O/1038/23

TRADE MARKS ACT 1994

IN THE MATTER OF TRADE MARK APPLICATION NO. 3815677
BY SMITH BROTHERS STORES LTD
TO REGISTER THE TRADE MARKS:

CORE

CORE

(SERIES OF TWO)

IN CLASSES 1, 16, 17, 19, 20, 21, 22 AND 25

AND

IN THE MATTER OF THE OPPOSITION THERETO
UNDER NO. 437267
BY GERTRUD AG

BACKGROUND AND PLEADINGS

1. On 2 August 2022, Smith Brothers Stores Ltd ("the applicant") applied to register the series of trade marks shown on the cover page of this decision ("the contested marks") in the UK. The application was published for opposition purposes on 16 September 2022. Registration is sought for goods in Classes 1, 16, 17, 19, 20, 21, 22 and 25 (see annex for the full list of goods).

2. On 3 November 2022, Gertrud AG ("the opponent") filed a notice of opposition. The opposition was brought under section 5(2)(b) of the Trade Marks Act 1994 ("the Act") and was directed at some of the goods in the application (as underlined in the Annex to this decision).

3. The opponent relies upon its International Trade Mark number 1519556 ("the IR"), 'DEL CORE', which designated the UK for protection on 15 December 2019. The mark was protected in the UK on 28 May 2020, in relation to goods in Classes 3, 9, 18 and 25. For the purpose of these proceedings the opponent relies upon some of the goods for which the mark has protection for.[1]

4. In its notice of opposition, the opponent claims that the respective marks are similar and that the respective goods are either identical or similar, resulting in a likelihood of confusion, including a likelihood of association between the marks.

5. The applicant filed a defence and counterstatement denying the grounds of opposition.

6. Given the respective filing dates, the opponent's IR is an earlier mark, in accordance with section 6 of the Act. However, as it had not been registered for five years or more at the filing date of the application, it is not subject to the proof of use requirements specified within section 6A of the Act. As a consequence, the opponent may rely upon all of the goods for which the earlier mark is registered without having to establish genuine use.

[1] See goods comparison.

7. The opponent is represented by HGF Limited, whereas the applicant represents itself.

8. Neither party filed evidence. Both parties were given the option of an oral hearing but neither requested to be heard on this matter, nor did they choose to file written submissions in lieu of a hearing. This decision is taken following a careful review of the papers before me, keeping all submissions in mind.

9. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 requires tribunals to apply EU-derived national law in accordance with EU law as it stood at the end of the transition period. The provisions of the Act relied upon in these proceedings are derived from an EU Directive. This is why this decision continues to make reference to the trade mark case law of EU courts.

PRELIMINARY ISSUES

10. The applicant has raised points in its submissions which I intend to address before going any further into the merits of this opposition. This is because, it is necessary to explain why, as a matter of law, these points will have no bearing on the outcome of this opposition.

Goods comparison and the target market

11. In its counterstatement, the applicant states the following:

- It operates within the HVAC market, specialising in the distribution of pipework, valves and air conditioning to the industrial and commercial mechanical services sector;

- The clothing listed under Class 25 of its application is not intended for retail sales distribution;

- Its goods in Class 25 would not generate a profit;

- The Class 25 goods are intended for promotional use, worn by internal staff members (for example) to promote its hard product range (which it uses in HVAC installations within the industrial and mechanical services sector);

- The goods will only be sold in the UK within the relevant sector.

12. Differences between the goods currently provided by the parties, such as particular characteristics of the goods, are irrelevant, except to the extent that those differences are apparent from each party's specification. Furthermore, since the opponent's earlier mark is not subject to proof of use, it is entitled to protection in relation to all the goods for which it is registered. It is the goods relied upon by the opponent and the goods applied for by the applicant that I will be comparing later in this decision. The assessment I must make between the goods is a notional and objective assessment, rather than a subjective one.

13. Furthermore, marketing strategies, including the targeting of specific consumers, are temporary and may change over time.[2] As such, it is not appropriate to take that factor into account in my assessment. However, I will make an assessment, later in this decision, as to who the average consumer could be for the goods at issue.

DECISION

Section 5(2)(b)

14. Section 5(2)(b) of the Act is as follows:

> "A trade mark shall not be registered if because–
>
> (a)…

[2] *Devinlec Développement Innovation Leclerc SA v OHIM,* Case C-171/06P

(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."

15. Section 5A of the Act is as follows:

"5A Where grounds for refusal of an application for registration of a trade mark exist in respect of only some of the goods or services in respect of which the trade mark is applied for, the application is to be refused in relation to those goods and services only."

16. The following principles are gleaned from the decisions of the EU courts in *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc,* Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v OHIM,* Case C-3/03, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH*, Case C-120/04, *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P:

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

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

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

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

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

f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;

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

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

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

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

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

Comparison of goods

17. The competing goods are as follows:

Opponent's goods	Applicant's goods
Class 25 Clothing, footwear and headgear.	Class 25 Promotional clothing, namely shirts and blouses; Tee shirts; polo shirts, sweatshirts, hooded sweatshirts, coats; jackets; scarves; fleeces, caps, hats; Safety wear; hi-visibility jackets and vests; hard hats.

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

> "29. In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 *Institut für Lernsysteme v OHIM – Educational Services* (ELS) [2002] ECR II-4301, paragraph 53) or where the goods designated by the trade mark application are included in a more general category designated by the earlier mark."

19. The applicant's goods fall within the opponent's broad terms *clothing and headgear.* Consequently, the goods are identical on the principle outlined in *Meric*.

The average consumer and the nature of the purchasing act

20. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purpose of assessing the likelihood of confusion, it must be borne in mind that the average consumer's level of attention is likely to vary

according to the category of goods or services in question (see *Lloyd Schuhfabrik Meyer*, Case C-342/97.

21. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited,* [2014] EWHC 439 (Ch), Birss J. described the average consumer in these terms:

> "60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The words "average" denotes that the person is typical. The term "average" does not denote some form of numerical mean, mode or median."

22. The average consumer of the goods at issue is likely to include members of the general public as well as business and/or professional users in the case of *safety wear; hi-visibility jackets and vests;* and *hard hats*. The average consumer is likely to take into consideration various factors when selecting the goods at issue, but I would not expect the degree of attention to be at the highest end of the scale. Overall, I find that a medium degree of attention is likely to be paid during the purchase of the goods. However, I acknowledge that business and/or professional users may pay a slightly higher degree of attention. The goods are all likely to be sought out primarily by eye, including via websites, for example, and so I would expect the purchase to be mainly visual. However, I bear in mind that the goods may sometimes be the subject of word-of-mouth recommendations and therefore aural considerations are also borne in mind.

Comparison of the marks

23. It is clear from *Sabel BV v. Puma AG* that the average consumer normally perceives a trade mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the

trade marks must be assessed by reference to the overall impressions created by them, bearing in mind their distinctive and dominant components. The CJEU stated in *Bimbo SA v OHIM*, that:

> "34. […] it is necessary to ascertain, in each individual case, the overall impression made on the target public by the sign for which registration is sought, by means of, inter alia, an analysis of the components of a sign and of their relative weight in the perception of the target public, and then, in the light of that overall impression and all factors relevant to the circumstances of the case, to assess the likelihood of confusion."

24. It would be wrong, therefore, to artificially dissect the trade marks, although it is necessary to take into account their distinctive and dominant components and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the trade marks.

25. The trade marks to be compared are as follows:

Opponent's mark	**Applicant's marks** (series of two)
DEL CORE	i  ii. 

26. With regard to the similarity of the applicant's marks, in its statement of grounds the opponent states the following:

> "The Applicant's mark is essentially the word CORE. The stylised elements are not distinctive, would not be spoken when consumers refer to the mark and add no conceptual meaning or impression.

> As a result, conceptually the Opponent's mark would be perceived as being or referring to a/the CORE, in identity to the Applicant's mark. Aurally, the DEL element of the Opponent's mark would be diminished with emphasis being placed on the noun CORE and visually both marks include the common, dominant and distinctive element CORE.
>
> The respective marks are therefore similar bearing in mind the dominant and distinctive elements and considering their visual, aural and conceptual impression."

27. With regard to the similarity of the marks, in its counterstatement the applicant submits:

> "The opponent's mark is registered as 'DEL CORE' and it would be perceived as such within the UK market, thus rendering their trademark being sufficiently different to that of our application which is simply 'CORE'."

Overall impression

28. The opponent's mark comprises the words 'DEL CORE' presented in standard upper-case letters without any stylisation. There are no other elements to contribute to the overall impression of the mark which lies in the words themselves.

29. The applicant's marks (series of two), comprise the word 'CORE' presented in stylised, uppercase letters. The letters in mark (i) are presented in blue, with the centre of the letter 'O' coloured in yellow; the letters in mark (ii) are presented in black, with the centre of the letter 'O' coloured in grey. In both marks, the word 'CORE' dominates the overall impression of the marks. Whilst the stylisation and colours used in the marks play a decorative role, these elements are not negligible, and I find that they contribute to the overall impression of the figurative marks.

30. Visually, the marks coincide insofar as they share the same four-letter word, 'CORE'. The marks differ in the presence of the additional word 'DEL' that sits at the beginning of the opponent's mark, and in the stylisation present in the applicant's

marks. The addition of the word 'DEL' at the beginning of the opponent's mark makes it visibly longer, and, I bear in mind that the beginnings of marks tend to make more of an impact than the ends.[3] Taking all this into account, I consider the marks to be visually similar to no more than a medium degree.

31. Aurally, the opponent's mark is likely to be pronounced as the two syllables 'DEL CORE', whereas the applicant's marks will be pronounced as the single-syllable word 'CORE'. Overall, I find that the marks are aurally similar to no more than a medium degree.

32. Both marks feature the word 'CORE'. That is an ordinary English word meaning *the central, innermost, or most essential part of something*.[4] In the applied-for marks that is the simple concept, and the figurative elements contained in the contested mark do not affect that concept.

33. Although 'CORE' of course features in all three marks, the conceptual position with the opponent's mark is, in my view, less clear, since the word 'CORE' follows the word 'DEL', which may have a bearing on the overall perception of the mark.

34. So how will the average consumer in the UK perceive the word 'DEL' in the opponent's mark? In my view, the most likely answer is simply as a made-up word with no concept.

35. I am aware that 'DEL' can be an abbreviation for the forename Derek or Delroy. However, I find that 'CORE' is not likely to be perceived as a surname, and that consequently the average consumer will not perceive 'DEL' as a forename.

36. I also acknowledge that a proportion of consumers in the UK may perceive the word 'DEL' as a foreign word – as, for example, in 'Costa *del* Sol'. Some may even attribute to the word its foreign meaning – for example, 'from the' or 'of the' in Spanish or Italian. However, if the first word 'DEL' were seen as a foreign word, then it would

[3] *El Corte Ingles, SA v OHIM* Cases T-183/02 and T184/02
[4] www.collinsdictionary.com

be logical that ‘CORE’ would also be perceived as a foreign word - not as the ordinary English word.

37. It follows that whether ‘DEL’ is perceived as a foreign word or as a made-up-word, when combined with the English dictionary term ‘CORE’, the opponent’s mark as a whole has no clear concept.

Distinctive character of the earlier mark

38. In *Lloyd Schuhfabrik Meyer*, the CJEU stated that:

> “22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Alternberger* [1999] ECR I-0000, paragraph 49).
>
> 23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered, the market share held by the mark, how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark, the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking, and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).”

39. Registered trade marks possess varying degree of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods, to those with high inherent distinctive character, such as invented words

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

40. Although the distinctiveness of a mark can be enhanced by virtue of the use that has been made of it, the opponent has not filed any evidence of use in relation to its mark. Consequently, I have only the inherent position to consider.

41. The earlier mark comprises the words 'DEL CORE'. As previously mentioned, 'DEL' is likely to be perceived as an invented word, though I acknowledge that for the proportion of consumers who speak Spanish or Italian, the word 'DEL' is likely to be understood as meaning 'from the' or 'of the'. Since the dictionary word 'CORE' is apt to be understood as meaning *the central, innermost, or most essential part of something*, the words 'DEL CORE' have no obvious connection to the opponent's goods. As such, I consider the earlier mark to be inherently distinctive to at least a medium degree.

Likelihood of confusion

42. I have found the marks to be visually and aurally similar to no more than a medium degree. I have considered the conceptual position, where the applied-for mark has a simple clear concept, whereas the opponent's mark has a less clear concept, such that there is no more than a medium degree of conceptual similarity. I have found the earlier mark to be inherently distinctive to at least a medium degree. I have found that the average consumer of the goods will include members of the general public, as well as business or professional users, who will purchase the goods predominantly by visual means, although I do not discount an aural component. I have concluded that a medium degree of attention will be paid during the purchasing process for the majority of the goods, although I recognise that it may be slightly higher for business or professional users. I have found the goods to be identical.

43. Taking all of the above into account and even bearing in mind the principle of imperfect recollection, and that the average consumer will rarely have the opportunity to compare the marks side-by-side, I am not convinced that the marks would be mistakenly recalled or misremembered for one another. Whilst I appreciate that the

opponent's mark contains the word 'CORE' that forms the entirety of the applicant's marks, I am of the view that the word 'DEL' at the beginning of the opponent's mark will allow the average consumer to correctly recall and remember the marks, particularly since, as a rule of thumb, the beginnings of marks tend to make more of an impact than the ends. As such, I do not consider it likely that consumers would entirely forget the unusual element 'DEL' at the beginning of the opponent's mark or recall the two-word mark as a single English word or vice versa. Furthermore, the applicant's mark contains stylisation and colours whereas the opponent's mark does not. Accordingly, I am of the view that these additional and differing elements would not be overlooked or disregarded by the average consumer upon a visual inspection of the marks, which is of heightened importance given that I have found the purchasing process to be predominantly visual in nature. Due to the impact of these differences, it is unlikely that consumers will simply mistake one mark for the other. Moreover, even in circumstances where the goods are purchased aurally, for instance, over the telephone, it is unlikely that consumers would mistake the marks for one another when hearing them uttered aloud or making orders verbally. The extra, opening word avoids that risk. Accordingly, even when factoring in the principles of imperfect recollection and interdependency, I do not consider there to be a likelihood of direct confusion.

44. Turning now to consider a likelihood of indirect confusion, I am reminded of the case of *L.A. Sugar Limited v By Back Beat Inc,* Case BL O/375/10, Mr Iain Purvis QC (as he then was), as the Appointed Person, explained that:

> "16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: "The later mark is different from the earlier mark, but also has something in common with it. Taking account of

the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark."

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

(a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right ("26 RED TESCO" would no doubt be such a case).

(b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as "LITE", "EXPRESS", "WORLDWIDE", "MINI" etc.).

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

45. These examples are not exhaustive but provide helpful focus.

46. Further, in *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207, Arnold LJ referred to the comments of James Mellor QC (as he then was), sitting as the Appointed Person in *Cheeky Italian Ltd v Sutaria* (O/219/16), where he said at [16] that "a finding of a likelihood of indirect confusion is not a consolation prize for those who fail to establish a likelihood of direct confusion". Arnold LJ agreed, pointing out that there must be a "proper basis" for concluding that there is a likelihood of indirect confusion where there is no likelihood of direct confusion.

47. A finding of indirect confusion should not be made merely because the two marks share a common element, and it is not sufficient that a mark merely calls to mind another mark,[5] this is mere association not indirect confusion.

[5] *Duebros Limited v Heirler Cenovis GmbH,* BL O/547/17

48. In order to find indirect confusion in this case, it would be necessary to conclude that the average consumer will notice the common element ‘CORE’ in the marks, while at the same time recalling the differences between them and assume that the marks are from the same or related undertaking. However, I do not think this is likely. Whilst there is similarity between the marks, based on the shared word ‘CORE’, there are also differences, namely the stylisation and colours used in the applicant’s marks and more notably the word ‘DEL’ at the beginning of the opponent’s mark. To my mind, ‘DEL CORE’ is not a logical brand extension, sub-brand or rebrand, etc., of ‘CORE’, and nor is ‘CORE’ (solus) likely to be seen as a stripped back brand variant of ‘DEL CORE’. I see no logical step that would lead consumers to be indirectly confused, nor has the opponent articulated any convincing argument to that effect. Accordingly, there is no proper basis for a finding of indirect confusion. The shared word ‘CORE’ is an ordinary English dictionary word with a well-known meaning, therefore, I do not consider that its use is so strikingly distinctive that the average consumer would think no one else would use it. Further, even if the average consumer, upon being confronted by the applicant’s marks on goods that are identical, were to call to mind the opponent’s mark, this is mere association not indirect confusion. Rather, I am of the view that the average consumer would put the presence of the common element ‘CORE’ in the marks down to coincidence rather than economic connection. Consequently, I do not consider that there is any likelihood of indirect confusion between the marks.

49. The partial opposition under section 5(2)(b) of the Act has been unsuccessful and the contested mark may proceed to registration.

Costs

50. Awards of costs are governed by TPN 2/2016. The applicant has been successful and would normally be entitled to a contribution towards its costs. However, as the applicant is unrepresented, the tribunal wrote to the applicant on 8 June 2023 and invited it to indicate whether it intended to make a request for an award of costs. The applicant was informed that, if so, it should complete a pro-forma, providing details of the actual costs incurred and accurate estimates of the amount of time spent on

various activities in dealing with the opposition. The applicant was informed that “no costs, other than official fees arising from the action… will be awarded” if the pro-forma was not completed. The applicant did not file a completed pro-forma. That being the case, and as no official fee has been paid by the applicant, I make no award of costs in respect of these proceedings.

Dated this 3rd day of November 2023

Sam Congreve
For the Registrar

Annex

Class 1 Acid free flux; gas leak detector spray; propane gas; Mapp gas; flushing agents for heating systems; chemical additives for boilers; water treatment chemicals; air conditioning and refrigeration chemicals; refrigeration spray; pipe freezing spray; refrigeration powders; parts, fittings and accessories in relation to the aforesaid goods.

Class 16 Paint brushes; pens; marker pens; cardboard packaging; letterheaded paper documents; brochures; parts, fittings and accessories in relation to the aforesaid goods.

Class 17 Anti-corrosion tapes; gaskets; insulating paint; jointing compounds; joint packings; pipes and pipe fittings, hoses and fittings and couplings therefor (synthetic); pipe clips; joint rings; noise suppression strips (rubber); silicone sealants; silicone rubber sealants; pipe jointing compounds; PTFE tape; tape; reinforcement fibre; rubber/vulcanised fibre washers; tape; thermal insulating mats; thermal and electrical insulation for pipes; valves; parts, fittings and accessories in relation to the aforesaid goods; all the aforementioned goods for installation in houses, buildings and other permanent fixtures containing plumbing, air conditioning, heating and water/sanitary installations.

Class 19 Metallic cement; wood blocks for use with hangers (pipe support systems); channels; parts, fittings and accessories in relation to the aforesaid goods.

Class 20 Pipe support systems (plastic); overflow pipe; overflow fittings; clips; plastic drainage; pvc T-caps (pipe support systems); pipe clips; clamps; rail cap ends (plastic); screws (non-metal); valves; parts, fittings and accessories in relation to the aforesaid goods; all the aforementioned goods for installation in houses, buildings and other permanent fixtures containing plumbing, air conditioning, heating and water/sanitary installations.

Class 21 Cleaning tow; abrasive hand pads; materials included in this class for cleaning purposes; parts, fittings and accessories in relation to the aforesaid goods.

Class 22 Dressed hemp; parts, fittings and accessories in relation to the aforesaid goods.

Class 25 Promotional clothing, namely shirts and blouses; Tee shirts; polo shirts, sweatshirts, hooded sweatshirts, coats; jackets; scarves; fleeces, caps, hats; Safety wear; hi-visibility jackets and vests; hard hats.