

O-097-05

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION No. 2292693  
BY TOMMY HILFIGER LICENSING INC TO REGISTER  
A TRADE MARK IN CLASS 25**

**AND**

**IN THE MATTER OF OPPOSITION THERETO UNDER  
No. 91800 BY ETAM PLC**

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**IN THE MATTER OF Opposition thereto under  
No. 91800 by Etam Plc**

### **BACKGROUND**

1. On 14 February 2002 Tommy Hilfiger Licensing Inc applied to register the trade mark TOMMY in Class 25 of the Register for the following specification of goods:

“Clothing, footwear, headgear; clothing for men, women and children; shirts, golf shirts, T-shirts, sweatshirts, tank tops, sweaters, jerseys, turtle-necks; shorts, sweatpants, warm-up suits, pants, trousers, jeans, skirts, suits, overalls; blazers, sport coats, vests, waistcoats, jackets, coats, parkas, ponchos; swimwear, bikinis, swim trunks; overcoats, rain wear, wind resistant jackets; sleepwear, pyjamas, robes, bathrobes; underwear, lingerie, hosiery, boxer shorts, socks; hats, wool hats, caps, visors, scarves, head bands, ear muffs; wristbands; shoes, boots, sneakers, beach shoes, sandals, slippers; gloves; cloth bibs; ties; belts; suspenders (braces).”

2. The application was subsequently advertised in the Trade Marks Journal and on 4 July 2003 Etam Plc filed Notice of Opposition. In summary the grounds are:

- (i) Under Section 5(2)(b) of the Act because the opponent is the proprietor of ten earlier registrations, listed at Annex One to this decision, which are similar to the mark applied for and cover identical and similar goods to those applied for and there exists a likelihood of confusion on the part of the public;
- (ii) Under Section 5(3) of the Act as in the alternative, the mark applied for is similar to the opponent’s earlier trade marks, the goods are not similar, the opponent has a reputation in the United Kingdom and that use of the mark applied for without due cause would take unfair advantage of, or be detrimental to, the distinctive character or repute of the opponent’s earlier marks;
- (iii) Under Section 5(4)(a) of the Act by virtue of the law of passing off.

3. The applicant filed a Counterstatement denying the grounds of opposition.

4. Both parties have filed evidence and have forwarded written submissions for the Hearing Officer’s attention. Both ask for an award of costs in their favour.

5. The parties are content for a decision to be taken without recourse to a hearing.

### **OPPONENT'S EVIDENCE**

6. The opponent's evidence consists of a witness statement by Sarah Maton dated 16 February 2004. Ms Maton is employed by Etam Plc (the opponent company) as a Head of Buying.

7. Ms Maton explains that the TAMMY brand was conceived in 1971 or 1972 and launched in 1972, initially through departments within Etam stores, with independent stores opening in 1974. She refers to Exhibit 1 to her statement, which is a copy of an article appearing in the 30 March 1974 Drapers Record relating to the opening of the first of "at least 100 girls' wear shops, called Tammy". Ms Maton goes on to explain that clothing was sold under the brand name TAMMY GIRL up until 1990 when the word GIRL was dropped. The mark TAMMY has been used continuously since 1990 in relation to articles of clothing, headgear and footwear (the products).

8. Ms Maton states that the opponent is a high street women's fashion retailer which, as part of its business, sells a range called TAMMY which is aimed at girls aged between eight and fifteen years. She adds that the company has over two hundred branches in the UK and that TAMMY branded products are available in 174 Etam stores with 6 TAMMY concessions in other stores. Furthermore, TAMMY branded products were available in the Freemans Catalogue during the years 1999 to 2001. In 2002 and 2003, TAMMY branded products were sold in Argos Additions, Choice and Great Universal Store catalogues. At Exhibit 3 to Ms Maton's statement are copies of photographs of TAMMY store fronts.

9. Since the introduction of the opponent's trade marks, the range of goods has expanded and it now sells cosmetics, girls accessories including jewellery, watches, bags, footwear, stationery and novelty items. At Exhibit 4 to Ms Maton's statement are samples of carrier bags and copies of brand labels used in relation to TAMMY products.

10. Ms Maton states that the portion of the company's annual turnover attributable to business carried out under the Trade Marks can be summarised as follows:-

| <b>Year</b> | <b>Turnover (£)</b> |
|-------------|---------------------|
| 1991        | 53,835,000          |
| 1992        | 56,917,000          |
| 1993        | 63,237,000          |
| 1994        | 61,241,567          |
| 1995        | 64,118,006          |
| 1996        | 65,134,813          |
| 1997        | 72,506,091          |
| 1998        | 68,654,968          |
| 1999        | 85,974,192          |

|      | <b>UK(£)</b> | <b>MAIL ORDER (£)</b> | <b>OTHERS(S)</b> |
|------|--------------|-----------------------|------------------|
| 2000 | 86,700,000   | 1,000,000             | 2,000,000        |
| 2001 | 89,647,000   | 1,000,000             | 5,900,000        |
| 2002 | 91,000,000   | 2,100,000             | 8,500,000        |
| 2003 | 83,327,000   | 2,430,000             | 12,400,000       |

11. Turning to advertising and promotion, Ms Maton states that the opponent extensively advertises and promotes products sold under the Trade Marks in magazines, national press and regional press and that a lot of this coverage is free. She adds that the company promotes the brand via consumer give-aways both in magazines and in-store, charitable promotions (Born Free, Wish Upon A Star, etc), competitions (Home & Away, Trolley Dash) and other advertising. Ms Maton states that the approximate amount spent on marketing over the last 6 years can be broken down as follows:

| <b>Year</b>                           | <b>Advertising Spend (£)</b> |
|---------------------------------------|------------------------------|
| 1998 (PR Budget and advertising only) | 100,000                      |
| 1999 (PR Budget and advertising only) | 150,000                      |
| 2000 (Total marketing spend)          | 813,800                      |
| 2001 (Total marketing spend)          | 872,000                      |
| 2002 (Total marketing spend)          | 870,000                      |
| 2003 (Total marketing spend)          | 996,000                      |

12. Attached at Exhibit 5 to Ms Maton's statement are copies of graphic and promotional materials.

13. Ms Maton goes on to say that the portion of her company's annual turnover attributable to business carried out under the Trade Marks and relating to the products can be summarised as follows:

| <b>Year</b> | <b>Turnover (£000)</b> |
|-------------|------------------------|
| 1998        | 58,977,000             |
| 1999        | 75,514,000             |
| 2000        | 79,274,000             |
| 2001        | 80,981,000             |
| 2002        | 81,942,000             |
| 2003        | 73,074,000             |

14. Ms Maton explains that the amount spent on marketing the products under trade marks in the United Kingdom is not separately listed in internal records but it is estimated that the percentage spent on marketing the products since 1998 has been 1% annually of turnover. Attached at Exhibit 6 to Ms Maton's statement are examples of garments, footwear and headgear sold under the trade mark.

15. Ms Maton states that the company and the trade marks are promoted extensively throughout a broad range of magazines, newspapers and other publications aimed at a wide audience and that there is also a great deal of unsolicited press coverage which

refers to the TAMMY brand. Attached at Exhibit 7 to Ms Maton's statement are examples of advertisements and press coverage.

16. Ms Maton submits that the trade mark "TAMMY" has developed an extensive reputation in the United Kingdom on a range of products for girls including articles of clothing, footwear and headgear through use, advertising and press coverage and is well known as a trade mark of the opponent. She believes that use of the trade mark "TOMMY" on the products would inevitably result in confusion or association with the opponents trade marks and that registration of the trade mark "TOMMY" in relation to the products would dilute the value of the opponent's trade mark rights.

### **APPLICANT'S EVIDENCE**

17. The applicant's evidence consists of a witness statement by Jade H J Huang dated 14 May 2004. Ms Huang is Senior Vice President of Tommy Hilfiger Licensing Inc (the applicant company).

18. Ms Huang states that the applicant's clothing was first sold in the UK in 1987 but the initial supply and sale ceased in 1989. The products were then officially launched in 1996 with the introduction of the TOMMY range of grooming products and a female fragrance and toiletries range was launched in 1997 under the TOMMY name. She adds that a clothing range was subsequently launched.

19. Ms Huang goes on to make a number of submissions relating to the comparison of the mark in suit with the opponent's earlier marks. She draws attention to the decision of the Registry's Hearing Officer, Mr Salthouse, in Case BL O/158/02, relating to an application for the mark TOMMY GIRL by the current applicant and the opposition thereto by the current opponent. This opposition failed and Ms Huang believes that the current opposition should also fail.

20. Turning to the opponent's evidence, Ms Huang states that the opponent has provided no actual instances of confusion between its TAMMY mark and the applicant's TOMMY trade mark. She adds that the opponent has provided no evidence that use of the TOMMY mark would be without due cause or would take unfair advantage of or be detrimental to such reputation.

### **OPPONENT'S WRITTEN SUBMISSIONS**

21. The opponent's written submissions are attached to a letter dated 9 March 2005 from Dechert LLP, the opponent's professional advisors in these proceedings.

22. The opponent submits that it has developed a substantial reputation in relation to identical and similar goods in relation to its TAMMY mark. It adds that the respective marks are visually and aurally very similar, being only one letter difference between the marks and also contends that TAMMY and TOMMY are both well recognised as personal names.

23. The opponent goes on to state that even if it is accepted that there is no likelihood of confusion, the circumstances are such that in this case there is the danger of blurring (by dilution) and inhibition for the purposes of Section 5(3).

24. Turning to the decision of the Hearing Officer in BL O/158/02, the opponent points out that the mark at issue was a different mark, TOMMY GIRL and the goods of that application were in Class 3 and not Class 25 where the opponent has a substantial reputation.

25. The applicant's written submissions are contained in a letter dated 9 March 2005 from Baker & McKenzie, the applicant's professional advisors in these proceedings.

26. The applicant draws attention to the Hearing Officer's decision in BL O/158/02 and submits that the decision applies generally to the likelihood of confusion between the marks TOMMY and TAMMY. In particular he makes the comment that both marks are well known forenames and refers to the comments of Buckley J in the Buler case.

27. The applicant goes on to draw attention to another decision of the Registry's Hearing Officer, Mr Reynolds, in proceedings between the parties in relation to an application for the mark TOMMY in Class 14 – BL O/135/04. In those proceedings the opposition failed.

28. The applicant submits that the opponent's evidence does not demonstrate that any confusion is likely, notwithstanding that the marks TAMMY and TOMMY have both been in use in the UK for a number of years. Furthermore, the applicant states that the opponent's evidence does not establish that use of the applicant's mark would take advantage of or be detrimental to any reputation the opponent may possess.

29. This completes my summary of the evidence and submissions filed in these proceedings. I now turn to the decision.

## **DECISION**

30. Firstly I go to Section 5(2)(b) ground. Section 5(2) of the Act reads as follows:

“5.-(2) A trade mark shall not be registered if because -

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

31. An earlier right is defined in Section 6, the relevant parts state:

“6.-(1) In this Act an "earlier trade mark" means -

- (a) a registered trade mark, international trade mark (UK) or Community trade mark which has a date of application for registration earlier than that of the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks”.

32. I take into account the guidance provided by the European Court of Justice (ECJ) in *Sabel BV v. Puma AG* [1998] E.T.M.R. 1, *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc* [1999] E.T.M.R. 1, *Lloyd Schuhfabrik Meyer & Co. GmbH v. Klijsen Handel B.V.* [2000] F.S.R. 77 and *Marca Mode CV v. Adidas AG* [2000] E.T.M.R. 723.

33. It is clear from these cases that:

- (a) the likelihood of confusion must be appreciated globally, taking account of all relevant factors; *Sabel BV v. Puma AG*;
- (b) the matter must be judged through the eyes of the average consumer of the goods/services in question; *Sabel BV v. Puma AG*, paragraph 23, 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; *Lloyd Schuhfabrik Meyer & Co. GmbH v. Klijsen Handel BV*;
- (c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details; *Sabel BV v. Puma AG*;
- (d) the visual, aural and conceptual similarities of the marks must therefore be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components; *Sabel BV v. Puma AG*;
- (e) a lesser degree of similarity between the marks may be offset by a greater degree of similarity between the goods, and vice versa; *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc*;
- (f) there is a greater likelihood of confusion where the earlier trade mark has a highly distinctive character, either per se or because of the use that has been made of it; *Sabel BV v. Puma AG*;
- (g) account should be taken 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 was registered; *Lloyd*;
- (h) mere association, in the sense that the later mark brings the earlier mark to mind, is not sufficient for the purposes of Section 5(2); *Sabel BV v. Puma AG*;
- (i) further, 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; *Marca Mode CV v. Adidas AG*;

- (j) but if the association between the marks causes the public to wrongly believe that the respective goods come from the same or economically linked undertakings, there is a likelihood of confusion within the meaning of the section; *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc.*

34. The reputation of a trade mark is an element to which importance may be attached in Section 5(2) considerations in that it may enhance the distinctive character of the mark at issue and widen the penumbra of protection for such a mark. The opponent has filed evidence relating to the use and promotion of its TAMMY trade marks. On the basis of the information supplied I have no doubt that the marks have a high street presence and significant reputation in relation to clothing.

35. The effect of reputation on the global consideration of a likelihood of confusion under Section 5(2)(b) of the Act was recently considered by David Kitchen QC sitting as the Appointed Person in *Steelco Trade Mark* (BL O/268/04). Mr Kitchen concluded at paragraph 17 of his decision:

“The global assessment of the likelihood of confusion must therefore be based on all the circumstances. These include an assessment of the distinctive character of the earlier mark. When the mark has been used on a significant scale that distinctiveness will depend upon a combination of its inherent nature and its factual distinctiveness. I do not detect in the principles established by the European Court of Justice any intention to limit the assessment of distinctiveness acquired through use to those marks which have become household names. Accordingly, I believe the observations of Mr. Thorley Q.C. in *DUONEBS* should not be seen as of general application irrespective of the circumstances of the case. The recognition of the earlier trade mark in the market is one of the factors which must be taken into account in making the overall global assessment of the likelihood of confusion.”

36. In the present case the opponent concedes that TAMMY is well known as a personal name (see paragraph 22 of this decision) and it may be considered on a prima facie basis to possess a not particularly strong inherent distinctive character. However, bearing in mind the reputation in the marks which has resulted from their use and promotion, the opponent’s earlier registrations warrant a wide penumbra of protection. I will take this into account in my decision.

37. In essence the test under Section 5(2) is whether there are similarities in marks and goods which would combine to create a likelihood of confusion. The likelihood of confusion must be appreciated globally and I need to address the degree of visual, aural and conceptual similarity between the marks, evaluating the importance to be attached to those differing elements, taking into account the degree of similarity in the goods, the category of goods in question and how they are marketed. Furthermore, in addition to making comparisons which take into account the actual use of the respective marks, I must compare the mark applied for and the opponent’s registration on the basis of their inherent characteristics assuming normal and fair use of the marks on a full range of the goods within the respective specifications.

38. The applicant has drawn my attention to earlier decisions of Registry Hearing Officers, BL O/158/02 and BL O/135/04, in relation to oppositions to the trade marks TOMMY GIRL and TOMMY in Classes 3 and 14 respectively. However, these decisions concern different trade marks and/or different goods. Accordingly, I must focus on the proceedings before me and consider the evidence and submissions on their merits in relation to the circumstances of this particular case.

39. In its evidence and submissions, the applicant makes much of the opponent's failure to show any instances of actual confusion in the market place given that both marks were in use in relation to clothing at the relevant date. However, the applicant's evidence shows no actual instances of its use and does not provide information as to the extent of its use eg turnover or promotional spend, in relation to the goods applied for. In any event, the fact that no actual instances of confusion are demonstrated is not necessarily telling in relation to relative grounds – see *Compass Publishing BV v Compass Logistics Ltd* [2004] EWCA (Ch). As stated earlier, the comparisons must take into account notional, fair use of the respective marks across the full width of the relevant specifications.

40. I turn to a comparison of the respective goods covered by the application in suit and the opponent's earlier registrations. It is obvious that the mark applied for and the opponent's registration numbers 1019673 and 2222627 cover identical goods in Class 25.

41. I now go to a comparison of the mark in suit with the opponent's earlier registrations.

42. The mark applied for consists of the five letter word TOMMY. The opponent's earlier registrations mentioned above (numbers 1019673 and 2222627) are for the five letter word TAMMY and the word TAMMY within an oval border. The parties agree that the words TOMMY and TAMMY are well-known personal names or forenames. Notwithstanding the fact that in registration number 2222627 the word TAMMY is presented within an oval border, it seems to me that this mark would be readily recognised and referred to as a TAMMY mark by the relevant public.

43. The guiding authorities make it clear that I must compare the marks as a whole and by reference to overall impression. However, as recognised in *Sabel BV v Puma AG* (mentioned earlier in this decision) in my comparison, reference will inevitably be made to the distinctiveness and dominance of individual elements. It is, of course, possible to over analyse marks and in doing so shift away from the real test which is how the marks would be perceived by customers in the normal course and circumstances of trade. I must bear this in mind when making the comparisons and on this point I have found that, in essence, the respective marks would most likely be perceived and described as TOMMY and TAMMY marks.

44. On a visual and aural comparison there are obvious similarities in that the respective words both consist of five letters and share the same first, third, fourth and fifth letters, with only the second letter being different. However, in a practical context, I must bear in mind that the words comprise well known personal names, one male and one female. This fact would be readily recognised (visually and aurally) by

the public and in this context, the look and sound of the marks cannot sensibly be divorced from their obvious conceptual meanings. It is not sensible or realistic to consider the construction of the words in a vacuum and overall it is my view that, in reality, the respective marks would be perceived as being visually and aurally different.

45. In my considerations I must also consider the relevant public for the goods. Customers for clothing and footwear are the public in general. Such goods are often necessities as well as being fashion items and are sold through a wide variety of outlets and at a wide range of prices. The goods are not necessarily expensive nor sophisticated purchases but it seems to me that clothing, footwear and bags are usually bought with a reasonable degree of care as to size, colour, appearance, and normally after a visual reference.

46. The average consumer is deemed to be reasonably circumspect and observant and it seems to me that the average consumer will, in real world trading conditions, be likely to distinguish the male personal name TOMMY from the female personal name TAMMY.

47. On a global appreciation, taking into account all the relevant factors, I have reached the conclusion that while the goods of interest are identical, the differences in the respective trade marks are such that there is no likelihood of confusion to the average customer for the goods.

48. The opposition under Section 5(2)(b) of the Act fails.

### **Section 5(3)**

49. In its Statement of Grounds the opponent raises this as an alternative in relation to its dissimilar goods.

50. The scope of the Section has been considered in a number of cases notably *General Motors Corp v Yplon SA (Chevy)* [1999] ETMR 122 and [2000] RPC 572, *Premier Brands UK Limited v Typhoon Europe Limited (Typhoon)* [2000] ETMR 1071, *Daimler Chrysler v Alavi (Merc)* [2001] RPC 42 and *C A Sheimer (M) Sdn Bhd's TM Application (Visa)* [2000] RPC 484.

51. Earlier in this decision I found that the respective marks would not be confused and for the same reasons it is my view that use of the applicant's mark would not take unfair advantage of or be detrimental to, the distinctive character or repute of the earlier mark. I do not believe the customer for the services would be likely to associate the applicant's mark with the opponent and there is no evidence to support the opponent's view on this point.

52. The Section 5(3) ground fails.

### **Section 5(4)(a)**

53. Next, the Section 5(4)(a) ground. Section 5(4)(a) of the Act states:

“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, or
- (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.”

54. I intend to adopt the guidance given by the Appointed Person, Mr Geoffrey Hobbs QC in the *WILD CHILD* case [1998] 14 RPC 455. In that decision Mr Hobbs states that:

“The question raised by the grounds of opposition is whether normal and fair use of the designation WILD CHILD for the purpose of distinguishing the goods of interest to the applicant from those of other undertakings (see section 1(1) of the Act) was liable to be prevented at the date of the application for registration (see Article 4(4)(b) of the Directive and section 40 of the Act) by enforcement of rights which the opponent could then have asserted against the applicant in accordance with the law of passing off.

A helpful summary of the elements of an action for passing off can be found in *Halsbury’s Laws of England* (4<sup>th</sup> Edition) Vol 48 (1995 reissue) at paragraph 165. The guidance given with reference to the speeches in the House of Lords in *Reckitt & Colman Products Ltd v. Borden Inc* [1990] R.P.C. 341 and *Erven Warnink BV v. Townend & Sons (Hull)Ltd* [1979] A.C. 731 is (with footnotes omitted) as follows:

“The necessary elements of the action for passing off have been restated by the House of Lords as being three in number:

- (1) that the plaintiff’s goods or services have acquired a goodwill or reputation in the market and are known by some distinguishing feature;
- (2) that there is a misrepresentation by the defendant (whether or not intentional) leading or likely to lead the public to believe that goods or services offered by the defendant are goods or services of the plaintiff; and
- (3) that the plaintiff has suffered or is likely to suffer damage as a result of the erroneous belief engendered by the defendant’s misrepresentation.”

55. The date at which the matter must be judged is not entirely clear from Section 5(4)(a) of the Act. This provision is clearly intended to implement Article 4(4)(b) of Directive 89/104/EEC. It is now well settled that it is appropriate to look to the

wording of the Directive in order to settle any matter of doubt arising from the wording of equivalent provisions of the Act. It is clear from Article 4(4)(b) that the earlier right had to have been “acquired prior to the date of application for registration of the subsequent trade mark, or the date of the priority claimed ....” The relevant date is therefore the date of the application for the mark in suit.

56. Earlier in this decision I found that the application in suit and the opponent’s registration were not likely to be confused. Accordingly, it is my view that the necessary misrepresentation required by the tort of passing off will not occur. The opposition under Section 5(4)(a) therefore fails.

### **COSTS**

57. The applicant is entitled to a contribution towards costs and I order the opponent to pay the applicant the sum of £1,100, which takes into account that no hearing took place on this case. This sum is to be paid within seven days of the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful.

**Dated this 13th day of April 2005**

**JOHN MacGILLIVRAY**  
**For the Registrar**  
**the Comptroller-General**

**ANNEX ONE**

| <b>Trade Mark</b> | <b>Class</b> | <b>Date Registration Effective</b> | <b>App No</b> | <b>Publication Date</b> | <b>Goods/ Services</b>  |
|-------------------|--------------|------------------------------------|---------------|-------------------------|---|
| TAMMY             | 14           | 15 November 1985                   | 1254427       | 3 September 1986        | Jewellery, chronometric instruments.  |
| TAMMY             | 16           | 3 October 1996                     | 2111943       | 15 January 1997         | Printed matter; printed publications; books; newspapers, comics, magazines and periodical publications; posters and prints; stationery; bookbinding requisites; photographs; bags; calendars, planners, diaries and organisers; printed advertising materials; playing cards; stickers; decalcomania; labels; wrapping and packaging materials; artists' materials.   |
| TAMMY             | 18           | 15 November 1985                   | 1254428       | 3 September 1986        | Articles made of leather or of imitation leather; bags and cases; all included in Class 18; skins and hides; trunks (luggage) and umbrellas.  |
| TAMMY             | 25           | 26 October 1973                    | 1019673       | 13 August 1975          | Articles of clothing for women and girls; but not including headwear.   |
| TAMMY             | 3            | 31 August 1995                     | 2032089       | 15 May 1996             | Cosmetics; soap; perfumery; essential oils; preparations for the care and styling of hair; shampoos and conditioners; hair lotions; deodorants for personal use; anti-perspirants; toilet preparations and waters; preparations for the care of the skin, scalp and body; sun tanning preparations; preparations for reinforcing and strengthening nails; preparations for use in the bath and shower; preparations for toning the body; aftershaves; creams, gels, powders, talcum powders and lotions; shower foams; dentifrices; depilatories; cleansing masks |

|   |                       |                  |         |             |   |
|---|-----------------------|------------------|---------|-------------|---|
|   |                       |                  |         |             | for the face; eye make-up remover; nail polish and varnish remover; cuticle lotions and nail revitalising lotions; all the aforesaid being non-medicated.   |
|    | 9, 14, 18, 24, 25, 28 | 16 February 2000 | 2222627 | 5 July 2000 | <p>Spectacles, sunglasses and frames for the aforesaid goods; cases for spectacles and sunglasses.</p> <p>Jewellery and imitation jewellery; ornamental articles made of precious metal; horological and chronometric instruments; clocks and watches; smokers articles made of precious metal.</p> <p>Articles made of leather or of imitation leather; bags and cases; toiletry bags; purses, wallets; articles made of hides; trunks (luggage) and umbrellas.</p> <p>Bed linen, bed covers, duvets, duvet covers, bed quilts, bed sheets, pillow cases, pillow shams, bed blankets, eiderdowns, sleeping bags and sleeping sacks, cases for mattresses and for sleeping garments; cloth labels; bath linen, towels, face cloths, covers for toilet seats; table clothes, table napkins, table covers, table mats; curtains and draperies, all made of textile materials or of plastics.</p> <p>Articles of clothing; footwear; headgear.</p> <p>Toys, games and playthings; toy action figures, toy vehicles, toy building structures and building tracks; dolls furniture accessories; parts and fittings for all the aforesaid goods; but not including any such goods in the form of dolls, dolls clothing and accessories for dolls.</p> |
|  | 3                     | 26 February      | 2223633 | 19 April    | Perfume, toilet water; gels and   |

|   |        |                |         |                 |   |
|---|--------|----------------|---------|-----------------|---|
|   |        | 2000           |         | 2000            | salts for the bath and the shower; toilet soaps, body deodorants; talcum powder; cosmetics; creams, milks, lotions, gels and powders for the face, the body and the hands; sun care preparations; make-up preparations; preparations for reinforcing and strengthening nails; nail care preparations; nail polish, nail varnish; nail polish and nail varnish remover; shampoos; gels, sprays, mousses and balms for hair styling and hair care; hair lacquers, hair colouring and hair decolorant preparations; permanent waving and curling preparations; essential oils for personal use; dentifrices. |
|   | 16, 30 | 25 May 2000    | 2233981 | 26 July 2000    | Printed matter; printed publications; books; newspapers, comics; magazines and periodical publications; posters and prints; stationery; bookbinding requisites; photographs; bags; calendars, planners, diaries and organisers; printed advertising materials; playing cards; stickers; decalcomania; labels; wrapping and packaging materials; artists' materials. Non-medicated confectionery; biscuits (other than biscuits for animals); chocolate, chocolates; candy; chewing gum, bubble gum.   |
|  | 35     | 23 August 2000 | 2243425 | 24 January 2001 | The bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase these goods from a clothing and accessories catalogue by mail order; consultancy services relating to the acquisition of goods and services.  |

|                                      |    |                    |         |                    |  |
|--------------------------------------|----|--------------------|---------|--------------------|--|
|                                      |    |                    |         |                    |  |
| TMY/<br>T.M.Y.<br>(series of<br>two) | 25 | 6 November<br>1996 | 2114838 | 5 February<br>1997 | Articles of clothing, footwear,<br>headgear. |