

O-300-05

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO. 2337175
IN THE NAME OF TRACEY GRAILY C/O GRAILS LIMITED
TO REGISTER A SERIES OF TWO TRADE MARK IN CLASS 25**

AND

**IN THE MATTER OF OPPOSITION THERETO
UNDER NO. 92342 IN THE NAME OF
GARRARD HOLDINGS LIMITED**

Trade Marks Act 1994

**IN THE MATTER OF Application No. 2337175
in the name of Tracey Graily C/o Grails Limited
to register a series of two trade mark in Class 25**

And

**IN THE MATTER OF Opposition thereto
under No. 92342 in the name of Garrard Holdings Limited**

BACKGROUND

1. On 9 July 2003, Tracey Graily C/o Grails Limited applied to register a series of two trade marks in Class 25 in relation to the following specification of goods:

Class 25 Women's outer clothing, footwear and headgear.

2. The marks applied for are as follows:



The applicant claims the colours red and white as an element of the first mark in the series.

3. On 5 March 2004, Garrard Holdings Limited filed notice of opposition to the application, the grounds of opposition being as follows:

- 1. Under Section 5(2)(b)** because the marks applied for and the opponents=earlier marks relied upon are similar, and the goods for which registration is sought are identical to those covered by the opponents=earlier marks.

2. Under Section 5(4)(a) by virtue of the law of passing off.

4. The opponents rely on two earlier marks, details of which are shown as an annex to this decision.

5. The applicants filed a counterstatement in which they deny the grounds on which the opposition is based.

6. Both sides ask that an award of costs be made in their favour.

7. Both sides filed evidence in these proceedings. The matter came to be heard on 5 July 2005, when the applicants were represented by Mr Alan Fiddes of Urquhart Dykes & Lord, their trade mark attorneys. The opponents were represented by Ms Fiona Clark of Counsel, instructed by Dechert LLP, their trade mark attorneys.

OPPONENTS= EVIDENCE

8. This consists of a Witness Statement dated 14 July 2004, from Fiona Jane Morrison, Legal Director of A & G UK Limited=s group of companies, which includes Garrard Holdings Limited, a position she has held since 2000, having been employed by the group since 1990.

9. Ms Morrison gives details of the history of the opponents=business, including its connection with Royalty and the Crown Jewels. She refers to the opponents=earlier marks, stating that the AG@logo has been used continuously in the UK in relation to boots, shoes, jeans, a range of dresses, bags and a range of luxury goods. Exhibit 1 consists of catalogues showing use of the opponents=AG and Crown@logo in connection with items of jewellery, a coat, a pair of boots and items such as gold and silver tableware. Apart from confirming that the company was established in 1735 the exhibits cannot be dated.

10. Ms Morrison says that the AG@logo has been an integral part of the opponents=image, appearing on swing tickets, wrapping paper and physically on some products, going on to say that this means that all of the sales relate to the AG@logo. She states that sales to 31 March 2003 amounted to \$2.5 million, and \$3.8 million to 31 March 2004, although most of the latter year relates to sales after the relevant date. Ms Morrison asserts that the profile of the mark is much higher than these figures would suggest. Ms Morrison gives the names of some of the publications in which the opponents=goods have been advertised, Exhibit 2 consisting of three examples. The advertisements all relate to jewellery, show the AG and Crown@logo, in each case placed below the word GARRARD. There is no indication of when or where these adverts appeared. Exhibit 3 consists of swing tags, packaging and point-of-sale materials, all showing the AG and Crown@logo being used, although none can be dated as originating prior to the relevant date. One brochure invites customers to Acelebrate the 50th year of Her Majesty=s reign@by purchasing a commemorative item. Whilst this may well relate to a period around the date of the Golden Jubilee, it cannot be certain that the brochure dates from after. Exhibit 4 consists of a map detailing the locations of the opponents=outlets at which goods bearing the mark are sold.

11. The remainder of the Witness Statement consists of submissions on the case. Whilst I have not summarised them I will take them fully into account in making my decision.

APPLICANTS= EVIDENCE

12. This consists of a Witness Statement dated 9 November 2004 from Robin Browne, a Trade Mark Attorney with Urquhart-Dykes & Lord LLP, the applicants=representatives in these proceedings.

13. Mr Browne refers to a search that he commissioned prior to filing the application, the results of which are shown as exhibit RFB1. This shows there to be a number of AG@marks of various degrees of stylisation on the trade marks register.

14. That concludes my summary of the evidence insofar as it is relevant to these proceedings.

DECISION

15. I turn first to consider the ground under Section 5(2)(b). The relevant part of the statute reads:

A5.-(2) A trade mark shall not be registered if because -

(a) YYYYYYYY.

(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.@

16. An earlier trade mark is defined in Section 6 of the Act as follows:

A6.- (1) In this Act an Aearlier trade mark@meansB

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

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

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

relevant factors; *Sabel BV v. Puma AG*, paragraph 22;

(b) the matter must be judged through the eyes of the average consumer of the goods/services in question; *Sabel BV v. Puma AG*, paragraph 23, who is deemed to be reasonably well informed and reasonably circumspect and observant - but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind; *Lloyd Schuhfabrik Meyer & Co. GmbH v. Klijsen Handel B.V.* paragraph 27;

(c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details; *Sabel BV v. Puma AG*, paragraph 23;

(d) the visual, aural and conceptual similarities of the marks must therefore be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components; *Sabel BV v. Puma AG*, paragraph 23;

(e) a lesser degree of similarity between the marks may be offset by a greater degree of similarity between the goods, and vice versa; *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc*, paragraph 17;

(f) there is a greater likelihood of confusion where the earlier trade mark has a highly distinctive character, either per se or because of the use that has been made of it; *Sabel BV v. Puma AG*, paragraph 24;

(g) mere association, in the sense that the later mark brings the earlier mark to mind, is not sufficient for the purposes of Section 5(2); *Sabel BV v. Puma AG*, paragraph 26;

(h) further, the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense; *Marca Mode CV v. Adidas AG*, paragraph 41;

(i) but if the association between the marks causes the public to wrongly believe that the respective goods come from the same or economically linked undertakings, there is a likelihood of confusion within the meaning of the section; *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc*, paragraph 29.

18. In any analysis it is inevitable that reference will be made to the elements of which a mark is composed, and rightly so, for the case law requires consideration to be given to the distinctiveness and dominance of the component parts. However, it must be remembered that the consumer does not embark on a forensic analysis of trade marks and it is the marks as a whole that must be compared.

19. The applicants are seeking to register their mark in respect of clothing. In the *REACT* trade mark case [2000] RPC 285, it was accepted that the selection of clothes is essentially a visual act, and I believe it follows that in determining the question of the similarity or otherwise of the respective marks, I should adopt a more critical eye in considering how similar they are in appearance. This does not, however, mean that I should, or will disregard

how they sound to the ear, or the message, if any, that they convey.

20. The opponents=earlier marks consist of a crown with a letter G placed beneath. The Registrar's practice in relation to the distinctiveness of single letters is as follows:

“19 Letters and Numerals

Section 1(1) of the Act states that trade marks may consist of letters or numerals. Such signs are not therefore excluded from registration per se. Whether a letter or numeral mark can be registered prima facie will depend upon whether the average consumer of the goods/services at issue would expect all such goods/services offered for sale under the sign to originate from a single undertaking. If the sign does not possess the character necessary to perform this essential function of a trade mark it is "devoid of any distinctive character."

19.1 Descriptive letters or numerals and those customary in the trade

Letters or numerals which designate characteristics of the goods/services, and/or which are customary in the trade, are excluded from registration by Section 3(1)(c) and/or (d).

Numbers/letters which may be used in trade to designate:

- the **date** of production of goods/provision of services (eg 1996, 2000)
- size**, eg XL for clothes, 1600 for cars, 34R for clothing, 185/65 for tyres
- quantity**, 200 for cigarettes
- dates** eg 1066 for history books, 1996 for wines
- telephone codes** eg 0800 or 0500
- the **time** of provision of services, eg 8 B 10, 24/7
- the **power** of goods, eg 115 (BHP) for engines or cars or
- speed**, eg 486, 586, 686 & 266, 333, 500, 550 for computers
- strength**. eg "8.5%" for lager

Such signs will be subject to objection under Section 3(1)(b)(c) and/or (d) of the Act.

19.2 Devoid of distinctive character

19.2.1 Random letters/numerals more distinctive

The more random and atypical the letters or numerals are the more likely it is that the sign will have the necessary distinctive character. Accordingly, the more a letter or numeral mark resembles signs commonly used in the relevant trade for non-trade mark purposes, the less likely it is to be distinctive.

19.2.2 Well known practices of trade to be considered

In all cases the distinctive character of the sign must be assessed in relation to the goods/services specified in the application. Account may be taken of facts that are

considered to be well known. For example, some letters, such as "L" and "S" are members of a "family" of letters commonly used in the motor trade to designate trim or performance characteristics of motor vehicles. The average consumer will probably take the letters "LS" as a mere trim level designation for motor cars whereas other similar combinations, such as "Z7", may function as a trade mark.

However, unless research or general knowledge shows that there is a history of non trade mark use of similar combinations of letters/numbers in a particular trade, the application will be examined on the assumption that the letters/numbers are sufficiently random. The matter may be re-considered in the event of observations or opposition.

19.2.3 Two and Three letter marks

.....

19.2.4 Two, Three (or more) letters presented as a descriptive abbreviation

.....

19.2.5 Single letter marks

The Registrar usually regards a single letter of the alphabet to be devoid of any distinctive character unless it is presented with distinctive stylisation. Single letters which involve little or no stylisation will normally be open to objection because letters are often used in trade to indicate, for example, model or catalogue references. There are also a limited number of letters available and so there is, to a certain extent, a public interest consideration in keeping single letters free for use. However, each case must be considered individually. There may be occasions, for instance, when single letter marks in relation to some services may possess the necessary degree of distinctiveness.

A plain rectangular or oval border is unlikely to make a single letter distinctive. However, a fancy or unusual border may be enough. Colour may also assist in providing the mark as a whole with the necessary power to individualise the goods/services of one undertaking.®

21. The practice indicates that in most cases a single letter will be regarded as being prima facie devoid of distinctive character, but recognises that in some circumstances, such as through some form of stylisation, may be considered to be capable of individualising a trader's goods. The letter **AG**® in the opponent's marks does not appear to be a designation of some feature of the goods/services for which it is registered, and although represented in a fancy, italicised font, the script is nothing out of the ordinary; it is still clearly recognisable as a letter G. If, as I say, the letter is just a letter, it must, prima facie be devoid of distinctiveness. However, if the letter is regarded as distinctive it can only be because it is represented or embellished in a way that moves it from being a simple letter, but in such circumstances the distinctiveness rests in the stylisation rather than in the letter per se. On my assessment the **Acrown**® device is highly stylised and clearly distinctive, and by its positioning above the letter, is the dominant visual component of the opponent's mark.

22. The mark applied for is also a letter G, albeit with part trimmed away, represented in a fancy script similar to an italicised font, but it is still nonetheless the letter. When described, the respective letters sound similar in appearance, but there are many italic fonts, and these letters are represented in different styles. The letter is, in effect, the only element in the applicants=mark, the remainder is just background. Accordingly, if the mark is distinctive it can only be by virtue of the letter, and for that to be the case, it must be as a result of the style in which it is represented. On my assessment the respective letters are visually distinct, and when the crown in the opponents=earlier marks is factored in, even more so.

23. It is generally accepted that in a composite mark that contains a word or a letter, this will be the element that the consumer will use as a point of reference. This being the case, it seems likely that the opponents=mark will be referred to as a AG@mark. Given that the applicants=mark is little more than a letter G, I see no reason why it should be referred to as anything else, and accordingly, the respective marks are aurally similar.

24. Ms Clarke mentioned that the opponents= trade mark is derived from their hallmark, an example of which can be found in one of the brochures forming part of Exhibit 3. From this it can be seen that the hallmark is composed of the letter AG@followed by A& CoA, the ampersand placed above the Co, all in the same script as their trade marks. Ms Clarke pointed out that hallmarks are an early form of a trade mark, and whilst she may well be correct, I would be surprised if many consumers had the knowledge to be able to tell one hallmark from another. What is relevant is that the opponents=trade mark retains an appearance reminiscent of its origins, whereas the mark applied for is a somewhat modern representation of a letter. Consequently, apart from being the same letter, they are represented in different ways and send out a different conceptual idea.

25. Ms Morrison gives a detailed account of the history of the opponents= company from its beginnings in 1735, stating that the hallmark on which the trade mark is based was first used in 1822. From the examples given I do not believe there can be any doubt that the opponents have a reputation in the name Garrard as a high class jewellers, but what is far from certain is whether the same can be said in respect of the hallmark or trade mark. It is also not clear whether, and if so, to what extent, any reputation extends into clothing. There is a coat depicted in a catalogue forming part of Exhibit 1 but the catalogue is not dated. Another catalogue depicts a pair of boots with the legend ACouture 2002" which seems to indicate that in 2002 the opponents were involved in clothing. The boots match the style of the coat and it may not be considered unreasonable to infer that both were available at the same time.

26. Although Ms Morrison gives figures relating to sales, she does not apportion this by goods, so it is not known how much, if any is attributable to sales of clothing. The turnover given for year ending March 2003, which is the only figure that clearly pre-dates the relevant date, stands at around \$2.5 million. I do not know how much that would equate to in , sterling at 2003 rates, but whatever that may be, if put into the context of the market as a whole, the sales may not be deminimis, but neither are they significant. For these reasons I do not consider the opponents= have come anywhere near to establishing that they have a reputation in relation to their earlier marks, in respect of clothing. The position is somewhat different in respect of jewellery, gold and silver ware in relation to which the opponents have made long, if not substantial use of their AG and Crown@logo.

27. The applicants are seeking to register their mark in Class 25 in respect of AWomen=s outer clothing, footwear and headgear.@ The opponents= earlier marks cover AClothing; footwear; headgear@at large, which self-evidently, must include identical goods to the application. Such goods notionally range from the cheap and simple that will be selected with minimal attention to the brand, to the expensive and exclusive where the purchaser will be well informed and circumspect in all aspects of the selection. There is nothing in the wording of any of the respective specifications that would separate them in the market or course of trade. Accordingly, I must notionally assume that they operate in the same sector, and share the same channels of trade, from manufacture to retail. I can see no reason why the consumer of the respective goods should be any different.

28. Adopting the Aglobal@approach advocated and weighing the difference in the mark against the similarities, eg, in the goods and market, I find that on the balance of probability, use of the marks applied for in a trade in respect of the goods for which the applicants seek registration would not cause the public to wrongly believe that the goods are those of the opponents or come from some economically linked undertaking. In arriving at this position I have taken the nature and extent of the opponents=reputation into account, but do not consider that this offsets the clear differences in the respective marks. Consequently, there is no likelihood of confusion and the opposition under Section 5(2)(b) fails accordingly.

29. This leaves the ground under Section 5(4)(a). That section reads as follows:

A5-(4) A trade mark shall not be registered if, or to the extent that, its use in the United Kingdom is liable to be prevented -

(a) by virtue of any rule of law (in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade, or

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.@

30. Mr Geoffrey Hobbs QC sitting as the Appointed Person in the *Wild Child* case [1998] RPC 455 set out a summary of the elements of an action for passing off. The necessary elements are said to be as follows:

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

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

(1) that the plaintiff's goods or services have acquired a goodwill or reputation in the market and are known by some distinguishing feature;

(2) that there is a misrepresentation by the defendant (whether or not intentional) leading or likely to lead the public to believe that goods or services offered by the defendant are goods or services of the plaintiff; and

(3) that the plaintiff has suffered or is likely to suffer damage as a result of the erroneous belief engendered by the defendant's misrepresentation.

The restatement of the elements of passing off in the form of this classical trinity has been preferred as providing greater assistance in analysis and decision than the formulation of the elements of the action previously expressed by the House. This latest statement, like the House's previous statement, should not, however, be treated as akin to a statutory definition or as if the words used by the House constitute an exhaustive, literal, definition of 'passing off', and in particular should not be used to exclude from the ambit of the tort recognised forms of the action for passing off which were not under consideration on the facts before the House."

Further guidance is given in paragraphs 184 to 188 of the same volume with regard to establishing the likelihood of deception or confusion. In paragraph 184 it is noted (with footnotes omitted) that:

"To establish a likelihood of deception or confusion in an action for passing off where there has been no direct misrepresentation generally requires the presence of two factual elements:

(1) that a name, mark or other distinctive feature used by the plaintiff has acquired a reputation among a relevant class of persons; and

(2) that members of that class will mistakenly infer from the defendant's use of a name, mark or other feature which is the same or sufficiently similar that the defendant's goods or business are from the same source or are connected.

While it is helpful to think of these two factual elements as successive hurdles which the plaintiff must surmount, consideration of these two aspects cannot be completely separated from each other, as whether deception or confusion is likely is ultimately a single question of fact.

In arriving at the conclusion of fact as to whether deception or confusion is likely, the court will have regard to:

(a) the nature and extent of the reputation relied upon;

(b) the closeness or otherwise of the respective fields of activity in which the plaintiff and the defendant carry on business;

(c) the similarity of the mark, name etc used by the defendant to that of the

plaintiff;

(d) the manner in which the defendant makes use of the name, mark etc complained of and collateral factors; and

(e) the manner in which the particular trade is carried on, the class of persons who it is alleged is likely to be deceived and all other surrounding circumstances.

In assessing whether confusion or deception is likely, the court attaches importance to the question whether the defendant can be shown to have acted with a fraudulent intent, although a fraudulent intent is not a necessary part of the cause of action."@

31. The date at which the matter must be judged is not entirely clear from Section 5(4)(a) of the Act. This provision is clearly intended to implement Article 4(4)(b) of Directive 89/104/EEC. It is now well settled that it is appropriate to look to the wording of the Directive in order to settle matters of doubt arising from the wording of equivalent provisions of the Act. The relevant date may therefore be either the date of the application for the mark in suit (although not later), or the date at which the acts first complained of commenced **B** as per the comments in *Cadbury Schweppes Pty Ltd v The Pub Squash Co Pty Ltd* [1981] RPC 429.

32. In *South Cone Incorporated v Jack Bessant, and others*, [2002] RPC 19, Pumfrey J stated.

A27. There is one major problem in assessing a passing off claim on paper, as will normally happen in the Registry. This is the cogency of the evidence of reputation and its extent. It seems to me that in any case in which this ground of opposition is raised the Registrar is entitled to be presented with evidence which at least raises a prima facie case that the opponent's reputation extends to the goods comprised in the applicant's specification of goods. The requirement of the objection itself are considerably more stringent than the enquiry under s.11 of the 1938 Act (see *Smith Hayden & Co. Ltd's application (OVAX)* (1946) 63 R.P.C. 97 as qualified by *BALI Trade Mark* [1969] R.P.C. 472). Thus the evidence will include evidence from the trade as to reputation; evidence as to the manner in which the goods are traded or the services supplied; and so on.

28. Evidence of reputation comes primarily from the trade and the public, and will be supported by evidence of the extent of use. To be useful, the evidence must be directed at the relevant date. Once raised, the applicant must rebut the prima facie case. Obviously, he does not need to show that passing off will not occur, but he must produce sufficient cogent evidence to satisfy the hearing officer that it is not shown on the balance of probabilities that passing off will occur."

33. In my determination of the ground under Section 5(2)(b), I highlighted that the evidence does not establish that the opponents have a reputation in the UK in relation to clothing, but accepted that they have in respect of jewellery, gold and silver ware. I believe that the same is the case in relation to goodwill. Their goodwill/reputation therefore subsists in goods of a different nature to those covered by the application. Whilst there is no rule that the opponents must be operating in the same field of activity as the applicants, consideration of the respective fields is still relevant for the more remote the activities, the stronger the evidence to establish misrepresentation and

the real likelihood of confusion will need to be.

34. Although I have stated that the applicants are seeking to register their mark in respect of goods of a different nature to those for which the opponents have a reputation and goodwill, it does not necessarily follow that the two are distinct activities. There are items that are not clothing per se, but being something that is used to complement or accessorise clothing, would be regarded as a close field of trade. Jewellery, perhaps more typically, costume jewellery, is often worn to decorate clothing. In my experience it is not usual for a jeweller to trade in clothing, but it is not unusual for retail fashion outlets to also sell jewellery.

35. The opponents trade at the high end of the jewellery business, which is reflected in long-standing connection with royalty, and their position as Crown jewellers, all of which they understandably promote in their commercial activities. This is not a high-street jewellery chain frequented by the average man in the street. However, the description of goods covered by the application would also encompass designer, high-fashion goods, and notionally the same consumers as the opponents. As was said in the *React* trade mark case, the selection of clothing is essentially a visual act, and I would say that that is likely to be the position where the aesthetic appeal or appearance of an item is of importance. I would place jewellery in this category of goods. There is also the question of price; the higher this is, the more importance it has in selection.

36. The opponents use their AG and Crown@logo in the same manner as any retail outlet, such as on swing-tags, brochures, etc, usually in conjunction with, but not in close proximity to the Garrard name. The opponents appear to also have made significant use of the Acrown@device in the designs of their jewellery, but the same cannot be said of the letter AG@, so as matters stand, the opponents may have a reputation and goodwill, but in respect of a sign that is not going to confuse or deceive the public.

37. Taking all of the above into account, I come to the position that accepting the opponents have established a reputation and goodwill in their G and Crown logo in respect of jewellery, and proceeding on the basis that such goods are similar to those covered by the application, the differences in the opponents=AG and Crown@logo and the mark applied for are such that there will be no misrepresentation should the applicants=use their logo in respect of any of the goods for which they seek to register the mark, that will or is likely to lead the public to believe that those goods are goods of the opponents. That being the case I do not see how the opponents will suffer damage by the applicants=use and the ground under Section 5(4)(a) is also dismissed.

38. The opposition having failed on all grounds, the applicants are entitled to costs. I order the opponents to pay the applicants the sum of , 1,850 as a contribution towards their costs. This sum to be paid within seven days of the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 8th day of November 2005

**Mike Foley
for the Registrar
the Comptroller-General**

Mark

Classes and Specifications



Class 03: Perfumes; perfumery; eau de cologne; toilet waters; essential and Herbal oils; non-medicated cleaning preparations for personal hygiene; cosmetics; make-up preparations; bath and shower oils, gels; preparations for use before shaving and after shaving; shaving soap; shaving cream; shaving gels; after-shave preparations; pre-shave preparations; pot pourri.

Class 08: Cutlery (other than surgical); knives, forks and spoons; canteens of cutlery (tableware); boxes adapted for cutlery; manicure and pedicure sets (sold complete); nail files; nail clippers; fingernail polishers; pen knives; hand tools; razors; shavers; hand implements for kitchen use; scissors.



Class 09: Spectacles; eye glasses; sunglasses; binoculars; field glasses; cases, cords and chains for the aforesaid goods; spectacle and sunglasses frames and lenses, monocular; magnifying glasses; parts and fittings for all the aforesaid goods.

Class 11: Chandeliers; lamps, overhead lamps, table lamps, oil lamps; lanterns; decorative lights; lamp shades; tea and coffee making machines; espresso machines; coffee filters and percolators; coffee roasters; kettles; ice making machines and ice making apparatus; toasters; electric kettles; ice cream makers; waffle irons; parts and fittings for all the aforesaid goods.



Class 13: Firearms; ammunition and projectiles; cartridge, gun and rifle cases; explosives; fireworks; parts and fittings.

Class 14: Articles included in Class 14 of precious metals and their alloys and goods in precious metals or coated therewith; semi-precious and precious stones; horological and chronometric instruments; watches, clocks; jewellery and imitation jewellery; statues; cufflinks; tie pins and dress studs; parts and fittings for all the aforesaid.

Class 16: Writing paper and envelopes sold in sets; writing paper holders; engagement cards, visiting cards, invitation cards; note books; book covers; book marks; prints; pictures; photographs; photograph albums; photograph frames; pen holders; pencil holders; pens; pencils; pen stands; ink stands; rulers; pencil sharpeners; letter openers; paper knives; letter trays; printed matter; printed publications; diaries; organisers; ordinary playing cards; wrapping and packaging materials; gift tags; writing cases; desk sets; all being items of stationery.

Class 18: Goods made of leather or of imitation leather; articles of luggage, suitcases, trunks, valises, travelling bags, travelling sets, garment bags for travel, vanity cases, rucksacks, handbags, beach bags, shopping bags, shoulder bags, attache cases, briefcases, pouches, holdalls, shoulder belts, toiletries and cosmetic bags, satchels and portfolios; tie cases; purses, pocket wallets, card holders; key holders and key fobs; cheque book covers, passport covers, cases for personal organisers; gun cases; umbrellas, parasols, canes, shooting sticks, walking sticks, walking stick seats; whips, harnesses and saddlery; dog collars and leads.

Class 20: Furniture; mirrors; picture frames; jewellery cases (not of precious metal); cigar and cigarette boxes (not of precious metal); hampers; fans for personal use; articles made of wood, wax, plaster, plastic, cork, wicker, shell, cane and mother of pearl.

Class 21: Tea, coffee and dinner services; chinaware, glassware, porcelain and earthenware not included in other classes; brushes, combs, grooming aids; clothes brushes; cork screws; bottle openers; hip flasks; candleholders; scent bottles and vases (none being of precious metal or coated therewith); figurines; household utensils and containers; kitchen utensils and containers; small domestic containers and utensils; toothpicks; picnic baskets; cosmetic utensils; shaving brush stands; sponges (not for surgical use).

Class 25: Clothing; footwear; headgear.

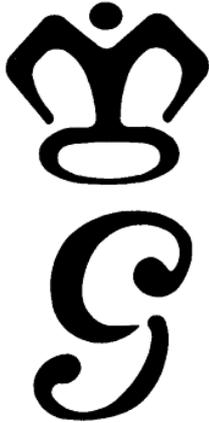
Class 28: Toys, games (other than ordinary playing cards) and playthings; board games and articles for use in playing board games; golf bags; Christmas crackers and decorations (other than candles or lamps) for Christmas trees.

Class 33: Spirits (beverages); champagne; wines; liqueurs; cider.

Class 34: Lighters for smokers; cigar and cigarette boxes and cases; cigar holders, cigarette holders; smokers' ashtrays; matchboxes; tobacco jars, none being of precious metal or coated therewith; tobacco pipe-cleaners, tobacco pipe scrapers; cigar cutters; pyrophoric lighters for smokers and parts and fittings thereof; cigarettes, tobacco, cigarillos, cigars, pipes.

Class 35: The bringing together for the benefit of others of a variety of goods enabling customers to conveniently view and purchase those goods in a department store; consultancy services relating to the acquisition of goods and services; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods from a general merchandise catalogue by mail order or by means of telecommunications; the bringing together for the benefit of others of a variety of goods enabling customers to conveniently view and purchase those goods from a general merchandise Internet website.

Mark



Classes and Specifications

Class 03: Perfumes; perfumery; eau de cologne; toilet waters; essential and herbal oils; non-medicated cleaning preparations for personal hygiene; cosmetics; make-up preparations; bath and shower oils, gels; preparations for use before shaving and after shaving; shaving soap; shaving cream; shaving gels; after shave preparations; pre-shave preparations; pot pourri.

Class 08: Cutlery (other than surgical); knives, forks and spoons; canteens of cutlery (tableware); boxes adapted for cutlery; manicure and pedicure sets (sold complete); nail files; nail clippers; fingernail polishers; pen knives; hand tools; razors; shavers; hand implements for kitchen use; scissors.

Class 09: Spectacles; eye glasses; sunglasses; binoculars; field glasses; cases, cords and chains for the aforesaid goods; spectacle and sunglasses frames and lenses, monocular; magnifying glasses; parts and fittings for all the aforesaid goods.

Class 11: Chandeliers; lamps, overhead lamps, table lamps, oil lamps; lanterns; decorative lights; lamps shades; tea and coffee making machines; espresso machines; coffee filters and percolators; coffee roasters; kettles; ice making machines and ice making apparatus; toasters; electric kettles; ice cream makers; waffle irons; parts and fittings for all the aforesaid goods.

Class 13: Firearms; ammunition and projectiles; cartridge, gun and rifle cases; explosives; fireworks; parts and fittings

Class 14: Articles included in class 14 of precious metals and their alloys and goods in precious metals or coated therewith; semi-precious and precious stones; horological and chronometric instruments; watches, clocks, jewellery and imitation jewellery; statues; cufflinks; tie pins and dress studs; parts and fittings for all the aforesaid.

Class 16: Writing paper and envelopes sold in sets; writing paper holders; engagement cards, visiting cards, invitation cards; note books; books; book covers; book marks; prints; pictures; photographs; photograph albums; pen holders; pencil holders; pens; pencils; pen stands; ink stands; rulers; pencil sharpeners; letter openers; paper knives; letter trays; printed matter; printed publications; diaries; organisers; wrapping and packaging materials; gift tags; writing cases; desk sets, all being items of stationery.

Class 18: Goods made of leather of imitation leather; articles of luggage, suitcases, trunks, valises, travelling bags, travelling sets, garment bags for travel, vanity cases, rucksacks, handbags, beach bags, shopping bags, shoulder bags, attaché cases, briefcases, pouches, holdalls, shoulder belts, toiletries and cosmetic bags, satchels and portfolios; tie cases; purses, pocket wallets, card holders; key holders and key fobs; cheque book covers, passport covers, cases for personal organisers; gun cases; umbrellas, parasols, canes, shooting sticks, walking sticks, walking stick seats; whips, harnesses and saddlery; dog collars and leads.

Class 20: Furniture, mirrors, picture frames; jewellery cases (not of precious metal); hampers; fans for personal use; articles made of wood, wax, plaster, plastic, cork, wicker, shell, cane and mother of pearl; photograph frames.

Class 21: Tea, coffee and dinner services; chinaware, glassware, porcelain and earthenware not included in other classes; brushes, combs, grooming aids; clothes brushes; cork screws; bottle openers; hip flasks; candle holders; scent bottles and vases (none being of precious metal or coated therewith); figurines; household utensils and containers; kitchen utensils and containers; small domestic containers and utensils; toothpicks; picnic baskets; cosmetic utensils; shaving brush stands; sponges (not for surgical use).

Class 25: Clothing; footwear; headgear.

Class 28: Toys, games (other than ordinary playing cards) and playthings; board games and articles for use in playing board games; golf bags; Christmas crackers and decorations (other than candles for lamps) for Christmas trees; ordinary playing cards.

Class 33: Spirits (beverages); champagne; wines; liqueurs; cider.

Class 34: Lighters for smokers; cigar and cigarette boxes and cases; cigar holders, cigarette holders; smokers' ashtrays; matchboxes; tobacco jars, none being of precious metal or coated therewith; tobacco pipe-cleaners, tobacco pipe scrapers; cigar cutters; pyrophoric lighters for smokers and parts and fittings thereof; cigarettes, tobacco, cigarillos, cigars, pipes; cigar and cigarette boxes (not of precious metal).

Class 35: The bringing together for the benefit of others of a variety of goods enabling customers to conveniently view and purchase those goods in a department store; consultancy services relating to the acquisition of goods and services; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods from a general merchandise catalogue by mail order or by means of telecommunications; the bringing together for the benefit of others of a variety of goods enabling customers to conveniently view and purchase those goods from a general merchandise Internet website.