing oil; Japanese hair fixing oil (bintsuke-abura); Oil baths for hair care; Combing oil; Beard oil; Oils for hair conditioning; Hair permanent wave kit; Hair spray; Hair lotions; Cosmetic hair lotions; Styling lotions; Colouring lotions for the hair; Hair care lotions; Wave-set lotions; Lotions for beards; Hair emollients; Permanent waving lotions; Hair protection lotions; Hair tonic [non-medicated]; Hair strengthening treatment lotions; Hair mascara; Hair masks; Hairstyling masks; Hair care masks; Hair protection mousse; Hair mousse; Styling mousse; Mousses [toiletries] for use in styling the hair; Neutralizers for permanent waving; Hair permanent treatments; Hydrogen peroxide for cosmetic purposes; Hair pomades; Stick pomade; Pomades for cosmetic purposes; Hair powder; Hair dyeing preparations; Preparations for protecting the hair from the sun; Hair care preparations, not for medical purposes; Hair grooming preparations; Hair treatment preparations; Styling paste for hair; Mousses being hair styling aids; Cosmetic hair dressing preparations; Beauty preparations for the hair; Hair rinses [shampoo-conditioners]; Hair rinses [for cosmetic use]; Hair colour removers; Hair moisturisers; Hair liquids; Neutralizing hair preparations; Non-medicated hair treatment preparations for cosmetic purposes; Hair nourishers; Tints for the hair; Products for protecting coloured hair; Beard care preparations; Hair lighteners; Non-medicated preparations for the relief of sunburn; Hair frosts; Hair waving preparations; Preparations for protecting coloured hair; Preparations for setting hair; Hair straightening preparations; Permanent waving and curling preparations; Hair bleaching preparations; Refill packs for shampoo dispensers; Refill packs for hair fixer dispensers; Shampoos; Non-medicated hair shampoos; Emollient shampoos; Dandruff shampoo; Dandruff shampoos, not for medical purposes; Non-medicated shampoos; Shampoo bars; Hair-washing powder; Baby shampoo mousse; Baby shampoo; Shampoos for human hair; Dry shampoos; Shampoos for personal use; Cold waving solutions; Hairstyling serums; Hair care serums; Hair serums; Hair dyes; Beard dyes; Hair tonic; Hair preservation treatments for cosmetic use; Hair desiccating treatments for cosmetic use; Wax treatments for the hair; Hair removal and shaving preparations; Wax strips for removing body hair; Aftershave balms; Shaving balm; Depilatory wax; Pre-shave

creams; Depilatory creams; Shaving cream; Depilatory preparations; Shaving sets, comprised of shaving cream and aftershave; After-shave gel; Shaving gel; Shaving oils; After-shave lotions; Pre-shaving lotions; Depilatory lotions; Shaving foam; Pastes for razor strops; After-shave emulsions; Shaving stones; Pre-shaving preparations; Shaving preparations; Shaving preparations in liquid form; Shaving soap; Shaving sprays; Shaving sticks [preparations]; Soaps and gels; Cleaning agents for the hands; Vaginal washes for personal sanitary or deodorant purposes; Body cream soap; Shower creams; Soap sheets; Paper soaps for personal uses; Bath and shower gels, not for medical purposes; Shower gels; Soaps in gel form; Gels for cosmetic use; Exfoliating scrubs for the hands; Exfoliating scrubs for the feet; Soap products; Refill packs for shower gel dispensers; Refill packs for hand soap dispensers; Almond soap; Beauty soap; Industrial soap; Cakes of toilet soap; Cakes of soap for body washing; Soap; Aloe soap; Sponges impregnated with soaps; Carbolic soaps; Non-medicated soaps; Antiperspirant soap; Soap for foot perspiration; Cosmetic soaps; Creams (Soap -) for use in washing; Loofah soaps; Toilet soap; Non-medicated toilet soaps; Cream soaps; Handmade soap; Soaps in liquid form; Liquid soap used in foot bath; Liquid bath soaps; Liquid soaps for hands and face; Scented soaps; Shower soap; Skin soap; Facial soaps; Hand soaps; Soaps for body care; Waterless soap; Granulated soaps; Soaps for personal use; Body shampoos; Soap solutions.