

O/0097/24

TRADE MARKS ACT 1994

IN THE MATTER OF INTERNATIONAL REGISTRATION NO.
WO0000001452441

IN THE NAME OF:
BROKOLI TASARIM STUDYOSU ANONIM SIRKETI

FOR THE TRADE MARK:



IN CLASSES 25 AND 35

AND

IN THE MATTER OF OPPOSITION THERETO
UNDER NO. 432040

BY: X-PRESS GROUP APS

Background and pleadings

1. On 9 August 2018, BROKOLI TASARIM STUDYOSU ANONIM SIRKETI (“the applicant”) designated the International Registration (“IR”) shown on the front cover of this decision for protection in the United Kingdom. The designation was accepted and published on 24 December 2021. Protection is sought for goods and services in classes 25 and 35 which are outlined in Annex A of this decision.

2. On 22 March 2022, X-PRESS GROUP ApS (“the opponent”) opposed the designation on the basis of Section 5(2)(b) of the Trade Marks Act 1994 (“the Act”) and is directed against the goods in class 25. This is on the basis of the following international registration:

Registration no	966707
Trade Mark	One Two
Designation date and UK protection date	Designation date: 8 November 2007 Date of protection of the IR in the UK: 25 December 2008
Goods relied upon	Class 25: Clothing, footwear, headgear.

3. By virtue of its earlier filing date, the above registration constitutes an earlier mark within the meaning of section 6 of the Act. As the mark had completed its registration processes more than five years before the filing date of the contested mark, it is therefore subject to the proof of use provisions contained in section 6A of the Act.

4. The opponent submits that there is a likelihood of confusion because the applicant’s mark is highly similar to the opponent’s and the respective goods are identical.

5. The applicant filed a counterstatement admitting that the goods are either similar or identical but denying that the marks are similar and therefore denying any likelihood of confusion. The applicant also put the opponent to proof of use in respect of its earlier mark.

6. The opponent is represented by Patrade A/S and the applicant is represented by Goldcliff Stark GbR. Whilst the opponent filed evidence, the applicant did not. Neither party requested a hearing and neither party filed written submissions in lieu. I now make this decision after careful consideration of the papers before me.

7. 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.

EVIDENCE

8. The opponent's evidence was filed in the form of a witness statement dated 19 December 2022 from Lone Rygaard Jeppesen, the CEO of the opponent's company. The witness statement included nine exhibits; however, the opponent wrote to the registry on 3 February 2023 requesting that exhibit 9 be disregarded. The purpose of the evidence is to demonstrate that the earlier mark has been put to genuine use for the goods on which the opponent relies.

9. Whilst I do not intend to summarise the evidence here, I have taken it into consideration in reaching my decision and I will refer to it below where necessary.

DECISION

Proof of use

10. The applicant has requested proof of use in these proceedings in respect of the opponent's earlier mark. I will begin by assessing whether and to what extent the evidence supports the opponent's statement that it has made genuine use of the mark in relation to the goods relied upon.

11. I note that in paragraph 6 of the witness statement of Lone Rygaard Jeppesen, it states, *“The contested application was published on 24 December 2021. X-PRESS GROUP ApS is therefore required to prove that the trade mark on which the opposition is based was put to genuine use in the EU in the period from 24 December 2016 to 23 December 2021.”*

12. The relevant statutory provisions are set out in Section 6A of the Act, which states:

“(1) This section applies where -

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

(b) there is an earlier trade mark of a kind falling within section 6(1)(a), (aa) or (ba) in relation to which the conditions set out in section 5(1), (2) or (3) obtain, and

(c) the registration procedure for the earlier trade mark was completed before the start of the relevant period.

(1A) In this section “the relevant period” means the period of 5 years ending with the date of the application for registration mentioned in subsection (1)(a) or (where applicable) the date of the priority claimed for that application.

(2) In opposition proceedings, the registrar shall not refuse to register the trade mark by reason of the earlier trade mark unless the use conditions are met.

(3) The use conditions are met if -

(a) within the relevant period the earlier trade mark has been put to genuine use in the United Kingdom by the proprietor or with his consent in relation to the goods or services for which it is registered, or

(b) the earlier trade mark has not been so used, but there are proper reasons for non- use.

(4) For these purposes -

(a) use of a trade mark includes use in a form (the “variant form”) differing in elements which do not alter the distinctive character of the mark in the form in which it was registered (regardless of whether or not the trade mark in the variant form is also registered in the name of the proprietor), and

(b) use in the United Kingdom includes affixing the trade mark to goods or to the packaging of goods in the United Kingdom solely for export purposes.

(5)- (5A) [Repealed]

(6) Where an earlier trade mark satisfies the use conditions in respect of some only of the goods or services for which it is registered, it shall be treated for the purposes of this section as if it were registered only in respect of those goods or services.”

13. Section 100 is also relevant, which reads:

“If in any civil proceedings under this Act a question arises as to the use to which a registered trade mark has been put, it is for the proprietor to show what use has been made of it.”

14. Considering the above statutory provisions and in accordance with section 6A(1A) of the Act, the relevant period in which use must be shown is the five years ending with the date of the contested designation, i.e., 9 August 2018. The relevant

period put forward by the opponent in their witness statement is therefore inaccurate and the correct relevant period is **10 August 2013 to 9 August 2018**.

15. I further note section 6A(3)(a) of the statutory provisions which stipulates that the use conditions are met if within the relevant period the earlier trade mark has been put to genuine use in the United Kingdom. With this in mind, the opponent's comments regarding the requirement to show use in the EU are also inaccurate.

16. Consequently, the onus is upon the opponent to prove that genuine use of the registered trade mark was made within the UK in the relevant period, and in respect of the goods as registered.

Relevant case law

17. In *easyGroup Ltd v Nuclei Ltd & Ors* [2023] EWCA Civ 1247, Arnold LJ summarised the law relating to genuine use as follows:

“105. The principles applicable to determining whether there has been genuine use of a trade mark have been considered by the CJEU in a considerable number of cases, the principal decisions being Case C-40/01 *Ansul BV v Ajax Brandbeveiliging BV* [2003] ECR I-2439, Case C-259/02 *La Mer Technology Inc v Laboratories Goemar SA* [2004] ECR I-1159, Case C-416/04 P *Sunrider Corp v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [2006] ECR I-4237, Case C-442/07 *Verein Radetsky-Order v Bunderversammlung Kamaradschaft 'Feldmarschall Radetsky'* [2008] ECR I-9223, Case C-495/07 *Silberquelle GmbH v Maselli-Strickmode GmbH* [2009] ECR I-2759, Case C-149/11 *Leno Merken BV v Hagelkruis Beheer BV* [EU:C:2012:816], Case C-609/11 *Centrotherm Systemtechnik GmbH v Centrotherm Clean Solutions GmbH & Co KG* [EU:C:2013:592], Case C-141/13 P *Reber Holding & Co KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [EU:C:2014:2089], Case C-689/15 *W.F. Gözze Frottierweberei GmbH v Verein Bremer Baumwollbörse* [EU:C:2017:434] and Joined Cases C-720/18 and C-721/18 *Ferrari SpA v DU* [EU:C:2020:854].

106. Ignoring issues which do not arise in the present case, such as use in relation to spare parts or second-hand goods and use in relation to a sub-category of goods or services, the principles may be summarised as follows:

(1) Genuine use means actual use of the trade mark by the proprietor or by a third party with authority to use the mark: *Ansul* at [35] and [37].

(2) The use must be more than merely token, that is to say, serving solely to preserve the rights conferred by the registration of the mark: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Centrotherm* at [71]; *Leno* at [29]; *Ferrari* at [32].

(3) The use must be consistent with the essential function of a trade mark, which is to guarantee the identity of the origin of the goods or services to the consumer or end user by enabling him to distinguish the goods or services from others which have another origin: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Silberquelle* at [17]; *Centrotherm* at [71]; *Leno* at [29]; *Gözze* at [37], [40]; *Ferrari* at [32].

(4) Use of the mark must relate to goods or services which are already marketed or which are about to be marketed and for which preparations to secure customers are under way, particularly in the form of advertising campaigns: *Ansul* at [37]. Internal use by the proprietor does not suffice: *Ansul* at [37]; *Verein* at [14]. Nor does the distribution of promotional items as a reward for the purchase of other goods and to encourage the sale of the latter: *Silberquelle* at [20]-[21]. But use by a non-profit making association can constitute genuine use: *Verein* at [16]-[23].

(5) The use must be by way of real commercial exploitation of the mark on the market for the relevant goods or services, that is to say, use in accordance with the commercial *raison d'être* of the mark, which is to create or preserve an outlet for the goods or services that bear the mark: *Ansul* at [37]-[38]; *Verein* at [14]; *Silberquelle* at [18]; *Centrotherm* at [71].

(6) All the relevant facts and circumstances must be taken into account in determining whether there is real commercial exploitation of the mark, including: (a) whether such use is viewed as warranted in the economic sector concerned to maintain or create a share in the market for the goods and services in question; (b) the nature of the goods or services; (c) the characteristics of the market concerned; (d) the scale and frequency of use of the mark; (e) whether the mark is used for the purpose of marketing all the goods and services covered by the mark or just some of them; (f) the evidence that the proprietor is able to provide; and (g) the territorial extent of the use: *Ansul* at [38] and [39]; *La Mer* at [22]-[23]; *Sunrider* at [70]-[71], [76]; *Centrotherm* at [72]-[76]; *Reber* at [29], [32]-[34]; *Leno* at [29]-[30], [56]; *Ferrari* at [33].

(7) Use of the mark need not always be quantitatively significant for it to be deemed genuine. Even minimal use may qualify as genuine use if it is deemed to be justified in the economic sector concerned for the purpose of creating or preserving market share for the relevant goods or services. For example, use of the mark by a single client which imports the relevant goods can be sufficient to demonstrate that such use is genuine, if it appears that the import operation has a genuine commercial justification for the proprietor. Thus there is no *de minimis* rule: *Ansul* at [39]; *La Mer* at [21], [24] and [25]; *Sunrider* at [72]; *Leno* at [55].

(8) It is not the case that every proven commercial use of the mark may automatically be deemed to constitute genuine use: *Reber* at [32].”

18. Use does not need to be quantitatively significant in order to be genuine, however, proven use of a mark which fails to establish that “the commercial exploitation of the mark is real” because the use would not be “viewed as warranted in the economic sector concerned to maintain or create a share in the market for the goods or services protected by the mark” is not genuine use.¹

¹ *Nike Innovate CV v Intermark Simanto (Jumpman)* O/222/16 Daniel Alexander QC (as he then was) sitting as the Appointed Person on appeal.

19. In *Awareness Limited v Plymouth City Council*, Case BL O/236/13, Mr Daniel Alexander Q.C. as the Appointed Person stated that:

“22. The burden lies on the registered proprietor to prove use..... However, it is not strictly necessary to exhibit any particular kind of documentation, but if it is likely that such material would exist and little or none is provided, a tribunal will be justified in rejecting the evidence as insufficiently solid. That is all the more so since the nature and extent of use is likely to be particularly well known to the proprietor itself. A tribunal is entitled to be sceptical of a case of use if, notwithstanding the ease with which it could have been convincingly demonstrated, the material actually provided is inconclusive. By the time the tribunal (which in many cases will be the Hearing Officer in the first instance) comes to take its final decision, the evidence must be sufficiently solid and specific to enable the evaluation of the scope of protection to which the proprietor is legitimately entitled to be properly and fairly undertaken, having regard to the interests of the proprietor, the opponent and, it should be said, the public.”
and further at paragraph 28:

“28. I can understand the rationale for the evidence being as it was but suggest that, for the future, if a broad class, such as “tuition services”, is sought to be defended on the basis of narrow use within the category (such as for classes of a particular kind) the evidence should not state that the mark has been used in relation to “tuition services” even by compendious reference to the trade mark specification. The evidence should make it clear, with precision, what specific use there has been and explain why, if the use has only been narrow, why a broader category is nonetheless appropriate for the specification. Broad statements purporting to verify use over a wide range by reference to the wording of a trade mark specification when supportable only in respect of a much narrower range should be critically considered in any draft evidence proposed to be submitted.”

20. Furthermore, in *Dosenbach-Ochsner Ag Schuhe Und Sport v Continental Shelf 128 Ltd*, Case BL O/404/13, Mr Geoffrey Hobbs Q.C. as the Appointed Person stated that:

“21. The assessment of a witness statement for probative value necessarily focuses upon its sufficiency for the purpose of satisfying the decision taker with regard to whatever it is that falls to be determined, on the balance of probabilities, in the particular context of the case at hand. As Mann J. observed in *Matsushita Electric Industrial Co. v. Comptroller-General of Patents* [2008] EWHC 2071 (Pat); [2008] R.P.C. 35:

[24] As I have said, the act of being satisfied is a matter of judgment. Forming a judgment requires the weighing of evidence and other factors. The evidence required in any particular case where satisfaction is required depends on the nature of the inquiry and the nature and purpose of the decision which is to be made. For example, where a tribunal has to be satisfied as to the age of a person, it may sometimes be sufficient for that person to assert in a form or otherwise what his or her age is, or what their date of birth is; in others, more formal proof in the form of, for example, a birth certificate will be required. It all depends who is asking the question, why they are asking the question, and what is going to be done with the answer when it is given. There can be no universal rule as to what level of evidence has to be provided in order to satisfy a decision-making body about that of which that body has to be satisfied.

22. When it comes to proof of use for the purpose of determining the extent (if any) to which the protection conferred by registration of a trade mark can legitimately be maintained, the decision taker must form a view as to what the evidence does and just as importantly what it does not ‘show’ (per Section 100 of the Act) with regard to the actuality of use in relation to goods or services covered by the registration. The evidence in question can properly be assessed for sufficiency (or the lack of it) by reference to the specificity (or lack of it) with which it addresses the actuality of use.”

21. In other words, a number of factors must be considered when assessing whether genuine use of the mark has been demonstrated from the evidence filed. An assessment of genuine use is a global assessment, which includes looking at the evidential picture as a whole, not whether each individual piece of evidence shows use by itself.²

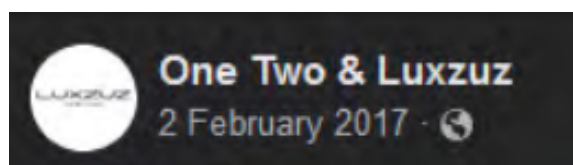
Form of the mark

22. Before I move on to assess if the opponent has shown genuine use, I must first consider if I find the use of the mark as shown in the evidence to be use of the mark as registered.

23. Where the opponent has used the mark in its registered word only or stylised form this is clearly use upon which it may rely. Most of the evidence displays the mark in combination with the word “LUXZUZ” as demonstrated below:

The image shows the words "ONE TWO" stacked above "LUXZUZ" in a stylized, outlined font.

The image shows the word "LUXZUZ" stacked above "ONE TWO" in a stylized, outlined font.



24. I acknowledge that where a registered mark is used as part of another mark or with additional matter, this may still constitute acceptable use of the mark as

² *New Yorker SHK Jeans GmbH & Co KG v OHIM*, GC Case T-415/09

registered, where this element continues to act independently as an indicator of origin.³ I therefore find that use of the mark “One Two” alongside the wording “LUXZUZ” is use of the mark “One Two” as registered and it continues to indicate origin. Consequently, it is use upon which the opponent can rely.

Use of the mark

25. Mr Rygaard Jeppesen explains in his witness statement that X-PRESS GROUP ApS has been using its trade mark since 1999, initially in Denmark and later on throughout countries within the EU and the United Kingdom.⁴

26. A selection of invoices have been provided in Exhibit 1 however, not all of the invoices display the opponent’s mark. The majority of the invoices are either dated outside of the relevant period or show use of the mark outside of the UK. Only one invoice dated 29 November 2017 shows use of the mark for items of clothing within the relevant period in the UK. From that invoice, I note that sales have been made of 1266 blouses, 119 tops, 6 t-shirts and 46 sweaters.

27. Exhibit 2 provides invoices from 2017 to 2019 showing that the opponent purchased the domain name one-two.dk. I note that “dk” is the country domain for Denmark. It is unclear if any visits from this website would have resulted in sales made to customers in the UK during the relevant period.

28. Screen printouts of the opponent’s website have been provided at Exhibit 3 displaying the mark next to goods such as blouses, shirts and jackets. In the opponent’s submissions, they claim that the website has been active since at least 25 September 2020. I note that all of the examples provided and the dates given by the opponent are after the relevant period.

29. Exhibits 4 and 5 include screen printouts of the opponent’s Instagram and Facebook pages. Whilst many of the printouts provided show the mark being used on clothing items within the relevant period, there is no indication as to how many

³ *Colloseum Holdings AG v Levi Strauss & Co.*, Case C-12/12

⁴ See paragraph 1 of the witness statement of Mr Rygaard Jeppesen

customers from the UK viewed the websites, over what period, the volume of UK custom generated as a result or the extent that the relevant consumer had been exposed to the mark by visiting the social media pages.

30. Exhibits 6 to 8 provide screen printouts of catalogues from the years 2016 to 2018. The catalogues show the opponent's mark next to clothing goods however, I note that it is stated by the opponent that this indicates use in Denmark rather than use in the UK.⁵

Genuine Use

31. I have carefully considered the evidence provided by the opponent and whether this meets the requirements for genuine use as per *easyGroup*, set out earlier in this decision. I am also mindful of the guidance from the *Dosenbach-Ochsner* and *Awareness* appeal cases emphasising the need to consider what the evidence fails to "show" and what might reasonably have been conclusively shown.

32. Turning to the present case, the burden is on the opponent to prove that it has used its mark within the relevant period. Therefore, it was the opponent's responsibility to provide proof that the mark was used in the UK between 10 August 2013 to 9 August 2018. In my analysis above, I have highlighted numerous shortcomings in the evidence. Limited information has been provided alongside the evidence. There are no turnover or advertising figures provided for sales made within the UK during the relevant period. As previously highlighted, the opponent has not indicated the number of users that engaged with their website, social media, catalogues or the geographical spread of the mark and where the opponent's customers were located. What is clear from the evidence, is that the opponent is predominantly trading in Denmark however, this is not the relevant territory on which I am required to make my assessment of genuine use.

33. Whilst the opponent has provided one invoice displaying the mark for goods sold in the UK within the relevant period, after considering the relevant caselaw, I am

⁵ See paragraph 9 of the witness statement of Mr Rygaard Jeppesen

not satisfied that this is sufficient to show that there has been a real attempt to exploit the mark in the relevant sector during the relevant period. The consequence of which is that the earlier mark cannot be relied upon to support the opponent's opposition and the opposition must inevitably fail.

Conclusion

34. The opposition under section 5(2)(b) of the Act has failed in its entirety. Subject to any successful appeal against my decision, the application will proceed to registration in the UK for the full range of goods and services applied for.

COSTS

35. The applicant has been successful and is entitled to a contribution towards its costs. Awards of costs in proceedings commenced on or after 1 July 2016 and before 1 February 2023 are governed by Annex A of Tribunal Practice Notice ('TPN') 2 of 2016. Using the TPN as a guide and considering the applicant did not engage in these proceedings apart from the filing of a TM8 and counterstatement, I award the applicant the sum of £200 as a contribution towards the cost of the proceedings. The sum is calculated as follows:

Preparing a statement and considering the other side's statement:	£200
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36. I therefore order X-PRESS GROUP ApS to pay the sum of £200 to BROKOLI TASARIM STUDYOSU ANONIM SIRKETI. The above sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

Dated this 9th day of February 2024

Catrin Williams
For the Registrar

Annex A

Class 25- Clothing, including underwear and outerclothing, other than special purpose protective clothing; socks, mufflers [clothing], shawls, bandanas, scarves, belts [clothing], footwear, shoes, slippers, sandals, headgear, hats, caps with visors, berets, caps [headwear], skull caps.

Class 35- The bringing together, for the benefit of others, of a variety of goods, namely, chemicals used in industry, science, photography, agriculture, horticulture and forestry, manures and soils, unprocessed artificial resins and unprocessed plastics, fire extinguishing compositions, adhesives not for medical, household and stationery purposes, paints, varnishes, lacquers, preservatives against rust, preservatives against deterioration of wood, thinners and binders for paints, pigments, preservatives for metals, shoe dyes, printing dyes and ink, toners (including filled toner cartridges), colorants for food, pharmaceuticals and beverages, raw natural resins, metals in foil and powder form for painters, decorators, printers and artists, bleaching and cleaning preparations, detergents other than for use in manufacturing operations and for medical purposes, laundry bleach, fabric softeners for laundry use, stain removers, dishwasher detergents, perfumery, cosmetics, fragrances, deodorants for personal use and animals, soaps (not including pharmaceuticals), dental care preparations, dentifrices, denture polishes, tooth whitening preparations, mouth washes, not for medical purposes, abrasive preparations, emery cloth, sandpaper, pumice stone, abrasive pastes, polishing preparations for leather, vinyl, metal and wood, polishes and creams for leather, vinyl, metal and wood, wax for polishing, industrial oils and greases, cutting fluids, dust absorbing, wetting and binding compositions, solid fuels, coal, firewood, liquid and gas fuels, petrol, diesel oil, liquified petroleum gas, natural gas, fuel oil and their non-chemical additives, candles, wicks, semi-finished wax, wax and paraffin for lighting purposes, electric energy, pharmaceutical and veterinary preparations for medical purposes, chemical preparations for medical and veterinary purposes, chemical reagents for pharmaceutical and veterinary purposes, dietary supplements for pharmaceutical and veterinary purposes, dietary supplements, nutritional supplements, medical preparations for slimming purposes, food for babies, herbs and herbal beverages adapted for medicinal purposes, dental preparations and articles, teeth filling material, dental impression material, dental adhesives and

material for repairing teeth, sanitary preparations for medical use, hygienic pads, hygienic tampons, plasters, materials for dressings, diapers, including those made of paper and textiles, preparations for destroying vermin, fungicides, herbicides, deodorants, other than for human beings or for animals, air deodorising preparations, disinfectants, antiseptics, detergents for medical purposes, soaps for medical purposes, antibacterial hand lotions, ores of non-precious metal, common metals and their alloys, goods and materials of common metal used for storage, wrapping, packaging and sheltering purposes, containers of metal (storage, transport), buildings of metal, frames of metal for building, poles of metal for building, metal boxes, packaging containers of metal, aluminium foil, fences made of metal, guard barriers of metal, metal tubes, storage containers of metal, metal containers for the transportation of goods, ladders of metal, goods of common metal for filtering and sifting purposes, doors, windows, shutters, jalousies and their cases and fittings of metal, non-electric cables and wires of metal, ironmongery, small hardware of metal, ventilation ducts, vents, vent covers, pipes, chimney caps, manhole covers, grilles of metal for ventilation, heating, sewage, telephone, underground electricity and air conditioning installations, metal panels or boards (non-luminous and non-mechanical) used for signalling, route showing, publicity purposes, signboards of metal, advertisement columns of metal, signaling panels of metal, non-luminous and non-mechanical traffic signs of metal, pipes of metal for transportation of liquids and gas, drilling pipes of metal and their metal fittings, valves of metal, couplings of metal for pipes, elbows of metal for pipes, clips of metal for pipes, connectors of metal for pipes, safes (strong boxes) of metal, metal railway materials, metal rails, metal railway ties, railway switches, bollards of metal, floating docks of metal, mooring buoys of metal, anchors, metal moulds for casting, other than machine parts, works of art made of common metals or their alloys, metal closures, bottle caps of metal, metal poles, metal pallets and metal ropes for lifting, loading and transportation purposes, metal hangers, ties, straps, tapes and bands used for load-lifting and load-carrying, wheel chocks made primarily of metal, metal profile strips for vehicles for decoration purposes, machines, machine tools and industrial robots for processing and shaping wood, metals, glass, plastics and minerals, and printers, construction machines and robotic mechanisms (machines) for use in construction, bulldozers, diggers (machines), excavators, road construction and road paving machines, drilling machines, rock drilling machines, road sweeping machines, lifting, loading and transmission machines and robotic

mechanisms (machines) for lifting, loading and transmission purposes, elevators, escalators and cranes, machines and robotic mechanisms (machines) for use in agriculture and animal breeding, machines and robotic mechanisms (machines) for processing cereals, fruits, vegetables and food, engines and motors, other than for land vehicles, parts and fittings therefor, hydraulic and pneumatic controls for engines and motors, brakes other than for vehicles, brake linings for engines, crankshafts, gearboxes, other than for land vehicles, gearboxes, cylinders for engines, pistons for engines, turbines, not for land vehicles, filters for engines and motors, oil, air and fuel filters for land vehicle engines, exhausts for land vehicle engines, exhaust manifolds for land vehicle engines, engine cylinders for land vehicles, engine cylinder heads for land vehicles, pistons for land vehicle engines, carburetors for land vehicles, fuel conversion apparatus for land vehicle engines, injectors for land vehicle engines, fuel economisers for land vehicle engines, pumps for land vehicle engines, valves for land vehicle engines, starter motors for land vehicles, dynamos for land vehicle engines, sparking plugs for land vehicle engines, bearings (parts of machines), roller or ball bearings, machines for mounting and detaching tires, alternators, current generators, electric generators, current generators operated with solar energy, painting machines, automatic spray guns for paint, electric, hydraulic and pneumatic punching machines and guns, electric adhesive tape dispensers (machines), electric guns for compressed gas or liquid spraying machines, electric hand drills, electric hand saws, electric jigsaw machines, spiral machines, compressed air machines, compressors (machines), vehicle washing installations, robotic mechanisms (machines) with the abovementioned functions, electric and gas-operated welding apparatus, electric arc welding apparatus, electric soldering apparatus, electric arc cutting apparatus, electrodes for welding machines, industrial robots (machines) with the abovementioned functions, printing machines, packaging machines, filling, plugging and scaling machines, labellers (machines), sorting machines, industrial robots (machines) with the above mentioned functions, electric packing machines for plugging and scaling of plastics, machines for textile processing, sewing machines, industrial robots (machines) with the abovementioned functions, pumps other than parts of machines or engines, fuel dispensing pumps for service stations, self-regulating fuel pumps, electric kitchen machines for chopping, grinding, crushing, mixing and mincing foodstuff, washing machines, laundry washing machines, dishwashers, spin driers (not heated), electric cleaning machines for cleaning floors,

carpets or floorings, vacuum cleaners and parts thereof, automatic vending machines, galvanizing and electroplating machines, electric door openers and closers, joints (parts of engines), forks, spoons, knives and non- electric cutters, slicers, peelers for kitchen use, including those made of precious metals, side arms and blades (weapons), tools and apparatus for personal beauty care use, tools and apparatus for shaving, epilation, manicure and pedicure, electric hand implements for straightening and curling hair, scissors, hand-operated [non-electric] hand tools for the repair of machines, apparatus and vehicles and for use in construction, agriculture, horticulture and forestry, none of them being power tools, electric or non-electric irons, steam irons, tool handles, measurement apparatus and equipment including those for scientific, nautical, topographic, meteorological, industrial and laboratory purposes, thermometers, not for medical purposes, barometers, ammeters, voltmeters, hygrometers, testing apparatus not for medical purposes, telescopes, periscopes, directional compasses, speed indicators, laboratory apparatus, microscopes, magnifying glasses, stills, ovens and furnaces for laboratory experiments, apparatus for recording, transmission or reproduction of sound or images, cameras, photographic cameras, television apparatus, video recorders, CD and DVD players and recorders, mp3 players, computers, desktop computers, tablet computers, microphones, loudspeakers, earphones, telecommunications apparatus, apparatus for the reproduction of sound or images, computer peripheral devices, cell phones, covers for cell phones, telephone apparatus, computer printers, scanners [data processing equipment], photocopiers, magnetic and optic data carriers and computer software and programmes recorded thereto, downloadable and recordable electronic publications, encoded magnetic and optic cards, antennas, satellite antennas, amplifiers for antennas, parts of the aforementioned goods, ticket dispensers, automatic teller machines (ATM), electronic components used in the electronic parts of machines and apparatus, semi-conductors, electronic circuits, integrated circuits, chips [integrated circuits], diodes, transistors [electronic], magnetic heads for electronic apparatus, electronic locks, photocells, remote control apparatus for opening and closing doors, optical sensors, counters and quantity indicators for measuring the quantity of consumption, automatic time switches, clothing for protection against accidents, irradiation and fire, safety vests and life-saving apparatus and equipment, eyeglasses, sunglasses, optical lenses and cases, containers, parts and components thereof, apparatus and instruments for conducting, transforming,

accumulating or controlling electricity, electric plugs, junction boxes [electricity], electric switches, circuit breakers, fuses, lighting ballasts, battery starter cables, electrical circuit boards, electric resistances, electric sockets, transformers [electricity], electrical adapters, battery chargers, electric door bells, electric and electronic cables, batteries, electric accumulators, alarms and anti-theft alarms, other than for vehicles, electric bells, signalling apparatus and instruments, luminous or mechanical signs for traffic use, fire extinguishing apparatus, fire engines, fire hose and fire hose nozzles, radar apparatus, sonars, night vision apparatus and instruments, decorative magnets, metronomes, surgical, medical, dental and veterinary apparatus and instruments, furniture especially made for medical purposes, artificial limbs and prostheses, medical orthopaedic articles, corsets for medical purposes, orthopaedic shoes, elastic bandages and supportive bandages, surgical gowns and surgical sterile sheets, adult sexual aids, condoms, babies' bottles, babies' pacifiers, teats, teethers for babies, lighting installations, lights for vehicles and interior-exterior spaces, heating installations using solid, liquid or gas fuels or electricity, central heating boilers, boilers for heating installations, radiators [heating], heat exchangers, not parts of machines, stoves, kitchen stoves, solar thermal collectors [heating], steam, gas and fog generators, steam boilers, other than parts of machines, acetylene generators, oxygen generators, nitrogen generators, installations for air-conditioning and ventilating, cooling installations and freezers, electric and gas-powered devices, installations and apparatus for cooking, drying and boiling, cookers, electric cooking pots, electric water heaters, barbecues, electric laundry driers, hair driers, hand drying apparatus, sanitary installations, taps [faucets], shower installations, toilets [water-closets], shower and bathing cubicles, bath tubs, toilet seats, sinks, wash-hand basins [pails of sanitary installations], water softening apparatus, water purification apparatus, water purification installations, waste water purification installations, electric bed warmers and electric blankets, not for medical use, electric pillow warmers, electric or non-electric footwarmers, hot water bottles, filters for aquariums and aquarium filtration apparatus, industrial type installations for cooking, drying and cooling purposes, pasteurizers and sterilizers, motor land vehicles, motorcycles, mopeds, engines and motors for land vehicles, clutches for land vehicles, transmissions, transmission belts and transmission chains for land vehicles, gearing for land vehicles, brakes, brake discs and brake linings for land vehicles, vehicle chassis, automobile bonnets, vehicle suspension springs, shock absorbers for automobiles,

gearboxes for land vehicles, steering wheels for vehicles, rims for vehicle wheels, bicycles and their bodies, handlebars and mudguards for bicycles, vehicle bodies, tipping bodies for trucks, trailers for tractors, frigorific bodies for land vehicles, trailer hitches for vehicles, vehicle seats, head-rests for vehicle seats, safety seats for children, for vehicles, seat covers for vehicles, vehicle covers (shaped), sun-blinds adapted for vehicles, direction signals and arms for direction signals for vehicles, windscreen wipers and wiper arms for vehicles, inner and outer tires for vehicle wheels, tubeless tires, tire-fixing sets comprised of tire patches and tire valves for vehicles, windows for vehicles, safety windows for vehicles, rearview mirrors and wing mirrors for vehicles, anti-skid chains for vehicles, luggage carriers for vehicles, bicycle and ski carriers for cars, saddles for bicycles or motorcycles, air pumps for vehicles, for inflating tires, anti-theft alarms for vehicles, horns for vehicles, safety belts for vehicle seats, air bags (safety devices for automobiles), baby carriages, wheelchairs, pushchairs, wheelbarrows, shopping carts, single or multi-wheeled wheelbarrows, shopping trolleys, grocery carts, handling carts, rail vehicles, locomotives, trains, trams, waggon, cable cars, chairlifts, vehicles for locomotion by water and their parts, other than their motors and engines, vehicles for locomotion by air and their parts, other than their motors and engines, firearms, air pistols (weapons), spring-loaded firearms, adapted cases and shoulder straps therefor, heavy weapons, mortars and rockets, fireworks, sprays for personal defence purposes, jewellery, imitation jewellery, gold, precious stones and jewellery made thereof, cufflinks, tie pins, statuettes and figurines of precious metal, clocks, watches and chronometrical instruments, chronometers and their parts, watch straps, competition cups made of precious metal, rosaries, musical instruments and cases for musical instruments, paint rollers and paintbrushes for painting, rubber, gutta-percha, gum, asbestos, mica and semi-finished synthetic goods made from these materials in the form of powder, bars, panels and foils, insulation, stopping and scaling materials, insulation paints, insulation fabrics, insulating tape and band, insulation covers for industrial machinery, joint sealant compounds for joints, gaskets, o-rings for scaling purposes, flexible pipes made from rubber and plastic, hoses made of plastic and rubber, including those used for vehicles, junctions for pipes of plastic and rubber, pipe jackets of plastic and rubber, hoses of textile material, junctions for pipes, not of metal, pipe jackets, not of metal, connecting hose for vehicle radiators, unworked or semi-worked leather and animal skins, imitations of leather, stout leather, leather used for linings, goods made of

leather, imitations of leather or other materials, designed for carrying items, bags, wallets, boxes and trunks made of leather or stout leather, keycases, trunks [luggage], suitcases, umbrellas, parasols, sun umbrellas, walking sticks, whips, harness, saddlery, stirrups, straps of leather (saddlery), sand, gravel, crushed stone, asphalt, bitumen, cement, gypsum, plaster, concrete, marble blocks for construction, building materials (as finished products) made of concrete, gypsum, clay, potters' clay, stone, marble, wood, plastics and synthetic materials for building, construction, road construction purposes, non-metallic buildings, non-metallic building materials, poles not of metal for power lines, barriers not of metal, natural and synthetic coatings in the form of panels and sheets, being building materials, bitumen cardboard coatings for roofing, bitumen coating for roofing, doors and windows of wood and synthetic materials, traffic signs not of metal, non-luminous and non-mechanical, for roads, monuments and statuettes of stone, concrete and marble, building glass, prefabricated swimming pools not of metal (structures), aquarium sand, furniture, made of any kind of material, mattresses, pillows, air mattresses and cushions, not for medical purposes, sleeping bags for camping, water beds, not for medical purposes, mirrors, beehives, artificial honeycombs and sections of wood for honeycombs, bouncing chairs for babies, playpens for babies, cradles, infant walkers, display boards, frames for pictures and paintings, identification plates, identification tags, nameplates, identification labels made of wood or synthetic materials, packaging containers of wood or plastics, casks for use in transportation or storage, barrels, storage drums, tanks, boxes, storage containers, transportation containers, chests, loading pallets and closures for the aforementioned goods, of wood or plastics, small hardware goods of wood or synthetic materials, furniture fittings, of wood or synthetic materials, opening and closing mechanisms of wood or synthetic materials, ornaments and decorative goods of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, beeswax, plastic or plaster, namely figurines, holiday ornaments for walls and sculptures, baskets, fishing baskets, kennels, nesting boxes and beds for household pets, portable ladders and mobile boarding stairs of wood or synthetic materials, bamboo curtains, roller indoor blinds [for interiors], slatted indoor blinds, strip curtains, bead curtains for decoration, curtain hooks, curtain rings, curtain tie-backs, curtain rods, non-metal wheel chocks, hand-operated non-electric cleaning instruments and appliances, brushes, other than paintbrushes, steel chips for cleaning, sponges for cleaning, steel wool for cleaning,

cloths of textile for cleaning, gloves for dishwashing, non-electric polishing machines for household purposes, brooms for carpets, mops, toothbrushes, electric toothbrushes, dental floss, shaving brushes, hair brushes, combs, non-electric household or kitchen utensils, [other than forks, knives, spoons], services [dishes], pots and pans, bottle openers, flower pots, drinking straws, non-electric cooking utensils, ironing boards and shaped covers therefor, drying racks for washing, clothes drying hangers, cages for household pets, indoor aquariums, vivariums and indoor terrariums for animals and plant cultivation, ornaments and decorative goods of glass, porcelain, earthenware or clay, namely statues, figurines and vases, mouse traps, insect traps, electric devices for attracting and killing flies and insects, fly catchers, fly swatters, perfume burners, perfume sprayers, perfume vaporizers, electric or non-electric make-up removing appliances, powder puffs, toilet cases, nozzles for sprinkler hose, nozzles for watering cans, watering devices, garden watering cans, unworked or semi-worked glass, except building glass, mosaics of glass and powdered glass for decoration, except for building, glass wool other than for insulation or textile use, ropes, strings, rope ladders, hammocks, fishing nets, tents, awnings, tarpaulins, sails, vehicle covers, not fitted, bags of textile, for packaging, padding and stuffing materials, except of rubber and plastics, including those of wool and cotton, textile fibers, raw spun fiber, glass fibers for textile use, yarns and threads for textile use, threads and yarns for sewing, embroidery and knitting, thread, elastic yarns and threads for textile use, woven or non-woven textile fabrics, textile goods for household use, curtains, bed covers, sheets (textile), pillowcases, blankets, quilts, towels, flags, pennants, labels of textile, swaddling blankets, clothing, including underwear and outerclothing, other than special purpose protective clothing, socks, mufflers [clothing], shawls, bandanas, scarves, belts [clothing], footwear, shoes, slippers, sandals, headgear, hats, caps with visors, berets, caps [headwear], skull caps, laces and embroidery, guipures, festoons, ribbons (haberdashery), ribbons and braid, fastening tapes for clothing, cords for clothing, letters and numerals for marking linen, embroidered emblems, badges for wear, not of precious metal, shoulder pads for clothing, buttons for clothing, fasteners for clothing, eyelets for clothing, zippers, buckles for shoes and belts, fasteners, shoe and belt buckles, pins, other than jewellery, adhesive patches for decoration of textile articles, laces, needles, sewing needles, needles for sewing machines, needles for knitting and embroidery, boxes for needles, needle cushions, artificial flowers, artificial fruits, hair pins, hair buckles, hair bands, decorative articles for the hair, not made of

precious metal, wigs, hair extensions, electric or non-electric hair curlers, other than hand implements, carpets, rugs, mats, prayer rugs, linoleum, artificial turf, linoleum for covering floors, gymnasium mats, wallpaper, wall hangings not of textile, meat, fish, poultry and game, processed meat products, dried pulses, soups, bouillon, processed olives, olive paste, milk and milk products, butter, edible oils, dried, preserved, frozen, cooked, smoked or salted fruits and vegetables, tomato paste, prepared nuts and dried fruits as snacks, hazelnut spreads and peanut butter, tahini (sesame seed paste), eggs and powdered eggs, potato chips, coffee, cocoa, coffee or cocoa based beverages, chocolate based beverages, pasta, stuffed dumplings, noodles, pastries and bakery products based on flour, desserts based on flour and chocolate, bread, simit [Turkish ring-shaped bagel covered with sesame seeds], pogaça [Turkish bagel], pita, sandwiches, katmer [Turkish pastry], pies, cakes, baklava [Turkish dessert based on dough coated with syrup], kadayif [Turkish dessert based on dough], desserts based on dough coated with syrup, puddings, custard, kazandibi [Turkish pudding], rice pudding, keşkül [Turkish pudding], honey, bee glue for human consumption, propolis for food purposes, condiments for foodstuff, vanilla (flavoring), spices, sauces (condiments), tomato sauce, yeast, baking powder, flour, semolina, starch for food, sugar, cube sugar, powdered sugar, tea, ice tea, confectionery, chocolate, biscuits, crackers, wafers, chewing gums, ice-cream, edible ices, salt, cereal-based snack food, popcorn, crushed oats, corn chips, breakfast cereals, processed wheat for human consumption, crushed barley for human consumption, processed oats for human consumption, processed rye for human consumption, rice, molasses for food, agricultural and horticultural products not included in other classes, seeds, forestry products not included in other classes, live animals, fertilized eggs for hatching, plants, dried plants for decoration, fresh garden herbs, dried garden herbs for decoration, animal foodstuffs, malt not for human consumption, materials layered under pets, cat litters, beers, preparations for making beer, mineral water, spring water, table water, soda water, fruit and vegetable juices, fruit and vegetable concentrates and extracts for making beverages, non-alcoholic soft drinks, energy drinks, alcoholic beverages (except beers), wines, raki [traditional Turkish alcoholic drink], whisky, liqueurs, alcoholic cocktails, tobacco, chewing tobacco, cigarettes, cigars, smokers' articles including those made of precious metals, pipes, mouthpieces for cigars and cigarettes, ashtrays, tobacco boxes, pocket apparatus for rolling cigarettes, cigarette paper, tobacco pipes, firestones, lighters for smokers, matches, enabling customers to

conveniently view and purchase those goods, such services may be provided by retail stores, wholesale outlets, by means of electronic media or through mail order catalogues.