

O/0088/24

TRADE MARKS ACT 1994

IN THE MATTER OF INTERNATIONAL REGISTRATION NO. WO0000001655644

DESIGNATING THE UK

IN THE NAME OF KANE FOOTWEAR LLC

FOR THE FOLLOWING TRADE MARK:



IN CLASS 25

AND

IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 436872 BY

ALDI GMBH & CO. KG

BACKGROUND AND PLEADINGS

1. International registration no. 1655644 (“the IR”) consists of the sign shown on the cover page of this decision. The holder is Kane Footwear LLC. The IR is registered with effect from 12 January 2022. With effect from the same date, the holder designated the UK as a territory in which it seeks to protect the IR under the terms of the Protocol to the Madrid Agreement. The holder claims a priority date of 12 July 2021 and seeks protection for the following goods:

Class 25 Footwear, clothing.

2. On 13 October 2022, Aldi GmbH & Co. KG (“the opponent”) opposed the protection of the IR in the UK based upon section 5(2)(b) of the Trade Marks Act 1994 (“the Act”).¹ The opponent relies upon the following trade marks:



UKTM no. 911027109²

Filing date 10 July 2012; registration date 8 May 2013
 (“the First Earlier Mark”)

CRANE

UKTM no. 903421088

Filing date 21 October 2003; registration date 3 September 2007
 (“the Second Earlier Mark”)

¹ Although the opposition was originally also pleaded under section 5(3) of the Act, reliance on that ground was withdrawn on 13 March 2023 (see the opponent’s written submissions of that date).

² On 1 January 2021, the UK left the EU after the expiry of the transition period. Under Article 54 of the Withdrawal Agreement, the Registry created comparable UK trade marks for all rights holders with an existing EU trade mark (“EUTM”). As a result of the opponent having EUTMs being protected as at the end of the Implementation Period, comparable UK trade marks were automatically created. The comparable trade marks shown here are now recorded on the UK trade mark register, have the same legal status as if they had been applied for and registered under UK law, and retain their original filing date.

CRANE SPORTS

UKTM no. 908401184

Filing date 2 July 2009; registration date 21 January 2010

("the Third Earlier Mark")

(together "the earlier marks")

3. The opponent relies upon some goods for which the marks are registered, as set out in the Annex to this decision.

4. Under section 5(2)(b) of the Act, the opponent claims that the marks are similar and the goods are identical or similar, with the result that there is a likelihood of confusion.

5. The holder filed a counterstatement, admitting that the parties' respective goods are identical, but denying the grounds of opposition. The holder also put the opponent to proof of use of the earlier marks.

6. The holder is represented by Hoffmann Eitle PartmbB and the opponent is represented by Freeths LLP.

7. Both parties filed evidence in chief. The opponent did not file evidence in reply. Neither party requested a hearing, but both parties filed written submissions in lieu. This decision is taken following a careful perusal of the papers.

EVIDENCE AND SUBMISSIONS

8. The opponent filed evidence in chief in the form of the witness statement of Laura Conlon dated 10 March 2023, which is accompanied by 7 exhibits (LC1 to LC7). Ms Conlon is the Brand & Merchandising Director of Aldi Stores Limited, which is a member of the same group of companies as the opponent.

9. The opponent's evidence in chief was accompanied by written submissions dated 13 March 2023.

10. The holder filed evidence in chief in the form of the witness statement of Debra Louise Lewis dated 12 May 2023, which is accompanied by 6 exhibits (DLL1 to DLL6). Ms Lewis is the trade mark attorney acting on behalf of the holder in these proceedings.

11. The holder filed written submissions in lieu dated 22 July 2023.

12. The opponent filed written submissions in lieu dated 24 July 2023.

RELEVANCE OF EU LAW

13. The provisions of the Act relied upon in these proceedings are assimilated law, as they are derived from EU law. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 (as amended by Schedule 2 of the Retained EU Law (Revocation and Reform) Act 2023) requires tribunals applying assimilated law to follow assimilated EU case law. That is why this decision refers to decisions of the EU courts which predate the UK's withdrawal from the EU.

DECISION

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

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

(a)...

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected

there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark.”

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

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

16. Given their earlier filing dates, the trade marks upon which the opponent relies qualify as earlier trade marks pursuant to section 6 of the Act. As the earlier marks had completed their registration process more than 5 years before the designation date of the IR, they are subject to the use provisions in section 6A of the Act. However, as it represents the opponent’s best case, I will proceed on the basis that the opponent can rely upon the full breadth of the specifications identified. For reasons that will become clear later in this decision, nothing will turn on this.

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

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

(b) the matter must be judged through the eyes of the average consumer of the goods or services in question, 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 to mind the earlier mark, 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. As noted above, the holder admits that the goods are identical.

The average consumer for the goods and the nature of the purchasing act

19. As the case law above indicates, it is necessary for me to determine who the average consumer is for the respective parties' goods. I must then determine the manner in which the goods are likely to be selected by the average consumer. 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.”

20. I note that the holder has made submissions about their specific customers and the level of attention that they would be paying; the holder says that this would be higher than the attention paid during a typical purchase of clothing/shoes because the holder's goods are orthopedic in nature.³ However, that is not apparent from the holder's specification, and I must carry out my assessment based upon all of the ways in which the marks could be used within the scope of their specifications as filed/registered. I do not, therefore, consider that this line of argument assists the holder.

³ Exhibit DLL4

21. The average consumer for the goods will be a member of the general public. The cost of the goods will vary, but they are unlikely to be particularly expensive. The average consumer will consider factors such as fit, materials and aesthetics when considering the goods. In my view, the average consumer will pay a medium (or average) degree of attention during the purchasing process.

22. The goods will be purchased by self-selection from a retail outlet or an online equivalent. Consequently, visual considerations will dominate the selection process. However, I do not discount an aural component to the purchase given that advice may be sought from retail assistants.



Comparison of trade marks

23. It is clear from *Sabel* 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 the trade marks, bearing in mind their distinctive and dominant components. The Court of Justice of the European Union (“CJEU”) stated at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

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

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

25. The respective trade marks are shown below:

Opponent's trade mark	The IR
 <p data-bbox="323 719 667 757">("the First Earlier Mark")</p> <p data-bbox="437 831 550 864">CRANE</p> <p data-bbox="300 887 687 925">("the Second Earlier Mark")</p> <p data-bbox="367 996 624 1030">CRANE SPORTS</p> <p data-bbox="319 1052 671 1090">("the Third Earlier Mark")</p>	

Overall Impression

26. The IR consists of the word KANE presented in an upper case, fairly standard font. That word is preceded by a device, which is likely to be viewed as just a graphic device rather than an image of anything recognisable. As the eye is naturally drawn to the element of the mark that can be read, the word KANE plays the greater role in the overall impression, with the device playing a lesser role.

27. The First Earlier Mark consists of the word CRANE presented in a stylised lower-case font. Above the word is a device which may be recognised as a bird (particularly given that the word element of the mark is the name of a bird) or may be viewed as just a graphic device. As the eye is naturally drawn to the element of the mark that can be read, the word CRANE plays the greater role in the overall impression, with the device and stylisation playing a lesser role.

28. The Second Earlier Mark consists of the word CRANE. There are no other elements to contribute to the overall impression, which lies in the word itself.

29. The Third Earlier Mark consists of the words CRANE SPORTS. As the word SPORTS is likely to be viewed descriptively (i.e. indicating clothing or footwear that are intended for sports use), it is the word CRANE that is the distinctive element of the mark.

Visual Comparison

30. It is convenient to begin my comparison by assessing the similarity of the IR and the Second Earlier Mark. They overlap in that they both have the same three last letters, in the same order – ANE. However, they differ in that the beginning of the Second Earlier Mark is the letters CR- and the beginning of the IR is the letter K. The device in the IR is also a point of visual difference. As the Second Earlier Mark is a word only mark, it could be used in any font. I bear in mind that the beginnings of marks tend to make more of an impact than the ends.⁴ I also bear in mind that differences to shorter marks tend to have more of an impact, and that the word elements of the marks in issue are only 4 or 5 letters respectively.⁵ In my view, the marks are visually similar to between a low and medium degree.

31. The same applies to the IR and the First Earlier Mark. However, the device in the First Earlier Mark acts as an additional point of difference, as does the difference in font used. In my view, the marks are visually similar to a low degree.

32. The word CRANE in the Third Earlier Mark and the IR share the same similarities and differences as identified in relation to the Second Earlier Mark. The word SPORTS in the Third Earlier Mark will act as an additional point of difference. However, I bear

⁴ *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02

⁵ See, for example, *F1T BL O/013/21*

in mind that that word will be attributed no trade mark significance. In my view, the marks are visually similar to between a low and medium degree.

Aural Comparison

33. The device in the First Earlier Mark will not be articulated, and so the same aural comparison will apply to the First and Second Earlier Marks. The IR will be pronounced the same as the one syllable word CANE. The word CRANE is a dictionary word which will be given its ordinary English pronunciation. The marks are aurally highly similar.

34. The same applies to the comparison between the IR and the Third Earlier Mark. Whilst the word SPORTS is non-distinctive, this does not in itself render it aurally invisible.⁶ Consequently, I consider the Third Earlier Mark and the IR to be aurally similar to a medium degree.

Conceptual Comparison

35. The word KANE in the IR is most likely to be viewed as a name. It may also be viewed as a misspelling of the word CANE (being a stick or stem of a plant). However, in my view, this is unlikely. The word CRANE in the Second Earlier Mark is likely to be recognised as either a type of bird or a type of large machinery. I note that the opponent claims that the word CRANE will also be viewed as a surname. I consider this to be unlikely. Whilst it may be the case that the word CRANE can be a surname, it is unusual and it is in far more frequent use for the ordinary dictionary meanings listed above. If any meaning will be conveyed by the device in the IR it is not replicated in the Second Earlier Mark. In my view, the marks are conceptually dissimilar.

36. The same is true of the comparison with the First Earlier Mark. The device, if it is viewed as a bird, will simply reinforce the meaning of the word element. Otherwise, it will convey no meaning. In my view, the First Earlier Mark and the IR are conceptually dissimilar.

⁶ O/115/22

37. The same applies to the Third Earlier Mark. The word SPORTS is a further point of difference, but not a distinctive one.

Distinctive character of the earlier trade marks

38. 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-2779, paragraph 49).

23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).”

39. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctive character of a mark can be enhanced by virtue of the use that has been made of it.

40. The word CRANE is a dictionary word, which has no relevance to the goods in issue. In my view, it is inherently distinctive to a medium (or average) degree. As the word SPORTS in the Third Earlier Mark is non-distinctive, I find that this is the case for both the Second and Third Earlier Marks. The holder submits that the device of the “bird in speedy flight” in the First Earlier Mark alludes to the goods being sporting in nature because the user will be able to travel at speed when wearing the opponent’s goods. In my view, that is not a conceptual message that would be capable of immediate grasp by the average consumer and I do not consider the device to be allusive. In my view, the device in the First Earlier Mark and stylisation raises the distinctiveness of the mark overall to a moderate degree, resulting in the First Earlier Mark being inherently distinctive to between a medium and high degree.

41. I will now consider whether the distinctiveness of the earlier marks has been enhanced through use. Ms Conlon gives evidence that the opponent has given Aldi Stores Limited permission to use the earlier marks in the UK. The holder challenged that claim during the evidence rounds and the opponent did not file any evidence in reply to answer that challenge. However, for reasons that will become clear later in this decision, nothing will turn on this point. Consequently, I will proceed on the basis that I can take the evidence of use by Aldi Stores Limited as evidence upon which the opponent can rely. With that in mind, I note the following from the opponent’s evidence:

- a) Ms Conlon confirms that the earlier marks have been used continuously since at least 2003 in respect of sports clothing and footwear.⁷
- b) They have been sold in retail stores located across the UK, including Newcastle upon Tyne, Ipswich, Brighton, Plymouth, Coventry, Swansea and Glasgow.⁸
- c) The turnover for the goods sold under the earlier marks in the UK are as follows:

2021	£24.2million
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⁷ Witness statement of Laura Conlon, para. 7

⁸ Witness statement of Laura Conlon, para. 8

2020	£30.2million
2019	£32.2million
2018	£48.1million
2017	£52.3million

As the priority date for the IR is in July 2021, I bear in mind that not all of the turnover for 2021 would have fallen prior to the relevant date.

- d) The goods sold include children's, men's and women's wear including ski-clothing, fishing clothing, riding clothing, sports base layers, sports bras and cycling clothing.⁹
- e) Ms Conlon confirms that the earlier marks have been applied to the goods, labels and/or their packaging.¹⁰ An example of this is as follows, although I note that it is not dated:¹¹



- f) Goods sold under the earlier marks have appeared in *The Sun* (1 April 2019).¹²

42. I have no evidence before me as to advertising/marketing spend for goods sold under the earlier marks, although there is evidence of them being promoted in a national publication. The turnover for goods sold under the marks is clearly significant,

⁹ Exhibit LC1

¹⁰ Witness statement of Laura Conlon, para. 12

¹¹ Exhibit LC3

¹² Exhibit LC4

and there is a very broad geographical spread of use. The use shown has also been consistent over a reasonably lengthy period of time. In my view, the evidence is sufficient to establish that the distinctiveness of the earlier marks has been enhanced to a reasonably high degree in relation to sports clothing and footwear.

Likelihood of confusion

43. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between them and the goods down to the responsible undertaking being the same or related. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The first is the interdependent principle i.e. a lesser degree of similarity between the marks may be offset by a greater degree of similarity between the goods and vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the earlier marks, the average consumer for the goods and the nature of the purchasing process. In doing so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

44. I have found as follows:

- a. The goods are identical.
- b. The average consumer for the goods is a member of the general public who will pay a medium (or average) degree of attention during the purchasing process.
- c. The purchasing process is predominantly visual, although I do not discount an aural component to the purchase.

- d. The First Earlier Mark and the IR are visually similar to a low degree, aurally highly similar and conceptually dissimilar.
- e. The Second Earlier Mark and the IR are visually similar to between a low and medium degree, aurally highly similar and conceptually dissimilar.
- f. The Third Earlier Mark and the IR are visually similar to between a low and medium degree, aurally similar to a medium degree and conceptually dissimilar.
- g. The Second and Third Earlier Marks are inherently distinctive to a medium degree and the First Earlier Mark is inherently distinctive to between a medium and high degree. The distinctiveness of all of the earlier marks has been enhanced through use to a reasonably high degree in relation to sports clothing and footwear.

45. Taking all of the above factors into account, I do not consider that there is a likelihood of the marks being mistakenly recalled or misremembered as each other. Whilst I acknowledge that the marks are aurally highly similar, the purchasing process is predominantly visual and the marks are visually similar to only a low or between low and medium degree. In my view, even if the marks are discussed aurally (such as with a retail assistant) perusal of the goods visually prior to purchase will prevent any confusion arising. This will be further reinforced by the conceptual distinctions between the marks. Whilst I accept that there is a tendency for consumers to see what they expect to see in respect of marks that are known to them, I consider that this will be offset in this case by the clear visual differences between them. I do not consider there to be a likelihood of direct confusion.

46. Having recognised the differences between the marks, I can see no reason for the average consumer to conclude that they originate from the same or economically linked undertakings. The change of the word CRANE to the word KANE, which do not have the same conceptual meanings, would not be a logical brand extension, variant or sub-brand. I do not consider there to be a likelihood of indirect confusion.

47. For the avoidance of doubt, even if I am wrong in my finding that the word CRANE is not likely to be viewed as a surname, I do not consider that that results in a likelihood of confusion. I accept that where names share a common origin or root there can be conceptual similarity.¹³ However, that is not claimed in this case; the opponent merely submits that they are conceptually similar because they are both names. Even if they are both recognised as names, they will be recognised as different names. Consequently, the conceptual differences will far outweigh any similarity.¹⁴ There will still be no likelihood of direct or indirect confusion.

48. I have also borne in mind the opponent's submission that the marks in use will be very small (appearing on the tongue of a shoe or a label), meaning that they are more likely to be confused. I do not consider that this line of argument has any merit; even in those circumstances, the differences between the marks are, in my view, sufficient to avoid confusion.

CONCLUSION

49. The opposition is unsuccessful, and the designation may proceed to registration.

COSTS

50. The holder has been successful and is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 2/2016. In the circumstances, I award the holder the sum of **£1,450**, calculated as follows:

Considering the Notice of opposition and filing a counterstatement	£300
Preparing evidence and considering the opponent's evidence	£800

¹³ *GEORGINE* BL O/1212/23

¹⁴ See, for example, *ZOHARA* BL O/ 040/20

Written submissions in lieu

£350

Total

£1,450

51. I therefore order Aldi GmbH & Co. KG to pay Kane Footwear LLC the sum of **£1,450**. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

Dated this 6th day of February 2024

S WILSON

For the Registrar

ANNEX

The First Earlier Mark

Class 25

Clothing, footwear, headgear; Heels; Heelpieces for footwear; Suits; Babies' pants [clothing]; Layettes [clothing]; Swimsuits; Bathing trunks; Bath robes; Bathing caps; Bath sandals; Bath slippers; Bandanas [neckerchiefs]; Berets; Leg warmers; Clothing of imitations of leather; Motorists' clothing; Clothing; Paper clothing; Boas [necklets]; Teddies [undergarments]; Brassieres; Chasubles; Dresses; Shower caps; Inner soles; Pocket squares; Masquerade costumes; Mittens; Fishing vests; Football boots; Footmuffs, not electrically heated; Gabardines [clothing]; Galoshes; Spats; Money belts [clothing]; Non-slipping devices for footwear; Belts [clothing]; Clothing for gymnastics; Gymnastic shoes; Half-boots; Scarfs; Gloves [clothing]; Slips [undergarments]; Shirt yokes; Shirts; Shirt fronts; Wooden shoes; Trousers; Gaiter straps; Suspenders; Girdles; Hats; Hat frames [skeletons]; Jackets [clothing]; Jerseys [clothing]; Stuff jackets [clothing]; Bodices [lingerie]; Skull caps; Hoods [clothing]; Ready-made linings [parts of clothing]; Pockets for clothing; Ready-made clothing; Headgear for wear; Camisoles; Corsets [underclothing]; Shoulder wraps; Detachable collars; Neckties; Ascots; Short-sleeve shirts; Bibs, not of paper; Clothing of leather; Leggings [trousers]; Underwear; Liveries; Maniples; Cuffs; Coats; Pelisses; Mantillas; Corselets; Miters [hats]; Dressing gowns; Muffs [clothing]; Caps [headwear]; Cap peaks; Outerclothing; Ear muffs [clothing]; Combinations [clothing]; Slippers; Paper hats [clothing]; Parkas; Pelerines; Furs [clothing]; Petticoats; Ponchos; Pullovers; Pyjamas; Cyclists' clothing; Welts for footwear; Waterproof clothing; Skirts; Sandals; Saris; Sarongs; Collar protectors; Sashes for wear; Sleep masks; Veils [clothing]; Wimples; Breeches for wear; Lace boots; Fittings of metal for footwear; Shoes; Soles for footwear; Footwear uppers; Tips for footwear; Footwear; Socks; Aprons [clothing]; Dress shields; Ski gloves; Ski boots; Skorts; Underpants; Socks; Sock suspenders; Boots for sports; Sports shoes; Boots; Boot uppers; Headbands [clothing]; Esparto shoes or sandals; Shawls; Fur stoles; Studs for football boots; Beach clothes; Beach shoes; Garters; Stockings; Stockings (Sweat-absorbent -); Heelpieces for stockings; Stocking suspenders; Tights; Sweaters; Tee-shirts; Togas; Jumper dresses; Knitwear [clothing]; Singlets; Turbans; Topcoats; Uniforms; Underwear (Anti-sweat -); Pants; Wet suits for water-skiing; Vests; Hosiery; Top hats.

The Second Earlier Mark

Class 25

Clothing, footwear, headgear; Insoles; Footwear soles; Tips for footwear; Heels.

The Third Earlier Mark

Class 25

Clothing, footwear, headgear; Insoles; Footwear insoles; Footwear soles; Tips for footwear; Heels.