

O/0813/26

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. UK00004134157
BY CREATIVE CARE COSMETICS MANUFACTURING LTD
TO REGISTER THE TRADE MARK:



IN CLASS 3

AND

IN THE MATTER OF OPPOSITION THERETO
UNDER NO. 453280
BY THE PROCTER & GAMBLE COMPANY

BACKGROUND AND PLEADINGS

1. On 6 December 2024, CREATIVE CARE COSMETICS MANUFACTURING LTD (“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 27 December 2024. The applicant seeks registration for the class 3 goods contained in Annex 1 to this decision.

2. The application was opposed in full by The Procter & Gamble Company (“the opponent”) on 27 March 2025 based upon sections 5(2)(b) and 5(3) of the Trade Marks Act (“the Act”). The opponent relies upon the following trade marks:

PRO-V

UK registration no. UK00001447891

Filing date 21 November 1990.

Registration date 20 March 1992.

(“The First Earlier Mark”)

PRO-V

Comparable UK trade mark (EU) registration no. UK00900273292¹

Filing date 6 May 1996.

Registration date 9 February 1999.

Seniority date 21 November 1990.

(the Second Earlier Mark)

3. The opponent relies upon all of its goods and services, contained in Annex 2 to this decision.

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 or seniority date (if applicable) and registration date of the EUTM from which it derives.

4. Under section 5(2)(b), the opponent claims that there is a likelihood of confusion because the marks are highly similar and the goods are identical and similar.

5. Under section 5(3), the opponent claims that it enjoys a significant reputation for all of its goods, and “in view of the high degree of similarity” between the parties marks, and the “identical and highly similar nature of the goods, consumers would inevitably assume that the trade marks are used by the same undertaking or that there is an economic connection” between them. The opponent also claims that an unfair advantage would be taken by the applicant by using a closely similar sign, which “includes free riding on the coattails of the earlier mark which has a reputation”, and therefore “the positive image” of the PRO-V marks would be transferred to the goods designated under the application. The opponent submits that the application immediately calls its marks to mind by the average consumer, and that the application “will unfairly benefit from the power of attraction” that the opponent’s marks enjoy, “without the applicant having made the associated investment or paying any financial compensation to the opponent”. The opponent also submits that its earlier marks’ “allure and attraction” will be reduced, and that there is a risk of detriment being caused to the distinctive character of its marks, as they will no longer identify the goods as originating from the opponent. Lastly, the opponent states that any sales made by the applicant will “foreseeably result in a loss of sales” and will change the economic behaviour of the relevant consumers.

6. The applicant filed a counterstatement denying all of the claims made and put the First and Second Earlier Marks to proof of use.

7. The opponent is represented by D Young & Co LLP and the applicant is unrepresented. The opponent filed evidence in chief. Neither party requested a hearing, however, both parties filed submissions in lieu. I make this decision having taken full account of all the papers and evidence, and I will refer to them where necessary below.

8. 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.

EVIDENCE

9. The opponent's evidence consists of the witness statement of Mona Georgieva dated 15 July 2025. Ms Georgieva is the Pantene Brand Director at the opponent, a position she has held since January 2024. Ms Georgieva's statement is accompanied by 16 exhibits (MG1-MG16). **Exhibits MG8B, MG10 and MG11** are subject to a confidentiality order granted by a different hearing officer, dated 13 July 2026.²

10. Whilst I do not propose to summarise it here, I have taken all of the evidence into consideration in reaching my decision and will refer to them where necessary below.

DECISION

Section 5(2)(b)

11. 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.”

² This was granted in a preliminary view dated 14 August 2025, and only covers the exhibits and not the information in regard to the exhibits contained within Ms Georgieva's witness statement.

12. The opponent's marks qualify as earlier marks in accordance with section 6(1)(a) and (aa) of the Act as their filing and seniority dates are earlier than the filing date of the applicant's mark. As the opponent's marks completed their registration process more than five years before the filing date of the mark in issue, they are subject to proof of use pursuant to section 6A of the Act.

Proof of use

13. I will begin by assessing whether there has been genuine use of the earlier marks. The relevant statutory provisions are as follows:

14. Section 6A of the Act states:

“(1) This section applies where

(a) an application for registration of a trade mark has been published,

(b) there is an earlier trade mark of a kind falling within section 6(1)(a), (aa) or (ba) in relation to which the conditions set out in section 5(1), (2) or (3) obtain, and

(c) the registration procedure for the earlier trade mark was completed before the start of the relevant period.

(1A) In this section “the relevant period” means the period of 5 years ending with the date of the application for registration mentioned in subsection (1)(a) or (where applicable) the date of the priority claimed for that application.

(2) In opposition proceedings, the registrar shall not refuse to register the trade mark by reason of the earlier trade mark unless the use conditions are met.

(3) The use conditions are met if –

(a) within the relevant period the earlier trade mark has been put to genuine use in the United Kingdom by the proprietor or with his consent in relation to the goods or services for which it is registered, or

(b) the earlier trade mark has not been so used, but there are proper reasons for non- use.

(4) For these purposes –

(a) use of a trade mark includes use in a form (the “variant form”) differing in elements which do not alter the distinctive character of the mark in the form in which it was registered (regardless of whether or not the trade mark in the variant form is also registered in the name of the proprietor), and

(b) use in the United Kingdom includes affixing the trade mark to goods or to the packaging of goods in the United Kingdom solely for export purposes.

(5)-(5A) [Repealed]

(6) Where an earlier trade mark satisfies the use conditions in respect of some only of the goods or services for which it is registered, it shall be treated for the purposes of this section as if it were registered only in respect of those goods or services.”

15. Pursuant to section 6A of the Act, the relevant period for assessing whether there has been genuine use of the earlier marks is the five years ending on the filing date of the applicant’s mark, i.e. 7 December 2019 to 6 December 2024.

16. By virtue of paragraph 7 of Part 1, Schedule 2A of the Act, use of the Second Earlier Comparable Mark within the EU is relevant for the part of the relevant period

which falls prior to IP Completion Day (31 December 2020). After that date, only use in the UK will be relevant. For the First Earlier Mark, only use in the UK is relevant.

17. In *easyGroup Ltd v Nuclei Ltd & Ors* [2023] EWCA Civ 1247, Arnold LJ summarised the law relating to genuine use as follows:

“105. The principles applicable to determining whether there has been genuine use of a trade mark have been considered by the CJEU in a considerable number of cases, the principal decisions being Case C-40/01 *Ansul BV v Ajax Brandbeveiliging BV* [2003] ECR I-2439, Case C-259/02 *La Mer Technology Inc v Laboratories Goemar SA* [2004] ECR I-1159, Case C-416/04 *P Sunrider Corp v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [2006] ECR I-4237, Case C-442/07 *Verein Radetsky-Order v Bundervsvereinigung Kamaradschaft 'Feldmarschall Radetsky'* [2008] ECR I-9223, Case C-495/07 *Silberquelle GmbH v Maselli-Strickmode GmbH* [2009] ECR I-2759, Case C-149/11 *Leno Marken BV v Hagelkruis Beheer BV* [EU:C:2012:816], Case C-609/11 *Centrotherm Systemtechnik GmbH v Centrotherm Clean Solutions GmbH & Co KG* [EU:C:2013:592], Case C-141/13 *P Reber Holding & Co KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [EU:C:2014:2089], Case C-689/15 *W.F. Gözze Frottierweberei GmbH v Verein Bremer Baumwollbörse* [EU:C:2017:434] and Joined Cases C-720/18 and C-721/18 *Ferrari SpA v DU* [EU:C:2020:854].

106. Ignoring issues which do not arise in the present case, such as use in relation to spare parts or second-hand goods and use in relation to a sub-category of goods or services, the principles may be summarised as follows:

(1) Genuine use means actual use of the trade mark by the proprietor or by a third party with authority to use the mark: *Ansul* at [35] and [37].

(2) The use must be more than merely token, that is to say, serving solely to preserve the rights conferred by the registration of the mark: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Centrotherm* at [71]; *Leno* at [29]; *Ferrari* at [32].

(3) The use must be consistent with the essential function of a trade mark, which is to guarantee the identity of the origin of the goods or services to the consumer or end user by enabling him to distinguish the goods or services from others which have another origin: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Silberquelle* at [17]; *Centrotherm* at [71]; *Leno* at [29]; *Gözze* at [37], [40]; *Ferrari* at [32].

(4) Use of the mark must relate to goods or services which are already marketed or which are about to be marketed and for which preparations to secure customers are under way, particularly in the form of advertising campaigns: *Ansul* at [37]. Internal use by the proprietor does not suffice: *Ansul* at [37]; *Verein* at [14]. Nor does the distribution of promotional items as a reward for the purchase of other goods and to encourage the sale of the latter: *Silberquelle* at [20]-[21]. But use by a non-profit making association can constitute genuine use: *Verein* at [16]-[23].

(5) The use must be by way of real commercial exploitation of the mark on the market for the relevant goods or services, that is to say, use in accordance with the commercial *raison d'être* of the mark, which is to create or preserve an outlet for the goods or services that bear the mark: *Ansul* at [37]-[38]; *Verein* at [14]; *Silberquelle* at [18]; *Centrotherm* at [71].

(6) All the relevant facts and circumstances must be taken into account in determining whether there is real commercial exploitation of the mark, including: (a) whether such use is viewed as warranted in the economic sector concerned to maintain or create a share in the market for the goods and services in question; (b) the nature of the goods or services; (c) the characteristics of the market concerned; (d) the scale and frequency of use of the mark; (e) whether the mark is used for the purpose of marketing all the goods and services covered by the mark or just some of them; (f) the evidence that the proprietor is able to provide; and (g) the territorial extent of the use: *Ansul* at [38] and [39]; *La Mer* at [22]-[23]; *Sunrider* at [70]-[71], [76]; *Centrotherm* at [72]-[76]; *Reber* at [29], [32]-[34]; *Leno* at [29]-[30], [56]; *Ferrari* at [33].

(7) Use of the mark need not always be quantitatively significant for it to be deemed genuine. Even minimal use may qualify as genuine use if it is deemed to be justified in the economic sector concerned for the purpose of creating or preserving market share for the relevant goods or services. For example, use of the mark by a single client which imports the relevant goods can be sufficient to demonstrate that such use is genuine, if it appears that the import operation has a genuine commercial justification for the proprietor. Thus there is no *de minimis* rule: *Ansul* at [39]; *La Mer* at [21], [24] and [25]; *Sunrider* at [72]; *Leno* at [55].

(8) It is not the case that every proven commercial use of the mark may automatically be deemed to constitute genuine use: *Reber* at [32].”

Evidence of use

18. Ms Georgieva states that PANTENE is a globally recognised brand for its haircare, offering products tailored to a range of hair types and concerns. A “history of Pantene” timeline contained in **exhibit MG2** confirms that in the early 1990s, the brand was launched across the globe, including in “Central and Eastern Europe”, and was focused on making the “Pantene Pro-V” tagline “recognisable all over the world”. I note that Ms Georgieva refers to Pro-V as the “Pro-Vitamin complex” at paragraph 5 of her statement, and she has provided multiple examples of the opponent’s products bearing the “PRO-V” mark, contained in **exhibit MG4**, including:

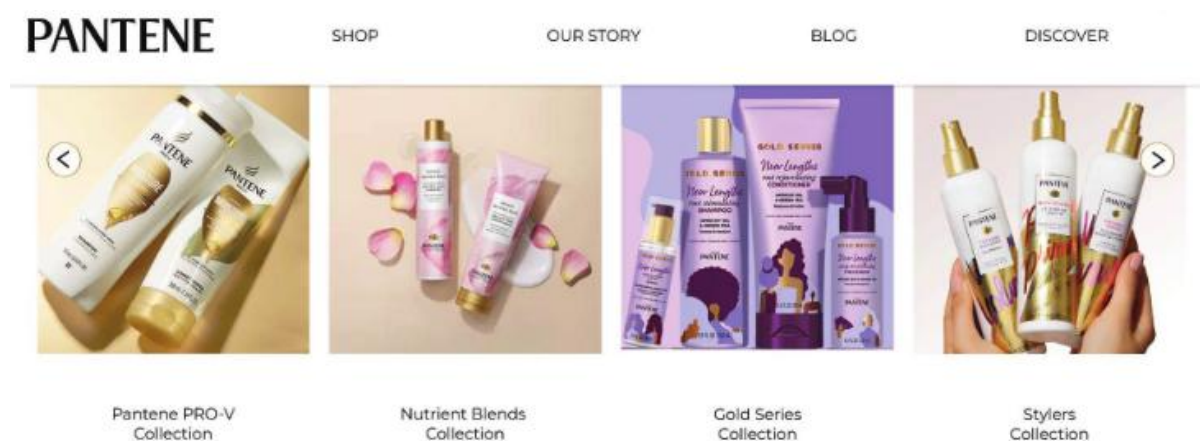




19. At paragraph 8 of her statement, Ms Georgieva says that “while the PRO-V Marks are often used in conjunction with the PANTENE mark, these product images clearly show that ‘PRO-V’ is always a distinct element free from the PANTENE mark and is regularly featured on a different line or in a different font and as a standalone trade mark in its own right”. At paragraph 9 of her statement, Ms Georgieva also says that “the PRO-V mark appears independently within a vitamin-shaped graphic, highlighting the product’s formulation and hair health-related benefits”.

20. **Exhibit MG4** includes the creation date of some of the above JPG images, that being 7 December 2020, 13 May 2020, 12 November 2021, 25 June 2020, 8 December 2020, 9 November 2021, 13 November 2021 and 4 June 2024. Under the core details, it shows that the “geography” of these goods included the United Kingdom, and that the goods were used in the fiscal years of “FY19/20”, “FY20/21”, “FY21/22”, “FY22/23”. However, I note that the “PANTENE PRO-V superfood full and strong conditioner” was also used in the fiscal years of “FY18/19”.

21. **Exhibit MG3** contains screenshots of the opponent’s US and UK websites, showing that the opponent has a “PRO-V” collection, alongside its “Nutrient blends collection”, “gold series collection” and “stylers collection”, presented as follows:



22. However, the printouts are all dated 23 June 2025, and therefore fall after the relevant period. I have also been provided with screenshots of the opponent’s goods available for sale on third party retailers’ websites, contained in **exhibit MG5**, including PANTENE PRO-V shampoo, bond repair shampoo, conditioner, hair masks and infused hair oil (including some of the above goods pictured above) being sold on Amazon. I also note that the listing name begins by referring to the goods as “Pantene Pro-V”. Albeit the screenshots are dated 24 June 2025, the 14 UK reviews left for the goods are dated between 19 February 2022 and 8 November 2024. **Exhibit MG5** also contains screenshots from the third party retailer websites ocado.com, waitrose.com and boots.com. Again, these screenshots are dated 24 June 2025, however, the reviews are dated as being from “2 years ago”, “3 years ago” or “4 years ago”. I therefore find that it is reasonable to infer that the PRO-V shampoo and 2 in 1 shampoo

and conditioner goods, priced between £3 to £6, were clearly sold during the relevant period.

23. Paragraph 18 of Ms Georgieva's statement says that "attached at Confidential **Exhibit MG11** is a table demonstrating the product units sold under the PANTENE brand, including products bearing the PRO-V Marks in the UK & Ireland each month from July 2020 to May 2025. The below table indicates in excess of units sold during this time period in the UK and Ireland":

Year	Units sold
2020	16M
2021	30M
2022	29M
2023	25M
2024	26M
2025	12M
Total	138M

24. I understand the above to mean that the table contains approximate figures which have been accumulated from the confidential exhibit (which I note breaks down the sales further into monthly units sold). Nevertheless, Ms Georgieva's above wording indicates that all of the units sold (contained in the confidential exhibit and the table) pertain to the PANTENE brand, but not all of the units sold pertain to goods affixed with the PRO-V mark. I also bear in mind that no breakdown of the goods have been provided in terms of the types of goods sold, such as shampoos, conditioners, hair masks and hair oils.

25. At paragraph 11 of her witness statement, Ms Georgieva states that she has provided a selection of non-exhaustive invoices "evidencing sales of PANTENE products, bearing the PRO-V Marks to the aforementioned third-party retailers", contained in **exhibit MG6**. She also states that "while the PRO-V Mark is not specifically mentioned, as has already been illustrated, PANTENE products also bear the PRO-V Marks". I note the following from this exhibit:

- The 28 invoices are dated between 21 April 2019 and 7 June 2024.

- The invoices are from the opponent (“Procter & Gamble UK”) addressed to Waitrose, Sainsbury’s, Tesco, Superdrug and Boots. The address of these retailers are redacted.
- The unit prices and total price of the invoices are redacted. However, the “currency” or total values are listed as “GBP”. The Boots invoices also clearly refer to “BOOTS UK LTD”, and provides a Boots “.co.uk” email address.
- Only 3 invoices reference the “PRO-V” mark. One Waitrose invoice refers to “Pantene Pro-V Miracl”, and two Tesco invoices refer to the “Pantene Pro-V intense hair mask” and “Pantene Pro-V intense hydration sorbet mask”.³ The unit sales and case sales for the Waitrose invoice is redacted, however, the Tesco invoices show that 348 and 214 intense hair masks were ordered, and 157 and 131 sorbet masks were ordered.
- The remaining invoices do not use the wording “PRO-V”, however, some of the invoices refers to goods, including, for example: “Pantene Colour Prote”, “Pantene Volume & Bod”, “Pantene classic clea” and “Pantene Smooth & Sle”. These are listed within the Waitrose invoices, in which the unit sales and case sales are redacted.
- I find it reasonable to infer that the above terms are likely to be short for “colour protect” and “Volume & Body” which are a shampoo and conditioner depicted in paragraph 18 above, and “classic clean” and “smooth and sleek” which, as I will come to discuss, are depicted in **exhibit MG7**.
- Ms Georgieva also draws my attention to page 9 of **exhibit MG6**, which she says contains a Sainsbury’s invoice for the “Pantene Grey & Glowing hair mask”, dated 26 September 2020. Ms Georgieva states that this is a product “which prominently bears the PRO-V mark”. I note that this invoice makes reference to “Pan Grey&Gl Msk 160ml” which I consider is likely to be the Grey & Glowing hair mask. 125 units of this mask was sold to Sainsburys. I note that this mask is also listed within the Waitrose invoices, however, their units sold have been redacted.
- I bear in mind that the invoices refer to many other goods, for example, “Pantene defrizz”, “Pantene Vol cond”, “Pantn Menopause Cond”, “Pant Ful&Vib”, “Pant Hyd Bt Crm” and “Pant Gld L/O mlk”. Ms Georgieva has not

³ Page 29, 40, 41, 42 and 43 of **exhibit MG6**.

provided the full name of the goods (i.e. deciphered the wording contained within the invoices), or provided supporting photographic showing the goods affixed with the “PRO-V” mark.

26. **Exhibit MG7** contains examples of the opponent’s goods being displayed on the shelves of third-party retailers such as Boots, Superdrug and Waitrose. Some of the photographs also show the following “standalone display units”, which Ms Georgieva states at paragraph 12 of her statement, makes their products “stand out from competing brands”:



27. I note that the above stands are clearly labelled as “PANTENE”, and the only reference to “PRO-V” appears on the larger representation of its serum, circled in red above. Whilst all of the photographs within **exhibit MG7** are undated, at paragraph 12 of Ms Georgieva’s witness statement, she confirms that “some of these were taken within the relevant period, and the remaining images were taken very recently but are illustrative of in-store advertising during the relevant period”, albeit this distinction is not made within the exhibited evidence. Nevertheless, the goods shown on the

shelves include those contained in paragraph 18 to this decision. I also note that the majority of the price tags used on the retailers' shelves list the goods as follows:



28. Only the Pantene Colour Pro-V miracles shampoo and conditioner are referred to as such on the shelf price tag contained on pages 14 and 15 of **exhibit MG7**. I also note that page 15 and 20 of **MG7** shows “Pantene Smooth & Sleek 3 in 1” and “Pantene classic clean” shampoo and conditioner goods on the shelves of a retail store, which are goods that are clearly affixed with the “PRO-V” mark.

29. **Exhibit MG8** contains advertising examples, for example, posters placed in shopping centres in London and Nottingham, and a London bus wrapped, as follows:



30. Firstly, all of these images are undated and therefore I am unable to determine if, or when, they were used during the relevant period. Secondly, it is the PANTENE sign which dominates the advertisements, as it is presented in the biggest writing within the posters or bus wrapping. It is also the biggest writing on the packaging of products shown within the advertisements. I am able to identify that the product in the left-hand poster is the “bond repair treatment”,⁴ and the product in the right-hand poster is the “Pantene Miracles Day and Night Serum”, which is identified at the bottom of the Underground poster contained on page 13 of **MG8**. Whilst the bottles have the word “PRO-V” on them, I bear in mind that this element does not appear anywhere else on the posters which is visible within the exhibit.

31. I note that I have been provided with two sets of advertising figures from Ms Georgieva, which are contained in confidential **exhibits MG8B** and **MG10**. At paragraph 14 of her witness statement, Ms Georgieva states that **exhibit MG8B** shows that the “OOH advertising spend” for January to March 2022 was in excess of £150,000, and for April to June 2024 it was in excess of £400,000. Whilst at paragraph 13 Ms Georgieva confirms that OOH stands for “Out of Home”, I nevertheless note that this exhibit only makes reference to “Pantene” and there is no reference at all to the “PRO-V” marks.

32. Confidential **exhibit MG10** contains “the advertising spend for PANTENE products (which includes those bearing the PRO-V Marks) from 2020- Present”.⁵ I note that the confidential exhibit contains a spreadsheet which is particularly hard to decipher due to the terminology used within it. Nevertheless, at paragraph 16 of her witness statement, Ms Georgieva has provided the following approximate figures of its advertising spend from TV, print, digital and poster advertisements:

Year	Value
2020/2021	In excess of £7M
2021/2022	In excess of £7M
2022/2023	In excess of £5M
2023/2024	In excess of £8M
2024/2025	In excess of £8M

⁴ The same packaging for this item is shown in paragraph 18 of my decision, and page 17 of **MG7**.

⁵ Paragraph 16 of Ms Georgieva’s witness statement.

33. A proportion of the spend for the year 2024/2025 will clearly fall after the relevant period. Nevertheless, based on the aforementioned wording used by Ms Georgieva, it is clear that not all of the above advertising spend pertains to “PRO-V” goods. This is supported by paragraph 17 of her statement which says that “the majority of advertisements referenced in the spend tables at confidential **exhibit MG10** relate to products bearing the PRO-V marks”. Without a breakdown as such, I am unable to determine how much the opponent spent advertising its PRO-V goods during the relevant period. However, Ms Georgieva also highlights that at page 2 of confidential **exhibit MG10**, in excess of £500,000 TV advertising spend was made in regard to “PANTENE Miracles”, which “is a product range which shows use of the PRO-V Marks”. Based on this exhibit, I note that this spend was made in the financial year 2021/22. However, there is no supporting evidence as to what the advertisements were and how they were presented. I also note that I have no information before me as to its audience reach in the EU and UK, and therefore I am unable to determine what consumers saw, and how many people saw these advertisements.

34. **Exhibit MG9** contains video examples “of the PANTENE 2023 collaboration with cast members from the BARBIE movie, including Emma Mackey and Margot Robbie. The footage shows product predominantly bearing the PRO-V marks”.⁶ While the “PANTENE X Barbie” videos clearly feature the PANTENE PRO V “infinite lengths leave on strengthening serum”, I note that Ms Georgieva has not provided any accompanying information as to where these videos were featured i.e. either on social media or TV, or their viewing figures. On this basis, I am unable to determine how EU and UK viewers were exposed to these adverts, or how many would have seen them.

34. Ms Georgieva has provided the following 4 examples of third party publications advertising the opponent’s PRO-V goods contained in **exhibit MG12**:

- a) A VOGUE article dated 1 March 2024 which lists hair treatment goods, including a photograph of the opponent’s “Pantene Pro V minerals BOND REPAIR mask”. However, when referring to the item, it says “PANTENE

⁶ Paragraph 15 of Ms Georgieva’s witness statement.

MOLECULAR BOND REPAIR INTENSIVE MASK £10". Nowhere in the article itself does it refer to PRO-V.

- b) The TIMES article dated 20 December 2023 lists the top 20 new beauty products for 2024, including the "Hair Repair Mask Pantene Pro-V Bond repair £10". It states that this item is "available from January".
- c) Grazia's article dated 1 April 2024 depicts and refers to the "Pantene Pro-V Molecular Bond Repair Intensive Mask" as one of the 35 brilliant health and beauty buys.
- d) The woman&home article dated 14 October 2023 lists the 9 best shampoos on the high street, including "Pantene Active Pro-V Colour protect shampoo". It states that "this clever shampoo has a unique Pro-V blend with strengthening lipids + productive anti-oxidants which works to keep your hair colour looking vibrant and full of life".

35. I note that Ms Georgieva has not provided me with any supporting information, such as how many EU and UK readers would have been exposed to the above magazine articles. However, I appreciate that it can be assumed that the VOGUE and The TIMES articles may be of significant national circulation. Whilst Ms Georgieva states that "PANTENE products bearing the PRO-V Marks have received significant media attention and have featured in major print and online publications in the UK", and that the above article evidence is representative of this, but non-exhaustive, Ms Georgieva gives no indication of the total scale of press coverage for PRO-V.⁷

36. **Exhibit MG13** contains screenshots of its PANTENE UK social media channels, that being Instagram, Tik Tok, YouTube and Facebook. The accounts are clearly targeting UK-based consumers (as per the UK element of the page name), and it can be inferred that the majority of people following the pages and viewing the posts will likely be located in the UK. However, I also remind myself that such a name does not prevent users from other regions viewing and following this page. More importantly, the screenshots are dated 18 June 2025, and therefore, I am unable to determine how many followers the platforms had before the relevant date. Nonetheless, the exhibit

⁷ I note that these factors were also considered in paragraph 31 of the appeal decision *GLOSSY BOYS (word mark)* BL O/0696/26.

also contains example posts from these platforms. The Instagram posts show the opponent's PANTENE PRO-V infinite lengths leave on serum and colour gloss shampoo, the packaging of which use the PRO-V marks. The posts are dated between 5 April 2023 and 28 July 2023 and appear to have generated between 19 and 32 likes. The Tik Tok post for the molecular bond repair goods is dated 2 August 2024, and had generated 494 likes. I therefore find that all of these posts show a relatively low level of user engagement. While I have also been provided with Facebook posts advertising the PANTENE PRO-V infinite lengths leave on serum, dated between 12 August to 21 August 2023, I bear in mind that the posts do not show how many likes were generated by them.

37. Ms Georgieva highlights the following two “notable accolades” which have been won by PANTENE for its PRO-V goods, exhibited in **MG14**:

- 1) The Purpose Award 2022 – Specialist: Best Use of Celebrity and/or Influencers, awarded for the Pantene Miracles Silky & Glowing range. The article from prweek.com dated 10 June 2022 does not make any reference to the wording “PRO-V”. I also have not been provided with a photographic example of the Silky & Glowing range, but Ms Georgieva states that these goods are affixed with the “PRO-V” mark.
- 2) The Marie Claire Magazine Award 2018 for Best Conditioner for Damaged Hair, awarded to the “Pantene Pro-V 3 Minute Miracle Conditioner”. The Pantene Pro-V 3 Minute Miracle Conditioner is a part of the repair and protect range which is shown in paragraph 18 above.⁸

38. **Exhibit MG14** also includes photographs and articles from 2000 and 2001 regarding the Pantene Pro-V Awards and its attendees. However, this evidence clearly falls before the relevant period. Lastly, Ms Georgieva has provided screenshots from the website YouGov, which she states measures the “popularity and fame of anything and everything, based on millions of responses from the British public”.⁹ This evidence

⁸ This is confirmed by the Marie Clare article contained in **exhibit MG14** which depicts the Pro-V 3 Minute Miracle Conditioner.

⁹ Paragraph titled “brand rankings” (does not have a paragraph number).

is contained in **exhibit MG15**. I note that the first screenshot, dated 25 June 2025, shows the following:



39. The exhibit also contains a “Pantene fame & popularity tracker”, which appears in the form of a graph. It shows that between January 2020 and October 2024, the “fame” score ranged from 87% to 92% in the UK. The “popularity” score between January 2020 and October 2024 ranged from 49% to 60%. The website highlights that “the popularity rating for Pantene was determined by how people responded to the options: Really like, Like, Don’t Like. Fame was based on whether people had heard of Pantene”. The FAQ part of the website which is also exhibits highlights that the data is obtained from “millions of responses from the British public”.

40. Whilst it is clear that the profile picture for the brand contains the wording “PRO-V”, the data itself pertains to “Pantene”. On this basis, whilst I note that this evidence may point towards the “fame and popularity” of Pantene as a brand, it does not specially show the “fame and popularity” of PRO-V products amongst the British public.

Form of the mark

41. In *Colloseum Holdings AG v Levi Strauss & Co.*, Case C-12/12, which concerned the use of one mark with, or as part of, another mark, the Court of Justice of the European Union (“CJEU”) found that (my emphasis):

“31. It is true that the ‘use’ through which a sign acquires a distinctive character under Article 7(3) of Regulation No 40/94 relates to the period before its registration as a trade mark, whereas ‘genuine use’, within the meaning of Article 15(1) of that regulation, relates to a five-year period following registration and, accordingly, ‘use’ within the meaning of Article 7(3) for the purpose of registration may not be relied on as such to establish ‘use’ within the meaning of Article 15(1) for the purpose of preserving the rights of the proprietor of the registered trade mark.

32. Nevertheless, as is apparent from paragraphs 27 to 30 of the judgment in Nestle, the ‘use’ of a mark, in its literal sense, generally encompasses both its independent use and its use as part of another mark taken as a whole or in conjunction with that other mark.

33. As the German and United Kingdom Governments pointed out at the hearing before the Court, the criterion of use, which continues to be fundamental, cannot be assessed in the light of different considerations according to whether the issue to be decided is whether use is capable of giving rise to rights relating to a mark or of ensuring that such rights are preserved. If it is possible to acquire trade mark protection for a sign through a specific use made of the sign, that same form of use must also be capable of ensuring that such protection is preserved.

34. Therefore, the requirements that apply to verification of the genuine use of a mark, within the meaning of Article 15(1) of Regulation No 40/94, are analogous to those concerning the acquisition of a sign of distinctive character through use for the purpose of its registration, within the meaning of Article 7(3) of the regulation.

35. Nevertheless, as pointed out by the German Government, the United Kingdom Government and the European Commission, a registered trade mark that is used only as part of a composite mark or in conjunction with another mark must continue to be perceived as indicative of the origin of the product at

issue for that use to be covered by the term ‘genuine use’ within the meaning of Article 15(1)”.

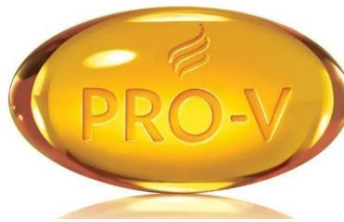
42. I note that the product packaging for the opponent’s goods shows that the “PRO-V” marks have predominantly been used as part of, or in conjunction with, another mark, as follows:



43. The three line wave device and the word “PANTENE” both appear before the wording “PRO-V”, in a significantly larger size. I bear in mind that the device is simple and banal, and that the word “PANTENE”, which is presented in a standard capitalised typeface, is likely to be recognised by the average consumer as an invented word. Therefore, given the distinctiveness of the invented word, its size and its placement, it is my view that “PANTENE” is likely to be viewed as a house brand. Nevertheless, that does not prevent the “PRO-V” element from performing the essential function of a trade mark, albeit as a secondary identifier of origin.

44. To my mind, when the opponent’s goods are selected by consumers, whilst they will perceive the word “PANTENE” as the primary identifier of origin (due to its size and placement), the “PRO-V” element will likely be perceived as a sub-brand. I remind myself that the opponent’s mark is registered in a word-only format, and that within the above examples, it is presented in a standard capitalised typeface. Therefore, the “PRO-V” element is unaltered and continues to be an indicator of origin (even if it is not the only element that fulfils this function). I therefore find that the above use of the opponent’s PRO-V marks is acceptable use of the First and Second Earlier Marks as registered.

45. For the sake of completeness, I also note that the wording PRO-V has been used within the “vitamin-shaped graphic” on the product packaging, as follows:



46. It includes the three line wave device, which, as noted above, is simple and banal. I also note that the wording “PRO-V” is unaltered, clearly visible and still continues to indicate origin.¹⁰ I also bear in mind that this element is presented in a very small size. Nevertheless, it is acceptable use of the earlier marks.

Assessment of genuine use

47. I will now consider whether the evidence shows that the First and Second Earlier Mark satisfies the requirements for genuine use.

48. An assessment of genuine use is a global assessment, which includes looking at the evidential picture as a whole, not whether each individual piece of evidence shows use by itself.¹¹

49. As indicated in the case law cited above, use does not need to be quantitatively significant in order to be genuine. The assessment must take into account a number of factors in order to ascertain whether there has been real commercial exploitation of the mark which can be regarded as “warranted in the economic sector concerned to maintain or create a share in the market for the goods or services protected by the mark” in the relevant territory and period.

50. In *Awareness Limited v Plymouth City Council*, Case BL O/236/13, Mr Daniel Alexander Q.C. as the Appointed Person stated that:

¹⁰ *Colloseum Holdings AG v Levi Strauss & Co.*, Case C-12/12, paras 31-35

¹¹ *New Yorker SHK Jeans GmbH & Co KG v OHIM*, T-415/09

“22. The burden lies on the registered proprietor to prove use..... However, it is not strictly necessary to exhibit any particular kind of documentation, but if it is likely that such material would exist and little or none is provided, a tribunal will be justified in rejecting the evidence as insufficiently solid. That is all the more so since the nature and extent of use is likely to be particularly well known to the proprietor itself. A tribunal is entitled to be sceptical of a case of use if, notwithstanding the ease with which it could have been convincingly demonstrated, the material actually provided is inconclusive. By the time the tribunal (which in many cases will be the Hearing Officer in the first instance) comes to take its final decision, the evidence must be sufficiently solid and specific to enable the evaluation of the scope of protection to which the proprietor is legitimately entitled to be properly and fairly undertaken, having regard to the interests of the proprietor, the opponent and, it should be said, the public.”

51. In *Dosenbach-Ochsner Ag Schuhe Und Sport v Continental Shelf 128 Ltd*, Case BL 0/404/13, Mr Geoffrey Hobbs Q.C. as the Appointed Person stated that:

“21. The assessment of a witness statement for probative value necessarily focuses upon its sufficiency for the purpose of satisfying the decision taker with regard to whatever it is that falls to be determined, on the balance of probabilities, in the particular context of the case at hand. As Mann J. observed in *Matsushita Electric Industrial Co. v. Comptroller- General of Patents* [2008] EWHC 2071 (Pat); [2008] R.P.C. 35:

[24] As I have said, the act of being satisfied is a matter of judgment. Forming a judgment requires the weighing of evidence and other factors. The evidence required in any particular case where satisfaction is required depends on the nature of the inquiry and the nature and purpose of the decision which is to be made. For example, where a tribunal has to be satisfied as to the age of a person, it may sometimes be sufficient for that person to assert in a form or otherwise what his or her age is, or what their date of birth is; in others, more formal proof in the form of, for example, a birth certificate will be required. It all depends

who is asking the question, why they are asking the question, and what is going to be done with the answer when it is given. There can be no universal rule as to what level of evidence has to be provided in order to satisfy a decision-making body about that of which that body has to be satisfied.

22. When it comes to proof of use for the purpose of determining the extent (if any) to which the protection conferred by registration of a trade mark can legitimately be maintained, the decision taker must form a view as to what the evidence does and just as importantly what it does not ‘show’ (per Section 100 of the Act) with regard to the actuality of use in relation to goods or services covered by the registration. The evidence in question can properly be assessed for sufficiency (or the lack of it) by reference to the specificity (or lack of it) with which it addresses the actuality of use.”

52. The case law summarised in the passage from *easygroup* quoted above makes it clear that real commercial exploitation of the trade mark must be shown. Even in a case where the use is not sham, i.e. it is not use engineered solely to preserve the trade mark registration, the use must be more than trivial if it is to be considered genuine. An example of this can be seen in *Memory Opticians Ltd’s Application*, BL O/528/15, where the Appointed Person, Professor Ruth Annand, upheld the decision to revoke the protection of the mark STRADA on the grounds that it had not been put to genuine use within the requisite 5-year period. There had in fact been sales of goods bearing the mark, but these were very low in volume (circa 40 pairs of spectacles per year) and all the sales were local, from 3 branches of an optician. There was no advertising of the goods under the mark, and the evidence indicated that they were only displayed in-store on occasion. The mark was said to have been applied to the goods via a sticker applied to the arms of a dummy lens. This level of use was held to be insufficient to create or maintain a market under the mark. Consequently, it was not genuine use.

53. I also bear in mind Mr Alexander Q.C.’s comments in *Guccio Gucci SpA v Gerry Weber International AG*, Case BL O/424/14, where he stated:

“56. The Registrar says that it is important that a party puts its best case up front – with the emphasis both on “best case” (properly backed up with credible exhibits, invoices, advertisements and so on) and “up front” (that is to say in the first round of evidence). Again, he is right. If a party does not do so, it runs a serious risk of having a potentially valuable trade mark right revoked, even where that mark may well have been widely used, simply as a result of a procedural error. [...] The rule is not just “use it or lose it” but (the less catchy, if more reliable) “use it – and file the best evidence first time round – or lose it”. [original emphasis]

54. Whilst I appreciate that the appeal case of *Guccio Gucci SpA* explores the criticisms in relation to revocation on the grounds of non-use under section 46, I find that the comments can be considered and are useful when assessing proof of use in the context of section 5(2)(b).

55. Firstly, Ms Georgieva’s witness statement appears to make reference to the evidence illustrating that “PANTENE products also bear the PRO-V Marks”.¹² However, at paragraph 8 she says that “the PRO-V Marks are often used in conjunction with the PANTENE mark”, and when citing the unit and advertising figures, she predominantly refers to them as pertaining to the PANTENE house brand “including” products bearing the PRO-V Marks. Therefore, the narrative evidence appears to be unclear as to what proportion of PANTENE products bear the secondary identifier “PRO-V”.

56. Secondly, where proof of use is required, it is typical to see evidence such as turnover figures and invoices showing the sale of the opponent’s goods to customers. Whilst I have not been provided with turnover figures in regard to the opponent’s PRO-V toiletry and haircare goods, I have been provided with a table of PANTENE unit sales made between 2020 to 2025, which range between 16 million to 29 million units sold per year. Whilst Ms Georgieva confirms that these unit sales include products bearing the PRO-V Marks, the table does not specify what proportion of the sales are associated with the PRO-V marks, which I have found to be a secondary identifier of

¹² Paragraph 11

origin (with PANTENE likely being viewed as the house brand). The word “including” also gives me no indication as to what proportion of sales can be attributed to PRO-V goods, and therefore it is not reasonable for me to make an inference in this regard. I note that providing PRO-V unit figures for its toiletries such as shampoos and conditioners, as well as hair treatments such as masks and oils, should have been available to the opponent and relatively easy to provide. On this point, I have also considered the case of *EROS BODYGLIDE* BL O/0984/25, in which Mr Phillip Johnson sitting as the Appointed Person explored the criticisms in relation to proof of use evidence under section 5(2)(b), specifically highlighting that:

“26. Where global sales figures are provided for multiple goods sold under one trade mark this is not going to be evidence of use for any of those goods. The sales could all be in relation to good A or all in relation to good B or a split between the two. This is why particularisation is so important as without it the figures provide no evidence of use for either good A or good B. The same applies where the same good is sold under trade mark A and trade mark B.

27. Evidence of sales is only useful for establishing genuine use where it sets out the sales revenue for a particular and identified good (or service) and it is clear that that good or service is sold under the trade mark. Only where there is only one good being sold and it is sold under only one trade mark can global figures be sufficient.” **(my emphasis)**

57. Whilst *EROS BODYGLIDE* specifically refers to revenue made, I consider that the same criticisms can be considered and applied in regard to unit figures. Consequently, on the basis that the unit figures are not broken down into the goods specifically sold under the PRO-V mark, nor (as per *EROS BODYGLIDE*) do I have any breakdown in regard to the different types of PRO-V goods sold, I find that the unit figures provided in paragraph 23 above cannot be evidence of use for any of the opponent’s PRO-V goods.

58. The opponent has provided evidence in regard to the sale of its PRO-V goods via the 28 sample invoices addressed to Waitrose, Sainsbury’s, Tesco, Superdrug and

Boots. These are dated within the relevant period, and all appear to be in Great British Pounds. Therefore, it is likely that these invoices were distributed to third party retailers based in the UK.¹³ However, I appreciate that the supporting screenshot evidence from Waitrose's and Boots' websites show that they are .com domains, which means that they can nevertheless be accessed by consumers worldwide.

59. Only 3 of the 28 invoices refer to the goods using the PRO-V mark (in conjunction with the word "Pantene"). Albeit I have been able to determine that other goods listed within the invoices use the PRO-V mark on its packaging, the evidence nevertheless shows that the goods are not referred to as such within the invoices themselves. The 28 invoices are also heavily redacted. The total prices of the goods have all been censored, and the Waitrose invoices have also censored the unit sales and case sales next to the product names. The unit prices have also been censored. However, I appreciate that the third party retailer website screenshots and the shelf price tag evidence confirms that the opponent's goods are typically priced between £3 to £11. From the sample invoice evidence, I have only been able to determine that 125 units of the Grey & Glowing hair mask was sold to Sainsbury's and 562 PRO-V intense hair masks and 288 PRO-V hydration sorbet masks were purchased by Tesco during the relevant period.¹⁴ I note that these invoices are also dated 26 September 2020, 8 February 2023 and 15 February 2023, and that they represent a tiny fraction of the 16 million and 25 million unit figures of PANTENE products sold in 2020 and 2023 provided by Ms Georgieva above. Moreover, the address of all the third party retailers have been redacted, and I have not been provided with any invoice evidence showing sales directly made to EU and UK consumers (including those made from the opponent's website, albeit I note that the screenshots of this website are undated). Without this evidence, I am unable to determine whether the sale of the opponents PRO-V goods were geographically spread across the UK and EU.

60. The remaining evidence which shows PRO-V shampoos, conditioners, hair masks and hair oils were sold during the relevant period is the review evidence. The Amazon screenshots confirm that 14 reviews were left by UK consumers. However, the

¹³ In particular, the Boots invoices clearly refer to "BOOTS UK LTD".

¹⁴ This has been calculated from the figures 348 and 214 intense hair masks and 157 and 131 sorbet masks, contained in paragraph 25.

ocado.com, waitrose.com and boots.com websites do not confirm the location of the reviewee. Again, by virtue of the .com element, the websites can be accessed worldwide, and therefore it is not reasonable to infer that the reviews made on these websites were made by EU or UK consumers. On this basis, I do not consider that the reviews on Ocado, Waitrose or Boots are able to establish that such sales were made to consumers from the relevant territories.

61. I note that the opponent has not provided the market share that it possesses for its PRO-V brand in what is undoubtedly very significant markets (toiletries and haircare). However, based on the above evidence before me, that being the minimal UK invoice sales and the 14 Amazon UK reviews, I find that the opponent's share would only amount to a very small proportion of these markets in the UK.

62. I also bear in mind that the other material filed by the opponent does not sufficiently show that there has been a real attempt to exploit the PRO-V marks in the sector. For example, in regard to the PANTENE advertising figures provided in paragraph 32, whilst Ms Georgieva confirms that it includes advertising spent on goods bearing the PRO-V Marks "from 2020- Present", again, I have not been provided with any clarification as to what proportion of the spend actually pertains to advertising the opponent's PRO-V goods. The only marketing expenditure which I am able to determine relates to PRO-V goods is the £500,000 TV advertising spend which was made in regard to "PANTENE Miracles" in the financial year 2021/22. However, there is no supporting evidence as to how these advertisements were presented. In regard to the poster evidence contained in paragraph 29, all of the images provided are undated and Ms Georgieva does not provide any narrative evidence in regard to how long the posters were erected. Without this information, I am unable to determine if (and for how long) UK consumers were exposed to this advertising during the relevant period.

63. In regard to the "PANTENE X Barbie" collaboration, as noted above, I have no supporting information such as how many EU and UK consumers would have been exposed to this advertising and how (i.e. if the videos were shown on TV or uploaded to social media). I also note that the third party magazine article evidence is limited on the basis that no evidence of circulation was provided, nor do I have an indication of

the total scale of press coverage (and its reach to EU and UK consumers) for PRO-V goods during the relevant period. The social media evidence is either dated after the relevant period, or its posts show very low user engagement, and the fame and popularity tracker evidence pertains to “Pantene” and not specifically “PRO-V”.

64. The assessment of proof of use evidence “is by its nature forensic and stringent”, and “it is important to ensure that when proving use the registered proprietor has dotted all the i’s and crossed all of the t’s in its evidence”.¹⁵ I also remind myself that, in criticising the individual pieces of evidence, I must assess the evidence as a whole. Although they are individually less than compelling, the various parts might corroborate each other. However, the evidence does not present me with a picture of genuine use when I put the pieces together. I am only able to use the invoice and review evidence to conclude that limited sales were made in regard to the opponent’s toiletry and haircare goods affixed with the PRO-V mark within the UK, and the opponent’s efforts to advertise such goods are predominantly undated. I find that the evidence does not allow me to discern the scale, frequency or territorial extent of the use of the marks, which are key factors in the assessment of genuine use. This leads me to find that the opponent’s evidence is insufficiently solid in showing that its First and Second Earlier Marks have been genuinely used in the relevant territories, during the relevant period, in respect of any of its registered goods. The consequence of my finding is that the First and Second Earlier Marks may not be relied upon under section 5(2)(b) in these proceedings.

65. As the First and Second Earlier Marks are the only registered earlier rights being relied upon by the opponent in these proceedings, the section 5(2)(b) claim fails.

Section 5(3)

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

“5(3) A trade mark which –

¹⁵ Paragraph 15 of *EROS BODYGLIDE* BL O/0984/25, which also refers to *Abanka DD v Abanca Corporacion Bancaria SA* [2017] EWHC 2428 (Ch), [88]; *Gerry Weber International Ag V Guccio Gucci Spa* [2015] RPC 9, [1].

(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 (or, in the case of a European Union trade mark or international trade mark (EC), in the European Union) 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.”

67. Section 5(3) also relies on the opponent having an earlier trade mark. However, as noted above, the opponent has failed to establish use of its First and Second Earlier Marks, and therefore they may not be relied upon under section 5(3) either. As there is no other basis for the opposition, the action must fail under both grounds.

CONCLUSION

68. The opposition is unsuccessful, and the application may proceed to registration.

COSTS

69. The applicant has been successful and would normally be entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 1/2023. However, as the applicant is unrepresented, the tribunal wrote to the applicant and invited them to indicate whether they intended to make a request for an award of costs.¹⁶

70. The applicant was informed that, if so, they should complete a Pro Forma, providing details of their actual costs and accurate estimates of the amount of time spent on various activities associated with the proceedings. They were informed 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”.

¹⁶ Whilst this would usually be issued at the conclusion of the evidence rounds, the Registry wrote to the parties on 13 July 2026, giving the applicant 14 days, on or before 27 July 2026, to complete and return the attached costs proforma.

71. The applicant did not file a completed Pro Forma and paid no official fees. That being the case, I make no award of costs in this matter.

Dated this 7th day of September 2026

L FAYTER

For the Registrar

ANNEX 1

Class 3

Fragrances; Perfumes; Perfumery and fragrances; Oils for perfumes and scents; Potpourris [fragrances]; Perfume; Aromatics for perfumes; Scents; Aromatics for fragrances; Colognes; Perfume oils; Fragrances for automobiles; Extracts of perfumes; Fragrance sachets; Household fragrances; Liquid perfumes; Perfumes for ceramics; Flowers (Extracts of -) [perfumes]; Extracts of flowers being perfumes; Extracts of flowers [perfumes]; Natural oils for perfumes; Musk [perfumery]; Body fragrances; Perfumery products; Perfumeries; Perfumes for cardboard; Room fragrances; Perfumery; Deodorants for personal use [perfumery]; Amber [perfume]; Aftershaves; Cedarwood perfumery; Fragrance preparations; Body deodorants [perfumery]; Fragrance emitting wicks for room fragrance; Cologne; Solid perfumes; Aftershave lotions; Perfume oils for the manufacture of cosmetic preparations; Fragrance refills for non-electric room fragrance dispensers; Perfumed potpourris; Essences for fragancing; Perfumed soaps; Scented soaps; Ionone [perfumery]; Room perfume sprays; Scented oils; Fumigation preparations [perfumes]; Perfume water; After-shave lotions; Synthetic perfumery; Geraniol for fragancing; Vanilla perfumery; Fragrance sachets for eye pillows; Aftershave balms; Geraniol fragancing compounds; Ethereal oils for fragancing; Perfumed creams; Synthetic vanillin [perfumery]; Aromatherapy lotions; Air fragrance preparations; Perfumed sachets; Fragrances for personal use; After-sun oils [cosmetics]; Skin fresheners [cosmetics]; Scented body lotions; Scented body lotions and creams; Essential oils as fragrances for laundry use; Scented sachets; Moisturisers [cosmetics]; Essential oils for use in the manufacture of scented products; Perfumed powders [for cosmetic use]; Mint for perfumery; Scented linen sprays; Perfumery, essential oils; Perfumed powders; Perfuming sachets; Aftershave creams; After-shave balms; Aromatic potpourris; Suntan oils [cosmetics]; Perfumed lotions [toilet preparations]; Feminine deodorant sprays; Air fragrance reed diffusers; Roll-on deodorants [toiletries]; Skincare cosmetics; Tanning oils [cosmetics]; Pomanders [aromatic substances]; Natural perfumery; Room perfumes in spray form; Piperonal fragancing compounds; Heliotropin fragancing compounds; Fragrance for household purposes; Eau de cologne [cologne water]; Perfumes for industrial purposes; Peppermint oil [perfumery];

Aftershave; Perfumed soap; Eau de colognes; Beauty lotions; Cosmetics; Suncare lotions; Scented body creams; Essential oils as perfume for laundry purposes; Fragrant sachets; Sachets for perfuming linen; Linen (Sachets for perfuming -); Scented oils used to produce aromas when heated; Suncare lotions [for cosmetic use]; After-shave creams; Room fragrancing products; Hair shampoo; Hair shampoos; Hair dye; Hair relaxers; Hair pomades; Hair texturizers; Hair conditioner; Hair mousse; Hair lighteners; Dyes for the hair; Hair dyes; Hair bleaches; Hair bleach; Hair colourants; Hair mascara; Hair serums; Hair lotion; Hair lotions; Hair cosmetics; Hair moisturizers; Hair gel; Hair rinses; Hair mousses; Hair conditioners; Hair color; Hair wax; Hair sprays; Hair colouring; Hair styling lotions; Hair moisturisers; Hair oils; Hair spray; Shampoos for human hair; Hair styling gel; Hair creams; Hair cream; Hair gels; Hair colorants; Hair nourishers; Hair powder; Hair emollients; Styling sprays for the hair; Baby hair conditioner; Hair tonics; Tints for the hair; Hair chalks; Hair oil; Hair styling waxes; Hair masks; Hair lacquer; Hair lacquers; Hair styling spray; Hair balsam; Hair balm; Hair balms; Styling gels for the hair; Hair styling gels; Colouring lotions for the hair; Hair tonic; Styling paste for hair; Hair liquid; Non-medicated hair shampoos; Hair glaze; Hair rinses [for cosmetic use]; Hair glazes; Hair and body wash; Cosmetic preparations for the hair and scalp; Wax treatments for the hair; Hair liquids; Hair removing cream; Shaving cream; Skin cream; Facial cream; Hair care creams; Cuticle cream; Creams for fixing hair; Hair protection creams; Cream for whitening the skin; Whitening the skin (Cream for -); Skin cream [for cosmetic use]; Hair care creams [for cosmetic use]; Facial cream [for cosmetic use]; Nail cream; Sunscreen cream; Anti-aging cream; Lip cream; Hair protection mousse; Skin cleansing cream; Anti-wrinkle cream; Shower cream; Hair moisturising conditioners; Cosmetic hair lotions; Body cream; Shaving creams; Non-medicated scalp treatment cream; Bath cream; Shaving mousse; Colour removers for the hair; Hair colour removers; Horse oil cream for skin care; Shave creams; Aftershave moisturising cream; Mousses [toilettries] for use in styling the hair; Hair color removers; Body cream soap; Mattifying gel cream; Non-medicated balm for hair; Hair care lotions; Facial creams; Hair conditioner bars; Hair tonic [for cosmetic use]; Cream soaps; Body mask cream; Non-medicated hair lotions; Mousses being hair styling aids; Face cream (Non-medicated -); Skin cleansing cream [non-medicated]; Anti-wrinkle cream [for cosmetic use]; Shampoo; Dandruff shampoo; Shampoos; Waterless shampoo; Baby shampoo; Baby shampoo mousse; Carpet shampoo; Shampoo bars; Dry shampoos; Shampoo for animals; Emollient shampoos;

Waterless shampoos; Car shampoos; Pet shampoos; Non-medicated shampoos; Body shampoos; Shampoos for babies; Deodorant soap; Soap (Deodorant -); Non-medicated pet shampoos; Vehicle shampoos; Hair rinses [shampoo-conditioners]; Shampoos for pets; Pets (Shampoos for -); Shower soap; Creams (Soap -) for use in washing; Refill packs for shampoo dispensers; Oils for hair conditioning; Aloe soap; Bath lotion; Shaving lotion; Shaving soap; Conditioners for treating the hair; Detergent soap; Hair tonic [non-medicated]; Shampoos for vehicles; Hair conditioners for babies; Antiperspirant soap; Soap (Antiperspirant -); Hair strengthening treatment lotions; Shaving soaps; Shampoos for pets [non-medicated grooming preparations]; Shower and bath gel; Bath and shower gel; Shaving lotions; Bath soap; Hair care lotions [for cosmetic use]; Aloe soaps; Dandruff shampoos, not for medical purposes; After-shave gel; Conditioners in the form of sprays for the scalp; Hair tonics [for cosmetic use]; Shower gel; Depilatory lotions; Hair-washing powder; Toothpaste; Gels for fixing hair; Bath and shower oils [non-medicated]; Soap products; Conditioners for use on the hair; Cosmetics and cosmetic preparations; Cosmetics for eye-lashes; Cosmetics for suntanning; Anti-aging moisturizers used as cosmetics; Organic cosmetics; Nail cosmetics; Lip cosmetics; Skin moisturizers used as cosmetics; Mousses [cosmetics]; Natural cosmetics; Cosmetics preparations; Non-medicated cosmetics; Make-up palettes containing cosmetics; Tanning gels [cosmetics]; Cosmetics in the form of lotions; Beauty care cosmetics; Facial creams [cosmetics]; Self-tanning preparations [cosmetics]; Colour cosmetics; Cosmetics for animals; Eyebrow cosmetics; Tanning preparations [cosmetics]; Decorative cosmetics; Multifunctional cosmetics; Milks [cosmetics]; Eye cosmetics; Body creams [cosmetics]; Skin masks [cosmetics]; Tanning milks [cosmetics]; Cosmetics for eye-brows; Functional cosmetics; Facial gels [cosmetics]; Skin care cosmetics; Fluid creams [cosmetics]; Non-medicated cosmetics and toiletry preparations; Suntan lotion [cosmetics]; Cosmetics for children; Humectant preparations [cosmetics]; Emollient preparations [cosmetics]; Cosmetics in the form of creams; Powder compacts [cosmetics]; Sun-tanning preparations [cosmetics]; Colour cosmetics for the skin; Suntanning oil [cosmetics]; After-sun milk [cosmetics]; After-sun milks [cosmetics]; Cosmetics for use on the skin; Cosmetic moisturisers; Sunscreens [for cosmetic use]; Cosmetic creams and lotions; Skin recovery creams [cosmetics]; Bath powder [cosmetics]; Night creams [cosmetics]; Body gels [cosmetics]; Sun blocking lipsticks [cosmetics]; Cosmetics for the use on the hair; Cosmetic products in the form of aerosols for skincare; Body and facial

creams [cosmetics]; Lip stains [cosmetics]; Sunscreen [for cosmetic use]; Body care cosmetics; Creams (Cosmetic -); Cosmetic creams; Sunscreen creams [for cosmetic use]; Cosmetic soaps; Cosmetics containing keratin; Cosmetics in the form of powders; Cosmetic skin fresheners; Dyes (Cosmetic -); Cosmetic dyes; After-sun lotions [for cosmetic use]; Cosmetics containing panthenol; Cosmetic facial lotions; Facial lotions [cosmetic]; Cosmetics in the form of oils; Nail paint [cosmetics]; Skin care lotions [cosmetic]; Cosmetic suntan lotions; Nail hardeners [cosmetics]; Colour cosmetics for children; Anti-aging creams [for cosmetic use]; Tissues impregnated with cosmetics; Sun protecting creams [cosmetics]; Cosmetic products for the shower; Nail tips [cosmetics]; Nail primer [cosmetics]; Smoothing emulsions [cosmetics]; Anti-ageing creams [for cosmetic use]; Skin cleansers [cosmetic]; Cosmetic creams for the skin; Skin creams [cosmetic]; Skin creams [for cosmetic use]; Body and facial gels [cosmetics]; Liners [cosmetics] for the eyes; Skin balms [cosmetic]; Laundry fabric conditioner; Skin conditioners; Fabric conditioners; Nail conditioners; Lip conditioners; Conditioning balsam.

ANNEX 2

The First Earlier Mark

Class 3

Non-medicated toilet preparations; cosmetics; preparations for the cleaning, care and beautification of the hair and skin; soaps; shampoos; hair lotions; dentifrices; all included in Class 3.

The Second Earlier Mark

Class 3

Bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps; perfumery, essential oils, cosmetics, hair lotions, dentifrices, preparations for the cleaning, care and beautification of the skin, scalp and hair.