

O/0645/26

TRADE MARKS ACT 1994

IN THE MATTER OF REGISTRATION NO. UK00003893918

IN THE NAME OF SALES DIRECT LIMITED

TO REGISTER THE FOLLOWING TRADE MARK:



IN CLASSES 10, 17, 20 AND 24

AND AN APPLICATION FOR A DECLARATION OF INVALIDITY

UNDER NO. 507808

BY KAZIM MOHAMMAD HUSSAIN

BACKGROUND AND PLEADINGS

1. The trade mark shown on the cover page of this decision (“the contested mark”) is registered in the name of Sales Direct Limited (“the proprietor”). The contested mark was filed on 27 March 2023 and registered on 7 July 2023. It stands registered for the following goods:

Class 10 Childbirth mattresses; Mattresses (Childbirth -).

Class 17 Polyurethane foam in blocks; Low-density polyurethane foam for insulation.

Class 20 Bed mattresses; Foam mattresses; Beds, bedding, mattresses, pillows and cushions; Mattress pads; Cushions [furniture]; Bed chairs; Cushions; Sofa beds; Chair beds; Chair cushions; Chairs; Upholstered furniture; Upholstered convertible furniture; Cushions (upholstery); Cushions (Pet -); Sofas; Memory foam pillows; Seat cushions.

Class 24 Upholstery fabrics; Materials for upholstery; Upholstery materials.

2. On 13 September 2024, Kazim Mohammad Hussain (“the applicant”) applied for a declaration of invalidity in respect of the contested mark based upon sections 5(2)(b), 5(3), 5(4)(a) and 3(6) of the Trade Marks Act 1994 (“the Act”). Those sections are given effect in invalidation proceedings by virtue of section 47 of the Act. Under sections 5(2)(b) and 5(3) of the Act, the applicant relies upon the following trade marks:

DURAFOAM

UKTM no. 3278770

Filing date: 21 December 2017

Registration date: 30 March 2018

(“the First Earlier Mark”)

DURAFOAM

UKTM no. 3473624

Filing date: 9 March 2020

Registration date: 9 August 2020

("the Second Earlier Mark")

(together "the earlier marks")

3. The applicant relies upon all goods and services for which its marks are registered, as set out in the Annex to this decision.

4. Under section 5(2)(b) of the Act, the applicant claims that the marks are similar, and the goods and services are similar, with the result that there is a likelihood of confusion.

5. Under section 5(3) of the Act, the applicant claims that it has a reputation for all of the goods and services shown in the Annex to this decision and that use of the contested mark, without due cause, would take unfair advantage of, and/or be detrimental to, the distinctive character and/or repute of the earlier marks.

6. Under section 5(4)(a) of the Act, the applicant relies upon the sign DURAFOAM which it claims to have used throughout the UK since 21 December 2017 in relation to:

"All (Upholstery goods and services in the Cancellation Applicant's previously registered trademark i.e. DURAFOAM. List of earlier goods and services is as follows:

Bed mattresses; Foam mattresses; Beds, bedding, mattresses, pillows and cushions; Mattress pads; Cushions [furniture]; Bed chairs; Cushions; Sofa beds; Chair beds; Chair cushions; Chairs; Upholstered furniture; Upholstered convertible furniture; Cushions (Upholstery); Cushions (Pet-); Sofas; Memory foam pillows; Seat cushions.

Upholstery fabrics; Materials for upholstery; Upholstery materials. Polyurethane foam in blocks; Low-density polyurethane foam for insulation. Childbirth mattresses; Mattresses (Childbirth -)."

The applicant claims that use of the contested mark would be contrary to the law of passing off.

7. Under section 3(6) of the Act, the applicant states that it's DURAFOAM business pre-dates the contested mark and is well known in the upholstery industry. It is claimed that the contested mark "closely resembles" the earlier mark, suggesting a deliberate attempt to exploit the reputation and goodwill of the applicant's brand. It is stated that the proprietor had prior knowledge of the applicant's business and had issued Amazon policy violation warnings, which allegedly shows an intention to harm the applicant's business. It is also claimed that the contested mark has diluted the distinctiveness of the applicant's brand, causing it damage. As such, it is claimed that the contested mark was filed in bad faith.

8. The proprietor filed a counterstatement denying the claims made.

9. Neither party requested a hearing, and only the applicant filed written submissions in lieu. This decision is taken following a careful consideration of the papers on file.

REPRESENTATION

10. The proprietor is unrepresented.

11. The applicant is represented by Lincoln Solicitors.

EVIDENCE AND SUBMISSIONS

12. The applicant filed evidence in chief in the form of his own witness statement dated 19 February 2025, which is accompanied by 3 exhibits (Exhibits KH01 to KH03).

13. The proprietor filed evidence in the form of the witness statement of Kausar Tasnim Juhi which is dated 4 June 2025. Mr Juhi is the director of the proprietor. This statement contains some evidence regarding the proprietor's motives in filing the contested mark, but also submissions regarding the merits of the case.

14. The applicant filed written submissions in lieu dated 25 July 2025.

RELEVANCE OF EU LAW

15. 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.

DECISION

16. As noted above, sections 5(2), 5(3), 5(4) and 3(6) have application in invalidation proceedings by virtue of section 47 of the Act, which states:

“(1) The registration of a trade mark may be declared invalid on the ground that the trade mark was registered in breach of section 3 or any of the provisions referred to in that section (absolute grounds for refusal of registration). Where the trade mark was registered in breach of subsection (1)(b), (c) or (d) of that section, it shall not be declared invalid if, in consequence of the use which has been made of it, it has after registration acquired a distinctive character in relation to the goods or services for which it is registered.

(2) Subject to subsections (2A) and (2G), the registration of a trade mark may be declared invalid on the ground-

(a) that there is an earlier trade mark in relation to which the conditions set out in section 5(1), (2) or (3) obtain, or

(b) that there is an earlier right in relation to which the condition set out in section 5(4) is satisfied,

unless the proprietor of that earlier trade mark or other earlier right has consented to the registration.

[...]

(5) Where the grounds of invalidity exist in respect of only some of the goods or services for which the trade mark is registered, the trade mark shall be declared invalid as regards those goods or services only.

[...]

(6) Where the registration of a trade mark is declared invalid to any extent, the registration shall to that extent be deemed never to have been made.

Provided that this shall not affect transactions past and closed.”

Pleadings

17. In his evidence, the applicant has raised a section 3(1)(b) objection for the first time. For the avoidance of doubt, that ground was not pleaded and it is not now open to the applicant to raise it. However, even if that ground had been pleaded it would have failed. This is because the wording “BY SALES DIRECT” in the contested mark is plainly not devoid of distinctive character and, therefore, confers the contested mark with sufficient distinctiveness to be registrable. Any claim under section 3(1)(b) of the Act would, therefore, have failed for being entirely without merit.

Section 5(2)(b)

18. Section 5(2)(b) of the Act 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.”

19. Given their earlier filing dates, the trade marks upon which the applicant relies qualify as earlier trade marks pursuant to section 6 of the Act. As neither had completed their registration process more than 5 years prior to the filing date of the contested mark, they are not subject to the use provisions in section 6 of the Act. Consequently, whilst the proprietor requested proof of use, there is no requirement on the applicant to evidence its use of the marks for the purposes of this ground. It can, therefore, rely upon all of the goods and services identified.

20. The following standard summary of the principles applicable to the assessment of the likelihood of confusion was approved by the Supreme Court in *Iconix Luxembourg Holdings SARL v Dream Pairs Europe Inc & Anor*, [2025] UKSC 25:

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

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

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

(d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing

in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;

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

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

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

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

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

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

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

Comparison of goods and services

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

“29. In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 *Institut for 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.”

22. The specifications of both the contested mark and the First Earlier Mark include the terms “mattresses” and “beds”.

23. The specification of the Second Earlier Mark includes the term “flexible polyurethane foam”, which is broad enough to encompass the term “polyurethane foam in blocks” in the specification of the contested mark. These goods are identical on the principle outlined in *Meric*.

24. As these goods are plainly identical, and identical goods represent the applicant’s best case, I will proceed on the basis of identical goods.

The average consumer and the nature of the purchasing act

25. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purposes of assessing the likelihood of confusion, it must be borne in mind that the average consumer’s level of attention is likely to vary according to the category of goods and services in question: *Lloyd Schuhfabrik Meyer*, Case C-342/97.

26. In *Iconix*, the Supreme Court approved the comments of Arnold LJ in *Lidl Great Britain Ltd & Anor v Tesco Stores Ltd & Anor (Rev1)* [2024] EWCA Civ 262, where he pointed out that:

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

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

(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.

27. The average consumer for the goods will include both members of the general public and professional users within the bedding/upholstery industry. They are likely to take account of factors such as size, comfort and aesthetics when considering the class 20 goods, and factors such as quality, reputation of supplier and suitability for the class 17 goods. The average consumer is likely to pay at least a medium degree

of attention, although it may be slightly higher where the goods are high cost or used as part of the consumer's business.

28. The goods are likely to be purchased following perusal of signage at physical premises, in advertisements or on websites. Consequently, I find that visual considerations will dominate the purchasing process. However, I do not discount an aural component to the purchase given that advice may be sought from retail assistants and word-of-mouth recommendations may play a part.

Comparison of trade marks

29. It is clear from *Sabel* 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 impression 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.”

30. 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.

31. The respective trade marks are shown below:

The earlier marks	The contested mark
DURAFOAM	

32. The earlier marks consist of the word DURAFOAM. The overall impression lies in the word itself. The contested mark consists of the words UPHOLSTERY FOAM SHEET in blue title case font, above the words BY SALES DIRECT which appear in an upper case, smaller blue font. There is a blue and black diamond shape device to the left of the words and two lines appear either side of the words BY SALES DIRECT. In my view, the overall impression of the mark lies in the combination of these elements. However, the words BY SALES DIRECT are the most distinctive element, due to the descriptive nature of the words UPHOLSTERY FOAM SHEET and the fact that the device is simply a geometric shape with minimal stylisation.

33. Visually, the only point of overlap between the marks is the word FOAM, which appears at the end of the earlier marks (which are word-only) and in the middle of the first text element of the contested mark. My primary finding is that the marks are visually dissimilar. However, if there is any visual similarity arising from the common use of the word FOAM it is at a very low degree in the context of the marks as a whole.

34. Aurally, again, the only point of overlap between the marks is the articulation of the word FOAM. That word is subsumed within the marks themselves, which have various other syllables (which bear no resemblance to each other). In my view, the marks are aurally dissimilar. However, if I am wrong in that finding, then any similarity is at a very low degree.

35. Conceptually, the earlier marks appear to be a portmanteau of the words DURABLE and FOAM and are likely to be understood as such by the average consumer. The contested mark will be understood as a descriptive element (UPHOLSTERY FOAM SHEETS) and the name of the company that sells them (BY

SALES DIRECT). I do not consider that any meaning will be conveyed by the device element. Given that both marks share a common reference to FOAM there is some conceptual similarity between them, although that is not a distinctive conceptual meaning.

Distinctive character of the earlier marks

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

“22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *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 promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).”

37. 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 and services, to those with high inherent distinctive character, such as

invented words which have no allusive qualities. The distinctive character of a mark can be enhanced by virtue of the use that has been made of it.

38. The earlier marks consist of the word DURAFOAM. The common element, being the word FOAM, is plainly non-distinctive.¹ As noted above, I find that this will be understood as a portmanteau of the words DURABLE and FOAM. Consequently, I find it to be allusive of foam-based goods (such as foam, beds, mattresses and anything that might be upholstered with foam) and any related services. Consequently, I find it to be distinctive to between a low and medium degree for the relevant goods.

39. Mr Hussain gives evidence that the DURAFOAM mark has been used in the UK since 2017. He confirms that he sells his products under the DURAFOAM brand through various retailers (most notably, Amazon, Etsy and eBay). Mr Hussain has provided examples of advertising expenditure, such as for adverts placed on Amazon. These appear to be at a reasonable level and consistent over a number of years prior to the relevant date.² There are also examples of invoices in evidence.³ A number of these do not display the earlier marks (or any variant of them) at all. There are only two invoices which display (arguably) a variant of the earlier marks on the header, but these both post-date the relevant date. There are some invoices which show the mark DURAFOAM in the product description; these amount to sales of just over £7,600. There are some invoices which display the mark DURAFOAM above the company address, which amount to sales of just over £2,700. These sales are at a very low level. I have no information regarding the market share enjoyed by the applicant. Taking the evidence as a whole into account, I do not consider there to be any enhanced distinctiveness.

Likelihood of confusion

40. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the

¹ I bear in mind that the distinctiveness of the common element is key as per *Kurt Geiger v A-List Corporate Limited*, BL O-075-13

² Exhibit KH-02

³ Exhibit KH-01

average consumer realises the marks are not the same but puts the similarity that exists between them and the goods and services 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 goods may be offset by a greater degree of similarity between the marks, and vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the earlier marks, 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.

41. I have found as follows:

- a. I will proceed on the basis that the goods are identical.
- b. The average consumer is either a member of the general public or a business user, who will pay at least a medium degree of attention during the purchasing process (although it may be higher where the goods are particularly costly or used for the consumer's business).
- c. The purchasing process is predominantly visual, although I do not discount an aural component.
- d. The marks are visually and aurally similar to a very low degree (at best). Whilst there is some conceptual similarity arising from the common word FOAM, this is not a distinctive point of similarity.
- e. The earlier marks are inherently distinctive to between a low and medium degree.

42. Bearing in mind the significant visual and aural differences between the marks, there is no doubt in my mind that they would not be mistaken or misremembered for

each other, even when used on identical goods. There is no likelihood of direct confusion.

43. I will now consider whether there is a likelihood of indirect confusion. In *L.A. Sugar Limited v By Back Beat Inc*, Case BL O/375/10, Mr Iain Purvis Q.C., as the Appointed Person, explained that:

“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’.

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

- (a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right (‘26 RED TESCO’ would no doubt be such a case).
- (b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as ‘LITE’, ‘EXPRESS’, ‘WORLDWIDE’, ‘MINI’ etc.).

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

44. The common element is the word FOAM, which is non-distinctive. It cannot, therefore, be said that the average consumer would expect only one undertaking to be using it in relation to the relevant goods. The differences between the marks cannot be described as descriptive or non-distinctive elements. On the contrary, the addition of BY SALES DIRECT in the contested mark is the distinctive and dominant element of the mark and the combination of the word FOAM with DURA- to create a portmanteau is what gives the earlier marks their distinctiveness. The differences between the marks are not logical and consistent with a brand extension or variant, on the basis that the only common element is a descriptive/non-distinctive word, the presence of which would be put down simply to coincidence. Whilst I bear in mind that these categories are not exhaustive, I can see no other basis for indirect confusion to arise. I find no likelihood of indirect confusion, even when the marks are used on identical goods.

45. The application for invalidation based upon section 5(2)(b) of the Act is dismissed.

Section 5(3)

46. Section 5(3) of the Act states:

"5(3) A trade mark which -

(a) is identical with or similar to an earlier trade mark, [...] shall not be registered if, or to the extent that, the earlier trade mark has a reputation in the United Kingdom and the use of the later mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or repute of the earlier trade mark."

47. I can deal with this ground relatively swiftly. I have summarised the applicant's evidence of use above. Whilst the tests for reputation and enhanced distinctiveness are different, the same factors are relevant to both. In my view, the evidence falls well short of establishing the requisite reputation. Consequently, the application for invalidation under this ground falls at the first hurdle. However, even if the applicant did benefit from a reputation (to whatever degree), the outcome would be the same. This is because any reputation would lie in the word DURAFOAM (in its totality). The use by another business of the word FOAM (being a descriptive/non-distinctive word) in an entirely different way would not give rise to a link being made on the part of the relevant public, nor would it cause any damage to the applicant.

48. The application for invalidation based upon section 5(3) of the Act is dismissed.

Section 5(4)(a)

49. Section 5(4)(a) of the Act states as follows:

“5(4) A trade mark shall not be registered if, or to the extent that, its use in the United Kingdom is liable to be prevented -

a) by virtue of any rule of law (in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade, where the condition in subsection (4A) is met,

aa)...

b) ...

A person thus entitled to prevent the use of a trade mark is referred to in this Act as the proprietor of “an earlier right” in relation to the trade mark.”

50. Again, I can deal with this ground relatively swiftly. Even proceeding on the basis that the applicant has the requisite goodwill, I find that the outcome of this ground will follow the outcome of the section 5(2)(b) ground. This is because whilst the test for

misrepresentation is different from that for likelihood of confusion in that it entails “deception of a substantial number of members of the public” rather than “confusion of the average consumer”, it has been acknowledged that they are unlikely to produce different outcomes in practice.⁴ I find that to be the case here. This ground, therefore, fails, for the same reasons given under section 5(2)(b) of the Act.

51. The application for invalidation based upon section 5(4)(a) of the Act is dismissed.

Section 3(6)

52. Section 3(6) of the Act states:

“A trade mark shall not be registered if or to the extent that the application is made in bad faith.”

53. In *SkyKick UK Ltd & Anor v Sky Ltd & Ors (Rev1)* [2024] UKSC 36, Lord Kitchen summarised the general principles applicable to bad faith at [240] as follows:

“(i) [...]

(ii) The date for assessing whether an application to register [a] trade mark was made in bad faith is the date the application for registration was made (*Lindt*, para 35).

(iii) Bad faith in this context is an autonomous concept of EU law which must be given a uniform interpretation [...], and must be interpreted in the context of Directive 89/104 in the same manner as in the context of Regulation 40/94 ([*Malaysia Dairy Industries Pte Ltd v Ankenaevenet for Patenter og Varemaerker* (C-320/12) EU:C:2013:435 (“*Malaysia Dairy*”), para 29; [*Sky plc v SkyKick UK Ltd* (C-371/18) EU:C:2020:45 (“*Sky CJEU*”), para 73).

⁴ *Marks and Spencer PLC v Interflora* [2012] EWCA (Civ) 1501

(iv) While, in accordance with its usual meaning in everyday language, the concept of bad faith presupposes the presence of a dishonest state of mind or intention, the concept must also be understood in the context of trade mark law, which involves the use of marks in the course of trade. Further, it must have regard to the objectives of the [...] law of trade marks, namely the establishment and functioning of [...] a system of undistorted competition in which each undertaking must, in order to attract and retain customers by the quality of its goods or services, be able to have registered as trade marks signs which enable consumers, without any possibility of confusion, to distinguish those goods or services from those which have a different origin (*Lindt*, para 45; [*Koton Mağazacılık Tekstil Sanayi ve Ticaret AS v European Union Intellectual Property Office (EUIPO)* (C-104/18) EU:C:2019:724 (“*Koton*”)], para 45).

(v) Consequently, the objection will be made out where the proprietor made the application for registration, not with the aim of engaging fairly in competition but either (a) with the intention of undermining, in a manner inconsistent with honest practices, the interests of third parties; or (b) with the intention of obtaining, without even targeting a specific third party, an exclusive right for purposes other than those falling within the functions of a trade mark, and in particular the essential function of indicating origin (*Koton*, para 46; *Sky CJEU*, para 75).

(vi) The intention of the applicant is a subjective matter, but it must be capable of being established objectively by the competent administrative or judicial authorities having regard to the objective circumstances of the case ([*Hasbro Inc v EUIPO, Kreativni Dogaaji d.o.o. (intervening)* (Case T-663/19) EU:T:2021:211 (“*Hasbro*”)], paras 39 and 40; *Koton*, para 47).

(vii) The burden of proving that an application for a registered mark was made in bad faith lies on the party making the allegation. But where the circumstances of the case may lead to a rebuttal of the presumption of good faith, it is for the proprietor of the mark to explain and provide a plausible explanation of the objectives and commercial logic pursued by the application for registration (*Hasbro*, paras 42 and 43).

(viii) Whether the applicant was acting in bad faith must be the subject of an overall assessment, taking into account all of the factors relevant to the particular case (*Lindt*, para 37).

(ix) The applicant for a trade mark is not required to indicate or to know precisely when the application is filed or examined, the use that will be made of it (*Sky CJEU*, para 76; [*AS v Deutsches Patent-und Markenamt* (C-541/18) EU:C:2019:725], para 22).

(x) Nevertheless, the registration by an applicant of a mark without any intention to use it in relation to the goods and services covered by the registration may constitute bad faith where there is no rationale for the application in the light of the aims referred to in Regulation 40/94 and Directive 89/104 (*Sky CJEU*, para 77).

(xi) Such bad faith may, however, be established only where there are objective, relevant and consistent indicia tending to show that, when the application was filed, the applicant for registration had the intention either of undermining, in a manner inconsistent with honest practices, the interests of third parties, or of obtaining, without targeting a specific third party, an exclusive right for purposes other than those falling within the functions of a trade mark (*Sky CJEU*, para 77).

(xii) It follows that the bad faith of the applicant cannot be presumed on the basis of a mere finding that, at the time of filing the application, the applicant had no economic activity corresponding to the goods and services referred to in the application (*Sky CJEU*, para 78).

(xiii) When the absence of an intention to use the mark in accordance with the essential functions of a trade mark concerns only certain goods or services referred to in the application for registration, that constitutes making the application in bad faith only in so far as it relates to those goods or services (*Sky CJEU*, para 81).

(xiv) If, at the end of the day, the court concludes that, despite formal observance of the relevant rules and conditions for obtaining registration, the purpose of the rules has not been achieved, and that there was an intention to take advantage of the rules by creating artificially the conditions laid down for obtaining the registration, this may amount to an abuse sufficient to find that the application was made in bad faith (see, for example, *Hasbro*, para 72).

(xv) Directive 89/104 does not preclude a provision of national law under which an applicant for registration must state that the mark is being used in relation to the goods or services in relation to which it is sought to register the mark, or that the applicant has a *bona fide* intention that it should be used, provided that infringement of such an obligation cannot constitute a ground for invalidity. It may, however, constitute evidence for the purposes of establishing possible bad faith on the part of the applicant when the application was filed (*Sky CJEU*, paras 86 and 87)."

54. According to *Alexander Trade Mark*, BL O/036/18, the key questions for determination in a claim of bad faith are:

- (a) What, in concrete terms, was the objective that the applicant has been accused of pursuing?
- (b) Was that an objective for the purposes of which the contested application could not be properly filed? and
- (c) Was it established that the contested application was filed in pursuit of that objective?

55. It is necessary to ascertain what the applicant knew at the relevant date: *Red Bull GmbH v Sun Mark Limited and Sea Air & Land Forwarding Limited* [2012] EWHC 1929 (Ch). Evidence about subsequent events may be relevant, if it casts light backwards on the position at the relevant date: *Hotel Cipriani SRL and others v Cipriani (Grosvenor Street) Limited and others*, [2009] RPC 9 (approved by the Court of Appeal in England and Wales: [2010] RPC 16).

56. The applicant's pleaded case is as follows:

"The Cancellation Applicant (CA) seeks the invalidation of the trade mark Upholstery Foam Sheet BY SALES DIRECT under section 3(6) of the TMA1994, on the grounds that the mark was registered in bad faith. The grounds are:

1. The CA's trade mark "DURAFOAM" and business under "Quality Choice Ltd" predate the Proprietor's registration. The CA's mark was well-known within the upholstery industry before the Proprietor's mark was registered.
2. The Proprietor's mark closely resembles the Cancellation Applicant's established mark, suggesting a deliberate attempt to exploit the reputation and goodwill associated with the Cancellation Applicant's brand. This conduct is contrary to the principles of fair competition and constitutes bad faith.
3. The Proprietor was aware of the Cancellation Applicant's existing trademarks at the time of registration. The intent appears to be to mislead consumers and undermine the Cancellation Applicant's business, reflecting bad faith.
4. The Proprietor's actions, including issuing warnings amount Amazon policy violations, suggest an intention to harm the Cancellation Applicant's business. The registration of the later mark has diluted the distinctiveness of the Cancellation Applicant's brand, creating confusion and damaging its market position.

The Proprietor's registration of "Upholstery Foam Sheet BY SALES DIRECT" was made in bad faith, seeking to unfairly capitalize on the CA's established reputation. We request that the mark be invalidated under Section 3(6)."

57. An intention to harm another party's business or to dilute the distinctiveness or otherwise damage another business's market position may be grounds for bad faith. However, in light of my findings above regarding the similarity of the marks in issue, there is simply no basis for concluding that that is the case here. The proprietor has done nothing more than include a descriptive word within its trade mark. Absent any suggestion that the mark as a whole is descriptive or otherwise non-distinctive (which it is not) that is something that the proprietor is entirely within its rights to do. I can see no reason for concluding that the inclusion of the word FOAM in the contested mark would cause any detriment to the applicant's business. The arguments relating to

Amazon policy violations appear to be in relation to the use of the words UPHOLSTERY FOAM on Amazon. Without further information it is not clear to me whether this action was legitimate or not, but it is certainly not relevant to whether the application in issue (which is not solely for the words UPHOLSTERY FOAM) was filed in bad faith or not.

58. The application for invalidation based upon section 3(6) of the Act is dismissed.

CONCLUSION

59. The application for invalidation is dismissed and, subject to appeal, the contested mark may remain on the Register.

COSTS

60. As the proprietor has been successful it would ordinarily be entitled to a contribution towards its costs. However, as the proprietor is unrepresented, it was invited to file a costs proforma at the conclusion of the proceedings, setting out the costs incurred in defending the invalidation proceedings. The Tribunal informed the proprietor that “if the pro-forma is not completed and returned, costs, other than official fees arising from the action (excluding extensions of time), may not be awarded”. As no proforma was returned, and the proprietor did not incur any official fees in this matter, I decline to make an award of costs.

Dated this 22nd day of July 2026

S WILSON

For the Registrar

ANNEX

The First Earlier Mark

Class 20

Mattresses; beds; bedsteads; headboards; cots; nappy stackers for use with cots; cot tidies and cot organizers; cushions and bolsters (upholstery); divans; couches; mirrors; blinds; soft furnishings; household ornaments and containers; bedding and bedding articles; bedding for cots; furniture and nursery furniture; Moses basket stands; cot bumpers; curtain poles; bean bags; parts and part fitting for all the aforesaid; Accent pillows; Acrylic counter displays; Action figures (Decorative -) of plaster; Action figures (Decorative -) of plastic; Action figures (Decorative -) of wax; Action figures (Decorative -) of wood; Adhesive wall decorations of wax; Adhesive wall decorations of wood; Adjustable beds; Adjustable seat carriers; Advertisement boards; Advertisement display boards of glass [non-luminous]; Advertisement display boards of plastic [non-luminous]; Advertisement display boards of wood [non-luminous]; Advertising balloons; Advertising display boards; Advertising display boards [furniture]; Advertising display boards of glass [non-luminous]; Advertising display boards of plastic [non-luminous]; Advertising display boards of porcelain [non-luminous]; Advertising display boards of wood [non-luminous]; Advertising signboards of plastics; Advertising signboards of wood; Air bed lounge; Air cushions; Air cushions in the nature of furniture [not for medical purposes]; Air cushions, not for medical purposes; Air hose reels [non-mechanical and not of metal]; Air mattresses; Air mattresses for use when camping; Air mattresses, not for medical purposes; Air pillows; Air pillows, not for medical purposes; Amber; Amber statues; Amber (Yellow -); Amberoid statues; Ambroid bars; Ambroid plates; Anchor bolts, not of metal; Anchor bolts, not of metal, for use in bridge construction; Anchoring devices of (Non-metallic -); Anchors (wall plugs not of metal); Angle valves of plastics, other than parts of machines; Animal bone [unworked or partly worked material]; Animal carriers in the form of boxes; Animal claws; Animal hooves; Animal horns; Animal housing and beds; Animal teeth; Animals (Stuffed -); Antique furniture; Antique reproduction furniture; Antique style furniture; Antlers; Antlers (Stag -); Arbours [furniture]; Architectural fasteners of non-metallic materials; Arm chairs; Arm rests for furniture; Armchairs; Armoires; Armrests; Art (Works of -) of wood, wax, plaster or plastic; Artificial honeycombs; Artificial horns; Assembled display stands; Assembled display units [furniture]; Assembled exhibition

stands; Assemblies for display purposes; Audio racks [furniture] for use with audio equipment; Auditorium furniture; Austrian blinds; Babies' baskets; Babies' bouncing chairs; Babies' chairs; Baby bolsters; Baby changing mats; Baby changing platforms; Baby changing tables; Baby gates; Baby head support cushions; Baby walkers; Back panels [parts of furniture]; Back support cushions, not for medical purposes; Bag closures not of metal; Bag hangers, not of metal; Bakers' bread baskets; Ball catches [not of metal]; Ball ended eyebolts [not of metal]; Bamboo; Bamboo baskets for industrial purposes; Bamboo blinds; Bamboo canes; Bamboo curtains; Bamboo furniture; Bank furniture; Banking counters; Banqueting chairs; Barbers' chairs; Barrel hoops, not of metal; Barrels and casks; Barrels and casks, non-metallic; Barrels (Non-metallic -) for the identification of birds; Barrels (Non-metallic -) for the identification of pet animals; Barrels, not of metal; Bars (latch -) [not of metal]; Barstools; Bases for waterbeds [other than for medical use]; Basin cabinets; Basin plugs of non-metallic materials; Baskets; Baskets (Fishing -); Baskets for barrels; Baskets, non-metallic; Baskets, non-metallic, for the transportation of domestic animals; Baskets, not of metal; Basketware; Bassinets; Bassinettes; Bath grab bars, not made of metal; Bath pillows; Bath rails, not made of metal; Bath seats; Bathroom cabinets; Bathroom cupboards; Bathroom fittings in the nature of furniture; Bathroom furniture; Bathroom mirrors; Bathroom stools; Bathroom vanities; Bathroom vanities [furniture]; Bathroom vanity units incorporating basins; Bathtub grab bars, not of metal; Beach beds; Beach beds incorporating wind shields; Bead curtains; Bead curtains for decoration; Beam supported seating; Beams for display fittings; Bean bag beds; Bean bag chairs; Bean bag cushions; Bean bag pillows; Bean bags; Bed bases; Bed casters, not of metal; Bed chairs; Bed fittings, not of metal; Bed frames; Bed frames of metal; Bed heads; Bed mattresses; Bed rails; Bed slats; Bed springs of non-metallic materials; Bedding, except linen; Bedding for cots [other than bed linen]; Bedding for nursery cots [other than bed linen]; Bedroom furniture; Beds; Beds adapted for use by those with mobility difficulties; Beds, bedding, mattresses, pillows and cushions; Beds for animals; Beds for birds; Beds for household pets; Beds for pets; Beds (Hospital -); Beds (Hydrostatic [water] -), not for medical purposes; Beds incorporating divan bases; Beds incorporating inner sprung mattresses; Beds made of wood; Beds of wood; Bed-settees; Bedside cabinets; Bedside lockers; Bedsprings; Bedsteads; Bedsteads made of wood; Bedsteads of wood; Bedsteads [wood]; Beehives; Beehives (Comb foundations for -); Beehives (Sections of wood for -); Bench seating; Bench tables;

Benches; Benches for sports fields; Benches [furniture]; Benches (Vice -) not of metal; Benches with shelves; Benches (Work -); Bentwood furniture; Bicycle locks, not of metal; Bicycle racing number plates, not of metal; Binding screws, not of metal, for cables; Bins adapted to facilitate accelerated breakdown of organic matter [non-metallic]; Bins designed to facilitate accelerated breakdown of organic matter [non-metallic]; Bins, not of metal; Bins of plastics for making compost; Bird houses; Birdhouses; Birds (Stuffed -); Blackout blinds [indoor]; Blackout blinds [slatted, indoor]; Blanking plugs; Blind bolt fasteners of non-metallic materials; Blind pulls of non-metallic materials; Blinds (Indoor window -) [shades] furniture; Blinds of reed, rattan or bamboo (sudare); Blinds (Slatted indoor -); Blinds (Slatted indoor -) for protection against light; Boarding stairs (Mobile -), not of metal, for passengers; Boarding stairs, not of metal, mobile, for passengers; Boards (Display -); Boards for the display of graphic materials; Boards for the display of modelling materials; Boards for the display of pictorial materials; Boards for the display of printing materials; Boards in the nature of furniture; Boards of plastics materials for advertising purposes [non-luminous]; Boards of wood for advertising purposes [non-luminous]; Bolsters; Bolts (Door -) not of metal; Bolts, not of metal; Bone carvings; Book holders; Book holders [furniture]; Book rests; Book rests [furniture]; Book shelves; Book stands; Book stands [furniture]; Book supports; Book supports [furniture]; Bookcases; Bookshelves; Booster seats; Boot trays [furniture]; Bottle caps, not of metal; Bottle casings of wood; Bottle closures, not of metal; Bottle closures not of metal; Bottle crates [other than of metal]; Bottle racks; Bottle rails; Bottle stoppers, not of glass, metal or rubber; Bottles (Corks for -); Bottling racks; Bouncing cradles; Box shelves; Box springs; Boxes for stacking purposes [plastic]; Boxes for stacking purposes [wood]; Boxes for storage purposes [plastic]; Boxes for storage purposes [wood]; Boxes made of laminated plastics; Boxes made of paper coated wood; Boxes made of plastic; Boxes made of plastics materials for packaging; Boxes made of wood; Boxes (Nesting -); Boxes of wood; Boxes of wood or plastic; Boxes (packaging -) in collapsible form [plastic]; Boxes (packaging -) in collapsible form [wood]; Boxes (packaging -) in flat form [plastic]; Boxes (packaging -) in flat form [wood]; Boxes (packaging -) in made-up form [plastic]; Boxes (packaging -) in made-up form [wood]; Bracelets (Identification -), not of metal, for hospital purposes; Brackets (Non-metallic -) for frames; Brackets (Non-metallic -) for furniture; Brackets, not of metal, for furniture; Brackets of (Non-metallic -) for hanging window draperies; Brackets of (Non-metallic -) used for fixing plaques; Brackets (Picture frame

-); Bread baskets (Bakers' -); Brochure holders [furniture]; Brush mountings; Buddhist family altars (butsudan); Buffets [furniture]; Bulletin boards [other than electronic]; Bumper guards for cots, other than bed linen; Bumper guards for cribs, other than bed linen; Bumper guards for furniture; Bundle clips of non-metallic materials; Bungs (Non-metallic -) for barrels; Bungs (Non-metallic -) for casks; Bungs (Non-metallic -) for tubs; Bungs (Non-metallic -) for vats; Bungs, not of metal; Bunk beds; Buoys (Mooring -) not of metal; Busts of bone; Busts of ivory; Busts of plaster; Busts of plastic; Busts of wax; Busts of wood; Busts of wood, wax, plaster or plastic; Butterfly valves (non-metallic -) [other than parts of machines]; Cabinet doors; Cabinet fittings [not of metal]; Cabinet work; Cabinets; Cabinets for display purposes; Cabinets for display purposes [other than refrigerating display cabinets]; Cabinets for storage purposes; Cabinets for storing articles; Cabinets for storing materials; Cabinets for tea services; Cabinets for waste bins; Cabinets [furniture]; Cabinets having fire protection properties; Cabinets (Index -) [furniture]; Cabinets (Medicine -); Cabinetwork; Cable boxes of non-metallic materials (Non-electric -); Cable clips made of plastics; Cable connectors (Non-electric -) of non-metallic materials; Cable couplings (Non-electric -) of non-metallic materials; Cable drums (Non-mechanical -) of non-metallic materials; Cable fasteners, connectors and holders; Cable fasteners, connectors and holders, non-metallic; Cable grips of non-metallic materials; Cable joints not of metal, non-electric; Cable or pipe clips of plastic; Cable supports made of plastics; Cable ties; Cable trays of non-metallic materials [other than electric]; Cable trunking of non-metallic materials [other than electric]; Cake decorations made of plastic; Camp beds; Camping furniture; Cane clips of non-metallic materials; Cane connectors of non-metallic materials; Cane furniture; Canteen furniture; Cantilevered brackets of non-metallic materials [other than for building]; Cap closures (Non-metallic -) for bottles; Cap closures (Non-metallic -) for containers; Caps made of non-metallic materials for containers; Caps (Non-metallic -) for screws; Caps, not of metal (Bottle -); Caps, not of metal (Sealing -); Capsules [non-metallic containers]; Card file cabinets; Card holders in the nature of display boards; Card index tables; Cards (Plastic key -), not encoded; Carpenter's benches; Carpet coasters for protecting furniture legs; Carrycots; Carrying boxes (Non-metallic -); Carrying containers (Non-metallic -); Carts for computers [furniture]; Carved picture frames; Carvings of plaster; Carvings of plastic; Carvings of wax; Casement bolts (Non-metallic -); Cases (Non-metallic -) for bottles; Cases (Non-metallic -) for tools; Cash desks; Cash drawers (Non-metallic -); Cashiers' lockers of non-metallic

materials; Casings of wood (Bottle -); Cask hoops, not of metal; Cask stands, not of metal; Caskets; Caskets [coffins]; Caskets made of amber; Caskets made of bone; Caskets made of cane; Caskets made of celluloid; Caskets made of cork; Caskets made of horn; Caskets made of ivory; Caskets made of meerschaum; Caskets made of mother of pearl; Caskets made of reed; Caskets made of shell; Caskets made of whalebone; Caskets made of wicker; Caskets made of wood; Casks, not of metal; Casks of wood for decanting wine; Casks (Taps for -), not of metal; Casters, not of metal (Furniture -); Castors; Cat baskets; Cat beds; Cat/dog flaps not of metal or masonry; Cat flaps of non-metallic materials; Catches (Door -), not of metal; Catches (Furniture -), not of metal; Catches, not of metal; Cavity plugs (Non-metallic -); Ceramic knobs; Ceramic pulls for cabinets; Ceramic pulls for cabinets, drawers and furniture; Ceramic pulls for drawers; Ceramic pulls for furniture; Chadansu [cabinets for tea services]; Chain links of non-metallic materials; Chair beds; Chair cushions; Chair legs; Chair pads; Chairs; Chairs adapted for use by those with mobility difficulties; Chairs being office furniture; Chairs on skid frames; Chairs [seats]; Chairs with castor wheels; Chaise longue; Chaise longues; Chaise lounges; Chaise-longues; Chaises longues; Chalk boards for display purposes; Changing mats; Changing tables for babies; Channel buoys [mooring] of non-metallic materials; Channelled strips (Non-metallic -) for securing drawing boards to walls; Channelled strips (Non-metallic -) for securing easels to walls; Channelled strips (Non-metallic -) for securing flipcharts to walls; Channelled strips (Non-metallic -) for securing screens to walls; Channelled strips (Non-metallic -) for securing shelves to walls; Channelled strips (Non-metallic -) for securing writing boards to walls; Chests; Chests for toys; Chests, not of metal; Chests of drawers; Cheval glasses; Child resistant security closures (Non-metallic -) for bottles; Child resistant security closures (Non-metallic -) for containers; Children's beds; Children's beds made of cloth in the form of a bag; Children's furniture; Children's mats used for sleeping; Chimes (Wind -) [decoration]; Chopping blocks [tables]; Clamps (Non-metallic -) for fixing awnings; Clamps (Non-metallic -) for fixing blinds; Clamps (Non-metallic -) for fixing doors; Clamps (Non-metallic -) for fixing insect screens; Clamps (Non-metallic -) for fixing pleated blinds; Clamps (Non-metallic -) for fixing windows; Clamps (non-metallic -) for pipes [other than parts of machines]; Claws (Animal -); Clear plastic holders for badges; Clevis pins, not of metal; Clip clamps, not of metal; Clips (Cable and pipe -) of plastics; Clips made of plastics; Clips made of plastics for cables; Clips made of plastics for pipes; Clips, not of metal, for

cables and pipes; Clips of plastic for sealing bags; Clips of plastic for tubes; Closers (Non-electric, non-metallic -) for doors; Closers (Non-electric, non-metallic -) for windows; Closet organisers [parts of furniture]; Closets; Closets (Towel -) [furniture]; Closures (Bottle -), not of metal; Closures (Bottles -), not of metal; Closures for containers; Closures for containers, non-metallic; Closures made of plastic for containers made of glass; Closures (Non-metallic -) for bottles; Closures, not of metal, for containers; Clothes covers; Clothes hangers; Clothes hangers and clothes hooks; Clothes hangers, clothes stands [furniture] and clothes hooks; Clothes hangers [coathangers], not of metal; Clothes hooks; Clothes hooks, not of metal; Clothes lines (Props for -), of wood or plastics; Clothes lockers; Clothes organisers; Clothes racks [furniture]; Clothes rails; Clothes rods; Clothes stands; Coat hangers; Coat pegs [stands] non-metallic; Coat pegs [wall mounted hooks] non-metallic; Coat racks; Coat racks [furniture]; Coat stands; Coathooks; Coathooks, not of metal; Coatstands; Cocktail units [furniture]; Coffee tables; Coffin fittings, not of metal; Coffin handles made principally of plastic; Coffins; Coffins and funerary urns; Cold cast resin figurines; Collapsible upright displays made from framed fabrics; Collars [non-metallic] for fastening pipes; Collars, not of metal, for fastening pipes; Collars of plastic for fastening pipes; Collecting boxes (Non-metallic -); Collecting tins (Non-metallic -); Comb foundations for beehives; Combination kneeler and seat for gardening; Combination locks (Non-metallic -) for vehicles; Combination locks (non-metallic -) [non-electric]; Combined closures for containers [non-metallic and not for household or kitchen use]; Combined containers [non-metallic and not for household or kitchen use]; Combined lids for containers [non-metallic and not for household or kitchen use]; Combined stoppers for containers [non-metallic and not for household or kitchen use]; Composable furniture; Composite caps for containers [non-metallic and not for household or kitchen use]; Composite caps of non-metallic materials for closing bottles; Compost bins of non-metallic materials; Compost bins of plastic; Composting receptacles of non-metallic materials; Composting receptacles of plastic; Computer cabinets [furniture]; Computer desks; Computer furniture; Computer keyboard trays; Computer stands; Computer tables; Computer workstations [furniture]; Concealed fastening devices of non-metallic materials; Conference chairs; Conference tables; Connecting elements (Non-metallic -) for furniture; Connecting pegs, not of metal; Consignment shelving [furniture]; Console tables; Consoles [furniture]; Consoles [furniture] for mounting units of electronic equipment; Container closures of plastic;

Containers, and closures and holders therefor, non-metallic; Containers for transport, not of metal; Containers in the form of boxes made of wood; Containers made of bone; Containers made of cane; Containers made of horn; Containers made of plastic for compost; Containers made of synthetic material [other than for household or kitchen use]; Containers made of wood [other than for household or kitchen use]; Containers (Non-metallic -) adapted for packaging beer; Containers (Non-metallic -) for keggings beverages; Containers (non-metallic -) for liquids [other than for household or kitchen use]; Containers (non-metallic -) for storage purposes [other than household or kitchen use]; Containers (non-metallic -) for the handling of goods [other than household or kitchen use]; Containers (Non-metallic -) for transport purposes; Containers (Non-metallic -) in the form of bins; Containers (Non-metallic -) in the form of kegs; Containers, not of metal, for liquid fuel; Containers, not of metal [storage, transport]; Containers of plastic (Packaging -); Contour chairs; Control apparatus (Non-electric -), not of metal for closing doors; Convertible chairs; Convertible sofas; Cookbook holders; Coral; Coral [unworked or partly worked]; Cork bands; Cork memo boards; Corks; Corks for bottles; Corks for containers; Corner beads (Non-metallic -) for furniture; Corner cap components, not of metal; Corner fittings (Non-metallic -) for containers; Corner protectors of plastics; Corner units [furniture]; Corozo; Costume display stands; Costume stands; Cot bumper pads; Cot bumpers; Cots; Cots for babies; Couches; Counter stands; Counter tops; Counter tops for use with sinks; Counters for display purposes; Counters [furniture]; Counters [tables]; Countertops; Countertops [furniture parts]; Cover strips (Non-metallic -) for covering joins between adjacent carpets; Coverings (Fitted -) for furniture; Covers for clothing [wardrobe]; Covers (Garment -) [storage]; Covers (Shaped -) for furniture; Cradles; Crates; Crates and pallets; Crates and pallets, non-metallic; Crates (Non-metallic -); Credenzas; Credenzas [furniture]; Cremone bolts, not of metal for windows; Cremone bolts of non-metallic materials for locks; Crib bumpers; Cribs for babies; Cupboard doors; Cupboard fittings (Non-metallic -); Cupboard fixtures (Non-metallic -); Cupboard units; Cupboards; Cupboards being furniture; Cupboards fitted with mirrors; Cupboards for bedrooms; Cupboards for tea-things (chadansu); Curtain drawing devices, other than electrically operated; Curtain embraces for holding back curtains; Curtain embraces of metal for holding back curtains; Curtain embraces of plastics for holding back curtains; Curtain fittings; Curtain holders, not of textile material; Curtain hooks; Curtain hooks made of metal; Curtain hooks made of plastics; Curtain pins; Curtain poles;

Curtain rails; Curtain rings; Curtain rods; Curtain rollers; Curtain runners; Curtain
 suspending apparatus; Curtain suspension devices; Curtain suspension fittings;
 Curtain tie-backs; Curtain tracks; Curtains (Bamboo -); Curtains (Bead -) for
 decoration; Cushions; Cushions adapted to support the face [other than for medical
 use]; Cushions filled with hair; Cushions [furniture]; Cushions [other than for medical
 use] for supporting infants being examined; Cushions (Pet -); Cushions (upholstery);
 Custom plates, not of metal, for vehicles; Cylinder locks made of non-metallic
 materials; Cylinders, not of metal for gas; Cylindrical cans, not of metal; Deck chairs;
 Decorations of plastic for foodstuffs; Decorative baskets made of straw; Decorative
 baskets made of wicker; Decorative baskets made of wood; Decorative bead curtains;
 Decorative doorstops (Non-metallic -) in the form of animals; Decorative edging strips
 of plastic for use with door fittings; Decorative edging strips of plastic for use with fitted
 furniture; Decorative edging strips of plastic for use with furniture; Decorative edging
 strips of plastic for use with window fittings; Decorative edging strips of wood for use
 with fitted furniture; Decorative edging strips of wood for use with furniture; Decorative
 edging strips of wood for use with window fittings; Decorative mobiles; Decorative nut
 caps [non-metallic]; Decorative plaques made of plaster; Decorative plaques made of
 plastics material; Decorative plaques made of wax; Decorative plastic boxes;
 Decorative strips of plastics for application to display cabinets; Decorative strips of
 plastics for application to doors; Decorative strips of plastics for application to shop
 fronts; Decorative window finials; Decorative wood boxes; Decorative wooden panels
 [furniture]; Decorators' tables; Delineators [moveable road cones] non-luminous, made
 of non-metallic materials; Desk racks [furniture]; Desk tops; Desk units; Desks; Desks
 and tables; Desks [furniture]; Desks of adjustable height; Desks (Standing -); Diaper
 changing stations; Dining chairs; Dining room tables; Dining tables; Dinner wagons;
 Dinner wagons [furniture]; Directory boards; Disc cabinets [furniture]; Dish cabinets;
 Dispensers (Fixed -) for towels; Dispensers for dog waste bags, fixed, not of metal;
 Dispensers (Towel -), not of metal, fixed; Display boards; Display boards comprising
 foldable and interconnectable metal rods; Display boards made of plastics; Display
 cabinets; Display cabinets [other than refrigerating display cabinets]; Display cases;
 Display cases for merchandise; Display counters [non-electric]; Display fittings
 [furniture] of metal; Display frames; Display frames of metal [furniture]; Display
 furniture; Display head panels for caskets for displaying pictures and information about
 deceased; Display panels for exhibition environments; Display panels for sales

environments; Display panels in the nature of furniture; Display partitions; Display racking; Display racks; Display racks for the display of goods for exhibition purposes; Display racks for the display of goods for sale purposes; Display screens [furniture]; Display shelves; Display stands; Display stands for merchandise; Display stands for posters; Display stands for selling goods; Display stands for shop windows; Display stands having metal structural components; Display stands made of metal; Display stands of metal; Display tables; Display units for exhibition purposes; Display units for presentation purposes; Display units for promotional purposes; Display units [furniture]; Displays, stands and signage, non-metallic; Divan bases; Divan beds; Divans; Divans incorporating storage space; Divans made of cane; Divans made of plastics; Divans made of reed; Divans made of wicker; Divans made of wood; Dividers for drawers; Dividing panels; Dividing screens in the nature of furniture; Dog baskets; Dog beds; Dog houses [kennels]; Dog kennels; Dog tags, not of metal; Domestic fire screens; Domestic furniture; Domestic furniture made of wood; Door bells, not of metal, non-electric; Door bells not of metal, non-electric; Door bolts not of metal; Door bolts, not of metal; Door buffers, not of metal; Door closers (Non-electric -) of non-metallic materials; Door control devices (Non-electric -) of non-metallic materials; Door fasteners, not of metal; Door fittings made of plastics; Door fittings, not of metal; Door friction stays of non-metallic materials; Door furniture made of plastics; Door furniture made of stoneware; Door furniture made of wood; Door, gate and window fittings; Door, gate and window fittings, non-metallic; Door handles, not of metal; Door handles of porcelain; Door hinge guards (Non-metallic -); Door hinges (Non-metallic -); Door knockers, not of metal; Door knockers not of metal; Door nameplates, not of metal; Door openers (Non-electric -), not of metal; Door springs (Non-metallic -); Door stops, not of metal or rubber; Door stops of plastic; Door stops of wood; Doorknobs, not of metal; Doorplates, not of metal; Doors for furniture; Doors made of glass for furniture; Doors made of metal for furniture; Doors made of non-metallic materials for furniture; Doors made of plastic for furniture; Dowels, not of metal; Dowels not of metal; Drafting chairs; Drafting tables; Drafting tables [furniture]; Draftsmans' tables; Drain traps [valves] of plastic; Drains [valves] made of plastic; Drapery hardware; Drapery rods; Draughtman's tables; Drawer fronts; Drawer gliders (Non-metallic -); Drawer guides (Non-metallic -); Drawer handles (Non-metallic -); Drawer knobs (Non-metallic -); Drawer pulls, not of metal; Drawer pulls of earthenware; Drawer pulls of glass; Drawer pulls of plastic; Drawer pulls of porcelain; Drawer pulls of wood; Drawer runners (Non-

metallic -); Drawer sliders (Non-metallic -); Drawer slides [furniture hardware]; Drawer storage for cards; Drawers; Drawers for furniture; Drawers [furniture parts]; Drawing chairs; Drawing room suites; Drawing tables; Dreamcatchers [decoration]; Dressers; Dressers [dressing tables]; Dressers [furniture]; Dressing tables; Dressmakers' dummies; Drop-leaf tables; Easy chairs; Easy-chairs; Edgings of plastic for furniture; Egg cartons [packaging] of plastic; Egg containers [packaging] of plastic; Egg trays made of plastics; Electric piano keyboard benches; Emblems, not of metal, for vehicles; Embroidery frames; Embroidery hoops; Empty coffee capsules of plastic; End tables; Ergonomic chairs for seated massage; Escutcheons (Non-metallic -); Espagnolette mechanisms, not of metal; Exhibition boards; Exhibition display stands [non-metallic]; Exhibition frames stands [non-metallic]; Exhibition stands [non-metallic, other than structures]; Expandable safety gates for door openings; Expandable safety gates for stairs; Expanding rails of plastics for net curtains; Extendible sofas; Extruded plastics edge beadings for furniture; Fans for personal use, non-electric; Fasteners; Fasteners, non-metallic; Feather beds; Feet for display boards (non-metallic); Feet for display stands (non-metallic); Feet for furniture; Feet (Non-metallic -) for furniture; Ferrules of non-metallic materials for walking sticks; Figures made of plastics; Figures made of rattan; Figures made of wood; Figures moulded from plastics material; Figures of bone; Figures of ivory; Figurines made of gypsum cement; Figurines made of gypsum derivatives; Figurines made of plaster; Figurines made of plastics; Figurines made of wood; Figurines made of wood resin; Figurines of bone; Figurines of ivory; Figurines of wood; Figurines [statuettes] of wood, wax, plaster or plastic; Filing cabinets; Filing cabinets in the nature of furniture; Finger-plates, not of metal; Fire guards; Fire resistant cabinets; Fire resistant lockable containers; Fire resistant mattresses; Fire safe cabinets [furniture] (non-metallic -); Fire safe cabinets [furniture] of metal; Fire screens, domestic; Fire screens for domestic use; Fire screens for domestic use [furniture]; Fire screens [furniture]; Fireguards; Fireguards [domestic screens]; Fireguards [furniture]; Fireplace screens; Fishing baskets; Fishing chairs; Fishing stools; Fitted bedroom furniture; Fitted crib rail covers; Fitted cupboards; Fitted fabric furniture covers; Fitted furniture; Fitted kitchen furniture; Fitted plastic inserts for use as container liners; Fittings for curtains; Fittings (Non-metallic -) for cabinets; Fittings (Non-metallic -) for cupboards; Fittings, not of metal (Bed -); Fittings, not of metal (Coffin -); Fittings, not of metal (Door -); Fittings, not of metal (Furniture -); Fittings, not of metal (Window -); Fixed napkin dispensers not of metal; Fixed

nonmetallic towel dispensers; Fixing bolts, not of metal; Fixing nails, not of metal; Fixing plugs, not of metal; Fixings, not of metal for furniture; Fixings, not of metal for shelves; Flaps (Cat/dog -) not of metal or masonry; Flexible containers of plastics for the storage of liquids; Flexible containers of plastics for the transport of liquids; Floatable [inflatable] seats; Floating containers, not of metal; Floating inflatable mattresses [airbeds]; Floating inflatable seats; Floor hinges, not of metal; Floor units of cardboard for displaying merchandise; Flower baskets of wicker; Flower pot stands; Flower stands; Flower stands [furniture]; Flower-pot pedestals; Flower-stands; Flower-stands [furniture]; Foam camping mattresses; Foam mattresses; Fodder racks; Foldaway beds; Folding beds; Folding chairs; Folding display screens; Folding display screens for use in conference displays; Folding display screens for use in exhibition displays; Folding display screens for use in shop displays; Folding panels for display purposes; Folding shelves; Folding tables; Food racks; Foodstuffs (Decorations of plastic for -); Foot rests; Foot stools; Footlockers; Footrests; Foot-rests; Footstools; Foundations for beehives; Framed stands; Frameless picture holders; Frames; Frames (Embroidery -); Frames for bed canopies; Frames for display boards; Frames for mirrors; Frames for photographs; Frames for pictures; Frames for signboards; Frames (Non-metallic -) for containers; Frames (Picture -); Frames (Picture -) of metal; Frames (Picture -) of non-metallic materials; Free standing office partitions; Freestanding partitions [furniture]; Freestanding towel racks; French memory boards; Front plate knobs (Non-metallic -); Fronts of cupboards; Fuel cans (Non-metallic -); Funeral caskets of wicker; Funeral caskets of wood; Funerary caskets; Funerary urns; Funerary urns made of precious metals; Furniture; Furniture adapted for use by those with mobility difficulties; Furniture adapted for use outdoors; Furniture and furnishings; Furniture being convertible into beds; Furniture cabinets; Furniture casters, not of metal; Furniture chests; Furniture doors; Furniture doors made of glass; Furniture ferrules (Non-metallic -); Furniture fittings, not of metal; Furniture for babies; Furniture for campers; Furniture for camping; Furniture for caravans; Furniture for children; Furniture for conservatories; Furniture for display purposes; Furniture for displaying goods; Furniture for doors [non-metallic]; Furniture for exhibition purposes; Furniture for filing purposes; Furniture for house, office and garden; Furniture for indoor aquaria; Furniture for indoor terraria; Furniture for industrial use; Furniture for kitchens; Furniture for motor homes; Furniture for offices; Furniture for shops; Furniture for sitting; Furniture for storage; Furniture for the physically handicapped, those of

reduced mobility and invalids; Furniture for use in auditoria; Furniture for use in rest rooms; Furniture for vivariums; Furniture frames; Furniture handles, not of metal; Furniture handles of plastic; Furniture incorporating beds; Furniture (Inflatable -); Furniture joints (Non-metallic -); Furniture locks (Non-metallic -); Furniture made from steel tubing; Furniture made from substitutes for wood; Furniture made from wood; Furniture made of plastics; Furniture made of rattan; Furniture made of steel; Furniture made principally of glass; Furniture moldings; Furniture of metal; Furniture of plastic materials; Furniture of plastics material for bathrooms; Furniture (Office -); Furniture panels; Furniture partitions; Furniture partitions of wood; Furniture (Partitions of wood for -); Furniture parts; Furniture racks; Furniture (School -); Furniture screens; Furniture shelves; Furniture supports (Non-metallic -); Furniture units; Furniture units for kitchens; Futon mattresses [other than childbirth mattresses]; Futons; Garden furniture; Garden furniture made of aluminium; Garden furniture made of metal; Garden furniture manufactured from wood; Garment covers [storage]; Garment hangers [coat hangers]; Garment rails; Garment rails of non-metallic materials; Gas storage tanks, not of metal or masonry; Gate eyes of non-metallic materials; Gate hooks of non-metallic materials; Gate stops of non-metallic materials; Gazing globes; Glass cabinets; Glass doorknobs; Glass for use in framing art; Glass furniture; Glass knobs; Glass (Silvered -) [mirrors]; Golf course benches; Gravity catches (Non-metallic -); Grommets made of plastics materials; Grooming tables for pets; Guards (Fire -); Gun cabinets; Gun racks; Hairdresser's chairs; Hairdressers' chairs; Hampers [baskets]; Hampers [baskets] for the transport of items; Hand fans; Hand mirrors; Hand mirrors [toilet mirrors]; Hand-held flat fans; Hand-held folding fans; Hand-held mirrors; Hand-held mirrors [toilet mirrors]; Hand-held supermarket shopping baskets, not of metal; Handles (Door -), not of metal; Handles made of plastics for doors; Handles of plastics materials for hollowware; Handling pallets, not of metal; Hand-operated non-metal garden hose reels; Hangers (Clothes -); Hangers [Coat -]; Hangers for clothes; Hangers (Non-metallic -) for shelves; Hangers (Non-metallic -) for shelving; Hanging baskets [flower] of non-metallic materials; Hanging storage racks [furniture]; Hard wood tree stakes; Hasps of non-metallic materials; Hat hooks, not of metal; Hat hooks of non-metallic materials; Hat racks [furniture]; Hat racks [hooks] not of metal; Hat stands; Head supporting pillows; Headboards; Head-rests [furniture]; Height adjustable kitchen furniture; High chairs; High chairs for babies; High seats [furniture]; High stools [furniture]; Hinge clamps of non-metallic materials; Hinges for doors and

windows (Non-metallic -); Hinges, not of metal; Hinges, not of metal for the fastening of electrical cables; Hinges, not of metal for the fixing of pipes; Hinges, not of metal having a spring action; Hinges, not of metal incorporating a spring; Holders for brochures [in the nature of furniture]; Holders for display material [furniture]; Holders for pennants; Holders for photographs [frames]; Holders for use in the securing of window coverings; Holiday ornaments of wood, not tree ornaments; Honeycombs; Hooks (Clothes -) of non-metallic materials; Hooks (Curtain -); Hooks (Door -) of non-metallic materials; Hooks for clothes rails; Hooks for clothing; Hooks for towels (Non-metallic -); Hooks for wall hangings (Non-metallic -); Hooks, not of metal, for clothes rails; Hoops, not of metal (Barrel -); Hoops, not of metal (Cask -); Hooves (Animal -); Horizontal slatted blinds [indoor] for doors; Horizontal venetian blinds [indoor] for doors; Horizontal venetian blinds [indoor] for windows; Horn, unworked or semi-worked; Horns (Animal -); Hose clamps (Non-metallic -); Hose clips (Non-metallic -); Hose hangers not of metal; Hoses (Reels, not of metal, non-mechanical, for flexible -); Hospital beds; Hostess trolley [furniture]; House numbers, not of metal, non-luminous; Household furniture; Household pets (Nesting boxes for -); Household shinto altars [Kamidana]; Hutches for animals; Hybrid beds being soft sided waterbeds [other than for medical use]; Hydrostatic beds, not for medical purposes; Hydrostatic [water] beds, not for medical purposes; Ice storage shelves [furniture]; Identification bracelets, not of metal; Identification bracelets, not of metal, for hospital purposes; Identification bracelets, not of metal, for hospitals; Identification plates, not of metal; Identification tags, not of metal; Identification tags of plastic for animals; Identity plates, not of metal; Imitation foods comprised of plastic; Imitation foods comprised of plastics; Imitation tortoiseshell; Index cabinets; Index cabinets [furniture]; Indexing cabinets [furniture]; Indoor blinds; Indoor blinds, and fittings for curtains and indoor blinds; Indoor blinds [roller]; Indoor blinds (Venetian -); Indoor furniture; Indoor textile blinds; Indoor window blinds; Indoor window blinds [furniture]; Indoor window blinds [shade] furniture; Indoor window blinds [shade] [furniture]; Indoor window blinds [shades]; Indoor window blinds [shades] [furniture]; Indoor window shades [furniture]; Industrial packaging containers of bamboo; Industrial packaging containers of wood; Industrial rivets of non-metallic materials; Industrial water tanks, not of metal or masonry; Industrial work tables; Infant beds; Infant playpens (Mats for -); Infant walkers; Inflatable chairs; Inflatable cushions, other than for medical purposes; Inflatable furniture; Inflatable headrests; Inflatable mattresses for use when camping; Inflatable mattresses, other than for medical

purposes; Inflatable mooring buoys; Inflatable neck support cushions; Inflatable pet beds; Inflatable pillows; Inflatable pillows [other than for medical use] for fitting around the neck; Inflatable plastic signs; Inflatable publicity balloons; Inflatable publicity objects; Inner sprung mattresses; Integrated furniture; Interior textile window blinds; Interior venetian blinds; Interior window shutters; Internal venetian blinds; Ivory; Ivory [unworked or partly worked material]; Ivory, unworked or semi-worked; Japanese floor cushions (zabuton); Japanese style arm rests (kyosoku); Japanese style floor seats (zaisu); Japanese style low desks (wazukue); Japanese style low tables (zataku); Jerrycans, not of metal; Jewellery organizer displays; Jewelry organizer displays; Joints for furniture; Kennels; Kennels for household pets; Key cabinets; Key cabinets [furniture]; Key cards (Plastic -), not encoded; Key holders [furniture]; Key hole plates of non-metallic materials; Key racks [furniture]; Keyboards for hanging keys; Keys (Non-metallic -) for opening locks; Kick step; Kimono racks; Kitchen cabinets; Kitchen cupboards; Kitchen display units; Kitchen furniture; Kitchen tables; Kitchen units; Kits of parts [sold complete] for assembly into articles of furniture; Kits of parts [sold complete] for assembly into display boards; Kits of parts [sold complete] for assembly into display cases; Kits of parts [sold complete] for assembly into display stands; Kits of parts [sold complete] for assembly into furniture; Kneeling frames; Kneeling stools; Knobs, not of metal; Knockers (Door -) of non-metallic materials; Labels of plastic; Laboratory furniture; Laboratory furniture [other than especially adapted]; Ladders and movable steps, non-metallic; Ladders made of glass fibre; Ladders made of plastics; Ladders made of wood; Ladders, not of metal; Ladders, not of metal, for libraries; Ladders of wood or plastics; Lap desks; Latch bars of non-metallic materials; Latch furniture, not of metal; Latches, not of metal; Latex mattresses; Latex pillows; Lawn furniture; Layette boxes [of wood or plastic]; Leather furniture; Leather picture frames; Lecterns; Legs for furniture; Letter boards [blank display boards]; Letter boxes; Letter boxes, non-metallic; Letter boxes [not of metal]; Letter boxes, not of metal or masonry; Letter boxes not of metal or masonry; Letter boxes of plastic; Letter boxes of wood; Letter racks [furniture]; Letter-box covers [not of metal or masonry]; Letter-box flaps [not of metal or masonry]; Letters [other than printers' type and cliches] made principally of plastics; Library shelves; Life-size forms of the human body to display clothes; Liquid fuel (Containers, not of metal, for -); Liquid storage tanks [containers] made of non-metallic materials; Liquid storage tanks, not of metal or masonry; Literature racks for the display of printed material; Literature racks for the storage of

printed material; Living room furniture; Loading gauge rods, not of metal, for railway waggons [wagons]; Loading pallets, not of metal; Lock barrels, not of metal; Lock bolts, not of metal; Lock casings, not of metal; Locker boxes [furniture]; Locker mirrors; Lockers; Locking gate hasps [non-metallic]; Locks and keys, non-metallic; Locks, not of metal, for vehicles; Locks, other than electric, not of metal; Locks [other than electric], not of metal, for vehicles; Looking glasses; Loudspeaker stands [furniture]; Lounge chairs; Lounge chairs for cosmetic treatments; Lounge furniture; Louvre blinds [indoor]; Love seats; Low armless fireside chairs; Luggage racks being furniture; Luggage stands being furniture; Magazine racks; Magazine storage files [furniture]; Mail boxes, not of metal; Make-up mirrors for purses; Make-up mirrors for the home; Make-up mirrors for travel use; Mannequins; Mannequins and tailors' dummies; Manually operated ceramic valves other than parts of machines; Manure baskets [non-metallic]; Marble tables; Marker boards for display purposes; Massage divans.

Class 27

Anti-slip floor coverings for use on staircases; Anti-slip material for use under carpets; Anti-slip material for use under floor coverings; Anti-slip material for use under rugs; Area rugs; Artificial grass; Artificial ground coverings; Artificial lawn; Artificial turf; Artificial turf for laying on the surfaces of recreational areas; Automobile carpets; Bath mats; Bathroom mats; Bathroom rugs; Bathroom tiles [carpet]; Beach mats; Car mats; Carpet backing; Carpet inlays; Carpet padding; Carpet runners; Carpet tile backing; Carpet tiles; Carpet tiles for covering floors; Carpet tiles made of plastics; Carpet tiles made of rubber; Carpet tiles made of textiles; Carpet underlay; Carpet underlays; Carpet underlining; Carpeting; Carpeting for vehicles; Carpets; Carpets for automobiles; Carpets, rugs and mats; Carpets [textile]; Ceiling coverings made of paper; Ceiling paper; Chair mats [under-chair floor protector]; Cloth wall coverings; Cork mats; Cork tiles; Coverings (Floor -); Coverings for existing floors; Decorative slip-resistant floor coverings in sheet form; Decorative wall hangings, not of textile; Disposable absorbent floor pads; Door mats; Door mats of india rubber; Door mats of textile; Fabric bath mats; Fabric wall coverings; Fencing pistes; Floor coverings; Floor coverings and artificial ground coverings; Floor coverings [for existing floors]; Floor coverings having insulating properties; Floor coverings [mats] being sheet materials for use in sporting activities; Floor coverings [mats] for use in gymnastic activities; Floor coverings [mats] for use in sporting activities; Floor mats; Floor mats, fire

resistant, for fireplaces and barbecues; Floor mats, fire-resistant, for fireplaces and barbecues; Floor mats for automobiles; Floor mats for vehicles; Floor mats of cork; Floor tiles made of carpet; Floor tiles made of cork; Floors coverings of rubber; Foam mats for use on play area surfaces; Friezes [non-textile wall hangings]; Fur rugs; Goza rush mats; Grass (Artificial -); Gymnasium exercise mats; Gymnasium mats; Gymnastic mats; Hana-mushiro [rush mats with floral patterns]; Hand made woollen carpets; Handcrafted non-textile wall hangings; Hangings (Wall -), not of textile; Hard surface coverings for floors; Heel protectors [mats] to prevent scuffing whilst driving the vehicle; Horse stall floor mats; Imitation turf for use in covering surfaces for athletics; Imitation turf for use in covering surfaces for games; Imitation turf for use in covering surfaces for recreational purposes; Imitation turf for use in covering surfaces for sports purposes; Insulating wallpaper; Interlocking floor runners; Japanese rice straw mats (tatami mats); Linoleum; Linoleum for covering existing floors; Linoleum for use on floors; Linoleum tiles; Mats; Mats for vehicles [not shaped]; Mats of woven rope for creating ski slope surfaces; Mats of woven rope for ski slopes; Matting; Matting [for covering existing floors]; Moquettes [carpets]; Mural hangings [non-textile]; Mushiro straw mats; Non-slip floor mats for use under apparatus; Non-slip mats; Non-slip mats for baths; Non-slip mats for showers; Non-slip underlays; Non-textile wall coverings; Non-textile wall hangings; Non-textile wallpaper; Oriental non-woven rugs (mosen); Padded coverings for existing ceilings; Padded coverings for existing floors; Padded linings for existing ceilings; Padded linings for existing floors; Padded linings for existing walls; Paper bath mats; Paper floor mats; Personal exercise mats; Personal sitting mats; Pet feeding mats; Plastic bath mats; Plastic wall coverings; Plastic wallpaper; Play mats; Prayer rugs; Primary carpet backing; Protective floor coverings; Puzzle mats [floor coverings]; Reed mats; Rubber bath mats; Rubber mats; Rugs; Rugs (Door -); Rugs (Floor -); Rugs for animals; Rugs [mats]; Runners [mats]; Rush mats with floral patterns (hana-mushiro); Shower mats; Ski slopes (Mats of woven rope for -); Straw mats; Straw mats [mushiro]; Tapestry [wall hangings], not of textile; Tapestry-style wall hangings, not of textile; Textile bath mats; Textile floor mats for use in the home; Textile lined wallpaper; Textile wall coverings; Textile wallpaper; Tiles (Carpet -); Tiles made of linoleum; Tiles made of linoleum for fixing to existing floors; Tiles made of linoleum for fixing to existing walls; Turf (Artificial -); Underlay for carpets; Underlay for mats; Underlayment padding for artificial turf; Underlays for carpeting; Underlays for rugs; Vehicle carpets; Vehicle mats and carpets; Vehicles

mats and carpets; Vinyl floor coverings; Vinyl floor coverings for existing floors; Vinyl wall coverings; Vinyl wallpaper; Wall and ceiling coverings; Wall coverings; Wall coverings, not of textile; Wall coverings of cork; Wall coverings of paper; Wall coverings of plastic; Wall coverings of textile; Wall hangings (non-textile); Wall hangings [non-textile]; Wall hangings, not made of textile; Wall hangings, not of textile; Wall paper; Wall paper of vinyl; Wallcoverings; Wallhangings, not of textile; Wallpaper; Wallpaper borders; Wallpaper in the nature of roomsize decorative adhesive wall coverings; Wallpaper of cork; Wallpaper of plastic; Wallpaper with a textile covering; Wallpapers; Wooden door mats; Wrestling mats; Yoga mats.

The Second Earlier Mark

Class 17

Flexible foam; flexible polyurethane foam; flexible foam materials; cut to size foam; foam materials cut to size; foam materials for use in manufacture; foam materials in the form of blocks, sheets, rolls, blanks; shredded polyurethane foams; ether foams; closed cell foams; closed cell polyethylene foams; closed cell cross-linked polyethylene foam; closed cell cross-linked polyethene foam; Flower arrangements (Foam supports for -) [semi-finished products]; Foam for use as heat insulation; Foam for use as heat shields; Foam for use as motor compartment linings; Foam for use in sound absorption; Foam for use in sound insulation; Foam glass for use as an insulating materials; Foam in the form of blocks for use as heat insulation; Foam insulation for use in building and construction; Foam insulation materials for use in building and construction; Foam rubber; Foam sheeting for use as a building insulation; Foam supports for floral arrangements; Foam supports for flower arrangements [semi-finished products].

Class 40

Foam converting services, cutting and fabricating foam from bulk; processing of goods by cutting, namely converting bulk stock into products of a required shape and size; processing of foam materials by cutting, namely converting bulk stock into products of a required shape and size.