

**O-526-20**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION NO. 3389020 BY EFE TEMIZEL  
TO REGISTER:**



**AS A TRADE MARK IN CLASS 25**

**AND**

**IN THE MATTER OF OPPOSITION THERETO UNDER NO. 417707  
BY HANES INNERWEAR AUSTRALIA PTY LTD**

## Background & Pleadings

1. On 2 April 2019, Efe Temizel (“the applicant”) applied to register the above trade mark for a variety of goods in class 25, laid out in their entirety at annex 1 of this decision. The application was published for opposition purposes on 14 June 2019.
2. On 16 September 2019, the application was opposed in full by Hanes Innerwear Australia Pty Ltd (“the opponent”). The opposition is based upon section 5(2)(b) of the Trade Marks Act 1994 (“the Act”), in relation to which the opponent relies upon the marks laid out below and all goods for which each is registered:

United Kingdom Trade Mark (“UKTM”) 3154319

## BOND

*Class 25: Clothing; footwear; headgear; swimwear; sportswear; leisurewear.*

Filed on 11 March 2016

Registered on 30 December 2016

International Registration (“IR”) 1377504

## BONDS

*Class 25: Clothing; footwear; headgear.*

Designated the UK on 1 November 2017

Granted protection in the UK on 3 May 2018

IR 801821



*Class 25: Clothing, footwear and headgear.*

Designated the UK on 9 November 2017

Granted protection in the UK on 24 May 2018

European Union Trade Mark (“EUTM”) 17459371

BONDS

Class 25: *Clothing, footwear, headgear.*

Filed on 10 November 2017

Registered on 8 May 2018

3. In its Notice of Opposition, the opponent submits that the similarity between the respective trade marks, coupled with the similarity, or identity, between the respective goods would result in a likelihood of confusion on the part of the relevant public.

4. The applicant filed a counterstatement in which it contends that the opponent’s claims are groundless as the opponent’s marks enjoy only a “dramatically weak trade mark protection”, being that they are composed of “a highly common phrase” and, to support its contention, it encloses a list of trade marks containing the word “BOND”. In contrast, it attributes a high level of distinctive character to the applied-for mark on account of its dominant “extreme figurative element”. The applicant concludes that, for the application to be rejected, the respective marks would have to be identical.

5. The applicant is not legally represented and the opponent is represented by Potter Clarkson LLP. Neither party requested a hearing, nor did they opt to file evidence. Both parties did, however, elect to file written submissions. This decision will be taken following a careful reading of all the papers which I will refer to, as necessary.

### **Preliminary points**

#### **State of the register evidence**

6. Alongside its counterstatement, and again with its written submissions, the applicant filed an excerpt from the trade mark register displaying the results generated by a search for marks which contain the word “BOND”, though the marks’ statuses vary. In the absence of evidence to show that any of these marks have been used in the UK, this is to be regarded as “state of the register” evidence. In the *Torremar* case, BL

O/207/02, Mr G Hobbs Q.C., acting as the Appointed Person, stated that whether a consumer deems a mark to be origin specific or origin neutral:

“may be supported by evidence directed to the way in which the mode or element of expression has been used by traders and consumers more generally. In neither case can the proposition in contention be substantiated simply by evidence of entries in the register of trade marks; entries in the register do not in themselves affect the way in which marks are perceived and remembered.”

7. In *Zero Industry Srl v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-400/06, the General Court (“GC”) stated that:

“73. As regards the results of the research submitted by the applicant, according to which 93 Community trade marks are made up of or include the word ‘zero’, it should be pointed out that the Opposition Division found, in that regard, that ‘... there are no indications as to how many of such trade marks are effectively used in the market’. The applicant did not dispute that finding before the Board of Appeal but none the less reverted to the issue of that evidence in its application lodged at the Court. It must be found that the mere fact that a number of trade marks relating to the goods at issue contain the word ‘zero’ is not enough to establish that the distinctive character of that element has been weakened because of its frequent use in the field concerned (see, by analogy, Case T 135/04 GfK v OHIM – BUS(Online Bus) [2005] ECR II 4865, paragraph 68, and Case T 29/04 Castellblanch v OHIM – Champagne Roederer (CRISTAL CASTELLBLANCH) [2005] ECR II 5309, paragraph 71).”

8. In *British Sugar Plc v James Robertson & Sons Ltd* [1996], RPC 281, Mr Justice Jacob said:

“Both sides invite me to have regard to the state of the register. Some traders have registered marks consisting of or incorporating the word “treat”. I do not think this assists the factual inquiry one way or the other, save perhaps to confirm that this is the sort of word in which traders would like a monopoly. In particular the state of the register does not tell you what is actually happening out in the

market and in any event one has no idea what the circumstances were which led the Registrar to put the marks concerned on the register. It has long been held under the old Act that comparison with other marks on the register is on principle irrelevant when considering a particular mark tendered for registration, see eg *Madam Trade Mark* and the same must be true under the 1994 Act. I disregard the state of the register evidence.”

9. In summary, when assessing the likelihood of confusion under Section 5(2), it is necessary that I consider the potential for conflict between the applied for mark and the earlier trade marks in light of all relevant circumstances. As the above case law indicates, the existence of other trade marks on the register is not pertinent to the matter before me.

### **No ex-officio rejection**

10. In its counterstatement and submissions, the applicant asserts the following:

“...as the trademark application is not ex officio rejected by IPO and published, than IPO itself put its opinion on my trademark that there is no identical or undistinguishable similar trademarks registered or applied for before IPO. Since trademarks of the opponent requires a similarity at the level of identicalness or undistinguishable similarity, which is also necessary for an ex officio rejection; then it is for sure that there is no undistinguishable similarity of identicalness between the trademarks. Therefore, hereby this opposition should be rejected.”  
(sic)

11. The registry does not conduct an exhaustive assessment of potential conflicts with other trade marks at the examination stage. It is the responsibility of any would-be opponents to bring the action before the registry post-publication and each case is then assessed on its own merits. In an official letter of 5 April 2019, the applicant was informed that if it were to proceed (with its application) that “anyone can oppose your application should they have grounds to do so”. In a further letter dated 13 June 2019, the applicant was notified of the commencement of an opposition period; the letter stated as follows: “anybody may make observations on the trade mark’s acceptance

or oppose its registration... If nobody opposes your mark, it will become registered approximately 2 weeks after the opposition period ends". On that basis, the applicant's above line of defence must be dismissed.

## **Decision**

12. The opposition is based upon section 5(2)(b) of the Act which reads 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."

13. Section 5A of the Act states 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."

14. An earlier trade mark is defined in section 6 of the Act, which states:

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

(a) a registered trade mark, international trade mark (UK), Community 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,

(2) References in this Act to an earlier trade mark include a trade mark in respect of which an application for registration has been made and which, if registered,

would be an earlier trade mark by virtue of subsection (1)(a) or (b), subject to its being so registered.”

15. Under the provisions outlined above, the opponent’s trade marks clearly qualify as earlier marks. In accordance with section 6A of the Act, as none had completed its registration procedure more than five years prior to the filing date of the applicant’s mark, none are not subject to the proof of use provisions. As a consequence, the opponent can rely upon its marks and all goods identified without providing evidence of use.

16. Having considered the earlier marks, in the interest of procedural efficiency, I will approach the assessment, at least initially, on the basis of the opponent’s UK registration for BOND as this seems to present the best prospect of success. I will only consider the opponent’s remaining marks should it prove necessary to do so.

### **Section 5(2)(b) - Case law**

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

### **The principles:**

(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, 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, 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.

## Comparison of goods

18. The applicant's goods are laid out at annex 1 and the opponent's at paragraph 2.

19. The opponent's mark is registered for and the applicant seeks registration for *clothing, footwear and headgear* in class 25. These goods are, therefore, self-evidently identical.

20. The GC provided further guidance as to when goods can be considered identical (where they are not literally so) in *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T- 133/05. It stated:

“29. In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 *Institut fur 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”.

21. To my mind, all goods for which the applicant seeks registration are either directly captured within the ambit of the opponent's *clothing, footwear and headgear*, or are closely associated to one or more of the terms. Those which I consider to be identical in accordance with *Meric* are listed at annex 2 of this decision.

22. Moving now to review the remaining goods, the relevant factors identified by Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, for assessing similarity were:

(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;

(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.

23. In *Kurt Hesse v OHIM*, Case C-50/15 P, the Court of Justice of the European Union (“CJEU”) stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-325/06, the GC stated that “complementary” means:

“...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”.

24. Furthermore, in *Sanco SA v OHIM*, Case T-249/11, the GC indicated that goods and services may be regarded as ‘complementary’, and therefore similar to a degree, in circumstances where the nature and purpose of the respective goods and services are very different, i.e. *chicken* against *transport services for chickens*. The purpose of examining whether there is a complementary relationship between goods or services is to assess whether the relevant public are liable to believe that responsibility for the goods or services lies with the same undertaking or with economically connected undertakings. As Mr Daniel Alexander Q.C. noted as the Appointed Person in *Sandra Amelia Mary Elliot v LRC Holdings Limited*, BL-0-255-13:

“It may well be the case that wine glasses are almost always used with wine – and are, on any normal view, complementary in that sense - but it does not follow that wine and glassware are similar goods for trade mark purposes.”

Whilst on the other hand:

“...it is neither necessary nor sufficient for a finding of similarity that the goods in question must be used together or that they are sold together.”

25. For comparative purposes I will, where appropriate, group related goods together in accordance with the *Separode Trade Mark* decision, BL O-399-10 (AP), which 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.”

26. I keep in mind the above guidance as I assess the similarity between the following applied for goods and the opponent’s (which I consider not to be identical).

**Bra straps; Bra straps [parts of clothing]; Bustle holder bands for obi (obiage); Bustles for obi-knots (obiage-shin); Collar guards for protecting clothing collars; Collar liners for protecting clothing collars; Collar protectors; Collars; Collars [clothing]; Collars for dresses; Cuffs; Detachable collars; Detachable neckpieces for kimonos (haneri); Dress shields; Gaiter straps; 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]; Pocket squares; Pocket squares [clothing]; Pockets for clothing; Ready-made linings [parts of clothing]; Removable collars; Sash bands for kimono (obi); Shields (Dress -); Shirt fronts; Shirt yokes; Shoulder straps for clothing; Stockings (Heel pieces for -); Straps (Gaiter -); String fasteners for haori (haori-himo); Tightening-up strings**

**for kimonos (datejime); Trouser straps; Underarm gussets [parts of clothing]; Waist cinchers; Waistbands; Waist strings for kimonos (koshihimo); Wrap belts for kimonos (datemaki); Yokes (Shirt -)**

27. The opponent's mark is registered for *clothing* at large. The goods listed above are not what I would refer to as, nor what I would necessarily expect the average consumer to refer to as, articles of 'clothing', applying its natural meaning. Instead, they are components of such articles. Whilst this is indicative of a relationship between the respective goods, there is likely to be a consequent distinction in both use and users. Clothing is selected by consumers for its 'ready-to-wear' attributes, whereas its components are primarily selected to fulfil a role in the manufacturing or creation of clothing. In my experience, the average consumer for clothing, at large, is the general public. The average consumer for clothing *components* is likely to be a smaller demographic made up of those with the intention of making clothes, either for personal use or on a professional level. When it comes to the goods' physical nature, whilst the finished articles are likely to differ, there is likely to be a degree of similarity to necessitate compatibility between the components and the finished article. Similarly, it seems likely that there could be an overlap in the trade channels through which the goods reach the market, though they may not always be sold alongside one another, or indeed in the same retail establishment. Given their different states, the goods are unlikely to be competitive, though there is certainly an opportunity for complementarity. Whilst I keep in mind that one good being a component of another is not sufficient for a finding of similarity<sup>1</sup>, on balance I find the goods are similar to a medium degree.

**Boot cuffs; Boot uppers; 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; Footwear (Fittings of metal for -); Footwear (Non-slipping devices for -); Footwear soles; Footwear (Tips for -); Footwear uppers; Footwear (Welts for -); Gussets for footlets [parts of clothing]; 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];**

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<sup>1</sup> *Les Éditions Albert René v OHIM*, Case T-336/03

**Intermediate soles; Metal fittings for Japanese style wooden clogs; Non-slipping devices for boots; Non-slipping devices for footwear; Outer soles; Protective metal members for shoes and boots; Pullstraps for shoes and boots; Rubber soles for jikatabi; Rubbers [footwear]; 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; Ski and snowboard shoes (parts thereof); Slipper soles; Soles for footwear; Soles for Japanese style sandals; Soles [Inner]; Stiffeners for boots; Stiffeners for shoes; Studs for football boots; Tips for footwear; 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; Traction attachments for footwear; 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; Cap peaks; Frames (Hat -) [skeletons]; Hat frames [skeletons]; Peaks (Cap -)**

28. The aforementioned goods are components of *footwear* and *headgear* (for which the opponent's mark is registered) so much of the reasoning applied in my previous paragraph can be echoed here. Again, it seems that the similarity between the respective goods extends to their trade channels, complementarity and, to an extent, physical nature. There is a distinction in the goods' use, there is likely to be a distinction in users, the goods are not generally sold alongside one another and they are not competitive. Weighing all factors, I find a medium degree of similarity.

***Arm warmers [clothing]; Ascots; Ascots (ties); Bandanas; Bandanas [neckerchiefs]; Bandannas; 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; Boas; Boas [clothing]; Boas [necklets]; Bolo ties; Bolo ties with precious metal tips; Bow ties; Bowties; Braces as suspenders; Braces for clothing; Braces for clothing [suspenders]; Braces [suspenders]; Bridal garters; Cashmere scarves; Cravates; Cravats; Ear muffs; Ear muffs [clothing]; Ear warmers; Ear warmers being clothes; Earbands; Earmuffs; Fabric belts; Fabric belts [clothing]; Footmuffs, not electrically heated; Foulards***

***[clothing articles]; Fur muffs; Garter belts; Garters; Kerchiefs; Kerchiefs [clothing]; Leather belts [clothing]; Mufflers; Mufflers as neck scarves; Mufflers [neck scarves]; Muffs; Muffs [clothing]; Neck scarfs [mufflers]; Neck scarves; Neck scarves [mufflers]; Neck tubes; Neck warmers; Neckbands; Neckerchiefs; Neckerchieves; Neckties; Neckwear; Nipple pasties; Pocket kerchiefs; Silk scarves; Silk ties; Sock suspenders; Stocking suspenders; Suspender belts; Suspender belts for men; Suspender belts for women; Suspenders; Suspenders [braces]; Sweat bands; Sweat bands for the head; Sweat bands for the wrist; Sweatbands; Tennis sweatbands; Ties; Ties [clothing]; Tuxedo belts; Waist belts; Wrist bands; Wrist warmers; Wristbands; Wristbands [clothing]***

29. The above goods are what I would describe as wearable accessories. If they are not encompassed by (and consequently identical to) the opponent's *clothing, footwear* and/or *headgear*, there is certainly an association to be found between such goods. They are generally used for similar purposes; to clothe or protect the body, or sometimes purely for their aesthetic function. The goods are primarily selected by the same users and there will likely be some coincidence in physical nature. The respective goods often occupy the same channels of trade and are available in relatively close proximity within the same retail establishments. Whilst the goods are not strictly competitive nor complementary, weighing all factors, I find the goods similar to, at least, a high degree.

***Hunting boot bags; Ski boot bags***

30. The opponent's mark is registered for *footwear*. The above goods are essentially accessories within which consumers can store or transport different types of footwear, specifically hunting boots or ski boots. This creates a clear distinction in the goods' use, though there could be a coincidence in users, given that those who purchase the footwear itself may feasibly purchase a bespoke bag to accompany it. In my view, there is little likelihood of any similarity in the goods' physical nature. There may be an element of similarity in the goods' respective trade channels and, in my experience, they may be sold alongside one another within the relevant outlet. The goods are not competitive, nor are they strictly complementary. That said, it would not seem unreasonable for the average consumer to believe that the same undertaking would

be responsible for the production of both. On balance, I find the similarity to be of a low degree.

***American football bibs; Aprons; Aprons [clothing]; Baby bibs [not of paper]; Bib overalls for hunting; Bibs, not of paper; Bibs, sleeved, not of paper; Cloth bibs; Cloth bibs for adult diners; Eye masks; Hairdressing capes; Maternity bands; Paper aprons; Plastic aprons; Plastic baby bibs; Puttees; Shampoo capes; Soccer bibs; Spats; Sports bibs***

31. Whilst I accept that the above goods are strictly 'wearable', to my knowledge, they are predominantly selected not for their role as clothing or footwear, for example, but instead for their specific supportive or protective properties. Though *clothing*, at large, is essentially used to protect the body, the above goods are often selected to fulfil a more *specific* protective role, creating a degree of separation in the goods' core use. Still, there is an opportunity for crossover in users, particularly as the average consumer of the opponent's goods is the general public. There is likely to be an element of similarity in the physical nature of the goods, though they will not necessarily reach the market via the same, or similar, trade channels and, in my experience, are not typically sold in the same location or indeed the same outlets. The goods are not competitive and, whilst they can be used in conjunction with one another, they are not strictly complementary. Still, all things considered, I find the goods to share at least a medium degree of similarity.

### **The average consumer and the nature of the purchasing act**

32. As indicated in the above case law, it is necessary for me to determine who the average consumer is for the goods at issue. I must then determine the manner in which these goods are likely to be selected by the average consumer in the course of trade. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch), Birss J. described the average consumer in these terms:

"60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well

informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The words “average” denotes that the person is typical. The term “average” does not denote some form of numerical mean, mode or median.”

33. I bear in mind the decision of the GC in *New Look Ltd v Office for the Harmonization in the Internal Market (Trade Marks and Designs)*, Joined cases T117/03 to T-119/03 and T-171/03 (“*New Look*”), in which it commented:

"43. It should be noted in this regard that the average consumer's level of attention may vary according to the category of goods or services in question (see, by analogy, Case C-342/97 *Lloyd Schuhfabrik Meyer* [1999] ECR I-3819, paragraph 26). As OHIM rightly pointed out, an applicant cannot simply assert that in a particular sector the consumer is particularly attentive to trade marks without supporting that claim with facts or evidence. As regards the clothing sector, the Court finds that it comprises goods which vary widely in quality and price. Whilst it is possible that the consumer is more attentive to the choice of mark where he or she buys a particularly expensive item of clothing, such an approach on the part of the consumer cannot be presumed without evidence with regard to all goods in that sector.”

34. With regard to the selection process, I also keep in mind the following passage from *New Look*:

"50. ...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."

35. The goods applied for are either directly, or have an association with, *clothing, footwear and headgear*. The average consumer of most goods at issue here is likely to be a member of the general public, though their components are also likely to be purchased by professional users such as manufacturers. In my experience, the goods are, at least generally, self-selected by consumers from traditional retail outlets, catalogues or their online equivalents. With that in mind, and referring to the above case law, visual considerations are likely to play the largest role throughout the selection process. I do not, however, discount the significance of aural considerations, given that it would not be unusual for consumers to seek or receive aural recommendations from salespeople, for example.

36. Wearable goods are purchased relatively frequently, though the cost can vary considerably from those sold by high-end designer brands to those on offer at budget outlets. To my knowledge, those goods which are not directly captured within the ambit of clothing, footwear or headgear (components for such goods or protective garments, for example) are generally fairly inexpensive. Still, regardless of cost, consumers are likely to be alive to factors such as comfort, size and compatibility when approaching the selection. All things considered, it seems reasonable to conclude that consumers will generally apply a medium degree of attention, though this is likely to be higher in the case of professional users.

### **Comparison of trade marks**

37. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a trade mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the trade marks must be assessed by reference to the overall impressions created by them, bearing in mind their distinctive and dominant components. The CJEU stated in *Bimbo SA v OHIM*, Case C-591/12P, that:

“34. ...it is necessary to ascertain, in each individual case, the overall impression made on the target public by the sign for which registration is sought, by means of, inter alia, an analysis of the components of a sign and of their relative weight

in the perception of the target public, and then, in the light of that overall impression and all factors relevant to the circumstances of the case, to assess the likelihood of confusion.”

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

39. The trade marks to be compared are displayed in the table below:

Opponent's UK trade mark	Applicant's trade mark
<p data-bbox="421 992 560 1037">BOND</p>	

40. The opponent's UK registration comprises one word of four letters (BOND), presented in upper case in a standard black font. In the absence of any stylisation or figurative elements, the mark's overall impression resides solely within the word itself.

41. In the applicant's mark, a figurative element sits centrally atop the words 'BONDSOCKS LONDON'. Though both are presented in upper case, in a fine but unremarkable black font, 'BONDSOCKS' is notably larger than the word 'LONDON', which sits beneath it. The mark's figurative element is presented entirely in black and depicts, in profile, a standing lion wearing a crown and clutching the handle of a sword which lies within a jagged rock. I note the applicant's assertions regarding the dominance of the mark's figurative element, even going so far as to suggest that only the figurative element should be considered in the comparison of the respective marks. As the above case law indicates, this is not the correct approach. The marks will be considered in their entirety, with due weight given to each component. In my view, on

account of its prominent position within the mark, BONDSOCKS is likely to play the most dominant role in the marks' overall impression, though the figurative element is also significant. I am confident that the average consumer will recognise that BONDSOCKS comprises two ordinary dictionary words; BOND and SOCKS. The LONDON element will play the smallest role in terms of trade mark significance.

42. When assessing the marks' similarity, particularly the visual and aural similarity, I bear in mind that, at least generally, the beginnings of marks have more of an impact on consumers than their endings<sup>2</sup>.

### **Visual comparison**

43. The competing marks coincide in the presence of the word 'BOND'. Given that this is the sole element within the opponent's mark, this represents the extent of the marks' visual similarity. The marks differ in the presence (or absence) of additional letters S-O-C-K-S and L-O-N-D-O-N and in the figurative representation of a lion. Whilst I keep in mind where the common element 'BOND' is positioned within the applicant's mark, I find that the visual similarity is of a fairly low degree.

### **Aural comparison**

44. The opponent's mark comprises a standard English dictionary word which will be readily identifiable for the average consumer and will be articulated in one syllable; 'BOND'.

45. It seems highly unlikely that the average consumer would seek to articulate the figurative component in the applicant's mark. In their entirety, the mark's word elements comprise four syllables; BOND-SOCKS-LON-DON. However, given that the LONDON element plays a lesser role in the mark's overall impression, this may be aurally discounted by consumers and, consequently, the mark will be articulated in only two syllables BOND-SOCKS. In the former scenario, I find the aural similarity to be of a low degree and in the latter, of a medium degree.

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<sup>2</sup> *El Corte Inglés, SA v OHIM*.

## Conceptual comparison

46. For a conceptual message to be relevant it must be capable of immediate grasp by the average consumer. This is highlighted in numerous judgments of the GC and the CJEU including *Ruiz Picasso v OHIM* [2006] e.c.r.-I-643; [2006] E.T.M.R 29. The assessment must, therefore, be made from the point of view of the average consumer.

47. In my view, 'BOND', will be an immediately recognisable word for the average consumer, though I see two possible concepts likely to emerge. One is that of the renowned literary character James Bond, given the extent of his reputation both in writing and on screen, and the other is that of the dictionary word *bond*, meaning a connection or merging of two or more entities. In my opinion, the James Bond concept will be the first to reach consumers' minds, although they will also be wholly familiar with the word's definition. Of course, I accept that there will be a group of consumers who are entirely unfamiliar with James Bond and, for those, only the literal definition will come to mind.

48. There are a number of elements in the applicant's mark, but the consumer is unlikely to attribute the same degree of *conceptual* significance to each. To my knowledge, 'BONDSOCKS' is not an ordinary word and does not, therefore, possess a clear definition. However, as suggested above, it seems likely that consumers would readily identify that it comprises dictionary words BOND and SOCKS. The mark's 'LONDON' element is likely to be viewed as an indication of the brand's geographical origin and the latter half of BONDSOCKS (i.e. SOCKS) as a nod towards the nature of the goods on offer, though of course where the goods are not socks, or even footwear, I accept that SOCKS may carry a greater conceptual weight. Of the mark's word elements, that leaves 'BOND' to consider. Conceptually, this is likely to conjure the same images as the opponent's mark, i.e. James Bond, or, secondly, the word 'bond' meaning a connection. A new concept, however, is introduced in the applicant's mark by way of its device element. In my experience, the image of a lion is often representative of power or status and, in this case, a hint of regalness is incorporated on account of its crown and sword. Whilst there is, therefore, an identical concept presented in the respective marks by the word BOND (regardless of how consumers

interpret it conceptually, they will do so consistently between the marks), the additional concept offered in the applicant's mark is entirely alien to the opponent's and a further conceptual distinction may be drawn where SOCKS is not viewed as a descriptive element. Still, all things considered, and keeping in mind where the marks' overall impressions lie, I find the conceptual similarity to be of at least a medium degree.

### **Distinctive character of the earlier trade mark**

49. The distinctive character of a trade mark can be appraised only, first, by reference to the goods in respect of which registration is sought and, secondly, by reference to the way it is perceived by the relevant public. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97, the CJEU stated that:

“22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and 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).”

50. Given that the opponent has not made a pleading of enhanced distinctiveness, and in the absence of evidence of use, I have only the inherent distinctiveness of the earlier mark to consider. It is widely accepted, though only a guideline, that words which are invented often possess the highest degree of distinctive character, whilst words which are suggestive or allusive of the goods or services relied upon generally possess the lowest.

51. The opponent's mark consists of the word BOND. Whilst an ordinary, English dictionary word for the average consumer, to my mind, it has no apparent relationship to the goods at issue, nor does it play any allusive or descriptive role. All things considered, I find the earlier mark to possess a medium degree of distinctiveness.

### **Likelihood of confusion**

52. In determining whether there is a likelihood of confusion, a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods and vice versa. As I mentioned above, it is also necessary for me to keep in mind the distinctive character of the opponent's trade mark, as the more distinctive it is, the greater the likelihood of confusion.

53. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one trade mark for the other, while indirect confusion is where the average consumer realises the trade marks are not the same but puts the similarity that exists between the trade marks and goods down to the responsible undertakings being the same or related.

54. I take note of the comments made by Mr Iain Purvis Q.C., as the Appointed Person, in *L.A. Sugar Limited v By Back Beat Inc*, Case BL O/375/10, where he explained that:

“16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the

other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: “The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark.””

55. Earlier in this decision I reached the following conclusions:

- Some of the competing goods are identical; some are similar to a medium (or at least a medium) degree and some a low degree;
- The average consumer is a member of the general public or professional user. Visual considerations are likely to play the largest role in the selection process, though aural considerations are also significant;
- Consumers are likely to pay at least a medium degree of attention to the goods’ selection, higher where purchased for a professional purpose;
- The marks’ visual similarity is of a fairly low degree; the aural similarity of a medium or low degree and the conceptual similarity at least a medium degree.
- The opponent’s ‘BOND’ trade mark possesses a medium degree of inherent distinctive character.

56. To make the assessment, I must adopt the global approach advocated by the case law whilst taking account of each of the above conclusions. I also bear in mind that the average consumer rarely has the chance to make direct comparisons between trade marks and, instead, must rely upon the imperfect picture of them retained in its mind.

57. I begin by considering a likelihood of direct confusion. Although the opponent’s mark ‘BOND’ is replicated entirely within the applied for mark, and despite its forefront position, in my view there are too many additional elements in the application for consumers to directly confuse the marks. The marks are simply not close enough,

particularly visually, for consumers to mistake one for the other, even where only a medium degree of attention is being applied to the selection process.

58. I turn now to indirect confusion. The common element shared by the marks is the word BOND, though of course in the applicant's mark it is conjoined with the word SOCKS. Still, this BOND element is likely to evoke an identical concept for consumers, notwithstanding the additional conceptual elements introduced in the applicant's mark. In my view, this evocation in combination with the closeness between the respective goods is likely to encourage consumers to erroneously conclude that the marks, whilst not the same, originate from the same entity, particularly as BOND has no apparent link to the goods at issue. Even where the goods share only a low degree of similarity and where consumers' attention is elevated, the relationship between the goods is such that it would not be unreasonable for consumers to believe that they could be offered by a related undertaking. As alluded to earlier in my decision, word elements 'SOCKS' and 'LONDON' in the applicant's mark are likely to be dismissed by consumers as descriptive and geographical indicators, respectively. Even where SOCKS is not viewed as a descriptive indicator (i.e. where the goods are not related to footwear), it seems likely to me that BONDSOCKS will still not be seen as a unit; consumers will recognise it as two ordinary words conjoined and SOCKS will be seen as the weaker element; its presence within the mark does not diminish the significance of BOND. The figurative element which remains in the applicant's mark creates a clear visual distinction and I do not discount its impact but, in my experience, it is not a particularly unusual or distinctive image within the field in which registration is sought, at least not to the extent that consumers would be minded to conclude that the marks must originate from separate parties. Instead, having acknowledged the marks' differences, it seems likely that the average consumer would struggle to differentiate between the respective origins, perhaps attributing the additional words and inclusion of a lion image in the applicant's mark to a stylistic addition or update for the brand. In summary, both marks will essentially be viewed as 'BOND' marks, with varying degrees of descriptive or figurative components; 'BOND' is ultimately the predominant concept which will resonate with consumers and this, in my view, would result in indirect confusion.

## Conclusion

**59. Given that I have found a likelihood of confusion in respect of the opponent's UK registration, it would put the opponent in no more of a favourable position, and is therefore unnecessary, to assess such a likelihood in respect of its remaining marks.**

**60. The opposition has succeeded and, subject to any successful appeal, the application will be refused.**

## Costs

61. As the opponent has been successful, it is entitled to a contribution toward its costs. Awards of costs in proceedings are governed by Annex A of Tribunal Practice Notice ("TPN") 2 of 2016. Applying the guidance in that TPN, I award costs to the applicant on the following basis:

Filing form TM7 (official fee):	£100
Preparing a Notice of Opposition and reviewing the counterstatement:	£200
Preparing written submissions and considering the other side's submissions:	£200
<b>Total:</b>	<b>£500</b>

**62. I order Efe Temizel to pay Hanes Innerwear Australia Pty Ltd the sum of £500. This sum is to be paid within two months of the expiry of the appeal period or within twenty-one days of the final determination of this case if any appeal against this decision is unsuccessful.**

**Dated this 26<sup>th</sup> day of October 2020**

**Laura Stephens  
For the Registrar**

## **Annex 1**

### **All goods applied for (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; 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; Caftans; Cagoules; Camiknickers; Camisoles; Camouflage gloves; Camouflage jackets; Camouflage pants; Camouflage shirts; Camouflage vests; Canvas shoes; Cap peaks; Cap visors; Capelets; Capes; Capes (clothing); Capri pants; 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; Cloche hats; 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]; 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; 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; Ear warmers being clothes; 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; 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; Fleeces; 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]; 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; 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; Headshawls; 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; Layettes; Layettes [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; Miters [hats]; Mitres [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 boots; 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; Pantyhose; 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; Tailleurs; 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; Thobes; 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 being clothing; 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; Waterpolo 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 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; Yoga socks; Yoga tops; Yokes (Shirt -); Zoot suits; Zori.

## **Goods which are identical to the opponent's *clothing***

Adhesive bras; Aikido suits; Aikido uniforms; Albs; Aloha shirts; American football pants; American football shirts; American football shorts; American football socks; Ankle socks; Anklets [socks]; Anoraks; Anoraks [parkas]; Anti-perspirant socks; Anti-sweat underclothing; Anti-sweat underwear; 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; Athletic clothing; Athletic tights; Athletic uniforms; Athletics hose; Athletics vests; Babies' clothing; Babies' outerclothing; Babies' pants [clothing]; Babies' pants [underwear]; Babies' undergarments; Baby bodysuits; Baby bottoms; Baby clothes; Baby doll pyjamas; Baby layettes for clothing; Baby pants; Baby tops; Ball gowns; Ballet suits; Bandeaux [clothing]; Barber smocks; Baseball uniforms; Baselayer bottoms; Baselayer tops; Basic upper garment of Korean traditional clothes [Jeogori]; Bath robes; 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 robes; Beach wraps; Beachwear; Bed jackets; Bed socks; Bermuda shorts; Bib shorts; Bib tights; Bikinis; Blazers; Bloomers; Blouses; Blouson jackets; Blousons; Blue jeans; Board shorts; Boardshorts; Bodices; Bodices [lingerie]; Bodies [clothing]; Bodies [underclothing]; Body linen [garments]; Body stockings; Body suits; Body warmers; Bodysuits; Boiler suits; Boleros; Bomber jackets; Bottoms [clothing]; Boxer briefs; Boxer shorts; Boxing shorts; Boy shorts [underwear]; Boys' clothing; Bralettes; Bras; Brassieres; Breeches; Breeches for wear; Bridal gowns; Bridesmaid dresses; Bridesmaids wear; Briefs; Briefs [underwear]; Burnouses; Bushjackets; Bustiers; Button down shirts; Button-front aloha shirts; Caftans; Cagoules; Camiknickers; Camisoles; Camouflage gloves; Camouflage jackets; Camouflage pants; Camouflage shirts; Camouflage vests; Capelets; Capes; Capes (clothing); Capri pants; Car coats; Cardigans; Cargo pants; Cashmere clothing; Cassocks; Casual clothing; Casual jackets; Casual shirts; Casual trousers; Casual wear; Casualwear; Chadors; Chaps; Chaps (clothing); Chasubles; Chefs' whites; Chemise tops; Chemises; Chemisettes; Cheongsams (Chinese gowns); Children's clothing; Childrens' clothing; Children's outerclothing; Children's wear; Chino pants; Choir robes; Christening gowns; Christening robes; Cloaks;

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; Collared shirts; 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]; Crew neck sweaters; Crinolines; Crop tops; Culotte skirts; Culottes; Cummerbunds; Cycling Gloves; Cycling pants; Cycling shorts; Cycling tops; Cyclists' clothing; Dance clothing; Dance costumes; Denim coats; Denim jackets; Denim jeans; Denim pants; Denims [clothing]; Dinner jackets; Dinner suits; Disposable underwear; Donkey jackets; Down jackets; Down vests; Drawers as clothing; Drawers [clothing]; Dress pants; Dress shirts; Dress suits; Dresses; Dresses for evening wear; Dresses for infants and toddlers; Dresses made from skins; Dressing gowns; Driving gloves; Dry suits; Duffel coats; Duffle coats; Dungarees; Dust coats; Embroidered clothing; Evening coats; Evening dresses; Evening gowns; Evening suits; Evening wear; Exercise wear; Fancy dress costumes; Figure skating clothing; Fingerless gloves; Fingerless gloves as clothing; Fishermen's jackets; Fishing clothing; Fishing jackets; Fishing shirts; Fishing smocks; Fishing vests; Fishing waders; Fitted swimming costumes with bra cups; Fleece jackets; Fleece pullovers; Fleece shorts; Fleece tops; Fleece vests; Fleeces; Flying suits; Folk costumes; Football jerseys; Football shirts; Footless socks; Footless tights; Formal evening wear; Formal wear; Formalwear; Foundation garments; Frock coats; Full-length kimonos (nagagi); Functional underwear; Fur cloaks; Fur coats; Fur coats and jackets; Fur jackets; Fur stoles; Furs [clothing]; Gabardines; Gabardines [clothing]; Gaiters; Garments for protecting clothing; 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 clothing, other than gloves; Golf pants, shirts and skirts; Golf shirts; Golf shorts; Golf skirts; Golf trousers; Gowns; Gowns for doctors; Greatcoats; G-strings; Guernseys; Gym shorts; Gym suits; Gymwear; Halloween costumes; Halter tops; Handwarmers [clothing]; Heavy coats; Heavy jackets; Hooded pullovers; Hooded sweat shirts; Hooded sweatshirts; Hooded tops; Hoodies; Horse-riding pants; Hosiery; House coats; Housecoats; Hunting jackets; Hunting pants; Hunting shirts; Hunting vests; Imitation leather dresses; Infant clothing; Infant wear; Infants' clothing; Infants' trousers; Infantwear; Inner socks for footwear; Innersocks; Jackets; Jackets being sports clothing; Jackets [clothing]; Jackets (Stuff -) [clothing]; Japanese kimonos; Japanese sleeping robes (nemaki); Japanese sleeping robes [nemaki]; Japanese style socks (tabi); Japanese style socks (tabi covers); Japanese traditional clothing; Jeans; Jerkins; Jerseys; Jerseys [clothing]; Jockstraps [underwear]; Jodhpurs; Jogging bottoms; Jogging bottoms [clothing]; Jogging outfits; Jogging pants; Jogging sets [clothing]; 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; Khakis; Khimars; Kilts; Kimonos; Knee warmers [clothing]; Knee-high stockings; Knickerbockers; Knickers; Knit jackets; Knit shirts; Knit tops; Knitted clothing; Knitted gloves; Knitted tops; Knitted underwear; Knitwear; Knitwear [clothing]; Korean outer jackets worn over basic garment [Magoja]; Korean topcoats [Durumagi]; Korean traditional women's waistcoats [Baeja]; Laboratory coats; Ladies' clothing; Ladies' dresses; Ladies' outerclothing; Ladies' suits; Ladies' underwear; Ladies wear; Layette; Layette [clothing]; Leather clothing; Leather (Clothing of -); Leather (Clothing of imitations of -); Leather coats; Leather dresses; Leather garments; Leather jackets; Leather pants; Leather suits; Leather waistcoats; Leg warmers; Leggings [leg warmers]; Leggings [trousers]; Legwarmers; Leg-warmers; Leisure clothing; Leisure suits; Leisure wear; Leisurewear; Leotards; Light-reflecting coats; Light-reflecting jackets; Linen (Body -) [garments]; Linen clothing; Lingerie; Liveries; Long jackets; Long johns; Long sleeve pullovers; Long sleeved vests; Long underwear; Long-sleeved shirts; Lounge pants; Loungewear; Lounging robes; Lumberjackets; Mackintoshes; Maillots; Maillots [hosiery]; Maniples; Mankinis; Mantles; Martial arts uniforms; Masquerade costumes; 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 socks; Men's suits; Men's underwear; Menswear; Miniskirts; Mittens; Mitts [clothing]; Mock turtleneck shirts; Mock turtleneck sweaters; Mock turtlenecks; Moisture-wicking sports bras; Moisture-wicking sports pants; Moisture-wicking sports shirts; Monokinis; Morning coats; Motorcycle gloves; Motorcycle jackets; Motorcycle rain suits; Motorcycle riding suits; Motorcyclists' clothing; Motorcyclists' clothing of leather; Motorists' clothing; Mufflers [clothing]; Muumuus; Nappy pants [clothing]; Negligees; Night gowns; Night shirts; Nightdresses; Nightgowns; Nighties; Nightshirts; Nightwear; Niqabs; Non-slip socks; Nurse dresses; Nurse overalls; Nurse pants; Nurses' uniforms; Oilskins [clothing]; One-piece clothing for infants and toddlers; One-piece playsuits; One-piece suits; Open-necked shirts; Outer clothing; Outerclotthing; Outerclotthing for boys; Outerclotthing for girls; Outerclotthing for men; Outerwear; Overalls; Overalls for infants and toddlers; Overcoats; Overshirts; 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.); Pantaloons; Pantie-girdles; Panties; Pants; Pants (Am.); Pantsuits; Panty hose; Pantyhose; Paper clothing; Pareos; Pareus; Parkas; Pea coats; Pedal pushers; Peignoirs; Pelerines; Pelisses; Petticoats; Petti-pants; Pinafore dresses; Pinafores; Pique shirts; Pirate pants; Play suits; Playsuits [clothing]; Pleated skirts; Pleated skirts for formal kimonos (hakama); Plus fours; Plush clothing; Polar fleece jackets; Polo knit tops; Polo neck jumpers; Polo shirts; Polo sweaters; Ponchos; Pop socks; Pram suits; Printed t-shirts; Pullovers; Pyjamas; Pyjamas [from tricot only]; Quilted jackets [clothing]; Quilted vests; Rain coats; Rain jackets; Rain ponchos; Rain slickers; Rain suits; Rain trousers; Rain wear; Raincoats; Rainproof clothing; Rainproof jackets; Rainwear; Ramie shirts; Rash guards; Ready-made clothing; Ready-to-wear clothing; Referees uniforms; Religious garments; Replica football kits; Reversible jackets; Riding gloves; Riding Gloves; Riding jackets; Riding trousers; Robes; Robes (Bath -); Roll necks [clothing]; Romper suits; Rompers; Ruanas; Rugby jerseys; Rugby shirts; Rugby shorts; Rugby tops; Running Suits; Running vests; Safari jackets; Sailing wet weather clothing; Sailor suits; Salopettes; Sarees; Saris; Sarongs; School uniforms; Scrimmage vests; Serapes; Shapewear; Shawls; Shawls and stoles; Shawls [from tricot only]; Sheepskin coats; Sheepskin jackets; Shell jackets; Shell suits; Shift dresses; Shirt-jacs; Shirts; Shirts and slips;

Shirts for suits; 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 wraps; Shoulder wraps [clothing]; Shoulder wraps for clothing; Shrugs; Silk clothing; Singlets; Skating outfits; Ski gloves; Ski jackets; Ski pants; Ski suits; Ski suits for competition; Ski trousers; Ski wear; Skirt suits; Skirts; Skorts; Slacks; Sleep pants; Sleep shirts; Sleeping garments; Sleepsuits; Sleepwear; Sleeved jackets; Sleeveless jackets; Sleeveless jerseys; Sleeveless pullovers; Sliding shorts; Slipovers; Slipovers [clothing]; Slipper socks; Slips; Slips [clothing]; Slips [underclothing]; Slips [undergarments]; Smocks; Smoking jackets; Snap crotch shirts for infants and toddlers; Snow boarding suits; Snow pants; Snow suits; Snowboard gloves; Snowboard jackets; Snowboard mittens; Snowboard trousers; Snowsuits; Soccer shirts; Socks; Socks and stockings; Socks for infants and toddlers; Socks for men; Sport coats; Sport shirts; Sport stockings; Sports bras; Sports clothing; Sports clothing [other than golf gloves]; Sports garments; 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 singlets; Sports socks; Sports vests; Sports wear; Sportswear; Stockings; Stockings [sweat-absorbent]; Stockings (Sweat-absorbent -); Stoles; Stoles (Fur -); Strapless bras; Strapless brassieres; Stretch pants; Stuff jackets; Stuff jackets [clothing]; Suede jackets; Suit coats; Suits; Suits (Bathing -); Suits made of leather; Suits of leather; Sundresses; Sunsuits; Surf wear; Surfwear; Swaddling clothes; 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; Sweaters; Sweatjackets; Sweatpants; Sweatshirts; Sweatshorts; Sweatsuits; Swim briefs; Swim shorts; Swim suits; Swim trunks; Swim wear for children; Swim wear for gentlemen and ladies; Swimming costumes; Swimming suits; Swimming trunks; Swimsuits; Swimwear; Synthetic fur stoles; Tabards; Taekwondo suits; Taekwondo uniforms; Tail coats; Tailleurs; Tank tops; Tankinis; Tank-tops; Tap pants; Tartan kilts; Teddies; Teddies [underclothing]; Teddies [undergarments]; Tee-shirts; Tennis dresses; Tennis pullovers; Tennis shirts; Tennis shorts; Tennis skirts; Tennis socks; Tennis wear; Theatrical costumes; Thermal clothing; Thermal socks; Thermal underwear; Thermally insulated clothing; Thobes; Three piece suits [clothing]; Tights; Toe socks; Togas; Top coats; Topcoats; Tops;

Tops [clothing]; Track jackets; Track pants; Track suits; Tracksuit bottoms; Tracksuit tops; Tracksuits; Training suits; Trench coats; Trenchcoats; Trews; Triathlon clothing; Trouser socks; Trousers; Trousers for children; Trousers for sweating; Trousers of leather; Trousers shorts; Trunks; Trunks (Bathing -); Trunks being clothing; Trunks [underwear]; T-shirts; Tube tops; Tunics; Turbans; Turtleneck pullovers; Turtleneck shirts; Turtleneck sweaters; Turtleneck tops; Turtlenecks; Tutus; Tuxedos; Twin sets; Umpires uniforms; Under garments; Under shirts; 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; Vest tops; Vests; Vests (Fishing -); Vests for use in barber shops and salons; V-neck sweaters; Volleyball jerseys; Waders; Waistcoats; Waistcoats [vests]; Walking breeches; Walking shorts; Warm up suits; Warm-up jackets; Warm-up pants; Warm-up suits; Warm-up tops; Water socks; Waterproof capes; Waterproof clothing; Waterproof jackets; Waterproof outerclothing; Waterproof pants; 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; 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 coats; Winter gloves; Women's ceremonial dresses; Women's clothing; Womens' outerclothing; Women's suits; Womens' underclothing; Womens' undergarments; Women's underwear; Woolen clothing; Woollen socks; Woollen tights; Work clothes; Work overalls; Working overalls; Woven clothing; Woven shirts; Wraps [clothing]; Yoga bottoms; Yoga pants; Yoga shirts; Yoga socks; Yoga tops; Zoot suits

**Goods which are identical to the opponent's *footwear***

After ski boots; Anglers' shoes; Ankle boots; Après-ski boots; Apres-ski shoes; Aqua shoes; Army boots; Athletic footwear; Athletic shoes; Athletics footwear; Athletics shoes; Baby boots; Baby sandals; Ballet shoes; Ballet slippers; Ballroom dancing shoes; Baseball shoes; Basketball shoes; Basketball sneakers; Bath sandals; Bath slippers; Beach footwear; Beach shoes; Boaters; Bootees (woollen baby shoes); Booties; Boots; Boots for motorcycling; Boots for sport; Boots for sports; Boots (Ski - ); Bowling shoes; Boxing shoes; Canvas shoes; Casual footwear; Children's footwear; Climbing boots; Climbing boots [mountaineering boots]; Climbing footwear; Clogs; Cycling shoes; Dance shoes; Dance slippers; Deck shoes; Deck-shoes; Desert boots; Disposable slippers; Dress shoes; Driving shoes; Espadrilles; Esparto shoes or sandals; Esparto shoes or sandles; Fishing boots; Fishing footwear; Flat shoes; Flip-flops; Flip-flops for use as footwear; Foam pedicure slippers; Foot volleyball shoes; Football boots; Football shoes; Footwear; Footwear [excluding orthopedic footwear]; 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 not for sports; Galoshes; Golf footwear; Golf shoes; Goloshes; Gym boots; Gymnastic shoes; Gymshoes; Half-boots; Handball shoes; Hidden heel shoes; High rain clogs (ashida); High-heeled shoes; Hiking boots; Hiking shoes; Hockey shoes; Horse-riding boots; Hunting boots; Infants' boots; Infants' footwear; Infants' shoes; Japanese footwear of rice straw (waraji); Japanese split-toed work footwear (jikatani); Japanese style clogs and sandals; Japanese style sandals of felt; Japanese style sandals of leather; Japanese style sandals (zori); Japanese style wooden clogs (geta); Japanese toe-strap sandals (asaura-zori); Jogging shoes; Knitted baby shoes; Lace boots; Ladies' boots; Ladies' footwear; Ladies' sandals; Leather shoes; Leather slippers; Leisure footwear; Leisure shoes; Low wooden clogs (hiyori-geta); Low wooden clogs (koma-geta); Low wooden clogs [koma-geta]; Men's sandals; Military boots; Moccasins; Motorcyclist boots; Mountaineering boots; Mountaineering shoes; Mukluks; Mules; Nursing shoes; Overshoes; Pedicure sandals; Pedicure slippers; Plastic slippers; Platform shoes; Plimsolls; Polo boots; Pumps [footwear]; Rain boots; Rain shoes; Rainshoes; Riding boots; Riding shoes; Roller shoes; Rubber fishing boots; Rubber shoes; Rugby boots; Rugby shoes; Running shoes; Russian felted boots (Valenki); Sabots; Sandal-clogs; Sandals; Sandals and beach shoes; Shoes; Shoes for casual wear; Shoes for foot volleyball; Shoes for

infants; Shoes for leisurewear; Shoes with hook and pile fastening tapes; Ski and snowboard shoes; Ski boots; Skiing shoes; Slip-on shoes; Slippers; Slippers made of leather; Sneakers; Sneakers [footwear]; Snow boots; Snowboard boots; Snowboard shoes; Soccer boots; Soccer shoes; Spiked running shoes; Sport shoes; Sports [Boots for -]; Sports footwear; Sports shoes; Tap shoes; Tennis shoes; Thong sandals; Thongs; Track and field shoes; Trainers; Trainers [footwear]; Training shoes; Trekking boots; Valenki [felted boots]; Volleyball shoes; Walking boots; Walking shoes; Waterproof boots; Waterproof boots for fishing; Waterproof shoes; Wellington boots; Wellingtons; Winter boots; Women's foldable slippers; Women's shoes; Wooden shoes; Wooden shoes [footwear]; Work boots; Work shoes; Yoga shoes; Zori

### **Goods which are identical to the opponent's *headgear***

Babushkas; Balaclavas; Baseball caps; Baseball caps and hats; Baseball hats; Bathing caps; Beach hats; Beanie hats; Beanies; Berets; Bobble hats; Bonnets; Bonnets [headwear]; Bucket caps; Bucket hats; Cap visors; Caps; Caps being headwear; Caps [headwear]; Caps (Shower -); Caps with visors; Chefs' hats; Children's headwear; Cloche hats; Cycling caps; Fake fur hats; Fascinator hats; Fashion hats; Fedoras; Fezzes; Fishing headwear; Flat caps; Football boots (Studs for -); Fur hats; Garrison caps; Golf caps; 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; Hijabs; Hoods; Hoods [clothing]; Knitted caps; Knot caps; Leather headwear; Mantillas; Masks (Sleep -); Millinery; Miters [hats]; Mitres [hats]; Nightcaps; Paper hats [clothing]; Paper hats for use as clothing items; Paper hats for wear by chefs; Paper hats for wear by nurses; Party hats [clothing]; Peaked caps; Peaked headwear; Rain hats; Sedge hats (suge-gasa); Headscarves; Shower caps; Ski balaclavas; Ski hats; Skull caps; Sleep masks; Small hats; Snoods [scarves]; Sports caps; Sports caps and hats; Sports headgear [other than helmets]; Sun hats; Sun visors; Sun visors [headwear]; Swim caps; Swimming caps; Swimming caps [bathing caps]; Tam o'shanter; Tams; Thermal headgear; Top hats; Toques [hats]; Ushankas [fur hats]; Veils; Veils [clothing]; Visors; Visors being headwear; Visors [clothing];

Visors [hatmaking]; Visors [headwear]; Waterpolo caps; Woolly hats; Yashmaghs;  
Yashmaks