

**O/232/20**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF TRADE MARK APPLICATION NO. 3367265 BY  
JUHEL MIAH  
TO REGISTER:**

**BOWSS**

**AS A TRADE MARK IN CLASSES 25**

**AND**

**IN THE MATTER OF THE OPPOSITION THERETO  
UNDER NO. 416101 BY  
HUGO BOSS TRADE MARK MANAGEMENT GMBH & CO KG**

## BACKGROUND AND PLEADINGS

1. Juhel Miah (“the applicant”) applied to register **BOWSS** as a trade mark in the United Kingdom on 15 January 2019. It was accepted and published in the Trade Marks Journal on 25 January 2019 in respect of the goods in Class 25 that are listed in Annex A to this decision.

2. The application was opposed by HUGO BOSS Trade Mark Management GmbH & Co KG (“the opponent”) on 24 April 2019. The opposition is based upon sections 5(2)(b), 5(3) and 5(4)(a) of the Trade Marks Act 1994 (“the Act”) and concerns all goods of the application.

3. With regards to its claim under section 5(2)(b), the opponent is relying upon the following earlier marks:

Earlier Mark	Goods Relied Upon
<p>EUTM No 49221 (“the 221 mark”)</p> <p><b>BOSS</b></p> <p>Filing date: 1 April 1996</p> <p>Registration date: 29 January 2009</p>	<p><u>Class 25</u></p> <p><i>Clothing for men, women and children; stockings; headgear; underwear; nightwear; swimwear; bathrobes; belts; belts of leather; shawls; accessories, namely headscarves, neck scarves, shawls, dress handkerchiefs; ties; gloves; shoes.</i></p>
<p>UKTM No 1198781 (“the 781 mark”)</p> <p><b>BOSS</b></p> <p>Filing date: 1 July 1983</p> <p>Registration date: 26 September 1988</p>	<p><u>Class 25</u></p> <p><i>Articles of clothing for men, but not including gloves or any goods of the same description as gloves.</i></p>
<p>EUTM No 49254 (“the 254 mark”)</p> <p><b>HUGO BOSS</b></p> <p>Filing date: 1 April 1996</p> <p>Registration date: 26 March 2008</p>	<p><u>Class 25</u></p> <p><i>Clothing for men, women and children; stockings; headgear; underwear; nightwear; swimwear; bathrobes; belts; shawls; accessories, namely headscarves, neck scarves, shawls, dress</i></p>

Earlier Mark	Goods Relied Upon
	<i>handkerchiefs; ties; gloves; shoes; belts of leather.</i>
UKTM No. 1276175 (“the 175 mark”)  <b>HUGO BOSS</b>  Filing date: 26 August 1986 Registration date: 2 March 1990	<u>Class 25</u> <i>Articles of outerclothing; socks; articles of sports clothing; all included in Class 25; all for men.</i>

4. Where appropriate in this decision, I shall refer to the 221 and 781 marks together as “the BOSS marks” and the 254 and 175 marks as “the HUGO BOSS marks”.

5. The opponent claims that the marks are similar and that the goods covered by the applicant’s specification are the same as, or similar to, goods covered by the earlier marks, leading to a likelihood of confusion on the part of the public. Therefore, registration of the contested mark should be refused under section 5(2)(b) of the Act.

6. With regards to its claim under section 5(3), the opponent is relying on the same earlier marks. The table below shows the goods for which the opponent claims that the marks have a reputation:

Earlier Mark	Goods
The 221 mark  <b>BOSS</b>	<u>Class 3</u> <i>Essential oil, bleaching preparations and other substances for laundry use; fragrant sprays; Perfumery; deodorising preparations for personal use; soaps; cosmetics; hair care preparations including hair lotions; dentifrices; oral hygiene preparations, not for medical purposes.</i>  <u>Class 18</u> <i>Leather and imitations of leather, and goods made of these materials (included in class 18), in particular small leather goods; trunks and travelling bags; bags; umbrellas and parasols.</i>

Earlier Mark	Goods
	<p><u>Class 25</u>  <i>Clothing for men, women and children; stockings; headgear; underwear; nightwear; swimwear; bathrobes; belts; belts of leather; shawls; accessories, namely headscarves, neck scarves, shawls, dress handkerchiefs; ties; gloves; shoes.</i></p>
<p>The 781 mark</p> <p><b>BOSS</b></p>	<p><u>Class 25</u>  <i>Articles of clothing for men, but not including gloves or any goods of the same description as gloves.</i></p>
<p>The 254 mark</p> <p><b>HUGO BOSS</b></p>	<p><u>Class 3</u>  <i>Essential oils, bleaching preparations and other substances for laundry use; fragrant sprays; perfumes, deodorants for personal use; soaps; articles for body and beauty-care; haircare preparations, including hair lotions; dentifrices; non-medicated mouthwashes.</i></p> <p><u>Class 18</u>  <i>Leather and imitations of leather and goods made of these materials (included in class 18), in particular small leather goods; trunks and travelling bags; bags; umbrellas and parasols.</i></p> <p><u>Class 25</u>  <i>Clothing for men, women and children; stockings; headgear; underwear; nightwear; swimwear; bathrobes; belts; shawls; accessories, namely headscarves, neck scarves, shawls, dress handkerchiefs; ties; gloves; shoes; belts of leather.</i></p>
<p>The 175 mark</p> <p><b>HUGO BOSS</b></p>	<p><u>Class 25</u>  <i>Articles of outerclothing; socks; articles of sports clothing; all included in Class 25; all for men.</i></p>

7. The opponent claims that use of the applicant's mark without due cause for all the goods in the application would:

- take unfair advantage of the distinctive character or the repute of the earlier marks as “The Applicant has intentionally embarked on an effort to exploit, without paying financial compensation, the efforts to which the Opponent has gone to generate its reputation. The Applicant seeks to associate itself with the Opponent and ‘ride on the coat tails’ of that reputation”;
- be detrimental to the distinctive character of the earlier marks, which would no longer be immediately and exclusively associated with the opponent; and/or
- be detrimental to the repute of the earlier marks as use of the applicant's mark, “whether in respect of goods of a low quality or otherwise” may generate negative associations, or an image which runs counter to the image cultivated by the opponent.

8. Under section 5(4)(a) of the Act, the opponent claims that use of the contested mark is liable to be prevented under the law of passing off, owing to its goodwill attached to the following signs, which it claims to have used throughout the UK since January 1996 for *Clothing, footwear, headgear, accessories and fragrances*:

**BOSS**

**HUGO BOSS**

9. The applicant filed a defence and counterstatement, denying all the grounds. It did not put the opponent to proof of use of its earlier marks.

10. The opponent filed evidence in these proceedings. This will be summarised to the extent I consider necessary.

11. Neither party requested a hearing. Both filed written submissions in lieu of a hearing, the applicant on 6 January 2020 and the opponent on 16 January 2020. The applicant submitted further comments in response to the opponent on 18 January 2020. These will not be summarised but I will refer to them as appropriate during my decision.

12. In these proceedings, the opponent is represented by Simmons & Simmons LLP and the applicant represents himself.

## **EVIDENCE**

13. The opponent's evidence comes from Paul Anthony Daly, Director of Finance and Administration of HUGO BOSS (Schweiz) AG and authorised representative of HUGO BOSS Trade Mark Management GmbH & Co KG. It is dated 6 September 2019.

14. The HUGO BOSS group was founded in 1924 by Hugo Ferdinand Boss. Mr Daly states that:

“The Group's brands cover an extensive product range consisting of classic, modern business wear, elegant evening wear, casual wear (including e.g. denim), sportswear, shoes and leather accessories, as well as licensed fragrances, children's fashion, eyewear, watches, home textiles and writing instruments.”<sup>1</sup>

15. The BOSS brand was launched as a menswear collection in the early 1970s. The first women's collection was launched in 2000 under the same mark. An extract from the company history on the opponent's website states that “This collection is aligned alongside the BOSS men's collection in the high-end fashion market”.<sup>2</sup>

16. Worldwide sales were €2,572m in 2014, €2,809m in 2015, €2,693m in 2016, €2,733m in 2017 and €2,796m in 2018.<sup>3</sup> Mr Daly states that Europe, the Middle East

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<sup>1</sup> Paragraph 9.

<sup>2</sup> Exhibit PAD04, page 25.

<sup>3</sup> Paragraph 10.

and Africa is the group's most important sales region, accounting for 62% of sales in 2018. The group's biggest markets are Germany, the US, Great Britain, China, France and Benelux, with around 63% of sales in 2018. The 2018 Annual Report gives the following sales figures for the European markets:<sup>4</sup>

	2017 (€m)	2018 (€m)
Germany	448	429
Great Britain	325	360
France	165	168
Benelux	134	143

17. Mr Daly's statement provides information on how the brands are marketed. This includes more than €140m spent on advertising worldwide since 2012,<sup>5</sup> sponsorship of sporting events and teams (golf, sailing, Formula 1 and Formula E motor racing)<sup>6</sup> and use of social media. In December 2017, the group had over 7.5 million followers on Facebook and around 698,000 on Twitter. Figures for Instagram date from 27 August 2019, when the group had approximately 6.8 million followers.<sup>7</sup> Examples of advertising of men's and women's clothing, bags, footwear, eyewear and a watch from 2016, 2017 and 2019 are contained in Exhibit PAD09.

18. Exhibit PAD10 contains screenshots from the group's UK-facing website, retrieved via The Wayback Machine, and dating from 17 December 2013 to 10 December 2017. They show that the following goods were on sale: men's bags, wallets, leather belts, card holders and smartphone covers. A further three screenshots are undated but were printed on 4 September 2019. They show wallets, card holders, belts, shoes and women's hats and gloves.

19. Exhibit PAD12 contains further screenshots targeted at the UK market and dating from 22 June 2012 to 14 October 2016 and five screenshots printed on either 10 or 11 December 2017. The goods on sale are men's and women's clothing. Booklets

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<sup>4</sup> Exhibit PAD03, page 20.

<sup>5</sup> Mr Daly states that this figure covers all the group's brands except fragrances.

<sup>6</sup> Exhibits PAD06-PAD08.

<sup>7</sup> Exhibit PAD05.

showing collections from 2013, 2014, 2017, 2018 and 2019 are also included. The exhibit ends with two screenshots of baby clothes (dungarees and a bodysuit, bib and hat set). These are undated and were printed on 4 September 2019.

20. The marks appear in the following form, and rarely separately:



21. Exhibit PAD13 contains extracts from an online survey conducted by market research agency Werberstolz GmbH in November 2011 on consumer awareness and image of HUGO BOSS and its competitors in eight key markets, including the UK.<sup>8</sup> In the UK, HUGO BOSS was the sixth most commonly spontaneously named premium or luxury clothing brand, with 9% of respondents. It was the second most commonly owned of the premium brands in the UK, after Ralph Lauren. The sample size was just over 1000 per market.

## **DECISION**

### **The Earlier Marks**

22. Section 6A of the Act is as follows:

“(1) This section applies where –

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

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<sup>8</sup> The markets were Germany, France, Italy, Spain, UK, China, Russia and the US.

(b) there is an earlier trade mark of a kind falling within section 6(1)(a), (b) 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.

...”

23. An “earlier trade mark” is defined in section 6(1) of the Act:

“In this Act, an ‘earlier trade mark’ means –

(a) a registered trade mark, international trade mark (UK) or European Union trade mark or international trade mark (EC) 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.”

24. The registrations upon which the opponent relies qualify as earlier trade marks under the above provision. As the marks had been registered for more than five years on the date on which the contested application was filed, they are subject to the proof of use provisions under section 6A of the Act. The opponent has stated that it has made genuine use of the marks in either the UK or the EU (as appropriate) in the relevant period for all the goods on which it is relying. The applicant has, however, not put the opponent to proof of use, and so the opponent is entitled to rely on all those goods.

### **Section 5(2)(b)**

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

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

...

(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.”

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

“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.”

27. In considering the opposition, I am guided by the following principles, gleaned from the decisions of the Court of Justice of the European Union (CJEU) in *SABEL BV v Puma AG* (C-251/95), *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc* (C-39/97), *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel BV* (C-342/97), *Marca Mode CV v Adidas AG & Adidas Benelux BV* (C-425/98), *Matratzen Concord GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)* (C-3/03), *Medion AG v Thomson Multimedia Sales Germany & Austria GmbH* (C-120/04), *Shaker di L. Laudato & C. Sas v OHIM* (C-334/05 P) and *Bimbo SA v OHIM* (C-519/12 P):

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 he has kept in his mind, and whose attention varies according to the category of goods or services in question;

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

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

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

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

g) a lesser degree of similarity between the goods or services may be offset by a 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;

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.

### **The opposition based on the BOSS marks**

28. I shall first consider the section 5(2)(b) ground based on the BOSS marks.

### ***Comparison of goods***

29. The CJEU stated in *Canon* that:

“In assessing the similarity of the goods or services concerned, as the French and United Kingdom Governments and the Commission have pointed out, all the relevant factors relating to those goods or services themselves should be taken into account. Those factors include, inter alia,

their nature, their intended purpose and their method of use and whether they are in competition with each other or complementary.”<sup>9</sup>

30. In *Kurt Hesse v OHIM*, Case C-50/15 P, the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods or services. The General Court (GC) clarified the meaning of “complementary” goods or services in *Boston Scientific Ltd v OHIM*, Case T-325/06:

“... there is a close connection between them, in the sense that one is indispensable or important for the use of the other in such a way that customers may think that the responsibility for those goods lies with the same undertaking.”<sup>10</sup>

31. Guidance was also given by Jacob J (as he then was) in *British Sugar Plc v James Robertson & Sons Limited (“Treat”)* [1996] RPC 281. At [296], he identified the following relevant factors:

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

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

(c) The physical nature of the goods or acts of service;

(d) The respective trade channels through which the goods or services reach the market;

(e) In the case of self-serve consumer items, where in practice they are respectively found, or likely to be found, in supermarkets and in particular whether they are, or are likely to be, found on the same or different shelves;

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<sup>9</sup> Paragraph 23

<sup>10</sup> Paragraph 82.

(f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.”

32. I also bear in mind the judgment of the GC in *Gérard Meric v OHIM*, Case T-133/05, where it stated that:

“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 the 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.”<sup>11</sup>

33. In *SEPARODE Trade Mark*, BL O-399-10, Mr Geoffrey Hobbs QC, sitting as the Appointed Person, said:

“The determination must be made with reference to each of the different species of goods listed in the opposed application for registration; if and to the extent that the list includes goods which are sufficiently comparable to be assessable for registration in essentially the same way for essentially the same reasons, the decision taker may address them collectively in his or her decision.”<sup>12</sup>

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

“... Trade mark registrations should not be allowed such a liberal interpretation that their limits become fuzzy and imprecise: see the observations of the CJEU in Case C-307/10 *The Chartered Institute of*

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<sup>11</sup> Paragraph 29.

<sup>12</sup> Paragraph 5.

*Patent Attorneys (Trademarks) (IP TRANSLATOR)* [2012] ETMR 42 at [47]-[49]. Nevertheless the principle should not be taken too far. Treat was decided the way it was because the ordinary and natural, or core, meaning of ‘dessert sauce’ did not include jam, or because the ordinary and natural description of jam was not ‘a dessert sauce’. Each involved a straining of the relevant language, which is incorrect. Where words or phrases in their ordinary and natural meaning are apt to cover the category of goods in question, there is equally no justification for straining the language unnaturally so as to produce a narrow meaning which does not cover the goods in question.”<sup>13</sup>

35. Most of the goods in the applicant’s specification are identical, on the *Meric* principle, to the opponent’s *Clothing for men, women and children, headgear and shoes*. In making this finding, I have taken the view that the average consumer would understand “children’s clothing” to include clothing for babies. The remaining terms I have separated into groups per *Separode* and these are listed in full in Annex B to this decision.

36. Two of the groups comprise parts and fittings for clothing and headgear. In *Les Éditions Albert René v OHIM*, Case T-336/03, the GC said that:

“The mere fact that a particular good is used as a part, element or component of another does not suffice in itself to show that the finished goods containing those components are similar since, in particular, their nature, intended purpose and the customers for those goods may be completely different.”<sup>14</sup>

37. The intended purpose and nature of these parts and fittings are different from those of the finished article and they cannot be said to be in competition with each other. The lining of a jacket, for example, is not in competition with a jacket. However, they are complementary in the sense that the parts and fittings are important and often

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<sup>13</sup> Paragraph 12.

<sup>14</sup> Paragraph 61.

indispensable for the whole, which may lead the consumer to believe that they come from the same undertaking. I find that these goods are similar to the opponent's *Clothing for men, women and children* and *headgear* but to no more than a medium degree.

38. A third group contains footwear other than shoes, which are defined in the *Oxford English Dictionary* as follows: "covering(s) for the foot, typically made of leather, having a sturdy sole and not reaching above the ankle". The intended purpose and nature of these is similar to that of *shoes*. They cover and protect the feet. There is overlap in the trade channels and the users are the same. There is some competition. I find that these goods are highly similar to shoes.

39. The fourth group consists of parts and fittings for footwear. As with the parts and fittings for clothing that I have already considered, I find these goods to be similar to no more than a medium degree to shoes.

40. The final group is made up of *Hunting boot bags* and *Ski boot bags*. The purpose of these goods differs from that of clothing, headgear or shoes, although they may be made from similar materials. They are not in competition with any of the goods that the opponent is relying on under this section; neither do I find them to be complementary, as the opponent's goods are *shoes* rather than these specialist boots. I find *Hunting boot bags* and *Ski boot bags* to be dissimilar to the opponent's *clothing for men, women and children, headgear* and *shoes*.

### ***Average consumer and the purchasing process***

41. 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:

"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 word 'average' denotes that the person is typical. The term 'average' does not denote some form of numerical mean, mode or median.”<sup>15</sup>

42. The average consumer of the goods at issue is a member of the general public. They will buy them from a specialist retailer or a general clothing or department store, either visiting a physical shop or ordering from the internet or a printed catalogue. This means that the mark will be seen and so the visual element will be the most significant. In *New Look Limited v OHIM*, Joined cases T-117/03 to T-119/03 and T-171/03, the GC stated that it was appropriate to consider the conditions in which the marks would be seen by the average consumer. It went on:

“... Generally in clothes shops customers can themselves either choose the clothes they wish to buy or be assisted by the sales staff. Whilst oral communication in respect of the product and the trade mark is not excluded, the choice of the item of clothing is generally made visually. Therefore, the visual perception of the marks in question will generally take place prior to purchase. Accordingly, the visual aspect plays a greater role in the global assessment of the likelihood of confusion.”<sup>16</sup>

43. However, I do not discount the aural element, as the consumer may in some cases be assisted by a member of staff. The price varies, but in many cases these goods will be everyday purchases. The consumer will pay attention to the size, the materials, the style and colours to ensure they buy a garment or item of footwear or headwear that fits them and achieves the effect they desire. In my view, the average consumer of these goods will be paying an average level of attention.

### ***Comparison of the marks***

44. It is clear from *SABEL* (particularly paragraph 23) that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various

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<sup>15</sup> Paragraph 60.

<sup>16</sup> Paragraph 50.

details. The same case also explains that the visual, aural and conceptual similarities of the marks must be assessed by reference to the overall impressions created by the marks, bearing mind their distinctive and dominant components. The CJEU stated in *Bimbo* that:

“... it is necessary to ascertain in each individual case, the overall impression made on the target public by the sign for which the 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.”<sup>17</sup>

45. It would be wrong, therefore, artificially to dissect the 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 marks.

46. The respective marks are shown below:

<b>Earlier Marks (the BOSS marks)</b>	<b>Contested Mark</b>
BOSS	BOWSS

47. The earlier marks consist of the word “BOSS” in capital letters and a standard font. The overall impression of the marks rest in the word itself. The contested mark is also a plain word mark – “BOWSS” – and the overall impression of that mark rests in the word itself.

#### *Visual similarity*

48. The earlier marks have four letters, while the contested mark has five. The sole difference between them is the presence of a “W” in the middle of the four letters “B-

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<sup>17</sup> Paragraph 34.

O-S-S". This represents an increase by 25% in the length of the mark. Given the identical beginnings and ends of the marks, I find there to be a medium degree of visual similarity between them.

#### *Aural similarity*

49. The earlier marks will be pronounced as written, while the effect of the "W" in the contested mark is to modify the vowel, so that it will be articulated as in "COW" or "GROW". There is nothing to indicate which one of these is the most likely, particularly as "BOW" is pronounced in both ways. Whichever way the average consumer says the word, though, there is to my mind at least a medium degree of similarity, given the identical spoken length and consonants.

#### *Conceptual similarity*

50. "BOSS" is a common English word, used to mean an individual who is in charge of a person or organisation. It is, of course, also the surname of the founder of the opponent. Neither the opponent nor the applicant makes any submissions on the conceptual content of the applicant's mark. It seems to me that the average consumer will see that it is an invented word or a mis-spelling of "BOWS". Either way, there is no conceptual similarity between the marks.

#### ***Distinctiveness of the earlier marks***

51. There is, as has already been noted, a greater likelihood of confusion if the earlier mark is highly distinctive. The CJEU provided guidance on assessing a mark's distinctive character in *Lloyd Schuhfabrik Meyer*:

"22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in

Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-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).”

52. As I have already noted, the word “BOSS” is a common one in the English language. It does not describe, or allude to, the goods at issue. Consequently, I find that the BOSS marks have an average level of inherent distinctiveness.

53. The opponent submits that the marks enjoy an enhanced level of distinctiveness. While I made my assessment of the inherent distinctiveness of the mark purely on the basis of the form in which it is registered, when it comes to the question of enhanced distinctiveness I must consider the use that is shown in the evidence. Earlier in my decision, I noted that the earlier marks most often appear in the following form:



54. The additional material in the mark as used is the HUGO BOSS mark. The use of a trade mark in a form which is different from the form in which it was registered is considered as use to the extent that the distinctive character of the trade mark in the form in which it was registered is not changed: see *Colloseum Holdings AG v Levi Strauss & Co*, Case C-12/12, and *Specsavers International Healthcare Ltd & Ors v Asda Stores Ltd*, Case C-252/12. In the mark shown above, BOSS is significantly

larger than the HUGO BOSS element. When the average consumer sees the mark in advertising, whether in print format, on clothes or at sports events, it is the word “BOSS” that stands out. Consequently, I find that I can consider that this use is use of the BOSS mark for the purposes of my assessment of enhanced distinctiveness.

55. “BOSS” has been used for men’s clothing since the 1970s and for women’s clothing since 2000, and that considerable sums have been invested in advertising the Group’s brands, most of which are based on the word “BOSS”.<sup>18</sup> In my view, the distinctiveness of the BOSS mark has been enhanced to a high level for men’s and women’s clothing.

### ***Conclusions on the likelihood of confusion***

56. In assessing the likelihood of confusion, I must adopt the global approach set out in the case law to which I have already referred in paragraph 27. I must also have regard to the interdependency principle, that a lesser degree of similarity between the goods and services may be offset by a greater degree of similarity between the marks, and vice versa: see *Canon*, paragraph 17. The distinctiveness of the earlier mark must also be taken into account.

57. Such a global assessment does not imply an arithmetical exercise, where the factors are scored and the result of a calculation reveals whether or not there is a likelihood of confusion. I must keep in mind the average consumer of the goods and the nature of the purchasing process. I note that it is generally accepted that marks are rarely recalled perfectly, the consumer relying instead on the imperfect picture they have kept in their mind: see *Lloyd Schuhfabrik Meyer*, paragraph 26.

58. In *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17, Mr James Mellor QC, sitting as the Appointed Person, stated:

“81.2 ... in my view it is important to keep in mind the purpose of the whole exercise of a global assessment of a likelihood of confusion, whether direct

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<sup>18</sup> Exhibit PAD02.

or indirect. The CJEU has provided a structured approach which can be applied by tribunals across the EU, in order to promote a consistent and uniform approach. Yet the reason why the CJEU has stressed the importance of the ultimate global assessment is, in my view, because it is supposed to emulate what happens in the mind of the average consumer on encountering, for example, the later mark applied with an imperfect recollection of the earlier mark in mind. It is not a process of analysis or reasoning, but an impression or instinctive reaction.

81.3 Third, when a tribunal is considering whether a likelihood of confusion exists, it should recognise that there are four options:

81.3.1 The average consumer mistakes one mark for the other (direct confusion);

81.3.2 The average consumer makes a connection between the marks and assumes that the goods or services in question are from the same or economically linked undertakings (indirect confusion);

81.3.3 The various factors considered in the global assessment lead to the conclusion that, in the mind of the average consumer, the later mark merely calls to mind the earlier mark (mere association);

81.3.4 For completeness, the conclusion that the various factors result in the average consumer making no link at all between the marks, but this will only be the case where either there is no or very low similarity between the marks and/or significant distance between the respective goods or services;

81.3.5 Accordingly, in most cases, it is not necessary to explicitly set out this fourth option, but I would regard it as good discipline

to set out the first three options, particularly in a case where a likelihood of indirect confusion is under consideration.”

59. The applicant denies that there is any likelihood of confusion. He cites in support of this position the fact that the examination report did not include any of the opponent’s marks. However, on its acceptance for publication the Registry informed the applicant that *anybody* might oppose the registration of the mark. Each opposition is then considered on its own merits. The appearance, or not, of a mark in the examination report has no bearing on this assessment.

60. For a claim under section 5(2)(b) to succeed, some similarity of the goods is essential: see *eSure Insurance v Direct Line Insurance* [2008] ETMR 77 CA, paragraph 49. I found that there was dissimilarity between *hunting boot bags* and *ski boot bags* and the goods on which the opponent was relying under this ground. **The section 5(2)(b) claim therefore fails with respect to these goods.**

61. I found the marks to be similar to a medium degree and the remaining goods to be similar to at least a medium degree, with most of them being identical. Given the similarity between the goods and the marks, in my view it is likely that the average consumer will make a link between the marks, but the question I must decide is what type of link that is. In doing so, I bear in mind the established principle that each case must be decided on its own facts.

62. Both marks are short and the additional letter in the contested mark will, in my view, be noticed by the average consumer. The marks would also be articulated slightly differently and are conceptually dissimilar. In the light of these findings, it is my view that the average consumer will not mistake one mark for the other, even taking into account the possibility of imperfect recollection and my finding that the distinctiveness of the BOSS marks had been enhanced through use, and so there is no likelihood of direct confusion.

63. Indirect confusion is, to my mind, also unlikely. This type of confusion depends on the average consumer noticing and recalling a difference between the marks and assuming that the goods come from the same or economically connected

undertakings. Adding a “W” to the middle of a word to form an invented word would not be an obvious sub-brand or re-brand, so I find it unlikely that the average consumer would make the assumption required. In my view, the contested mark may bring the BOSS marks to mind, but this is mere association and not confusion. **The section 5(2)(b) claim based on the BOSS marks fails.**

**The opposition based on the HUGO BOSS marks**

64. Before I dispense with the section 5(2)(b) ground, I shall briefly consider the claim based on the HUGO BOSS marks. The mark will be seen as a name, with both parts hanging together to form a unit. Consequently, the level of similarity between these marks and the contested marks is lower than it was for the BOSS marks. As a result of this, these marks put the opponent in no better a position. **The section 5(2)(b) claim based on the HUGO BOSS marks also fails.**

**Section 5(3)**

65. Section 5(3) of the Act states that a trade mark which 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 the repute of the earlier trade mark.”

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

“Subsection (3) applies irrespective of whether the goods and services for which the trade mark is to be registered are identical with, similar to or not similar to those for which the earlier trade mark is protected.”

67. The relevant case law can be found in the following judgments of the CJEU: *General Motors Corp v Yplon SA* (Case C-375/97), *Intel Corporation Inc v CPM United Kingdom Ltd* (Case C-252/07), *Adidas Salomon AG v Fitnessworld Trading Ltd* (Case C-487/07), *L'Oréal SA & Ors v Bellure NV & Ors* (Case C-487/07) and *Marks and Spencer v Interflora* (Case C-323/09). The law appears to be as follows:

a) The reputation of a trade mark must be established in relation to the relevant section of the public as regards the goods or services for which the mark is registered: *General Motors*, paragraph 24.

b) The trade mark for which protection is sought must be known by a significant part of that relevant public: *General Motors*, paragraph 26.

c) It is necessary for the public when confronted with the later mark to make a link with the earlier reputed mark, which is the case where the public calls the earlier mark to mind: *Adidas Salomon*, paragraph 29, and *Intel*, paragraph 63.

d) Whether such a link exists must be assessed globally taking account of all relevant factors, including the degree of similarity between the respective marks and between the goods or services, the extent of the overlap between the relevant consumers for those goods or services, and the strength of the earlier mark's reputation and distinctiveness: *Intel*, paragraph 42.

e) Where a link is established, the owner of the earlier mark must also establish the existence of one or more of the types of injury set out in the section, or that there is a serious likelihood that such an injury will occur in the future: *Intel*, paragraph 68. Whether this is the case must also be assessed globally, taking account of all relevant factors: *Intel*, paragraph 79.

f) Detriment to the distinctive character of the earlier mark occurs when the mark's ability to identify the goods or services for which it is registered is weakened as a result of the use of the later mark, and requires evidence of a change in the economic behaviour of the average consumer of the goods or

services for which the earlier mark is registered, or a serious risk that this will happen in the future: *Intel*, paragraph 76 and 77.

g) The more unique the earlier mark appears, the greater the likelihood that the use of a later identical or similar mark will be detrimental to its distinctive character: *Intel*, paragraph 74.

h) Detriment to the reputation of the earlier mark is caused when goods or services for which the later mark is used may be perceived by the public in such a way that the power of attraction of the earlier mark is reduced, and occurs particularly where the goods or services offered under the later mark have a characteristic or quality which is liable to have a negative impact on the earlier mark: *L'Oréal*, paragraph 40.

i) The advantage arising from the use by a third party of a sign similar to a mark with a reputation is an unfair advantage where it seeks to ride on the coat-tails of the senior mark in order to benefit from the power of attraction, the reputation and the prestige of that mark and to exploit, without paying any financial compensation, the marketing effort expended by the proprietor of the mark in order to create and maintain the mark's image. This covers, in particular, cases where, by reason of a transfer of the image of the mark or of the characteristics which it projects to the goods identified by the identical or similar sign, there is clear exploitation on the coat-tails of the mark with a reputation: *Marks and Spencer*, paragraph 74, and the court's answer to question 1 in *L'Oréal*.

## **Reputation**

68. The CJEU gave guidance on the assessment of reputation in *General Motors*:

“24. The public amongst which the earlier trade mark must have acquired a reputation is that concerned by the trade mark, that is to say, depending on the product or service marketed, either the public at large or a more specialised public, for example traders in a specific sector.

25. It cannot be inferred from either the letter or the spirit of Article 5(2) of the Directive that the trade mark must be known by a given percentage of the public so defined.

26. The degree of knowledge required must be considered to be reached when the earlier mark is known by a significant part of the public concerned by the products or services covered by that trade mark.

27. In examining whether this condition is fulfilled, the national court must take into consideration all the relevant facts of the case, in particular the market share held by the trade mark, the intensity, geographical extent and duration of its use, and the size of the investment made by the undertaking in promoting it.”

69. The applicant admits that the opponent has a “huge” reputation, but does not specify the goods for which he accepts that a reputation exists. In his witness statement, Mr Daly says that “for reasons of procedural efficiency” the opponent has chosen to focus on its reputation in respect of the following goods:

Earlier Mark	Goods
The 221 and 254 marks	<p><u>Class 18</u>  <i>Leather and imitations of leather, and goods made of these materials (included in class 18), in particular small leather goods.</i></p> <p><u>Class 25</u>  <i>Clothing for men, women and children.</i></p>
The 781 mark	<p><u>Class 25</u>  <i>Articles of clothing for men, but not including gloves or any goods of the same description as gloves.</i></p>
The 175 mark	<p><u>Class 25</u>  <i>Articles of outerclothing; socks; articles of sports clothing; all included in Class 25; all for men.</i></p>

70. The survey to which I have already referred asked a sample of men and women between 21 and 49 years old from social class AB (higher and intermediate managerial, professional and administrative occupations) about their awareness of clothing brands and their exposure to these brands, either through ownership or seeing advertising of clothing and accessories. 9% of UK participants spontaneously named the opponent; 26% owned clothing or accessories; and 16% recalled having recently come into contact with advertising. The evidence shows that men's and women's clothing and leather goods (bags, wallets, smartphone cases and card holders) were marketed before the application date. There is limited evidence of sale of children's clothes. I find that the opponent had a strong reputation at the applicant date in connection with use of its marks for *men's and women's clothing and goods made of leather (included in Class 18), in particular small leather goods*.

### **Link**

71. My assessment of whether the public will make the required mental link between the marks must take account of all relevant factors. The factors identified by the CJEU in *Intel* are as follows:

#### *The degree of similarity between the conflicting marks*

72. Earlier in my decision, I found that the BOSS marks were visually and aurally similar to a medium degree to the contested mark, and conceptually dissimilar. The HUGO BOSS marks are, to my mind, visually and aurally similar to a low degree.

#### *The nature of the goods or services for which the conflicting marks are registered, or proposed to be registered, including the degree of closeness or dissimilarity between those goods or services, and the relevant section of the public*

73. The applicant's goods are identical or similar to a medium degree to the opponent's goods. I found that the applicant's *hunting boot bags* and *ski boot bags* were dissimilar to the goods on which the opponent was relying under section 5(2)(b). It is possible that such bags might be made of leather, so there is a degree of overlap between these goods and the opponent's *leather goods*. There also be some common

trade channels, but the purposes will be different. I find the goods to be similar to a low degree.

*The strength of the earlier marks' reputation*

74. The earlier marks have a strong reputation. The applicant admits that it is “huge”.

*The degree of the earlier mark's distinctive character, whether inherent or acquired through use*

75. The earlier marks have a medium level of inherent distinctiveness. Earlier in my decision, I found that the distinctiveness of the BOSS marks had been enhanced to a high level through the use made of them for men's and women's clothing. It seems to me that the HUGO BOSS marks also have an enhanced level of distinctiveness, although as they cover no additional goods, I do not need to take this point any further.

*Whether there is a likelihood of confusion on the part of the public*

76. Under section 5(2)(b), I found there to be no likelihood of confusion but it seemed to me that for all the goods that were similar the contested mark would call to mind the opponent's BOSS marks. The relevant public would therefore make the required link, and, given the similarity between *hunting boot bags* and *ski boot bags* and the opponent's *leather goods*, I consider that this link would be made in the case of all the applicant's goods. However, I find that the link is not a strong one.

**Damage**

77. First, I shall consider the claim that use of the applicant's mark will constitute unfair advantage of the distinctive character or repute of the earlier marks. In *L'Oréal*, the CJEU stated that:

“In order to determine whether the use of a sign takes unfair advantage of the distinctive character or the repute of the mark, it is necessary to undertake a global assessment, taking into account all factors relevant to

the circumstances of the case, which include the strength of the mark's reputation and the degree of distinctive character of the mark, the degree of similarity between the marks at issue and the nature and degree of proximity of the goods and services concerned. As regards the strength of the reputation and the degree of distinctive character of the mark, the Court has already held that, the stronger that mark's distinctive character and reputation are, the easier it will be to accept that detriment has been caused to it. It is also clear from the case-law that, the more immediately and strongly the mark is brought to mind by the sign, the greater the likelihood that the current or future use of the sign is taking, or will take, unfair advantage of the distinctive character or the repute of the mark or is, or will be, detrimental to them (see, to that effect, *Intel Corporation*, paragraphs 67 to 69)."<sup>19</sup>

78. In *Argos Limited v Argos Systems Inc* [2018] EWCA Civ 2211, the Court of Appeal held that a change in the economic behaviour of the customers for the goods or services offered under the later trade mark was required to establish unfair advantage. This may be inferred where the later trade mark would gain a commercial advantage from the transfer of the image of the earlier trade mark to the later mark or a marketing "leg up", whereby the owner of the later mark would not need to invest as much in promoting its mark to secure sales. In my view, though, the link between the marks is not sufficiently strong for there to be an unfair advantage. This head of damage is not made out.

79. The opponent submits that use of the applicant's mark would erode and blur the distinctiveness of its earlier marks. For this head of damage to be made out, the opponent must provide evidence that there will be a change in the economic behaviour of the average consumer of the goods or services for which the earlier mark was registered: see *Environmental Manufacturing LLP v OHIM*, Case C-383/12 P, paragraphs 34-43. It is not necessary to adduce evidence of actual detriment, as the serious risk of detriment may be inferred, through the use of logical deductions. I note that in the case I have just cited, the CJEU stated that:

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<sup>19</sup> Paragraph 44.

“The concept of ‘change in the economic behaviour of the average consumer’ lays down an objective condition. That change cannot be deduced solely from subjective elements such as consumers’ perceptions. The mere fact that consumers notice the presence of a new sign similar to an earlier sign is not sufficient of itself to establish the existence of a detriment or a risk of detriment to the distinctive character of the earlier mark within the meaning of Article 8(5) of Regulation No 207/2009, in as much as that similarity does not cause any confusion in their minds.”<sup>20</sup>

In my view, the opponent has adduced no evidence to lead me to find that there would be detriment to the distinctiveness of its earlier marks.

80. The opponent claims that use of the applicant’s mark “whether in respect of goods of a low quality or otherwise” may generate negative associations, or an image which runs counter to the image cultivated by the opponent, and thus be detrimental to the repute of the earlier marks. The opponent’s submissions are essentially hypothetical arguments and so insufficient for me to find detriment to repute: see *Unite The Union v The Unite Group Plc*, BL O/291/13.

**81. The section 5(3) ground fails.**

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

82. Section 5(4)(a) of the Act states that:

“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 or law (in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade, or

(b) [...]

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<sup>20</sup> Paragraph 37.

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’.”

83. It is settled law that for a successful finding of passing off, three factors must be present: goodwill, misrepresentation and damage. Her Honour Judge Melissa Clarke, sitting as deputy Judge of the High Court, conveniently summarised the essential requirements of the law in *Jadebay Limited, Noa and Nani Limited trading as The Discount Outlet v Clarke-Coles Limited trading as Feel Good UK* [2017] EWHC 1400 IPEC:

“55. The elements necessary to reach a finding of passing off are the ‘classical trinity’ of that tort as described by Lord Oliver in the Jif Lemon case (*Reckitt & Colman Product v Borden* [1990] 1 WLR 491 HL, [1990] RPC 341, HL) namely goodwill or reputation; misrepresentation leading to deception or a likelihood of deception; and damage resulting from the misrepresentation. The burden is on the Claimants to satisfy me of all these limbs.

56. In relation to deception, the court must assess whether ‘a *substantial number*’ of the Claimants’ customers or potential customers are deceived, but it is not necessary to show that all or even most of them are deceived (per *Interflora Inc v Marks and Spencer Plc* [2012] EWCA Civ 1501, [2013] FSR 21).”

84. In his witness statement, Mr Daly says that “for procedural efficiency”, the opponent has chosen to focus on its goodwill in relation to clothing for men, women and children. It will be seen that the test for misrepresentation is different from that for likelihood of confusion, where what is required is that the average consumer is confused. However, as recognised by Lewinson LJ, in *Interflora Inc v Marks and Spencer Plc* [2012] EWCA Civ 1501, it is doubtful whether the difference between the legal tests will produce different outcomes. I believe that this is the case here. The UK sales figures are not broken down by product category but on the balance of probabilities I accept that the opponent has goodwill in relation to clothing for men and women and also for small leather goods. As with section 5(2)(b), consumers might

make a connection between the contested marks and the sign but I do not find that they will be deceived into thinking that the applicant's goods are from the same source as the opponent's or are connected. **The section 5(4)(a) claim also fails.**

### **Conclusion**

85. The opposition has failed. The application by Juhel Miah may proceed to registration.

### **Costs**

86. The applicant has been successful. As he has represented himself in these proceedings, the Registry invited him to complete a proforma, setting out the time he had spent on particular activities. No proforma was returned by the applicant and so I make no award of costs.

**Dated this 9<sup>th</sup> day of April 2020**

**Clare Boucher  
For the Registrar,  
Comptroller-General**

## Annex A

### Applicant's Specification

#### Class 25

Adhesive bras; After ski boots; Aikido suits; Aikido uniforms; Albs; Aloha shirts; American football bibs; American football pants; American football shirts; American football shorts; American football socks; Anglers' shoes; Ankle boots; Ankle socks; Anklets [socks]; Anoraks; Anoraks [parkas]; Anti-perspirant socks; Anti-sweat underclothing; Anti-sweat underwear; Après-ski boots; Apres-ski shoes; Aprons; Aprons [clothing]; Aqua shoes; Arm warmers [clothing]; Army boots; Articles of clothing; Articles of clothing for theatrical use; Articles of clothing made of hides; Articles of clothing made of leather; Articles of outer clothing; Articles of sports clothing; Articles of underclothing; Ascots; Ascots (ties); Athletic clothing; Athletic footwear; Athletic shoes; Athletic tights; Athletic uniforms; Athletics footwear; Athletics hose; Athletics shoes; Athletics vests; Babies' clothing; Babies' outerclothing; Babies' pants [clothing]; Babies' pants [underwear]; Babies' undergarments; Babushkas; Baby bibs [not of paper]; Baby bodysuits; Baby boots; Baby bottoms; Baby clothes; Baby doll pyjamas; Baby layettes for clothing; Baby pants; Baby sandals; Baby tops; Balaclavas; Ball gowns; Ballet shoes; Ballet slippers; Ballet suits; Ballroom dancing shoes; Bandanas; Bandanas [neckerchiefs]; Bandannas; Bandeaux [clothing]; Barber smocks; Baseball caps; Baseball caps and hats; Baseball hats; Baseball shoes; Baseball uniforms; Baselayer bottoms; Baselayer tops; Basic upper garment of Korean traditional clothes [Jeogori]; Basketball shoes; Basketball sneakers; Bath robes; Bath sandals; Bath slippers; Bathing caps; Bathing costumes; Bathing costumes for women; Bathing drawers; Bathing suit cover-ups; Bathing suits; Bathing suits for men; Bathing trunks; Bathrobes; Beach clothes; Beach clothing; Beach cover-ups; Beach footwear; Beach hats; Beach robes; Mock turtleneck shirts; Snap crotch shirts for infants and toddlers; Tennis shirts; Turtleneck shirts; Collars for dresses; Combative sports uniforms; Combinations [clothing]; Corduroy pants; Corduroy shirts; Corduroy trousers; Corselets; Corsets; Corsets [clothing, foundation garments]; Corsets [foundation clothing]; Corsets [underclothing]; Costumes; Costumes for use in children's dress up play; Costumes for use in role-playing games; Costumes (Masquerade -); Cotton coats; Coveralls; Coverups; Cover-ups; Cowls [clothing]; Cravates; Cravats; Crew neck sweaters; Crinolines; Crop tops; Cuffs; Culotte skirts; Culottes; Cumberbunds; Cycling caps; Cycling Gloves; Cycling pants; Cycling shoes; Cycling shorts; Cycling tops; Cyclists' clothing; Caftans; Cagoules; Camiknickers; Camisoles; Camouflage gloves; Camouflage jackets; Camouflage pants; Camouflage shirts; Camouflage vests; Canvas shoes; Cap peaks; Cap visors; Capelets; Capes; Capes (clothing); Caps; Caps being headwear; Caps [headwear]; Caps (Shower -); Caps with visors; Car coats; Cardigans; Cargo pants; Cashmere clothing; Cashmere scarves; Cassocks; Casual clothing; Casual footwear; Casual jackets; Casual shirts; Casual trousers; Casual wear; Casualwear; Chadors; Chaps; Chaps (clothing); Chasubles; Chefs' hats; Chefs' whites; Chemise tops; Chemises; Chemisettes; Cheongsams (Chinese gowns); Children's clothing; Childrens' clothing; Children's footwear; Children's headwear; Children's outerclothing; Children's wear; Chino pants; Choir robes; Christening gowns; Christening robes; Cleats for attachment to sports shoes; Climbing boots; Climbing boots [mountaineering boots]; Climbing footwear; Cloaks; Clogs; Cloth bibs; Cloth bibs for adult diners; Clothes; Clothes for sport; Clothes for sports; Clothing; Clothing containing slimming substances; Clothing for babies; Clothing for children; Clothing for cycling; Clothing for cyclists; Clothing for fishermen; Clothing for gymnastics; Clothing for horse-riding [other than riding hats]; Clothing for infants; Clothing for leisure wear; Clothing for martial arts; Clothing for men, women and children; Clothing for skiing; Clothing for sports; Clothing for wear in judo practices; Clothing for wear in wrestling games; Clothing layettes; Clothing made of fur; Clothing made of imitation leather; Clothing made of leather; Clothing of imitations of leather; Clothing of leather; Coats; Coats for men; Coats for women; Coats made of cotton; Coats of denim; Coats (Top -); Cocktail dresses; Collar guards for protecting clothing collars; Collar liners for protecting clothing collars; Collar protectors; Collared shirts; Collars; Collars [clothing]; Dance clothing; Dance costumes; Dance shoes; Dance slippers; Deck shoes; Deck-shoes; Denim coats; Denim jackets; Denim jeans; Denim pants; Denims [clothing]; Desert boots; Detachable collars; Detachable neckpieces for kimonos (haneri); Dinner jackets; Dinner suits; Disposable slippers; Disposable underwear; Donkey jackets; Down jackets; Down vests; Drawers as clothing; Drawers [clothing]; Dress pants; Dress shields; Dress shirts; Dress shoes; Dress suits; Dresses; Dresses for evening wear; Dresses for infants and toddlers; Dresses made from skins; Dressing gowns; Driving

gloves; Driving shoes; Dry suits; Duffel coats; Duffle coats; Dungarees; Dust coats; Ear muffs; Ear muffs [clothing]; Ear warmers; Earbands; Earmuffs; Embossed heels of rubber or of plastic materials; Embossed soles of rubber or of plastic materials; Embroidered clothing; Espadrilles; Esparto shoes or sandals; Esparto shoes or sandals; Evening coats; Evening dresses; Evening gowns; Evening suits; Evening wear; Exercise wear; Eye masks; Gabardines; Gabardines [clothing]; Gaiter straps; Gaiters; Galoshes; Garments for protecting clothing; Garrison caps; Garter belts; Garters; Gauchos; Gilets; Girdles; Girdles [corsets]; Girls' clothing; Gloves; Gloves as clothing; Gloves [clothing]; Gloves for apparel; Gloves for cyclists; Gloves including those made of skin, hide or fur; Gloves with conductive fingertips that may be worn while using handheld electronic touch screen devices; Golf caps; Golf clothing, other than gloves; Golf footwear; Golf pants, shirts and skirts; Golf shirts; Golf shoes; Golf shorts; Golf skirts; Golf trousers; Goloshes; Gowns; Gowns for doctors; Greatcoats; G-strings; Guernseys; Gussets for bathing suits [parts of clothing]; Gussets for footlets [parts of clothing]; Gussets for leotards [parts of clothing]; Gussets for stockings [parts of clothing]; Gussets for tights [parts of clothing]; Gussets for underwear [parts of clothing]; Gussets [parts of clothing]; Gym boots; Gym shorts; Gym suits; Gymnastic shoes; Gymshoes; Gymwear; Fabric belts; Fabric belts [clothing]; Fake fur hats; Fancy dress costumes; Fascinator hats; Fashion hats; Fedoras; Fezzes; Figure skating clothing; Fingerless gloves; Fingerless gloves as clothing; Fishermen's jackets; Fishing boots; Fishing clothing; Fishing footwear; Fishing headwear; Fishing jackets; Fishing shirts; Fishing smocks; Fishing vests; Fishing waders; Fitted swimming costumes with bra cups; Fittings of metal for boots and shoes; Fittings of metal for footwear; Flat caps; Flat shoes; Fleece jackets; Fleece pullovers; Fleece shorts; Fleece tops; Fleece vests; Fleecees; Flip-flops; Flip-flops for use as footwear; Flying suits; Foam pedicure slippers; Folk costumes; Foot volleyball shoes; Football boots; Football boots (Studs for -); Football jerseys; Football shirts; Football shoes; Footless socks; Footless tights; Footmuffs, not electrically heated; Footwear; Footwear [excluding orthopedic footwear]; Footwear (Fittings of metal for -); Footwear for men; Footwear for men and women; Footwear for snowboarding; Footwear for sport; Footwear for sports; Footwear for track and field athletics; Footwear for use in sport; Footwear for women; Footwear made of vinyl; Footwear made of wood; Footwear (Non-slipping devices for -); Footwear not for sports; Footwear soles; Footwear (Tips for -); Footwear uppers; Footwear (Welts for -); Formal evening wear; Formal wear; Formalwear; Foulards [clothing articles]; Foundation garments; Frames (Hat -) [skeletons]; Frock coats; Full-length kimonos (nagagi); Functional underwear; Fur cloaks; Fur coats; Fur coats and jackets; Fur hats; Fur jackets; Fur muffs; Fur stoles; Furs [clothing]; Hairdressing capes; Half-boots; Halloween costumes; Halter tops; Handball shoes; Handwarmers [clothing]; Haneri [detachable neckpieces for kimonos]; Hat frames [skeletons]; Hats; Hats (Paper -) [clothing]; Head bands; Head scarves; Head sweatbands; Head wear; Headbands; Headbands against sweating; Headbands [clothing]; Headbands for clothing; Headdresses [veils]; Headgear; Headgear for wear; Headscarfs; Headscarves; Headshaws; Headsquares; Headwear; Heavy coats; Heavy jackets; Heel inserts; Heel pieces for shoes; Heel pieces for stockings; Heel protectors for shoes; Heelpieces for footwear; Heelpieces for stockings; Heels; Hidden heel shoes; High rain clogs (ashida); High-heeled shoes; Hijabs; Hiking boots; Hiking shoes; Hockey shoes; Hooded pullovers; Hooded sweat shirts; Hooded sweatshirts; Hooded tops; Hoodies; Hoods; Hoods [clothing]; Horse-riding boots; Horse-riding pants; Hosiery; House coats; Housecoats; Hunting boot bags; Hunting boots; Hunting jackets; Hunting pants; Hunting shirts; Hunting vests; Imitation leather dresses; Infant clothing; Infant wear; Infants' boots; Infants' clothing; Infants' footwear; Infants' shoes; Infants' trousers; Infantwear; Inner socks for footwear; Inner soles; Innersocks; Insoles; Insoles for footwear; Insoles for shoes and boots; Insoles [for shoes and boots]; Intermediate soles; Jacket liners; Jackets; Jackets being sports clothing; Jackets [clothing]; Jackets (Stuff -) [clothing]; Japanese footwear of rice straw (waraji); Japanese kimonos; Japanese sleeping robes (nemaki); Japanese sleeping robes [nemaki]; Japanese split-toed work footwear (jikatabi); Japanese style clogs and sandals; Japanese style sandals of felt; Japanese style sandals of leather; Japanese style sandals (zori); Japanese style socks (tabi); Japanese style socks (tabi covers); Japanese style wooden clogs (geta); Japanese toe-strap sandals (asaura-zori); Japanese traditional clothing; Jeans; Jerkins; Jerseys; Jerseys [clothing]; Jockstraps [underwear]; Jodhpurs; Jogging bottoms; Jogging bottoms [clothing]; Jogging outfits; Jogging pants; Jogging sets [clothing]; Jogging shoes; Jogging suits; Jogging tops; Judo suits; Judo uniforms; Jump Suits; Jumper dresses; Jumper suits; Jumpers; Jumpers [pullovers]; Jumpers [sweaters]; Jumpsuits; Kaftans; Karate suits; Karate uniforms; Kendo outfits; Kerchiefs; Kerchiefs [clothing]; Khakis; Khimars; Kilts; Kimonos; Knee warmers [clothing]; Knee-high stockings; Knickerbockers; Knickers; Knit jackets; Knit shirts; Knit tops; Knitted baby shoes; Knitted caps; Knitted clothing; Knitted gloves; Knitted tops; Knitted underwear; Knitwear; Knitwear [clothing]; Knot caps; Korean outer jackets worn over basic garment [Magoja]; Korean topcoats [Durumagi]; Korean traditional women's waistcoats [Baeja]; Laboratory coats; Lace boots; Ladies' boots; Ladies' clothing; Ladies' dresses; Ladies' footwear; Ladies' outerclothing; Ladies'

sandals; Ladies' suits; Ladies' underwear; Ladies wear; Layette; Layette [clothing]; Leather belts [clothing]; Leather clothing; Leather (Clothing of -); Leather (Clothing of imitations of -); Leather coats; Leather dresses; Leather garments; Leather headwear; Leather jackets; Leather pants; Leather shoes; Leather slippers; Leather suits; Leather waistcoats; Leg warmers; Leggings [leg warmers]; Leggings [trousers]; Legwarmers; Leg-warmers; Leisure clothing; Leisure footwear; Leisure shoes; Leisure suits; Leisure wear; Leisurewear; Leotards; Light-reflecting coats; Light-reflecting jackets; Linen (Body -) [garments]; Linen clothing; Lingerie; Linings (Ready-made -) [parts of clothing]; Liveries; Long jackets; Long johns; Long sleeve pullovers; Long sleeved vests; Long underwear; Long-sleeved shirts; Lounge pants; Loungewear; Lounging robes; Low wooden clogs (hiyori-geta); Low wooden clogs (koma-geta); Low wooden clogs [koma-geta]; Lumberjackets; Mackintoshes; Maillots; Maillots [hosiery]; Maniples; Mankinis; Mantillas; Mantles; Martial arts uniforms; Masks (Sleep -); Masquerade costumes; Maternity bands; Maternity clothing; Maternity dresses; Maternity leggings; Maternity lingerie; Maternity pants; Maternity shirts; Maternity shorts; Maternity sleepwear; Maternity smocks; Maternity tops; Maternity underwear; Maternity wear; Men's and women's jackets, coats, trousers, vests; Men's clothing; Men's dress socks; Men's sandals; Men's socks; Men's suits; Men's underwear; Menswear; Metal fittings for Japanese style wooden clogs; Military boots; Millinery; Miniskirts; Mitters [hats]; Mittens; Mitts [clothing]; Moccasins; Mock turtleneck shirts; Mock turtleneck sweaters; Mock turtlenecks; Moisture-wicking sports bras; Moisture-wicking sports pants; Moisture-wicking sports shirts; Money belts [clothing]; Monokinis; Morning coats; Motorcycle gloves; Motorcycle jackets; Motorcycle rain suits; Motorcycle riding suits; Motorcyclist boots; Motorcyclists' clothing; Motorcyclists' clothing of leather; Motorists' clothing; Mountaineering boots; Mountaineering shoes; Mufflers; Mufflers as neck scarves; Mufflers [clothing]; Mufflers [neck scarves]; Muffs; Muffs [clothing]; Mukluks; Mules; Muumuus; Nappy pants [clothing]; Neck scarfs [mufflers]; Neck scarves; Neck scarves [mufflers]; Neck tubes; Neck warmers; Neckbands; Neckerchiefs; Neckerchieves; Neckties; Neckwear; Negligees; Night gowns; Night shirts; Nightcaps; Nightdresses; Nightgowns; Nighties; Nightshirts; Nightwear; Nipple pasties; Niqabs; Non-slip socks; Non-slipping devices for footwear; Nurse dresses; Nurse overalls; Nurse pants; Nurses' uniforms; Nursing shoes; Oilskins [clothing]; One-piece clothing for infants and toddlers; One-piece playsuits; One-piece suits; Open-necked shirts; Outer clothing; Outer soles; Outerclimbing; Outerclimbing for boys; Outerclimbing for girls; Outerclimbing for men; Outerwear; Overalls; Overalls for infants and toddlers; Overcoats; Overshirts; Overshoes; Overtrousers; Over-trousers; Padded jackets; Padded pants for athletic use; Padded shirts for athletic use; Padded shorts for athletic use; Pajama bottoms; Pajamas; Pajamas (Am.); Pantaloon; Pantie-girdles; Panties; Pants; Pants (Am.); Pantsuits; Panty hose; Pantyhose; Paper aprons; Paper clothing; Paper hats [clothing]; Paper hats for use as clothing items; Paper hats for wear by chefs; Paper hats for wear by nurses; Pareos; Pareus; Parkas; Party hats [clothing]; Pea coats; Peaked caps; Peaked headwear; Peaks (Cap -); Pedal pushers; Pedicure sandals; Pedicure slippers; Peignoirs; Pelerines; Pelisses; Petticoats; Petti-pants; Pinafore dresses; Pinafores; Pique shirts; Pirate pants; Plastic aprons; Plastic baby bibs; Plastic slippers; Platform shoes; Play suits; Playsuits [clothing]; Pleated skirts; Pleated skirts for formal kimonos (hakama); Plimsolls; Plus fours; Plush clothing; Pocket kerchiefs; Pocket squares; Pocket squares [clothing]; Pockets for clothing; Polar fleece jackets; Polo boots; Polo knit tops; Polo neck jumpers; Polo shirts; Polo sweaters; Ponchos; Pop socks; Pram suits; Printed t-shirts; Protective metal members for shoes and boots; Pullovers; Pullstraps for shoes and boots; Pumps [footwear]; Puttees; Puttees and gaiters; Pyjamas; Pyjamas [from tricot only]; Quilted jackets [clothing]; Quilted vests; Rain boots; Rain coats; Rain hats; Rain jackets; Rain ponchos; Rain shoes; Rain slickers; Rain suits; Rain trousers; Rain wear; Raincoats; Rainproof clothing; Rainproof jackets; Rainshoes; Rainwear; Ramie shirts; Rash guards; Ready-made clothing; Ready-made linings [parts of clothing]; Ready-to-wear clothing; Referees uniforms; Religious garments; Removable collars; Replica football kits; Reversible jackets; Riding boots; Riding gloves; Riding Gloves; Riding jackets; Riding shoes; Riding trousers; Robes; Robes (Bath -); Roll necks [clothing]; Roller shoes; Romper suits; Rompers; Ruanas; Rubber fishing boots; Rubber shoes; Rubber soles for jikatabi; Rubbers [footwear]; Rugby boots; Rugby jerseys; Rugby shirts; Rugby shoes; Rugby shorts; Rugby tops; Running shoes; Running Suits; Running vests; Russian felted boots (Valenki); Sabots; Safari jackets; Sailing wet weather clothing; Sailor suits; Salopettes; Sandal-clogs; Sandals; Sandals and beach shoes; Sarees; Saris; Sarongs; Sash bands for kimono (obi); Sashes for wear; Scarfs; Scarves; School uniforms; Scrimmage vests; Sedge hats (suge-gasa); Serapes; Shampoo capes; Shapewear; Shawls; Shawls and headscarves; Shawls and stoles; Shawls [from tricot only]; Sheepskin coats; Sheepskin jackets; Shell jackets; Shell suits; Shields (Dress -); Shift dresses; Shirt fronts; Shirt yokes; Shirt-jacs; Shirts; Shirts and slips; Shirts for suits; Shoe covers, other than for medical purposes; Shoe inserts for non-orthopedic purposes; Shoe soles; Shoe soles for repair; Shoe straps; Shoe uppers; Shoes; Shoes for casual wear; Shoes for foot volleyball; Shoes for infants; Shoes for leisurewear; Shoes soles for repair; Shoes with hook and pile fastening tapes; Short overcoat for

kimono (haori); Short petticoats; Short sets [clothing]; Short trousers; Shortalls; Shorts; Shorts [clothing]; Short-sleeve shirts; Short-sleeved shirts; Short-sleeved T-shirts; Shoulder scarves; Shoulder straps for clothing; Shoulder wraps; Shoulder wraps [clothing]; Shoulder wraps for clothing; Shower caps; Shrugs; Silk clothing; Silk scarves; Silk ties; Singlets; Skating outfits; Ski and snowboard shoes and parts thereof; Ski balaclavas; Ski boot bags; Ski boots; Ski gloves; Ski hats; Ski jackets; Ski pants; Ski suits; Ski suits for competition; Ski trousers; Ski wear; Skiing shoes; Skirt suits; Skirts; Skorts; Skull caps; Slacks; Sleep masks; Sleep pants; Sleep shirts; Sleeping garments; Sleepsuits; Sleepwear; Sleeved jackets; Sleeveless jackets; Sleeveless jerseys; Sleeveless pullovers; Sliding shorts; Slip-on shoes; Slipovers; Slipovers [clothing]; Slipper socks; Slipper soles; Slippers; Slippers made of leather; Slips; Slips [clothing]; Slips [underclothing]; Slips [undergarments]; Small hats; Smocks; Smoking jackets; Snap crotch shirts for infants and toddlers; Sneakers; Sneakers [footwear]; Snoods [scarves]; Snow boarding suits; Snow boots; Snow pants; Snow suits; Snowboard boots; Snowboard gloves; Snowboard jackets; Snowboard mittens; Snowboard shoes; Snowboard trousers; Snowsuits; Soccer bibs; Soccer boots; Soccer shirts; Soccer shoes; Sock suspenders; Socks; Socks and stockings; Socks for infants and toddlers; Socks for men; Soles for footwear; Soles for Japanese style sandals; Soles [Inner]; Spats; Spiked running shoes; Sport coats; Sport shirts; Sport shoes; Sport stockings; Sports bibs; Sports [Boots for -]; Sports bras; Sports caps; Sports caps and hats; Sports clothing; Sports clothing [other than golf gloves]; Sports footwear; Sports garments; Sports headgear [other than helmets]; Sports jackets; Sports jerseys; Sports jerseys and breeches for sports; Sports over uniforms; Sports overuniforms; Sports pants; Sports shirts; Sports shirts with short sleeves; Sports shoes; Sports singlets; Sports socks; Sports vests; Sports wear; Sportswear; Stiffeners for boots; Stiffeners for shoes; Stocking suspenders; Stockings; Stockings (Heel pieces for -); Stockings [sweat-absorbent]; Stockings (Sweat-absorbent -); Stoles; Stoles (Fur -); Strapless bras; Strapless brassieres; Straps (Gaiter -); Stretch pants; String fasteners for haori (haori-himo); Studs for football boots; Stuff jackets; Stuff jackets [clothing]; Suede jackets; Suit coats; Suits; Suits (Bathing -); Suits made of leather; Suits of leather; Sun hats; Sun visors; Sun visors [headwear]; Sundresses; Sunsuits; Surf wear; Surfwear; Suspender belts; Suspender belts for men; Suspender belts for women; Suspenders; Suspenders [braces]; Swaddling clothes; Sweat bands; Sweat bands for the head; Sweat bands for the wrist; Sweat bottoms; Sweat jackets; Sweat pants; Sweat shirts; Sweat shorts; Sweat suits; Sweat-absorbent socks; Sweat-absorbent stockings; Sweat-absorbent underclothing; Sweat-absorbent underclothing [underwear]; Sweat-absorbent underwear; Sweatbands; Sweaters; Sweatjackets; Sweatpants; Sweatshirts; Sweatshorts; Sweatsuits; Swim briefs; Swim caps; Swim shorts; Swim suits; Swim trunks; Swim wear for children; Swim wear for gentlemen and ladies; Swimming caps; Swimming caps [bathing caps]; Swimming costumes; Swimming suits; Swimming trunks; Swimsuits; Swimwear; Synthetic fur stoles; Tabards; Taekwondo suits; Taekwondo uniforms; Tail coats; Tam o'shanter; Tams; Tank tops; Tankinis; Tank-tops; Tap pants; Tap shoes; Tartan kilts; Teddies; Teddies [underclothing]; Teddies [undergarments]; Tee-shirts; Tennis dresses; Tennis pullovers; Tennis shirts; Tennis shoes; Tennis shorts; Tennis skirts; Tennis socks; Tennis sweatbands; Tennis wear; Theatrical costumes; Thermal clothing; Thermal headgear; Thermal socks; Thermal underwear; Thermally insulated clothing; Tobes; Thong sandals; Thongs; Three piece suits [clothing]; Ties; Ties [clothing]; Tightening-up strings for kimonos (datejime); Tights; Tips for footwear; Toe boxes; Toe socks; Toe straps for Japanese style sandals [zori]; Toe straps for Japanese style wooden clogs; Toe straps for zori [Japanese style sandals]; Togas; Tongues for shoes and boots; Top coats; Top hats; Topcoats; Tops; Tops [clothing]; Toques [hats]; Track and field shoes; Track jackets; Track pants; Track suits; Tracksuit bottoms; Tracksuit tops; Tracksuits; Traction attachments for footwear; Trainers; Trainers [footwear]; Training shoes; Training suits; Trekking boots; Trench coats; Trenchcoats; Trews; Triathlon clothing; Trouser socks; Trouser straps; Trousers; Trousers for children; Trousers for sweating; Trousers of leather; Trousers shorts; Trunks; Trunks (Bathing -); Trunks [underwear]; T-shirts; Tube tops; Tunics; Turbans; Turtleneck pullovers; Turtleneck shirts; Turtleneck sweaters; Turtleneck tops; Turtlenecks; Tutus; Tuxedo belts; Tuxedos; Twin sets; Umpires uniforms; Under garments; Under shirts; Underarm gussets [parts of clothing]; Underclothes; Underclothing; Underclothing (Anti-sweat -); Underclothing for women; Undergarments; Underpants; Underpants for babies; Undershirts; Undershirts for kimonos (juban); Undershirts for kimonos (koshimaki); Undershirts for kimonos [koshimaki]; Underskirts; Underwear; Underwear (Anti-sweat -); Underwear for women; Uniforms; Uniforms for commercial use; Uniforms for nurses; Union suits; Unitards; Uppers (Footwear -); Uppers for Japanese style sandals; Uppers of woven rattan for Japanese style sandals; Ushankas [fur hats]; Valenki [felted boots]; Veils; Veils [clothing]; Vest tops; Vests; Vests (Fishing -); Vests for use in barber shops and salons; Visors; Visors being headwear; Visors [clothing]; Visors [hatmaking]; Visors [headwear]; V-neck sweaters; Volleyball jerseys; Volleyball shoes; Waders; Waist belts; Waist cinchers; Waist strings for kimonos (koshihimo); Waistbands; Waistcoats; Waistcoats [vests]; Walking boots; Walking breeches; Walking shoes; Walking

shorts; Warm up suits; Warm-up jackets; Warm-up pants; Warm-up suits; Warm-up tops; Water socks; Water polo caps; Waterproof boots; Waterproof boots for fishing; Waterproof capes; Waterproof clothing; Waterproof jackets; Waterproof outerclothing; Waterproof pants; Waterproof shoes; Waterproof suits for motorcyclists; Waterproof trousers; Water-resistant clothing; Waterskiing suits; Weather resistant outer clothing; Weatherproof clothing; Weatherproof jackets; Weatherproof pants; Wedding dresses; Wedding gowns; Wellington boots; Wellingtons; Welts for footwear; Wet suits; Wet suits for surfing; Wet suits for water-skiing; Wet suits for water-skiing and sub-aqua; Wet suits for windsurfing; Wetsuit gloves; Wetsuits; Wetsuits for surface watersports; Wetsuits for surfing; Wetsuits for water-skiing; White coats for hospital use; Wimples; Wind coats; Wind jackets; Wind pants; Wind resistant jackets; Wind suits; Wind vests; Windcheaters; Wind-jackets; Windproof clothing; Windproof jackets; Wind-resistant jackets; Wind-resistant vests; Windshirts; Winter boots; Winter coats; Winter gloves; Women's ceremonial dresses; Women's clothing; Women's foldable slippers; Womens' outerclothing; Women's shoes; Women's suits; Womens' underclothing; Womens' undergarments; Women's underwear; Wooden bodies for Japanese style clogs; Wooden main bodies of Japanese style wooden clogs; Wooden clogs; Wooden shoes; Wooden shoes [footwear]; Wooden supports of Japanese style wooden clogs; Woolen clothing; Woollen socks; Woollen tights; Woolly hats; Work boots; Work clothes; Work overalls; Work shoes; Working overalls; Woven clothing; Woven shirts; Wrap belts for kimonos (datemaki); Wraps [clothing]; Wrist bands; Wrist warmers; Wristbands; Wristbands [clothing]; Yashmaghs; Yashmaks; Yoga bottoms; Yoga pants; Yoga shirts; Yoga shoes; Yokes (Shirt -); Zoot suits; Zori; Babies' clothing; Babies' outerclothing; Babies' pants [clothing]; Babies' pants [underwear]; Babies' undergarments; Babushkas; Baby bibs [not of paper]; Baby bodysuits; Baby boots; Baby bottoms; Baby clothes; Baby doll pyjamas; Baby layettes for clothing; Baby pants; Baby sandals; Baby tops; BalACLAVAS; Ball gowns; Ballet shoes; Ballet slippers; Ballet suits; Ballroom dancing shoes; Bandanas; Bandanas [neckerchiefs]; Bandannas; Bandeaux [clothing]; Barber smocks; Baseball caps; Baseball caps and hats; Baseball hats; Baseball shoes; Baseball uniforms; Baselayer bottoms; Baselayer tops; Basic upper garment of Korean traditional clothes [Jeogori]; Basketball shoes; Basketball sneakers; Bath robes; Bath sandals; Bath slippers; Bathing caps; Bathing costumes; Bathing costumes for women; Bathing drawers; Bathing suit cover-ups; Bathing suits; Bathing suits for men; Bathing trunks ;Bathrobes; Beach clothes; Beach clothing; Beach cover-ups; Beach footwear; Beach hats; Beach robes; Beach shoes; Beach wraps; Beachwear; Beanie hats; Beanies; Bed jackets; Bed socks; Belts [clothing]; Belts for clothing; Belts made from imitation leather; Belts made of leather; Belts made out of cloth; Belts (Money -) [clothing]; Belts of textile; Berets; Bermuda shorts; Bib overalls for hunting; Bib shorts; Bib tights; Bibs, not of paper; Bibs, sleeved, not of paper; Bikinis; Blazers; Bloomers; Blouses; Blouson jackets; Blousons; Blue jeans; Board shorts; Boardshorts; Boas; Boas [clothing]; Boas [necklets]; Boaters; Bobble hats; Bodices; Bodices [lingerie]; Bodies [clothing]; Bodies [underclothing]; Body linen [garments]; Body stockings; Body suits; Body warmers; Bodysuits; Boiler suits; Boleros; Bolo ties; Bolo ties with precious metal tips; Bomber jackets; Bonnets; Bonnets [headwear]; Boot cuffs; Boot uppers; Bootees (woollen baby shoes); Booties; Boots; Boots for motorcycling; Boots for sport; Boots for sports; Boots (Ski -); Bottoms [clothing]; Bow ties; Bowling shoes; Bowties; Boxer briefs; Boxer shorts; Boxing shoes; Boxing shorts; Boy shorts [underwear]; Boys' clothing; Bra straps; Bra straps [parts of clothing]; Braces as suspenders; Braces for clothing; Braces for clothing [suspenders]; Braces [suspenders]; Bralettes; Bras; Brassieres; Breeches; Breeches for wear; Bridal garters; Bridal gowns; Bridesmaid dresses; Bridesmaids wear; Briefs; Briefs [underwear]; Bucket caps; Bucket hats; Burnouses; Bushjackets; Bustiers; Bustle holder bands for obi (obiage); Bustles for obi-knots (obiage-shin); Button down shirts; Button-front aloha shirts.

## **Annex B**

### **Applicant's Goods: Groupings**

#### Parts and fittings for clothing

*Collars for dresses; Collar guards for protecting clothing collars; Collar liners for protecting clothing collars; Collar protectors; Collars; Collars [clothing]; Detachable collars; Detachable neckpieces for kimonos (haneri); Dress shields; Gaiter straps; Gussets for bathing suits [parts of clothing]; Gussets for footlets [parts of clothing]; Gussets for leotards [parts of clothing]; Gussets for stockings [parts of clothing]; Gussets for tights [parts of clothing]; Gussets for underwear [parts of clothing]; Gussets [parts of clothing]; Haneri (detachable neckpieces for kimonos); Heel pieces for stockings; Heelpieces for stockings; Jacket liners; Linings (Ready-made -) [parts of clothing]; Ready-made linings [parts of clothing]; Removable collars; Sash bands for kimonos (obi); Shields (Dress -); Shirt fronts; Shirt yokes; Shoulder straps for clothing; Sock suspenders; Stockings (Heel pieces for -); Straps (Gaiter -); String fasteners for haori (haori-himo); Tightening-up strings for kimonos (datejime); Underarm gussets [parts of clothing]; Waist strings for kimonos (koshihimo); Waistbands; Yokes (Shirt -); Bra straps; Bra straps [parts of clothing]; Bustle holder bands for obi (obiage); Bustles for obi-knots (obiage-shin).*

#### Parts and fittings for headgear

*Cap peaks; cap visors; Frames (Hat -) [skeletons]; Hat frames [skeletons]; Peaks (Cap -); Visors [hatmaking].*

#### Footwear (not shoes)

*Afterski boots; Ankle boots; Après-ski boots; Army boots; Baby boots; Climbing boots; Climbing boots [mountaineering boots]; Desert boots; Disposable slippers; Galoshes; Goloshes; Gym boots; Fishing boots; Flip-flops; Flip-flops for use as footwear; Foam pedicure slippers; Football boots; Footmuffs, not electrically heated; Half-boots; High rain clogs (ashida); Horse-riding boots; Hunting boots; Infants' boots; Japanese split-toed work footwear (jikatabi); Japanese style wooden clogs (geta); Lace boots; Ladies' boots; Leather slippers; Low wooden clogs (hiyori-geta); Low wooden clogs (koma-geta); Low wooden clogs (koma-geta); Military boots; Motorcyclist boots;*

*Mountaineering boots; Mukluks; Pedicure sandals; Pedicure slippers; Plastic slippers; Rain boots; Riding boots; Rubber fishing boots; Rubbers [footwear]; Rugby boots; Russian felted boots (Valenki); Ski boots; Slippers; Slippers made of leather; Snow boots; Snowboard boots; Soccer boots; Sports [Boots for -]; Trekking boots; Valenki [felted boots]; Walking boots; Waterproof boots; Waterproof boots for fishing; Wellington boots; Wellingtons; Winter boots; Women's foldable slippers; Work boots; Baby boots; Boots; Boots for motorcycling; Boots for sport; Boots for sports; Boots (ski -).*

#### *Parts and fittings for footwear*

*Cleats for attachment to sports shoes; Embossed heels of rubber or of plastic materials; Embossed soles of rubber or of plastic materials; Fittings of metal for boots and shoes; Fittings of metal for footwear; Football boots (studs for -); Footwear (fittings of metal for -); Footwear (non-slipping devices for -); Footwear soles; Footwear (Tips for -); Footwear uppers; Footwear (Welts for -); Heel inserts; Heel pieces for shoes; Heel protectors for shoes; Heelpieces for footwear; Heels; Inner soles; Insoles; Insoles for footwear; Insoles for shoes and boots; Insoles [for shoes and boots]; Intermediate soles; Metal fittings for Japanese style wooden clogs; Non-slipping devices for footwear; Protective metal members for shoes and boots; Pullstraps for shoes and boots; Shoe covers other than for medical purposes; Shoe inserts for non-orthopedic purposes; Shoe soles; Shoe soles for repair; Shoe straps; Shoe uppers; Shoes soles for repair; Slipper soles; Soles for footwear; Soles for Japanese style sandals; Soles [Inner]; Spats; Stiffeners for boots; Stiffeners for shoes; Studs for football boots; Toe boxes; Toe straps for Japanese style sandals (zori); Toe straps for Japanese style wooden clogs; Toe straps for zori (Japanese style sandals); Tongues for shoes and boots; Uppers [Footwear -]; Uppers for Japanese style sandals; Uppers of woven rattan for Japanese-style sandals; Welts for footwear; Wooden bodies for Japanese style clogs; Wooden main bodies of Japanese style wooden clogs; Wooden supports of Japanese style wooden clogs; Boot uppers.*

#### *Boot bags*

*Hunting boot bags; Ski boot bags.*