

O/0193/24

TRADE MARKS ACT 1994

IN THE MATTER OF
TRADE MARK APPLICATION NOS. UK3841230 AND UK3841235

BY APOLLO AUTOMOBILE LIMITED
TO REGISTER:



AND



AS TRADE MARKS
IN CLASSES 9, 12, 14, 18, 25, 28, 35, 37, & 41

AND

IN THE MATTER OF OPPOSITIONS THERETO
UNDER NOS. 600002771 AND 600002772
BY ALVARO MORENO SLU

BACKGROUND AND PLEADINGS

1. Apollo Automobile Limited (“the applicant”) applied to register the trade marks shown on the cover page of this decision in the UK on 20 October 2022. The applications were accepted and published in the Trade Marks Journal on 25 November 2022 in respect of the goods and services outlined in **Annex 1**.

2. On 27 February 2023, Alvaro Moreno Slu (“the opponent”) filed notices of opposition on the basis of section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The oppositions are brought under the fast-track procedure and are directed at some of the goods and services in the applicant’s specification, specifically some of those in classes 9, 14, 18, 25 and 35, which I will list in the goods and services comparison section of this decision. In respect of both oppositions, the opponent relies on the following trade mark:



UK registration no. 918032097¹

Filing date 5 March 2019; date of entry in register 5 September 2019

Relying on some of its goods and services, specifically those listed in **Annex 2**. (“the opponent’s mark”)

¹ 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 EUTM. As a result of the opponent having an EUTM being protected as at the end of the Implementation Period, a comparable UK trade mark was automatically created. The comparable trade mark shown here is now recorded on the UK trade mark register, has the same legal status as if it had been applied for and registered under UK law and retains its original filing date.

3. The opponent submits that there is a likelihood of confusion because the applicant's marks are similar to its own mark and the respective goods and services are identical or similar. The applicant filed defences and counterstatements denying the claims made.

4. Rule 6 of the Trade Marks (Fast Track Opposition)(Amendment) Rules 2013, S.I. 2013 No. 2235, disapplies paragraphs 1-3 of Rule 20 of the Trade Marks Rules 2008 ("TMR") but provides that Rule 20(4) shall continue to apply. Rule 20(4) states that:

"(4) The registrar may, at any time, give leave to either party to file evidence upon such terms as the registrar thinks fit".

5. The effect of the above is that parties are required to seek leave in order to file evidence (other than the proof of use evidence which is filed with the notice of opposition) in fast-track oppositions. Leave was sought in respect of these proceedings; however, leave was not granted.

6. Rule 62(5) (as amended) states that arguments in fast-track proceedings shall be heard orally only if (i) the Office requests it or (ii) either party to the proceedings requests it and the Registrar considers that oral proceedings are necessary to deal with the case justly and at proportionate cost. Otherwise, written arguments will be taken. A hearing was neither requested nor considered necessary. Both parties filed written submissions in lieu of a hearing. This decision is taken following a careful reading of all the papers. The opponent is represented by Fieldfisher LLP; the applicant is represented by Lara Grant. This decision is taken following a careful consideration of the papers. I do not intend to summarise the submissions in lieu. However, I have taken them into consideration in reaching my decision and will refer to them below, where necessary.

7. The provisions of the act relied upon in these proceedings are assimilated law as they are derived from an 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.

Section 5(2)(b): legislation and case law

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

“(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 or association with the earlier trade mark.”

9. 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.”

10. Given its filing date, the opponent's mark qualifies as an earlier trade mark under section 6 of the Act. The opponent's mark did not complete its registration process more than five years before the application date of the applicant's marks. The condition of use, therefore, does not apply to the mark. Therefore, the opponent can rely on all the goods and services in its mark.

11. 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 impression 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 THE GOODS AND SERVICES

12. I note that the applicant's specifications in both marks are identical, therefore, I will compare the goods and services in the applicant's specifications collectively. Any reference to the 'applicant's specification' is inclusive of both of the applicant's marks. The applicant's goods and services can be seen in **Annex 3** of this decision; the opponent's specification can be seen in **Annex 4**.

13. When making the comparison, all relevant factors relating to the goods and services in the specifications should be taken into account. In the judgment of the CJEU in *Canon*, Case C-39/97, the court stated at paragraph 23 of its judgment that:

"In assessing the similarity of the goods or services concerned, as the French and United Kingdom Governments and the Commission have pointed out, all the relevant factors relating to those goods or services themselves should be taken into account. Those factors include, inter alia, their nature, their intended purpose and their method of use and whether they are in competition with each other or are complementary".

14. Guidance on this issue has also come from Jacob J. (as he was then) in the *Treat* case, [1996] R.P.C. 281, where he identified the factors for assessing similarity as:

(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.”

15. In *Gérard Meric v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)* case T-133/05, the General Court (“GC”) 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 the trade mark application (Case T-388/00 *Institut für Lernsysteme v OHIM – Educational Services (ELS)* [2002] ECR II-4301, paragraph 53) or when the goods designated by the trade mark application are included in a more general category designated by the earlier mark”

16. In *Boston Scientific Ltd v 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”.

17. In *Oakley, Inc v OHIM*, Case T-116/06, at paragraphs 46-57, the GC held that although retail services are different in nature, purpose and method of use to goods, retail services for particular goods may be complementary to those goods, and distributed through the same trade channels, and therefore similar to a degree.

18. In *Tony Van Gulck v Wasabi Frog Ltd*, Case BL O/391/14, Mr Geoffrey Hobbs Q.C. as the Appointed Person reviewed the law concerning retail services v goods. He said (at paragraph 9 of his judgment) that:

“9. The position with regard to the question of conflict between use of **BOO!** for handbags in Class 18 and shoes for women in Class 25 and use of **MissBoo** for the Listed Services is considerably more complex. There are four main reasons for that: (i) selling and offering to sell goods does not, in itself, amount to providing retail services in Class 35; (ii) an application for registration of a trade mark for retail services in Class 35 can validly describe the retail services for which protection is requested in general terms; (iii) for the purpose of determining whether such an application is objectionable under Section 5(2)(b), it is necessary to ascertain whether there is a likelihood of confusion with the opponent’s earlier trade mark in all the circumstances in which the trade mark applied for might be used if it were to be registered; (iv) the criteria for determining whether, when and to what degree services are ‘similar’ to goods are not clear cut.”

19. However, on the basis of the European courts’ judgments in *Sanco SA v OHIM*, and *Assembled Investments (Proprietary) Ltd v. OHIM*, upheld on appeal in *Waterford Wedgewood Pic v. Assembled Investments (Proprietary) Ltd*, Mr Hobbs Q.C. concluded that:

- i) Goods and services are not similar on the basis that they are complementary if the complementarity between them is insufficiently

pronounced that, from the consumer's point of view, they are unlikely to be offered by one and the same undertaking;

- ii) In making a comparison involving a mark registered for goods and a mark proposed to be registered for retail services (or vice versa), it is necessary to envisage the retail services normally associated with the opponent's goods and then to compare the opponent's goods with the retail services covered by the applicant's trade mark;
- iii) It is not permissible to treat a mark registered for 'retail services for goods X' as though the mark was registered for goods X;
- iv) The General Court's findings in *Oakley* did not mean that goods could only be regarded as similar to retail services where the retail services related to exactly the same goods as those for which the other party's trade mark was registered (or proposed to be registered).

Class 9

20. The opponent submits that all of the applicant's goods in class 9 are identical or similar to its class 9 goods. The applicant denied that the *"earlier mark is protected exclusively for goods and services that are identical or similar to the opposed goods and services"*.

21. The following terms appear in both parties' specifications and are self-evidently identical: *"sunglasses"*, *"computer software"* and *"smartglasses"*.

22. *"Computers and computer peripheral devices"* and *"computer hardware"* in the applicant's specification are similar to *"computer software"* in the opponent's specification. Computer software is often integral to computers and therefore, often shares the same trade channels with the opponent's goods. Whilst the goods differ in nature, purpose and method of use, they share end users and trade channels. The goods are not in competition and they are not complementary. Therefore, I find the goods to be similar to a low degree.

23. *"Computer software"* in the opponent's specification is a broad term that encapsulates various kinds of computer software. It is permissible to group goods together for comparison where there are goods that are *"sufficiently comparable for*

registration in essentially the same way for the same reasons”;² I deem this to be the case in respect of the following goods in the applicant’s specification, which are all forms of computer software: “*computer game software*”, “*computer software for speed control*”, “*computer software for automobile parking assistance*” and “*virtual and augmented reality software*”. These goods are all encompassed by computer software in the opponent’s specification. Therefore, these goods are identical on the principle outlined in *Meric*.

24. “*Eyewear*” in the applicant’s specification encompasses “*corrective eyewear*” in the opponent’s specification. Therefore, I consider the goods to be identical on the principle outlined in *Meric*.

25. Although worded differently, I consider that “*3D glasses*” in the applicant’s specification is identical to “*3D spectacles*” in the opponent’s specification. I also consider this to be the case in relation to “*eyewear cases*”, in the applicant’s specification and “*spectacle cases*” in the opponent’s specification. This is also the case in relation to “*mobile applications*” in the applicant’s specification and “*mobile apps*” in the opponent’s specification. In addition, this reasoning applies “*carrying cases for mobile telephones*” in the applicant’s specification to “*carriers adapted for mobile phones*” in the opponent’s specification. Further, this also applies to “*hands-free kits for telephones*” in the applicant’s specification and “*hands-free kits for cell phones*”.

26. I consider that “*downloadable electronic publications*” in the applicant’s specification is a broad category that encompasses “*downloadable electronic newsletters*” in the opponent’s specification. Consequently, the goods are identical on the principle outlined in *Meric*.

27. “*Smartwatches*” in the applicant’s specification are wearable computing devices that resemble wristwatches. Taking this into account, I consider that despite the differences in the term, these goods are identical to “*wearable communications devices in the form of wristwatches*” in the opponent’s specification.

² *Separode* Trade Mark, BL O/399/10, paragraph 5

28. I consider that “*recorded and downloadable media*”, “*digital recording and storage media*” and “*downloadable image, video, and multimedia files*” in the applicant’s specification are similar to “*computer software*” in the opponent’s specification. This is on the basis that the goods will coincide in end user. However, I do not consider that they overlap in trade channels. I do not consider that the goods will overlap in nature, method of use or purpose. I do not consider that the goods are in competition nor are they complementary. Whilst I recognise that computer software will be used to record/download and store the media in the applicant’s goods, I do not consider that the average consumer will consider that they are from the same undertaking. Taking this into account, I do not consider that the goods coinciding in end user is sufficient to substantiate similarity, therefore, I find the goods to be dissimilar.

29. In the absence of any submissions or evidence to the contrary, I consider that the terms computer programs and computer software are used interchangeably to describe the same good. Taking the above into account, I consider that “*computer programs*” and “*interactive multimedia computer programs*” in the applicant’s specification, as specific types of computer programs, fall within the broad category of “*computer software*” in the opponent’s specification. Therefore, I consider that the goods are identical on the principle outlined in *Meric*.

30. In the absence of any evidence or submissions to the contrary, I consider that “*Downloadable graphic for mobile phones*” in the applicant’s specification are downloadable images for mobile phones. Whilst I recognise that there may be a general overlap in users with, the closest clash I could identify in the opponent’s specification being, “*mobile software*”, I was unable to identify any further similarities with the goods. As I do not consider that a general overlap in user is sufficient to substantiate similarity, I consider that the goods are dissimilar.

31. In the absence of any submissions or evidence to the contrary, I consider that “*security tokens [encryption devices]*” in the applicant’s specification are goods that are used to authenticate the user so that they can get access to an electronically restricted resource. I consider that the goods are similar to “*computer software*” in the

opponent's specification as the goods may be produced by the same undertaking and coincide in users. Further, I consider that the goods are complementary. This is on the basis that the token can be important/indispensable to access software and verify your identity, such as banking software. I consider that consumers would be of the view that they originate from the same undertaking. This is on the basis that, the goods are likely to be provided together and the average consumer would have no reason to believe that they are not from the same company. However, they are not in competition. Consequently, I consider the marks to be similar to a low degree.

32. I consider that "*encoded key cards*" in the applicant's specification is similar to "*computer software*" in the opponent's specification. In the absence of any evidence or submissions to the contrary, I consider that encoded key cards can be used as a security token. They often act as wireless security devices allowing the user to access secure places such as offices or buildings. The goods can be used to authenticate the user so that they are able to get access to a restricted location. Therefore, applying the reasoning above, I consider that the goods may be produced by the same undertaking and coincide in users. Further, I consider that the goods are complementary as the encoded key card can be important/indispensable to access the software and verify your identity and then gain access to the restricted location. I consider that the consumers would be of the view that they originate from the same undertaking. This is on the basis that, the goods are likely to be provided together and the average consumer would have no reason to believe that they are not from the same company. However, they are not in competition. Consequently, I consider the marks to be similar to a low degree.

33. "*Apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data*" in the applicant's specification and "*computer software*" in the opponent's specification are similar. This is because the goods will overlap in general user, distribution and may originate from the same undertaking. I do not consider that the goods are in competition, nor do I consider that they are complementary. Therefore, I find the goods to be similar to a low degree.

Downloadable virtual goods, namely, digital images, digital graphic designs, digital clothing, digital footwear, digital headwear, digital bags, digital jewellery, digital

watches and digital eyewear authenticated by non-fungible tokens created with blockchain technology to represent a collectible item

34. In relation to the above terms, firstly I note that the 12th edition of the Nice Classification applies the definition in the Merriam Webster Online Dictionary which states that a non-fungible token is *"a unique digital identifier that cannot be copied, substituted, or subdivided, that is recorded in a blockchain, and that is used to certify authenticity and ownership (as of a specific digital asset and specific rights relating to it)".*³ In addition, I recognise that the EUIPO defines virtual goods in their guidelines as *"non-physical items for use in online and/or virtual environment"*, they are treated as digital content or images.⁴ Therefore, I interpret the terms to represent artwork or some kind of virtual goods which is connected to an NFT to certify their authenticity and any rights that may relate to the digital asset.

35. In relation to specific virtual goods listed above such as *"downloadable virtual goods, namely, digital clothing authenticated by non-fungible tokens created with blockchain technology to represent a collectible item"*, the aforementioned Nice Classification states that they are defined as digital assets that can be used with avatars in a virtual environment.⁵ In the absence of any evidence or submissions to the contrary, it is my view that the applicant's goods are purchased and traded digitally and are conceived as counterparts of goods in the real world and therefore, any product that exists in the real world can also be imagined in the virtual world.

36. I note that the opponent has submitted that there is similarity between other goods in the applicant's specification authenticated by NFTs, as listed above and computer software in its specification. They did not submit that the above goods are specifically similar to computer software. While that may be the case, I have given consideration as to whether the comparison against software would be more advantageous to the opponent. Having done so, I do not consider it is. In short, I appreciate that there may be an overlap in user between software and the above NFT

³ https://nclpub.wipo.int/enfr/?version=20240101¬ion=information_files&gors=090918&lang=en accessed 24 January 2024.

⁴ <https://guidelines.euipo.europa.eu/2058843/2065747/trade-mark-guidelines/6-25-downloadable-goods-and-virtual-goods> accessed 24 January 2024.

⁵ https://nclpub.wipo.int/enfr/?version=20240101¬ion=information_files&gors=090929&lang=en accessed 24 January 2024.

goods. However, I see no reason to conclude that these goods share any overlap in nature, method of use or purpose. As for trade channels, I have nothing before me to suggest that it is common in the trade for producers of NFTs to produce software and, lastly, it is my understanding that NFTs operate on a blockchain and that they do not need software to view the blockchain which records the ownership of the assets, as it can be accessed through a webpage. As such, I do not consider that the goods are complementary. I will now proceed to consider the above terms in the applicant's specification to the correlating physical goods in the opponent's specification.

37. I do not consider that the goods share the same nature as their physical goods counterparts, as one exists in the virtual world and the other in the real world. Further, I do not consider that the goods share the same purpose or method of use. This is on the basis that whilst the goods may be worn by avatars in a virtual world they will not be worn on the person in real life – their use exists in different realities. In relation to the trade channels, I recognise that some brands, such as luxury brands, may sell their goods in a virtual reality as well as in the real world, however, I have no evidence before me to suggest that this is common in the trade. Therefore, I do not consider that there is an overlap in trade channels. Whilst there may be a very general overlap in users, I do not consider that this is sufficient to substantiate any similarity between the goods. Taking this into account, I consider that the applicant's goods are dissimilar to their real-world counterparts.

Downloadable audio visual recordings featuring clothing, footwear, headwear, bags, jewellery, watches and eyewear, authenticated by non-fungible tokens (NFTs)

38. The opponent submitted that the above goods are identical or similar to "computer software" in its specification on the basis that they have the same purpose, users, uses and are purchased at the same outlets and distribution channels. I disagree with the opponent. I consider that the goods may have an overlap in end-users. However, I consider that the goods differ in nature and purpose. Whilst the purpose of the applicant's goods may be used for entertainment or informative purposes, for example, whereas the opponent's goods are used to operate computers and execute specific tasks. I have no evidence or submissions, to explain any overlap in trade channels, consequently, to my understanding, I do not consider that they will

overlap. The goods will differ in method of use and I do not consider them to be in competition nor are they complementary. I do not consider that the overlap in end users is sufficient to substantiate similarity. Therefore, taking the above into account, I consider the goods to be dissimilar.

39. I note that “*non-fungible tokens (NFTs)*” in the applicant’s specification is defined above in paragraph 34. The opponent submitted that the applicant’s goods are similar or identical to “*computer software*” in the opponent’s specification. I consider that the goods differ in nature, method of use and purpose. However, in the absence of evidence and submissions to the contrary, whilst I consider that NFTs are based on blockchain technology, it is my understanding that they are coded with a software code. Whilst I consider that the goods will overlap generally in users, I consider that an overlap in trade channels is unlikely. I do not consider that the goods are in competition. In respect of the complementarity of the goods, I recognise that the NFTs are encoded with software and therefore, there may be a close connection between the goods. However, given the niche and constantly evolving NFT space where many companies specialise in NFTs, I do not consider that the average consumer may think that the responsibility for those goods lies with the same undertaking. Further, I do not consider that the general overlap in users is sufficient to substantiate similarity. Consequently, I find the goods to be dissimilar.

40. In the absence of any evidence or submissions to the contrary, I consider that “*downloadable computer programs featuring virtual goods, namely, clothing, footwear, headwear, bags, jewellery, watches and eyewear*” and “*downloadable virtual goods, namely, computer programs featuring automobile parts and fitting for use online and in online virtual worlds*” in the applicant’s specification are removed from downloadable virtual goods above, as the terms specifically relate to downloadable computer programs that feature the virtual goods, not the goods themselves. Consequently, I consider that the goods are identical to “*computer software*” as mentioned above, I consider that the terms software and programs are used interchangeably. Therefore, I consider that the applicant’s goods are encompassed by the opponent’s goods. I consider them to be identical on the principle outlined in *Meric*.

41. That leaves the “*parts and fittings for all the aforementioned goods*” in the applicant’s specification. In my view, the parts and fittings will share at least a low degree of similarity with the respective goods that I have compared the completed counterparts with.

Class 14

42. The following goods in the applicant’s specification are either self-evidently identical, identical on the principle outlined in *Meric* to the goods in the opponent’s specification or appear in the opponent’s specification worded slightly differently:

“Jewellery”, “horological and chronometric instruments”, “wristwatches”, “watches”, “watch bands”, “clocks”, “electric clocks”, “tie clips”, “cuff links”, “pin badges”, “brooches”, “badges”, “key rings, key fobs”, “decorative key rings”, “leather key rings”, “key chain tags”, “presentation boxes for watches”, “medals”, “Precious metals and their alloys”, “precious and semi-precious stones”, “charms”.

43. I consider that “*charms for key rings*” in the applicant’s specification is similar to “*key chains*” in the opponent’s specification. I note that the terms key chains and key rings are often used interchangeably. I consider that the goods are similar on the basis that the goods will coincide in users, distribution channels, and method of use. They may also share the same purpose and may overlap in nature, I consider that the goods may be in competition and may be complementary in that a charm for a key chain/key ring needs a key chain/ring to connect to. Taking the above into account, I consider the goods to be similar to a high degree.

44. “*Key holders*” in the applicant’s specification is similar to “*key chains*” in the opponent’s specification. I consider that a key holder provides a location for keys to be placed. I consider that the goods will differ in purpose, method of use and nature. However, they will coincide in users and potentially distribution channels. I do not consider that they are in competition, nor are they complementary. Therefore, I consider the goods to be similar to a low degree.

45. That leaves the “*parts and fittings for all the aforementioned goods*” in the applicant’s specification. In my view, the parts and fittings will share at least a low degree of similarity with the respective goods that I have compared the completed counterparts with.

Class 18

46. The opponent submits that the goods in class 18 are either identical or highly similar to the opponent’s mark.

47. The following goods in the applicant’s specification are either self-evidently identical, identical on the principle outlined in *Meric* to the goods in the opponent’s specification or appear in the opponent’s specification worded slightly differently:

“Leather and imitations of leather;” “animal skins and hides”, “luggage and carrying bags”, “umbrellas and parasols”, “walking sticks”, “[...] leashes and clothing for animals”, “wallets”, “bags”, “purses”, “handbags”, “travelling bags”, “backpacks”, “rucksacks”, “credit card cases”, “briefcases”, “suitcases”, “duffle bags”, “sports bags”, “leather key cases”, “coin holders”, “tote bags”, “net bags for shopping”.

48. I consider that “*whips, harness and saddlery*” in the applicant’s specification is similar to “*leads for animals*” in the opponent’s specification. This is on the basis that they are all accessories for animals. In the absence of any evidence or submissions to the contrary, I interpret the opponent’s goods to be inclusive of leads for larger animals such as horses. I consider that whilst they differ in nature and specific purpose, I consider that they may be created by the same undertaking. In addition, I consider that there may be a general overlap in users and they may share the same trade channels. Taking this into account, I consider that the goods are similar to a low degree.

49. I consider that “*collars [...] for animals*” in the applicant’s specification is similar to “*leads for animals*” in the opponent’s specification. The goods will be made by the same undertakings, coincide in users and share distribution channels. I do not

consider that the goods share the same nature, purpose or method of use. The goods are not in competition. However, there may be a level of complementarity between the goods, in that leashes are commonly attached to collars in order to walk dogs for example. Taking this into account, I consider that the goods are similar to a medium degree.

50. “*Business card cases*” in the applicant’s specification are similar to “*credit card cases*” in the opponent’s specification. The goods overlap in purpose and share the same nature. They usually will be produced by the same undertaking. They will also share the same users, method of use and distribution channels. The goods may be in competition, in that a credit card case may be used to hold business cards and vice versa, but they are not complementary. Therefore, I consider the goods to be similar to a high degree.

51. That leaves the “*parts and fittings for all the aforementioned goods*” in the applicant’s specification. In my view, the parts and fittings will share at least a low degree of similarity with the respective goods that I have compared the completed counterparts with.

Class 25

52. The opponent submits that the goods in this class are identical to the listed goods in the same class in the opponent’s mark.

53. All of the following goods in the applicant’s specification are identical or encompassed by “*clothing, footwear, headgear*” in the opponent’s specification and are identical:

“*Clothing, footwear, headgear*”, “*sweaters, sweatshirts*”, “*shirts*”, “*polo shirts*”, “*blouses*”, “*t-shirts*”, “*camisoles*”, “*trousers*”, “*shorts*”, “*tracksuits*”, “*loungewear*”, “*dresses*”, “*jumpsuits*”, “*outer clothing*”, “*gilets*”, “*jackets*”, “*jumpers*”, “*knitwear*”, “*hoodies [clothing]*”, “*coats*”, “*parkas*”, “*jerseys*”, “*sports clothing*”, “*leather jackets*”, “*sports jackets*”, “*sports shoes*”, “*caps*”, “*sports caps*”, “*knitted hats*”, “*belts*”, “*scarves*”, “*gloves*”.

54. That leaves “*parts and fittings for all the aforementioned goods*” in the class 25 specification. I consider that the parts and fittings are similar to the opponent’s goods in class 25. The use of the goods is not the same; the finish goods will be purchased as ready to wear products, but the applicant’s goods be purchased for their part in the creation or construction of such products. I consider that the users of the completed goods will be the general public whereas in relation to the parts and fittings, though likely available to the general public, to my mind, there will be selected predominantly by professionals who are responsible for manufacturing the goods in some description. However, I do recognise that some individuals may select goods such as ‘wool’, which is a part/fitting in relation to knitwear, to knit into knitwear. The physical nature of the goods likely to overlap but it is reasonable to assume that there will be at least an element of similarity or compatibility between a component and the finished article. There will likely be some distinction in the trade channels via which the goods respectively reach the market. There may be an element of competitive, on the basis that the average consumer may want to make their own clothing rather than just purchase the completed article. In addition, there may be a degree of complementarity insofar as the components are plainly necessary for the making of the goods, though it may not be typical for the respective goods to be offered by a single entity. Whilst I bear in mind that one good being an element of another is insufficient for a finding of similarity,⁶ weighing all the factors, I consider the goods to be similar to a medium degree.

Class 35

55. The opponent submits that most of the services in class 35 of its mark are identical or highly similar to the applicant’s services.

56. All of the following services in the applicant’s specification are self-evidently identical or encompass services in the opponent’s specification:

⁶ Les éditions Albert Rene v OHIM, Case T-336/03

Advertising; business management; business administration; auctioneering; planning and conducting of trade fairs, exhibitions and presentations for commercial or advertising purposes; arranging of exhibitions for commercial purposes; promotion of goods and services through sponsorship of sports events; presentation of goods on communication media, for retail purposes.

57. In the absence of any submissions or evidence to the contrary, I consider that “*event marketing*” in the applicant’s specification is a service that plans, organises and executes an event to promote a brand product or service. Taking this into account I consider that “*arranging and conducting marketing and promotional events for others*” in the opponent’s specification is encompassed by the applicant’s term. Therefore, I consider the services to be identical on the principle outlined in Meric.

58. In the absence of any evidence or submissions to the contrary, I consider that “*office functions*” in the applicant’s specification, are all of the various administrative functions that manage the day-to-day operations of a company, I consider this service to be similar to “*business administration services for processing sales made on the internet*” in the opponent’s specification. Whilst I recognise that the opponent’s services are for processing sales made on the Internet, in my view this will not affect the similarity between the services. I consider that the applicant’s office functions will likely be offered to the same consumer, by the same trade channels, and from the same entities as the opponent’s services. Further, I consider that there is an overlap in the broader intended purpose, that being for assistance with the logistics of running a business for the purpose of improving its performance. I consider that there is a level of competition between services. However, I do not consider that they are complementary. Consequently, I find the applicant’s services to be highly similar to the opponent’s services.

59. I consider that the services listed below this paragraph, in the applicant’s specification, are identical to the following terms in the opponent’s specification: “*retailing and wholesaling in shops and via the Internet of clothing, footwear and headwear, perfumery, cosmetics, hosiery and underclothing, wallets, backpacks, bags, hardware, computer bags, covers for telephones and tablets, covers and bags for laptops, umbrellas, fashion and clothing accessories, accessories for clothing,*

suitcases, tie clips, key chains, suits, jackets (clothing), links, generate, clocks and watches, eyeglasses, sunglasses, travel articles, travel accessories, suitcases, waistcoats, trousers, sweatshirts, wallets, belts, shirts, sports shoes, ties, cuff links, braces, handkerchiefs for suits, bowties, travelling bags (leatherware), wallets for cards (leatherware), wallets of leather (leatherware), travelling sets (leatherware), luggage tag holders [leatherware], bags and wallets of leather, semi-processed leather, imitations of leather, worked and semi-worked hides and leather, key cases of leather and hide, travelling bags of leather, braces” in the opponent’s specification:

Wholesale and retail services connected with the sale of Clothing, footwear, headgear, sweaters, sweatshirts, shirts, polo shirts, blouses, t-shirts, camisoles, trousers, shorts, tracksuits, loungewear, dresses, jumpsuits, outer clothing, gilets, jackets, jumpers, knitwear, hoodies [clothing], coats, parkas, jerseys, sports clothing, leather jackets, sports jackets, sports shoes, caps, sports caps, knitted hats, belts, scarves, gloves, horological and chronometric instruments, wristwatches, watches, watch bands, clocks, electric clocks, tie clips, cuff links, leather and imitations of leather, animal skins and hides, luggage and carrying bags, wallets, bags, purses, handbags, travelling bags, tote bags, backpacks, rucksacks, business card cases, credit card cases, net bags for shopping, briefcases, suitcases, duffle bags, sports bags, leather key cases, coin holders, eyewear, sunglasses, eyewear cases, 3D glasses, smartglasses, smartwatches.

60. As set out in the case law reproduced above, the GC has explained that although retail services are different in nature, purpose and method of use to goods, retail services for particular goods may be complementary to those goods, and distributed through the same trade channels and, therefore, similar to a degree. It is common for producers of various types of clothing products to also retail and wholesale in those goods. For example, a manufacturer of clothing may operate its own retail and wholesale stores that exclusively sell its goods. In addition, those goods may be listed for sale on the manufacturer’s website directly rather than via third party retailers. In my view, the average consumer will be aware of the complementary relationship between the producer of these types of goods and the retailing of the same. I note that in *Waterford Wedgwood Plc v. Assembled Investments*, Mr Hobbs Q.C.(as he was then) concluded that *Oakley* did not mean that goods had to be the

same as the goods being retailed by the services to find similarity. Bearing this in mind and applying the same reasoning above, I find that there is similarity between the wholesaling and retailing services listed below and the following goods in the opponent's specification:

Wholesaling and retailing services connected with the sale of computers and computer peripheral devices, computer software, computer hardware, computer programs, interactive multimedia computer programs, computer game software, mobile applications, downloadable electronic publications, carrying cases for mobile telephones, handsfree kits for telephones, virtual and augmented reality software, downloadable computer programs featuring virtual goods, namely, clothing, footwear, headwear, bags, jewellery, watches and eyewear, charms, jewellery, pin badges, brooches, charms, badges, key rings, key fobs, charms for key rings, decorative key rings, key chain tags, leather key rings, presentation boxes for watches, medals, walking sticks, umbrellas and parasols, [...] leashes and clothing for animals.

I consider that the applicant's services and "computer software", "mobile apps", "carriers adapted for mobile phones", "hands-free kits for cell phones", "downloadable electronic newsletters", "jewellery", "badges of precious metals", "lapel badges of precious metals", "brooches [jewellery]", "key rings of leather", "leather key fobs", "jewellery boxes and watch boxes", "commemorative medals" "folding walking sticks", "umbrellas and parasols", "clothing for pets", "leads for animals" in classes 9, 14 and 18 of the opponent's specification that I compared above and found to be identical to the corresponding goods listed wholesaling and retailing services are similar to a medium degree.

61. I consider that "Wholesale and retail services connected with the sale of computer software for speed control, computer software for automobile parking assistance" in the applicant's specification is similar to "computer software" in the opponent's specification. Applying the reasoning above, I consider that the goods and services are different in nature, purpose and method of use. However, I consider that the goods and services will be distributed by the same trade channels and are

complementary. Therefore, I find the goods and services to be similar to a medium degree.

62. *“Wholesaling and retailing services connected with the sale of precious metals and their alloys, precious and semi-precious stones”* in the applicant’s specification is similar to *“parts and fittings for jewellery”* in the opponent’s specification. In the absence of any evidence or submissions to the contrary, it is my view that *“parts and fittings for jewellery”* include the *“precious metals and their alloys”* (such as gold) and *“precious and semi-precious stones”* that are used to create jewellery. Applying the reasoning above, I consider that these goods and services will differ in nature, purpose and method of use. However, these goods and services are complementary and will be distributed by the same trade channels. Therefore, I consider that the goods and services are similar to a medium degree.

63. I note that I found *“charms for key rings”* in the applicant’s specification to be similar to a high degree to *“key chains”* in the opponent’s specification. Taking this into account, I consider that the *“wholesale and retail services connected with the sale of charms for key rings”* in the applicant’s specification is similar to *“key chains”* in the opponent’s specification, applying the reasoning above. Whilst I consider that the goods and services will differ in nature, purpose and method of use, I consider that the goods will be distributed by the same trade channels and are complementary. Taking this into account, I consider the goods and services to be similar to a low to medium degree.

64. In relation to *“wholesaling and retailing services connected with the sale of collars [...] for animals”* I consider that the services are similar to *“leads for animals”* in the opponent’s specification. Applying the reasoning above, I consider that the goods and services will be distributed by the same trade channels and are complementary. Although, they will differ in nature, method of use and trade channels. Taking this into account, I consider that the goods and services are similar to a low to medium degree.

65. Whilst I recognise in relation to the services listed below that I have found the goods retailed/wholesaled below to be similar to a low degree in the classes 9, 14 and 18 comparisons above. Given the low finding of similarity between the respective

goods, I do not consider that there is sufficient to indicate a finding of similarity between the services. Therefore, I consider these goods to be dissimilar:

Wholesale and retailing services connected with the sale of apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data, recorded and downloadable media, digital recording and storage media, downloadable graphic for mobile phones, downloadable image, video, and multimedia files, security tokens [encryption devices], encoded key cards, key holders, whips, harness and saddlery.

Wholesale and retail services connected to the sale of downloadable virtual goods, namely, digital images, digital graphic designs, digital clothing, digital footwear, digital headwear, digital bags, digital jewellery, digital watches and digital eyewear authenticated by non-fungible tokens created with blockchain technology to represent a collectible item, non-fungible tokens (NFTs), downloadable audio visual recordings featuring clothing, footwear, headwear, bags, jewellery, watches and eyewear, authenticated by nonfungible tokens (NFTs).

66. In relation to the above applicant's services, I consider that the services are similar to "retailing and wholesaling in shops and via the Internet of clothing, footwear and headwear, perfumery, cosmetics, clocks and watches, eyeglasses, sunglasses" in the opponent's specification. As mentioned above, I consider that in the absence of any evidence or submissions to the contrary, it is my view that the applicant's services are for retail and wholesale of goods that are purchased and traded digitally and are conceived as counterparts of goods in the real world. Whereas the opponent's services are for the retail and wholesale of the real-world goods. I consider that there is an overlap in purpose (as they are all retail/wholesale services). There may also be an overlap in the nature and method of use, even though they are retailing different goods. As for trade channels, I have nothing before me to suggest that it is common for wholesale/retail services for downloadable virtual goods to also sell the real-life goods that the opponent's services cater to. In relation to the trade channels, I recognise that some brands, such as luxury brands, may sell their goods in a virtual reality as well as in the real world, however, I have no evidence before me to suggest that this is common in the trade. As such, I do not consider that the services are

complementary or in competition. In addition, I consider that there will be a general overlap in users. Therefore, I find the services to be similar to a low degree.

67. As some degree of similarity between the goods and services is necessary to engage the test for likelihood of confusion,⁷ the opposition must fail in respect of the following goods and services in the applicant's specification that I have found to be dissimilar to the opponent's goods and services:

Class 9: *Downloadable virtual goods, namely, digital images, digital graphic designs, digital clothing, digital footwear, digital headwear, digital bags, digital jewellery, digital watches and digital eyewear authenticated by non-fungible tokens created with blockchain technology to represent a collectible item; non-fungible tokens (NFTs); recorded and downloadable media; digital recording and storage media; downloadable image, video, and multimedia file; downloadable graphic for mobile phones.*

Class 35: *Wholesale and retail services connected with the sale of apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data, recorded and downloadable media, digital recording and storage media, downloadable graphic for mobile phones, downloadable image, video, and multimedia files, security tokens [encryption devices], computer software for speed control, computer software for automobile parking assistance, encoded key cards, key holders, whips, harness and saddlery, downloadable audio visual recordings featuring clothing, footwear, headwear, bags, jewellery, watches and eyewear, authenticated by nonfungible tokens (NFTs).*

THE AVERAGE CONSUMER AND THE PURCHASING ACT

68. As the law above indicates, it is necessary for me to determine who the average consumer is for the parties' goods and services. I must then determine the manner in which the goods and services 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*

⁷ [2008] ETMR 77 CA

Partnership (Trading) Limited, U Wear Limited, J F ox 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."

69. The opponent submits that the goods and services at issue are directed at the general public and more specialist users such as business users and professionals. The opponent submits that the goods and services are relatively frequent purchases and that the average consumer will demonstrate a medium to high level of attention during the purchasing process. The applicant admits that the average consumer will include the general public. However, it denies that the relevant consumer will pay a high level of attention when purchasing the relevant goods and/or services.

70. The average consumer for the goods at issue is the general public at large and business users. The goods are likely to be sold through retailers and their online equivalents or catalogues. In physical retail premises, the goods at issue will be displayed on shelves, where they will be viewed and self-selected by the customer. A similar process will apply to websites and catalogues, where the consumer will select the goods having viewed an image displayed on a webpage or in a catalogue. The purchasing process will be primarily visual. Specifically, in relation to clothing, visual considerations will dominate the selection process, the mark will be seen and so the visual element of the mark will be the most significant: see *New Look Limited v OHIM*, Joined cases T-117/03 to T-119/03 and T-171/03, paragraph 50. Although in relation to all the goods, I do not discount an aural component playing a part.

71. The price and frequency of the purchase of the goods at issue may vary, goods such as key chain tags will be of low value whereas computers will be relatively expensive. Even where the goods are of low cost and purchased relatively frequently,

a number of factors will still be considered by the average consumer during the purchasing process. When purchasing the goods, consideration will be made to the price, quality, suitability and for some of the goods, the latest trends.




72. Generally speaking, the average consumer will pay a medium degree of attention during the purchasing process for the goods at issue, However, for some of the goods in the parties' specifications, the level of attention will vary from low (for goods such as key chain tags) to high (but not the highest) for goods such as computers.

73. Turning to the services, I find that the members of the general public at large and business users will be the average consumer of the services. In relation to the services, these are most likely to be selected after having considered the promotional material (in hard copy and online) and the signage appearing on the high street (for physical retailers only). For all the services at issue, visual considerations will be an important part of the selection process. Such services are also likely to be the subject of word-of-mouth recommendations meaning that aural considerations will not be an insignificant feature of the selection process. When selecting the retail services at issue, the average consumer is likely to consider such things as stock, price of goods offered in comparison to other retailers, delivery method and experience/knowledge of the staff. In relation to the remainder of the services, consumers are likely to consider cost, suitability, education/ experience of the service provider and client profiles.

74. For consumers of wholesale and retail services, I am of the view that the average consumer is likely to pay a medium degree of attention during the selection process. As the remaining services, such as office functions, will impact the business of the average consumer, I consider that the degree of attention paid during the purchasing process will be high (but not the highest).

COMPARISON OF THE MARKS

75. The respective trade marks are shown below:

	 ("the applicant's first mark")  ("the applicant's second mark")
The opponent's mark	The applicant's marks

76. 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 trade marks must be assessed by reference to all the overall impressions created by the trade marks, bearing in mind their distinctive and dominant components. The 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.”

77. 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. In relation to both of its marks, the applicant submits that:

“the overall impression given by the relevant signs is markedly different; there are a number of obvious visual similarities, including the reverse colour contrast presented in the opposed mark. While the opposed mark and the earlier mark both comprise the letter a within a shield device, this is presented in the opposed mark in a manner easily differentiated from the earlier mark.”⁸

78. Whilst the applicant admits that there is a common element between the marks of the shield devices and letter ‘A’, they state that given the weak distinctive character of the elements, even combined, cannot be sufficient for the opposition to succeed.

79. The opponent’s mark consists of the letter A, presented in white, placed in the centre of a blue shield device. As the average consumers’ eyes are drawn to the part of the mark that can be read, the letter A plays a greater role in the overall impression. The shield and colour play a lesser role in the overall impression. The applicant’s first mark consists of the letter A, presented in white, placed in the centre of a black shield device. The ‘A’ appears incorporated into the shield device. As above, I consider that they eyes are drawn to the part of the mark that can be read, therefore, I consider the letter ‘A’ plays a greater role in the overall impression of the mark. The shield, piping and colour play a lesser role in the mark. The applicant’s second mark, consists of the black letter A, presented in a white shield device and placed within a black rectangular background. As above, the letter ‘A’ plays a greater role in the overall impression with the shield, colour, piping and background playing a lesser role.

80. Visually, I note, as submitted by the applicant, that the colour of the shields, background, piping of the shield element in the opponent’s mark and stylisation of the letter A act as points of difference.⁹ However, both parties agree in respect of the applicant’s marks, the marks coincide in the A and shield device. As mentioned above, I consider that the greater role in the overall impression is played by the letter ‘A’ in both parties’ marks, with the elements of difference playing lesser roles. Consequently, I consider that the applicant’s first mark and the opponent’s mark are similar to a high degree. In relation to the applicant’s second mark, the marks share the letter A and

⁸ TM8’s for OP600002771 and OP600002772, paragraph 2.5

⁹ Applicant’s submissions in lieu of a hearing

the shield device. However, they differ in the presence of a background and the applicant's letters appear in black rather than white. Even if the background has an impact, that impact will be minimal as due to the high similarity of the devices and the letter 'A'. Consequently, I consider the marks to be highly similar.

81. Aurally, I agree with the opponent that all of the marks will be pronounced as the letter 'A'. No other element will be pronounced. Consequently, the marks will be pronounced identically.

82. The opponent submits that conceptually the marks are identical as they will be viewed as a coat of arms containing the letter A, being the initial of the respective parties. On this basis the opponent submits that when comparing the marks as a whole they are similar to a high degree. I note that the opponent submits that the marks will be viewed as a coat of arms. Whilst I recognise that is a possibility that some average consumers may view the mark in such a way, I consider that regardless of how it is viewed, the average consumer will view all of the marks the same conceptually. Therefore, I consider that the marks are conceptually identical.

THE DISTINCTIVE CHARACTER OF THE OPPONENT'S MARK

83. 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 C108/97 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).”

84. Registered trade marks possess varying degrees of inherent distinctive character through use, ranging from the very low, because they are suggestive or allusive of a characteristic of the services, to those with a high inherent distinctive character, such as invented words which have no allusive qualities.

85. The opponent has not pleaded enhanced distinctive character through use and has not filed evidence to support such a claim, therefore, I have only the inherent position to consider.

86. I must make an assessment of the inherent distinctiveness of the earlier mark as a whole. The opponent’s mark consists of the letter ‘A’ in a shield device, the letter does not have any stylisation. Single letter marks are typically regarded as being relatively low in inherent distinctiveness,¹⁰ in my view, the letter ‘A’ has a relatively low degree of distinctiveness for the goods and services. It is not allusive or descriptive of the goods and services for which the mark is registered. However, the letter ‘A’ is presented in a blue shield ‘device’, which, accordingly, results in a medium degree of inherent distinctiveness overall.

LIKELIHOOD OF CONFUSION

87. 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 the marks and the goods and services down to the responsible undertakings 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

¹⁰ *OHIM v BORCO-Marken-Import Matthiesen GmbH & Co. KG*, Case C-265/09 P

where 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 services 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 services 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 s/he has retained in his/her mind.

88. I have found the marks to be visually similar to a high degree and aurally and conceptually identical. I have identified the average consumer as a member of the general public or business user who will purchase/select the goods and services by visual means (although I do not discount an aural component). I have concluded that the degree of attention paid by the average consumer will vary from low to high (but not the highest). I have found the opponent's mark to be inherently distinctive to medium degree. I have found the goods and services to vary in similarity from similar to a low degree to identical.

89. Taking all of the above into account, I consider that the differences between the marks are insufficient to avoid confusion, even when the principle of imperfect recollection is considered. I am of the view that the average consumer will overlook or misremember the differences between the marks. I make this finding on the basis that the marks share the graphic of a shield and the letter A, which are the elements that I found to play a greater role in the overall impression of all of the marks. Consequently, in respect of all the goods and services where I have found similarity, including those that I have found to be similar to a low degree, I am satisfied that there is a likelihood of direct confusion. I also make this finding in respect of those goods and services that will be selected/purchased when a high degree of attention (but not the highest) is paid.

90. Indirect confusion involves the recognition by the average consumer of the differences between the marks. Mr Purvis QC (as he was then) in the *L.A Sugar*

Limited case sets out that there are three main categories of indirect confusion and that indirect confusion ‘tends’ to fall into one of them.¹¹ Indirect confusion was described in the following terms by Iain Purvis Q.C.,(as he was then) sitting as the Appointed Person, in *L.A. Sugar Limited v By Back Beat Inc*, Case BL-O/375/10:

“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 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.

17. Instances where one may expect the average consumer to reach such a conclusion tend to fall into one or more of three categories:

(a)where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right (“26 RED TESCO” would no doubt be such a case).

(b)where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as “LITE”, “EXPRESS”, “WORLDWIDE”, “MINI” etc.).

¹¹ Paragraphs 16 & 17 of *L.A Sugar Limited v By Black Beat Inc*, Case BL-O/375/10

(c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension (“FAT FACE” to “BRAT FACE” for example).”

91. Whilst I note that the examples set out by Mr Purvis are not exhaustive, I note the recent case of *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors*,¹² wherein Arnold LJ referred to the comments of James Mellor QC (as he was then) sitting as the Appointed Person in *Cheeky Italian Ltd v Sutaria* (O/219/16), where he stated that a finding of a likelihood of indirect confusion is not a consolidation prize and that there needs to be a reasonably special set of circumstances in order to get indirect confusion where there is no likelihood of direct confusion. Arnold LJ agreed, pointing out that there must be a “proper basis” for concluding that there is a likelihood of indirect confusion where there is no likelihood of direct confusion.

92. I will next consider whether or not there is a likelihood of indirect confusion. Indirect confusion involves recognition by the average consumer of the differences between the marks. In this present case, even if the average consumer notices the differences between the marks, the letter ‘A’ remains the dominant element in all the marks appears throughout all the marks in a shield device. As a result, I am of the view that the differences between the mark will be seen by the average consumer as being indicative of an alternative mark from the same or economically linked undertaking.¹³ Further, I consider it likely that the average consumer will consider the addition of the colour, piping and background in the applicant’s marks as being consistent with a rebranding or an alternative mark. Consequently, I consider there to be a likelihood of indirect confusion between the marks for the goods and services that I have found to be identical or similar, including those that I have found to be similar to a low degree.

CONCLUSION

¹² [2021] EWCA Civ 1207

¹³ Paragraphs 16 & 17 of *L.A. Sugar v By Back beat Inc*, Case BL-O/375/10

93. The opponent's 5(2)(b) ground has succeeded in part. The oppositions have succeeded for the following goods and services which will be refused:

Class 9: *Apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data; computers and computer peripheral devices; computer software; computer hardware; computer programs; interactive multimedia computer programs; computer game software; mobile applications; downloadable electronic publications; eyewear; sunglasses; eyewear cases; 3D glasses; smartglasses; smartwatches; carrying cases for mobile telephones; computer software for speed control; computer software for automobile parking assistance; hands-free kits for telephones; security tokens [encryption devices]; encoded key cards; virtual and augmented reality software; downloadable computer programs featuring virtual goods, namely, clothing, footwear, headwear, bags, jewellery, watches and eyewear; parts and fittings for computer software, computer programs, interactive multimedia computer programs, computer game software, mobile applications, downloadable electronic publications, eyewear, sunglasses, eyewear cases, 3D glasses, smartglasses, smartwatches, carrying cases for mobile telephones, computer software for speed control, computer software for automobile parking assistance, hands-free kits for telephones, virtual and augmented reality software, downloadable computer programs featuring virtual goods, namely, clothing, footwear, headwear, bags, jewellery, watches and eyewear; parts and fittings for all the aforementioned goods.*

Class 14: *Precious metals and their alloys; jewellery; precious and semi-precious stones; horological and chronometric instruments; wristwatches; watches; watch bands; clocks; electric clocks; tie clips; cuff links; pin badges; brooches; charms; badges; key rings; key fobs; charms for key rings; decorative key rings; key chain tags; key holders; leather key rings; presentation boxes for watches; medals; parts and fittings for all the aforementioned goods.*

Class 18: *Leather and imitations of leather, animal skins and hides, luggage and carrying bags, umbrellas and parasols, walking sticks, whips, harness and*

saddlery, collars, leashes and clothing for animals, wallets, bags, purses, handbags, travelling bags, tote bags, backpacks, rucksacks, business card cases, credit card cases, net bags for shopping, briefcases, suitcases, duffle bags, sports bags, leather key cases, coin holders, parts and fittings for all the aforementioned goods.

Class 25: *Clothing, footwear, headgear; sweaters; sweatshirts; shirts; polo shirts; blouses; t-shirts; camisoles; trousers; shorts; tracksuits; loungewear; dresses; jumpsuits; outer clothing; gilets; jackets; jumpers; knitwear; hoodies [clothing]; coats; parkas; jerseys; sports clothing; leather jackets; sports jackets; sports shoes; caps; sports caps; knitted hats; belts; scarves; gloves; parts and fittings for all the aforementioned goods.*

Class 35: *Advertising; business management; business administration; auctioneering; planning and conducting of trade fairs, exhibitions and presentations for commercial or advertising purposes; arranging of exhibitions for commercial purposes; promotion of goods and services through sponsorship of sports events; presentation of goods on communication media, for retail purposes; event marketing; office functions; Wholesale and retail services connected with the sale of clothing, footwear, headgear, sweaters, sweatshirts, shirts, polo shirts, blouses, t-shirts, camisoles, trousers, shorts, tracksuits, loungewear, dresses, jumpsuits, outer clothing, gilets, jackets, jumpers, knitwear, hoodies [clothing], coats, parkas, jerseys, sports clothing, leather jackets, sports jackets, sports shoes, caps, sports caps, knitted hats, belts, scarves, gloves, precious metals and their alloys, jewellery, precious and semi-precious stones, horological and chronometric instruments, wristwatches, watches, watch bands, clocks, electric clocks, tie clips, cuff links, pin badges, brooches, charms, badges, key rings, key fobs, charms for key rings, decorative key rings, key chain tags, leather key rings, presentation boxes for watches, medals, leather and imitations of leather, animal skins and hides, luggage and carrying bags, umbrellas and parasols, walking sticks, collars, leashes and clothing for animals, wallets, bags, purses, handbags, travelling bags, tote bags, backpacks, rucksacks, business card cases, credit card cases, net bags for shopping, briefcases, suitcases, duffle bags, sports bags, leather key cases,*

coin holders, eyewear, sunglasses, eyewear cases, 3D glasses, smartglasses, smartwatches, computers and computer peripheral devices, computer software, computer hardware, computer programs, interactive multimedia computer programs, computer game software, mobile applications, downloadable electronic publications, carrying cases for mobile telephones, handsfree kits for telephones, virtual and augmented reality software, downloadable computer programs featuring virtual goods, namely, clothing, footwear, headwear, bags, jewellery, watches and eyewear, downloadable virtual goods, namely, digital images, digital graphic designs, digital cars, digital sports cars, digital electric cars, digital hyper cars, digital clothing, digital footwear, digital headwear, digital bags, digital jewellery, digital watches and digital eyewear authenticated by non-fungible tokens created with blockchain technology to represent a collectible item, non-fungible tokens (NFTs).

94. The application will continue for the following goods and services which were unsuccessful or not opposed by the opponent, they will proceed to registration:

Class 9: *Electronic key fobs being remote control apparatus; speed checking apparatus for vehicles; anti-theft warning apparatus; directional compasses; electricity gauges; speed indicators; batteries; electric batteries; downloadable virtual goods, namely, digital images, digital graphic designs, digital cars, digital sports cars, digital electric cars, digital hyper cars, digital clothing, digital footwear, digital headwear, digital bags, digital jewellery, digital watches and digital eyewear authenticated by non-fungible tokens created with blockchain technology to represent a collectible item; recorded and downloadable media; digital recording and storage media; downloadable image, video, and multimedia files; downloadable graphic for mobile phones; downloadable audio visual recordings featuring virtual goods, namely, cars, sports cars, electric cars, hyper cars, cars, sports cars, electric cars, hyper cars, clothing, footwear, headwear, bags, jewellery, watches and eyewear; downloadable digital media namely digital collectibles relating to digital automobiles, digital automobiles parts and fittings and digital scale model vehicles; downloadable virtual goods, namely, computer programs featuring automobiles, automobile parts and fittings for use online and in online virtual worlds; non-fungible tokens (NFTs);*

downloadable audio visual recordings featuring clothing, footwear, headwear, bags, jewellery, watches and eyewear, authenticated by non-fungible tokens (NFTs); downloadable computer programs featuring virtual goods, namely, cars, sports cars, electric cars, hyper cars; parts and fittings for all the aforementioned goods.

Class 12: *Vehicles, apparatus for locomotion by land, air or water, electric vehicles, electric sports cars, electric racing cars, electric hyper cars, automobiles, cars, sports cars, racing cars, hyper cars, autonomous cars, driverless cars, bicycles, electric bicycles, bicycles, scooters, electric scooters, motorcycles, motor vehicles, land vehicles, engines for land vehicles, remote controlled vehicles, electric motors for land vehicles, automobile bodies, automobile hoods, automobile tires [tyres], bumpers for automobiles, covers for vehicle steering wheels, gear boxes for land vehicles, head-rests for vehicle seats, tires for vehicle wheels, vehicle covers [shaped], vehicle wheel spokes, air pumps [vehicle accessories], anti-glare devices for vehicles, non-skid devices for vehicle tires, anti-theft devices for vehicles, axles for vehicles, brake linings for vehicles, brake pads for automobiles, doors for vehicles, seat covers for vehicles, sun-blinds adapted for automobiles, upholstery for vehicles, vehicle seats, parts and fittings for all the aforementioned goods.*

Class 28: *Games, toys and playthings; video game apparatus; gymnastic and sporting articles; remote controlled scale model vehicles; radio-controlled toy vehicles; toy model vehicles; scale model vehicles; scale model cars [toys]; hand-held electric games; video game machines; video game consoles; joysticks for video games; hand-held consoles for playing video games; golf bags; golf articles; boxing gloves; scooters [toys]; card games; jigsaw puzzles; board games; parts and fittings for all the aforementioned goods.*

Class 35: *Wholesale and retail services connected with the sale of apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data, recorded and downloadable media, digital recording and storage media, downloadable graphic for mobile phones, downloadable image,*

video, and multimedia files, security tokens [encryption devices], electronic being remote control apparatus, speed checking apparatus for vehicles, anti-theft warning apparatus, directional compasses, electricity gauges, speed indicators, computer software for speed control, computer software for automobile parking assistance, encoded key cards, key holders, whips, harness and saddlery, batteries, electric batteries, downloadable audio visual recordings featuring all cars, sports cars, electric cars, hyper cars clothing, footwear, headwear, bags, jewellery, watches and eyewear, authenticated by nonfungible tokens (NFTs), downloadable computer programs featuring virtual goods, namely, cars, sports cars, electric cars, hyper cars, downloadable digital media namely digital collectables relating to digital automobiles, digital automobiles parts and fittings and digital scale model vehicles, downloadable virtual, namely, computer programs featuring automobiles, automobile parts and fittings for use online and in online virtual worlds, motion by land, air or water, electric vehicles, electric sports cars, electric racing cars, electric hyper cars, automobiles, cars, sports cars, racing cars, hyper cars, autonomous cars, driverless cars, bicycles, electric bicycles, scooters, electric scooters, motorcycles, motor vehicles, land vehicles, engines for land vehicles, remote controlled vehicles, electric motors for land vehicles, automobile bodies, automobile hoods, automobile tires [tyres], bumpers for automobiles, covers, gearboxes for land vehicles, head-rests for vehicle seats, tires for vehicle wheels, vehicle covers [shaped], vehicle wheel spokes, air pumps [vehicle accessories], anti-glare devices for, non-skid devices for vehicle tires, anti-theft devices for vehicles, axles for vehicles, brake linings for vehicles, brake pads for automobiles, doors for vehicles, seat covers for vehicles, Sun-blinds adapted for automobiles, upholstery for vehicles, vehicle seats.

Class 37: *Repair and maintenance of automobiles and parts thereof; repair and maintenance of automobile engines and parts thereof; automobile engine conversion; installation of electric and electronic equipment in automobiles; custom modification of automobiles; custom restoration of automobiles; custom interior installation for automobiles; automobile customisation; automobile upgrading; fitting of replacement automobile parts; charging of electric automobiles; charging of electric automobile batteries; providing information*

relating to automobile maintenance and repair; advisory services relating to automobile maintenance; vehicle tyre fitting and repair; maintenance, servicing and repair of vehicles; advisory services relating to vehicle repair; garage services for vehicle repair; vehicle and automobile cleaning services; information, advisory and consultancy services relating to all the aforesaid.

Class 41: *Education; providing of training; entertainment; sporting and cultural activities; organizing, arranging and conducting of entertainment, sporting, arts and cultural events; entertainment services; motor sports events; organisation of automobile races; organisation of automobile rallies; entertainment services provided at a motor racing circuit; organization of competitions relating to motor vehicles; training for automobile races; driving instructions; training for automobile design; providing non-downloadable electronic publications; providing online publications (non-downloadable); providing online publications relating to automobiles; providing online publications relating to automobile design; providing online publications relating to electric cars; providing online videos (non-downloadable); providing online videos (non-downloadable) in relation to automobiles, automobile design and electric cars; entertainment services, namely, providing on-line non-downloadable virtual goods in the nature of cars, electric cars, sports cars, hyper cars, automobile parts and fittings, scale model cars, clothing, footwear, headwear, jewellery, bags and eyewear for use in virtual online environments; entertainment services, namely providing an online virtual environment for entertainment purposes.*

COSTS

95. Both sides have achieved a measure of success in relation to the goods that were opposed. That being said, I am of the view that the opponent has enjoyed a greater degree of success overall, and is, therefore, entitled to an award of costs. based upon the scale published in the Tribunal Practice Notice 1/2023. The award of costs in fast-track proceedings are governed by Tribunal practice notice 1/2023. I note that in these proceedings two notices of opposition were filed before the proceedings were consolidated, allowances have been made for this in the costs award. In addition,

I will reduce the award to reflect the overall balance of success. I will award costs to the opponent as follows:

Preparing submissions in lieu and considering the other party's	£200
Filing notices of opposition (x2)	£200
Total	£400

96. I, therefore, order Apollo Automobile Limited to pay Alvaro Moreno SLU the sum of £400. This sum should 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 7th day of March 2024

A KLASS

For the registrar

ANNEX 1

Class 9: *Apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data; recorded and downloadable media; digital recording and storage media; computers and computer peripheral devices; computer software; computer hardware; computer programs; interactive multimedia computer programs; computer game software; mobile applications; downloadable image, video, and multimedia files; downloadable graphic for mobile phones; downloadable electronic publications; eyewear; sunglasses; eyewear cases; 3D glasses; smartglasses; smartwatches; carrying cases for mobile telephones; electronic key fobs being remote control apparatus; speed checking apparatus for vehicles; anti-theft warning apparatus; directional compasses; electricity gauges; speed indicators; computer software for speed control; computer software for automobile parking assistance; hands-free kits for telephones; encoded key cards; security tokens [encryption devices]; batteries; electric batteries; virtual and augmented reality software; downloadable virtual goods, namely, digital images, digital graphic designs, digital cars, digital sports cars, digital electric cars, digital hyper cars, digital clothing, digital footwear, digital headwear, digital bags, digital jewellery, digital watches and digital eyewear authenticated by non-fungible tokens created with blockchain technology to represent a collectible item; non-fungible tokens (NFTs); downloadable audio visual recordings featuring cars, sports cars, electric cars, hyper cars, clothing, footwear, headwear, bags, jewellery, watches and eyewear, authenticated by non-fungible tokens (NFTs); downloadable computer programs featuring virtual goods, namely, cars, sports cars, electric cars, hyper cars, clothing, footwear, headwear, bags, jewellery, watches and eyewear; downloadable digital media namely digital collectibles relating to digital automobiles, digital automobiles parts and fittings and digital scale model vehicles; downloadable virtual goods, namely, computer programs featuring automobiles, automobile parts and fittings for use online and in online virtual worlds; parts and fittings for all the aforementioned goods.*

Class 12: *Vehicles; apparatus for locomotion by land, air or water; electric vehicles; electric sports cars; electric racing cars; electric hyper cars; automobiles; cars; sports cars; racing cars; hyper cars; autonomous cars; driverless cars; bicycles; electric*

bicycles; bicycles; scooters; electric scooters; motorcycles; motor vehicles; land vehicles; engines for land vehicles; remote controlled vehicles; electric motors for land vehicles; automobile bodies; automobile hoods; automobile tires [tyres]; bumpers for automobiles; covers for vehicle steering wheels; gear boxes for land vehicles; head-rests for vehicle seats; tires for vehicle wheels; vehicle covers [shaped]; vehicle wheel spokes; air pumps [vehicle accessories]; anti-glare devices for vehicles; non-skid devices for vehicle tires; anti-theft devices for vehicles; axles for vehicles; brake linings for vehicles; brake pads for automobiles; doors for vehicles; seat covers for vehicles; sun-blinds adapted for automobiles; upholstery for vehicles; vehicle seats; parts and fittings for all the aforementioned goods.

Class 14: *Precious metals and their alloys; jewellery; precious and semi-precious stones; horological and chronometric instruments; wristwatches; watches; watch bands; clocks; electric clocks; tie clips; cuff links; pin badges; brooches; charms; badges; key rings, key fobs; charms for key rings; decorative key rings; key chain tags; key holders; leather key rings; presentation boxes for watches; medals; parts and fittings for all the aforementioned goods.*

Class 18: *Leather and imitations of leather; animal skins and hides; luggage and carrying bags; umbrellas and parasols; walking sticks; whips, harness and saddlery; collars, leashes and clothing for animals; wallets; bags; purses; handbags; travelling bags; tote bags; backpacks; rucksacks; business card cases; credit card cases; net bags for shopping; briefcases; suitcases; duffle bags; sports bags; leather key cases; coin holders; parts and fittings for all the aforementioned goods.*

Class 25: *Clothing, footwear, headgear; sweaters; sweatshirts; shirts; polo shirts; blouses; t-shirts; camisoles; trousers; shorts; tracksuits; loungewear; dresses; jumpsuits; outer clothing; gilets; jackets; jumpers; knitwear; hoodies [clothing]; coats; parkas; jerseys; sports clothing; leather jackets; sports jackets; sports shoes; caps; sports caps; knitted hats; belts; scarves; gloves; parts and fittings for all the aforementioned goods.*

Class 28: *Games, toys and playthings; video game apparatus; gymnastic and sporting articles; remote controlled scale model vehicles; radio-controlled toy vehicles; toy model vehicles; scale model vehicles; scale model cars [toys]; hand-held electric games; video game machines; video game consoles; joysticks for video games; hand-held consoles for playing video games; golf bags; golf articles; boxing gloves; scooters [toys]; card games; jigsaw puzzles; board games; parts and fittings for all the aforementioned goods.*

Class 35: *Advertising; business management; business administration; office functions; auctioneering; planning and conducting of trade fairs, exhibitions and presentations for commercial or advertising purposes; event marketing; arranging of exhibitions for commercial purposes; promotion of goods and services through sponsorship of sports events; presentation of goods on communication media, for retail purposes; wholesale and retail services connected with the sale of apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data, recorded and downloadable media, digital recording and storage media, computers and computer peripheral devices, computer software, computer hardware, computer programs, interactive multimedia computer programs, computer game software, mobile applications, downloadable image, video, and multimedia files, downloadable graphic for mobile phones, downloadable electronic publications, eyewear, sunglasses, eyewear cases, 3D glasses, smartglasses, smartwatches, carrying cases for mobile telephones, electronic key fobs being remote control apparatus, speed checking apparatus for vehicles, anti-theft warning apparatus, directional compasses, electricity gauges, speed indicators, computer software for speed control, computer software for automobile parking assistance, hands-free kits for telephones, encoded key cards, security tokens [encryption devices], batteries, electric batteries, virtual and augmented reality software, downloadable virtual goods, namely, digital images, digital graphic designs, digital cars, digital sports cars, digital electric cars, digital hyper cars, digital clothing, digital footwear, digital headwear, digital bags, digital jewellery, digital watches and digital eyewear authenticated by non-fungible tokens created with blockchain technology to represent a collectible item, non-*

fungible tokens (NFTs), downloadable audio visual recordings featuring cars, sports cars, electric cars, hyper cars, clothing, footwear, headwear, bags, jewellery, watches and eyewear, authenticated by non-fungible tokens (NFTs), downloadable computer programs featuring virtual goods, namely, cars, sports cars, electric cars, hyper cars, clothing, footwear, headwear, bags, jewellery, watches and eyewear, downloadable digital media namely digital collectibles relating to digital automobiles, digital automobiles parts and fittings and digital scale model vehicles, downloadable virtual goods, namely, computer programs featuring automobiles, automobile parts and fittings for use online and in online virtual worlds, Vehicles, apparatus for locomotion by land, air or water, electric vehicles, electric sports cars, electric racing cars, electric hyper cars, automobiles, cars, sports cars, racing cars, hyper cars, autonomous cars, driverless cars, bicycles, electric bicycles, scooters, electric scooters, motorcycles, motor vehicles, land vehicles, engines for land vehicles, remote controlled vehicles, electric motors for land vehicles, automobile bodies, automobile hoods, automobile tires [tyres], bumpers for automobiles, covers for vehicle steering wheels, gear boxes for land vehicles, head-rests for vehicle seats, tires for vehicle wheels, vehicle covers [shaped], vehicle wheel spokes, air pumps [vehicle accessories], anti-glare devices for vehicles, non-skid devices for vehicle tires, anti-theft devices for vehicles, axles for vehicles, brake linings for vehicles, brake pads for automobiles, doors for vehicles, seat covers for vehicles, sun-blinds adapted for automobiles, upholstery for vehicles, vehicle seats, Clothing, footwear, headgear, sweaters, sweatshirts, shirts, polo shirts, blouses, t-shirts, camisoles, trousers, shorts, tracksuits, loungewear, dresses, jumpsuits, outer clothing, gilets, jackets, jumpers, knitwear, hoodies [clothing], coats, parkas, jerseys, sports clothing, leather jackets, sports jackets, sports shoes, caps, sports caps, knitted hats, belts, scarves, gloves, precious metals and their alloys, jewellery, precious and semi-precious stones, horological and chronometric instruments, wristwatches, watches, watch bands, clocks, electric clocks, tie clips, cuff links, pin badges, brooches, charms, badges, key rings, key fobs, charms for key rings, decorative key rings, key chain tags, key holders, leather key rings, presentation boxes for watches, medals, leather and imitations of leather, animal skins and hides, luggage and carrying bags, umbrellas and parasols, walking sticks, whips, harness and saddlery, collars, leashes and clothing for animals, wallets, bags, purses, handbags, travelling bags, tote bags, backpacks, rucksacks, business card cases, credit card

cases, net bags for shopping, briefcases, suitcases, duffle bags, sports bags, leather key cases, coin holders.

Class 37: *Repair and maintenance of automobiles and parts thereof; repair and maintenance of automobile engines and parts thereof; automobile engine conversion; installation of electric and electronic equipment in automobiles; custom modification of automobiles; custom restoration of automobiles; custom interior installation for automobiles; automobile customisation; automobile upgrading; fitting of replacement automobile parts; charging of electric automobiles; charging of electric automobile batteries; providing information relating to automobile maintenance and repair; advisory services relating to automobile maintenance; vehicle tyre fitting and repair; maintenance, servicing and repair of vehicles; advisory services relating to vehicle repair; garage services for vehicle repair; vehicle and automobile cleaning services; information, advisory and consultancy services relating to all the aforesaid.*

Class 41: *Education; providing of training; entertainment; sporting and cultural activities; organizing, arranging and conducting of entertainment, sporting, arts and cultural events; entertainment services; motor sports events; organisation of automobile races; organisation of automobile rallies; entertainment services provided at a motor racing circuit; organization of competitions relating to motor vehicles; training for automobile races; driving instructions; training for automobile design; providing non-downloadable electronic publications; providing online publications (non-downloadable); providing online publications relating to automobiles; providing online publications relating to automobile design; providing online publications relating to electric cars; providing online videos (non-downloadable); providing online videos (non-downloadable) in relation to automobiles, automobile design and electric cars; entertainment services, namely, providing on-line non-downloadable virtual goods in the nature of cars, electric cars, sports cars, hyper cars, automobile parts and fittings, scale model cars, clothing, footwear, headwear, jewellery, bags and eyewear for use in virtual online environments; entertainment services, namely providing an online virtual environment for entertainment purposes.*

Annex 2

Class 9: *Sunglass nose pads; Anti-glare glasses; Eyewear pouches; Chains for sunglasses; Pince-nez chains; Chains for spectacles and for sunglasses; Clip-on sunglasses; Cords for sunglasses; Eyeglass lanyards; Sunglass cords; Spectacle straps; Straps for sunglasses; Spectacle lenses; Spectacle lenses; Spectacle cases; Cases for children's eye glasses; Cases for sunglasses; Cases for spectacles and sunglasses; Covers for glasses; Covers for sunglasses; Spectacles [optics]; Alidades; Anti-glare glasses; Dustproof glasses; Anti-glare glasses; Pince-nez chains; Prescription eyeglasses; Antireflection coated eyeglasses; Spectacle cords; Corrective eyewear; Spectacle lenses; Magnifying eyeglasses; Diving goggles; Scuba goggles; Sports glasses; Snow goggles; Reading glasses; Fashion eyeglasses; Motorcycle goggles; Swim goggles; Prescription goggles for swimming; Camera goggles; Sight glasses [optical]; Virtual reality glasses; Goggles; Safety glasses for protecting the eyes; Sunglasses; Fashion sunglasses; Prescription sunglasses; Welding goggles; Theatre glasses; Shooting glasses [optical]; Night vision goggles; Sports glasses; Snow goggles; Smartglasses; Spectacles [optics]; Spectacles [optics]; Cyclists' glasses; Snow goggles; Glacier eyeglasses; Make up goggles; Children's eye glasses; Polarizing spectacles; Goggles; 3D spectacles; 3D spectacles for television receivers; 3D spectacles; Replacement lenses for glasses; Optical lenses for use with sunglasses; Spectacle lenses; Lenses for sunglasses; Spectacle lens blanks; Spectacle frames; Frames for sunglasses; Unmounted spectacle frames; Spectacle frames made of metal or of a combination of metal and plastic; Spectacle frames made of metal and of synthetic material; Frames for spectacles and sunglasses; Spectacle frames made of metal; Spectacle frames made of a combination of metal and plastics; Spectacle frames made of plastic; Frames for sunglasses; Eyeglass shields; Spectacle temples; Bars for spectacles; Sunglass temples; Parts for spectacles; Spectacle nose pads; Nose pads for eyewear; Side guards for eyeglasses; Smart phones in the form of eyewear; Spectacle holders; Spectacle holders; Spectacle lenses; Cases adapted for mobile phones; Mobile telephone cases made of leather or imitations of leather; Carrying cases for cellular phones; Mobile telephone covers made of cloth or textile materials; Cell phone covers; Carriers adapted for mobile phones; Covers for tablet computers; Flip covers for tablet computers; Software for tablet computers; Stands adapted for tablet computers; Tablet holders adapted for use*

in cars; Bags adapted for laptops; Downloadable electronic newsletters; Laptop covers; Bags adapted for laptops; Carrying cases for portable music players; Leather cases for mobile phones; Cases adapted for notebook computers; Downloadable mobile applications for use with wearable computer devices; Jewellery that communicates data; Portable telecommunications apparatus; Radios incorporating clocks; Watchbands that communicate data to smartphones; Wearable communications devices in the form of wristwatches; Carrying cases for mobile computers; Mobile software; Computer software; Embedded operating software; Mobile apps; Computer software applications, downloadable; Computer application software; Flip covers for smart phones; Labels with integrated RFID chips; Apparatus for the transmission of data; Hands-free kits for cell phones; Hands-free headsets for cell phones; Data suits; Smart bracelets.

Class 14: *Jewelry; Paste jewellery [costume jewelry (Am.)]; Key chains as jewellery [trinkets or fobs]; Jewellery in the form of beads; Enamelled jewellery; Jewellery for personal adornment; Jewellery, clocks and watches; Locketts [jewellery]; Pins being jewelry; Clips of silver [jewellery]; Bracelets [jewellery. jewelry (Am.)]; Bracelets made of embroidered textile [jewellery]; Jewellery, clocks and watches; Rings [jewellery, jewelry (Am.)]; Cuff links; Cuff links coated with precious metals; Cuff links made of imitation gold; Cuff links of precious metal; Cuff links made of precious metals with precious stones; Cuff links made of precious metals with semi-precious stones; Cuff links made of gold; Cuff links made of porcelain; Cuff links made of precious metals with semi-precious stones; Cuff links made of silver plate; Tie bars; Key rings [split rings with trinket or decorative fob]; Leather key fobs; Key fobs of common metal; Key rings comprising reel mechanisms; Fancy keyrings of precious metals; Key fobs of precious metals; Key rings of leather; Badges of precious metal; Lapel badges of precious metal; Watches bearing insignia; Jewellery rope chain for anklets; Ankle bracelets; Jewel cases; Cases [fitted] for jewels; Cuff links; Amulets [jewellery, jewelry (Am.)]; Decorative articles [trinkets or jewellery] for personal use; Tie bars; Friendship bracelets; Charity bracelets; Trophies made of precious metals; Clocks and watches; Dress watches; Digital clocks; Clocks and watches in general; Watchstraps; Wristwatches with GPS apparatus; Pocket watches; Watches made of precious metals; Desk clocks; Bracelets of precious metal; Parts for clocks; Parts and fittings for jewellery; Ornaments, made of or coated with precious or semi-precious metals or*

stones, or imitations thereof; Metal key fobs; Key fobs of imitation leather; Jewellery boxes and watch boxes; Jewelry boxes of metal; Key rings [split rings with trinket or decorative fob]; Key rings and key cords; Commemorative medals; Key fobs, not of metal; Jewelry cases [caskets or boxes]; Jewellery, including imitation jewellery and plastic jewellery; Paste jewellery [costume jewelry (Am.)]; Paste jewellery [costume jewelry (Am.)]; Jewelry; Time instruments; Metal badges for wear [precious metal]; Cuff links and tie clips; Electronic alarm clocks; Diadems; Necklaces [jewellery]; Pendants; Presentation boxes for horological articles; Presentation boxes for jewelry; Paste jewellery [costume jewelry (Am.)]; Bracelets; Brooches [jewellery]; Chains [jewelry]; Horological articles; Paste jewellery [costume jewelry (Am.)]; Articles of jewellery coated with precious metals; Rings [jewellery] made of non-precious metal; Rings [jewellery] made of precious metal; Rings [jewellery] jewelry (Am.); Imitation jewellery ornaments; Pins being jewelry; Ornamental hat pins; Lapel pins [jewellery]; Cases [fitted] for jewels; Housings for clocks and watches; Watch straps of plastic; Watchstraps; Watch crystals; Electronic alarm clocks; Statues and figurines, made of or coated with precious or semi-precious metals or stones, or imitations thereof.

Class 18: Umbrellas and parasols; Purse frames; Casual bags; Wheeled bags; Ladies' handbags; Small clutch purses; Handbags, purses and wallets; Shoulder bags; Straps for handbags; Luggage, bags, wallets and other carriers; Toiletry bags; Cross-body bags; Travelling sets [leatherware]; Suitcases; Wheeled suitcases; Leather suitcases; Travelling bags made of imitation leather; Leather bags and wallets; Card wallets [leatherware]; Key cases; Clutches [purses]; Leather wallets; Combination walking sticks and umbrellas; Travelling sets [leatherware]; Semi-worked fur; Imitation leather; Worked or semi-worked hides and other leather; Key-cases of leather and skins; Coin holders; Carriers for suits, shirts and dresses; Travelling sets; Vanity cases, not fitted; Coin purses, not of precious metal; Leather cases; Suitcases; Luggage tags [leatherware]; Plastic luggage tags; Travel cases; Leather, unworked or semi-worked; Multi-purpose purses; Evening handbags; Card wallets [leatherware]; Clothing for pets; Animal carriers [bags]; Clothing for pets; Blankets for animals; Leads for animals; All-purpose athletic bags; General purpose sport trolley bags; Bags for sports clothing; Sports packs; School knapsacks; Daypacks; Gentlemen's handbags, Satchels, Small rucksacks, Umbrellas for children, Children's shoulder bags, Satchels, Satchels, Key cases, Key bags, Key-cases of leather and skins, Duffel bags, Shoe

bags for travel, Bags for umbrellas, Towelling bags, Shoe bags for travel; Shoulder belts; Bumbags; Wallets for attachment to belts; Bags for umbrellas; Telescopic umbrellas; Portmanteaus; Travel baggage; Wash bags for carrying toiletries; Gym bags; Beach bags; Clutch bags; Travelling bags; Umbrella sticks; Roll bags; Ankle-mounted wallets; Wrist-mounted wallets; Travel garment covers; Key bags; Pouches; Wallets; Backpacks; Back frames for carrying children; Sling bags; Hiking rucksacks; Bags for climbers; Bags for climbers; Casual bags; Bags for campers; Sport bags; Duffel bags; Carry-on bags; Travel bags made of plastic materials; Travelling sets [leatherware]; Flexible bags for garments; Shoe bags; Bags for climbers; Hipsacks; Shoe bags; Gentlemen's handbags; Hiking bags; Waterproof bags; Slouch handbags; Bags for climbers; Briefcases [leather goods]; Travelling sets [leatherware]; Luggage tags [leatherware]; Small rucksacks; Rainproof parasols; Straps for luggage; Belt bags and hip bags; Kit bags; Harnesses; Rattan canes; Hiking poles; Wading staffs; Walking staffs; Folding walking sticks; Walking stick seats; Walking stick seats; Specialty holsters adapted for carrying folding walking sticks; Baby backpacks; Straps for luggage.

Class 25: *Shirts for suits; Suit coats; Suits; Men's suits; Leisure suits; Suits; Dinner jackets; Men's suits; Suits; Three piece suits [clothing]; Jackets [clothing]; Dress shirts; Silk ties; Ascots (ties); Bowties; Pocket squares; Kerchiefs [clothing]; Morning coats; Gilets; Dress pants; Dress shoes; Belts [clothing]; Leather belts [clothing]; Cumberbunds; Cumberbunds; Infants' boots, Socks for infants and toddlers, Children's footwear, Snap crotch shirts for infants and toddlers, Overalls for infants and toddlers, Trousers for children, Children's wear, Children's outerclothing, Swim wear for children, Clothing, footwear, headgear; Lingerie, underwear, foundation garments; Swimming costumes; Bathing suit cover-ups; Bath sandals; Bath slippers; Loungewear; Nightwear; Pyjamas; Robes; Outerclothing; Ready-to-wear clothing; Tee-shirts; Sweat shirts; Coats; Jumpers; Long and short trousers; Thermal underwear; Men's underwear; Beach robes; Beach shoes; Beachwear; Beach hats; Beachwear; Sandals and beach shoes; Tops [clothing]; Vest tops; Trunks; Swimming costumes; Swimming costumes; Gussets for bathing suits [parts of clothing]; Swimming costumes; Bathing drawers; Bathing caps; Swim shorts; Bath slippers; Bathing suit cover-ups; Bathwraps; Bathing drawers; Swimming costumes; Swim wear for gentlemen and ladies; Sarongs; Beach wraps; Blouses; Halter tops; Chemise tops;*

Caps [headwear]; Visors; Ankle socks; Men's socks; Trouser socks; Slipper socks; Socks and stockings; Fabric belts [clothing]; Gloves [clothing]; Jumpers; Knitted gloves; Sports shoes; Winter gloves; Men's and women's jackets, coats, trousers, vests; Cravats; Footwear for men; Training shoes; Leather shoes; Weatherproof clothing; Swim wear for children; Shoe soles; Turtleneck sweaters; Suspenders; Fur hats; Fashion hats; Sportswear; Polo knit tops; Denims [clothing]; Baby bodysuits; Windproof clothing; Sportswear; One-piece clothing for infants and toddlers; Babies' undergarments; Sweaters; Baby clothes; Polo shirts; Insoles [for shoes and boots]; Denim jeans; Sweatpants; Trousers shorts; Gym shorts; Camouflage pants; Sports pants; Stretch pants; Trousers for children; Cuffs; Ear muffs [clothing]; Jumper suits; Coveralls; Mittens; Athletic tights; Maillots; Unitards; Sports caps and hats; Gloves with conductive fingertips that may be worn while using handheld electronic touch screen devices; Jumpers; Caps with visors; Scarves; Jogging sets [clothing]; Shoe covers, other than for medical purposes; Sports jackets; Waist belts; Leather jackets; Printed t-shirts; Undershirts; Baby boots; Wrist warmers; Infants' footwear; Stuff jackets [clothing]; Flip-flops; Fleece vests; Leather waistcoats; Blousons; Shirt-jacs; Long-sleeved shirts; Neck scarves; Silk scarves; Blazers; Bodies [clothing]; Rain boots; Ankle boots; Winter boots; Mountaineering boots; Booties; Smoking jackets; Burnouses; Fur coats and jackets; Parkas; Sweat bands for the wrist; Shoulder straps for clothing; Lounging robes, Suspenders; Belts made from imitation leather; Belts [clothing]; Gloves including those made of skin, hide or fur; Dresses made from skins; Underwear; Sweat-absorbent underwear; Thong sandals; Cap peaks; Knitted caps; Sports headgear [other than helmets]; Tank tops; Bra straps; Leisurewear; Sports socks; Footwear not for sports; Casual shirts; Sports shirts with short sleeves; Sports jerseys and breeches for sports; Clothing for men, women and children; Outerclotthing for men; Slipovers [clothing]; Sleepsuits; Boys' clothing; Long underwear; Clothing made of fur; Oilskins [clothing]; Leisurewear; Clothing of imitations of leather; Casualwear; Knitted underwear; Clothing of imitations of leather; Knitwear [clothing]; Bottoms [clothing]; Outerclotthing for boys; Woven clothing.

Class 35: *Sales promotions at point of purchase or sale, for others, Providing business marketing information, Business advice relating to marketing management consultations, Provision of information relating to marketing, Market analysis and research, Internet marketing, Product marketing, Arranging and conducting marketing*

promotional events for others, Advice relating to marketing management, Development of marketing strategies and concepts, Dissemination of commercial information, Dissemination of advertisements via the Internet, Dissemination of advertisements, Distribution of promotional matter, Production of advertising material, Demonstration of goods for promotional purposes, Preparation of advertising material, Demonstration of goods for promotional purposes, Production of advertising material, Compilation, production and dissemination of advertising matter, Management on behalf of industrial and commercial enterprises in terms of supplying them with office requisites, Provision of information and advice to consumers regarding the selection of products and items to be purchased, Business management of wholesale and retail outlets, Dissemination services of advertisement matter, Customer loyalty services for commercial, promotional and/or advertising purposes, Issuing of publicity leaflets, Publication of advertising literature, Publication of printed matter for advertising purposes, Publication of publicity materials on-line, Publication of publicity materials and texts, Electronic publication of printed matter for advertising purposes, Arranging of displays for advertising purposes, Arranging of presentations for advertising purposes, Organisation of customer loyalty programs for commercial, promotional or advertising purposes, Prize draws (Organising of -) for promotional purposes, Organisation and holding of fairs for commercial or advertising purposes, Arranging and conducting of fairs and exhibitions for advertising purposes, Arranging and conducting of art exhibitions for commercial or advertising purposes, Planning and conducting of trade fairs, exhibitions and presentations for economic or advertising purposes, Distribution of publicity materials (flyers, prospectuses, brochures, samples, particularly for catalogue long distance sales) whether cross border or not, Distribution of advertising material by post, Distribution of publicity materials (flyers, prospectuses, brochures, samples, particularly for catalogue long distance sales) whether cross border or not, Distribution and dissemination of advertising materials [leaflets, prospectuses, printed material, samples], Distribution and dissemination of advertising materials [leaflets, prospectuses, printed material, samples], Dissemination of advertising matter online, Issuing and updating of advertising texts, Organization of exhibitions for commercial or advertising purposes, Provision of advertising space by electronic means and global information networks, Arranging of demonstrations for advertising purposes, Dissemination of advertising matter, Dissemination of advertising via online communications networks, Dissemination of advertising matter

by mail, Dissemination of advertising, marketing and publicity materials, Direct mail advertising, Distribution of advertising material by post, Dissemination of advertising and promotional materials, Conducting, arranging and organizing trade shows and trade fairs for commercial and advertising purposes, Design of advertising brochures, Design of advertising logos, Design of advertising materials, Design of advertising flyers, Distribution of advertising announcements, Distribution of advertising mail and of advertising supplements attached to regular editions, Distribution of prospectuses for advertising purposes, Handbill distribution, Distribution of flyers, brochures, printed matter and samples for advertising purposes, Distribution of advertising material, Distribution of promotional matter, Distribution of samples for publicity purposes, Distribution of products for advertising purposes, Distribution of publicity texts, Organization of exhibitions for commercial or advertising purposes, Bill-posting, Advertising business especially in the field of telematic and telephone networks, Personnel recruitment advertising, Advertising the goods and services of online vendors via a searchable online guide, Advertising of the services of other vendors, enabling customers to conveniently view and compare the services of those vendors, Advertising of business web sites, Advertising relating to transport and delivery, Direct mail advertising, Banner advertising, Advertisement for others on the Internet, On-line advertising on a computer network, On-line advertising on a computer network, On-line advertising on a computer network, On-line advertising on a computer network, Online advertisements, On-line advertising on a computer network, On-line advertising on a computer network, Advertising particularly services for the promotion of goods, Advertising in the popular and professional press, Advertising in periodicals, brochures and newspapers, Magazine advertising, Electronic billboard advertising, Bill-posting, Advertising, including on-line advertising on a computer network, Advertising, marketing and promotional services, Advertising by transmission of on-line publicity for third parties through electronic communications networks, Advertising, marketing and promotional services, Personnel recruitment advertising, Advertising for others, Direct mail advertising, Direct mail advertising to attract new customers and to maintain the existing customer base, Advertising by mail order, Direct marketing, Promotional services provided by telephone, Radio advertising, Television advertising, Advertising, Radio advertising, Advertising and marketing, On-line advertising and marketing services, Publicity and sales promotion services, Collection of information relating to advertising, Advertising agencies, Consultancy relating to advertising,

Organisation of events for commercial and advertising purposes, Online retailing of clothing accessories, accessories for clothing, perfumery, eyeglasses and optical goods, clocks and watches, travel articles, umbrellas, travelling bags (leatherware), wallets for cards (leatherware), wallets of leather (leatherware), travelling sets (leatherware), luggage tag holders (leatherware), bags and wallets of leather, semi-processed leather, imitations of leather, worked and semi-worked hides and leather, key cases of leather and hide, travelling bags of leather, bags, backpacks, wallets, clothing, footwear and headwear, suits, ceremonial clothing, polo shirts, dress shoes, trainers, parkas, blazers, jerseys, hosiery, underclothing, waistcoats, trousers, sweatshirts, wallets, belts, sports shoes, ties, cuff links, braces, handkerchiefs for suits, bow-ties, arranging and conducting of promotional marketing events, for others, Organization of events, exhibitions, fairs and shows for commercial, promotional and advertising purposes, Mediation of agreements regarding the sale and purchase of goods, Promoting the sale of goods and services of others through the distribution of printed material and promotional contests, Sales promotion for others provided through the distribution and the administration of privileged user cards, Issuing of publicity leaflets, Promotion, advertising and marketing of on-line websites, Publication of advertising literature, Publication of publicity materials, Market campaigns, Publication of publicity texts, Advertising, Advertising via electronic media and specifically the internet, Advertisement via mobile phone networks, Advertising through all public communication means, Electronic commerce services, namely, providing information about products via telecommunication networks for advertising and sales purposes, Administration relating to sales methods, Advisory services relating to sales promotion, Advisory services relating to sales promotion, Arranging business introductions relating to the buying and selling of products, Presentation of goods on communication media, for retail purposes, Presentation of goods via communication media for retail and advertising purposes, including promotion relating to the sale of goods and services for others by means of the distribution of advertising material and the dissemination of advertising messages on computer networks, advertising and sales promotion relating to goods and services offered and requested via telecommunications or electronic means, Administrative processing and organising of mail order services, Sales promotion, Business administration services for processing sales made on the internet, Sales promotion for others, Presentation of goods on communication media, for retail purposes, Clerical services for the taking of

sales orders, Provision of space on web-sites for advertising goods and services, Compilation of advertisements for use as web pages on the Internet, Promotion, advertising and marketing of on-line websites, Franchising, relating to consultancy and assistance in business management, organisation and promotion, Publicity and sales promotion services, Import and export services, Sales promotion, Online promotion via computer networks and websites, Promotional marketing, demonstration of goods for promotional purposes, advertising, in particular promotion of goods, dissemination of promotional leaflets, business administration, promotion of goods and services via the dissemination of discount cards, import and export of goods, Assistance in business management within the framework of a franchise contract, Services rendered by a franchisor, namely, assistance in the running or management of industrial or commercial enterprises, Import-export agencies for clothing, footwear, headgear, clothing accessories, accessories for clothing, leatherware, Modelling agency services relating to sales promotions, Provision of models for advertising, Provision of models for advertising, Promoting the goods and services of others by means of a loyalty rewards card scheme, Administration of a discount program for enabling participants to obtain discounts on goods and services through use of a discount membership card, Administration of the business affairs of franchises, Business advice relating to franchising, Business advice and consultancy relating to franchising, Assistance in product commercialization, within the framework of a franchise contract, Provision of assistance [business] in the operation of franchises, Services rendered by a franchisor, namely, assistance in the running or management of industrial or commercial enterprises, Business advisory services relating to the establishment and operation of franchises, Advisory services relating to publicity for franchisees, Business management assistance in the field of franchising, Business advertising services relating to franchising, Computerized on-line ordering services, On-line promotion of computer networks and websites, Business information services provided on-line from a computer database or the internet, Online ordering services, Online data processing, Presentation of goods on communication media, for retail purposes, Presentation of goods on communication media, for retail purposes, Retailing and wholesaling in shops and via the internet of clothing, footwear and headwear, perfumery, cosmetics, hosiery and underclothing, wallets, backpacks, bags, hardware, computer bags, covers for telephones and tablets, covers and bags for laptops, umbrellas, fashion and clothing accessories, accessories for clothing,

suitcases, tie clips, key chains, suits, jackets (clothing), cuff links, jewellery, clocks and watches, eyeglasses, sunglasses, travel articles, travel accessories, suitcases, waistcoats, trousers, sweatshirts, wallets, belts, shirts, sports shoes, ties, cuff links, braces, handkerchiefs for suits, bow ties, travelling bags (leatherware), wallets for cards (leatherware), wallets of leather (leatherware), travelling sets (leatherware), luggage tag holders (leatherware), luggage tags [leatherware], bags and wallets of leather, semi-processed leather, imitations of leather, worked and semi-worked hides and leather, key cases of leather and hide, travelling bags of leather, braces.

Annex 3

Class 9: *Apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data; recorded and downloadable media; digital recording and storage media; computers and computer peripheral devices; computer software; computer hardware; computer programs; interactive multimedia computer programs; computer game software; mobile applications; downloadable image, video, and multimedia files; downloadable graphic for mobile phones; downloadable electronic publications; eyewear; sunglasses; eyewear cases; 3D glasses; smartglasses; smartwatches; carrying cases for mobile telephones; computer software for speed control; computer software for automobile parking assistance; hands-free kits for telephones; encoded key cards; security tokens [encryption devices]; virtual and augmented reality software; downloadable virtual goods, namely, digital images, digital graphic designs, digital clothing, digital footwear, digital headwear, digital bags, digital jewellery, digital watches and digital eyewear authenticated by non-fungible tokens created with blockchain technology to represent a collectible item; non-fungible tokens (NFTs); downloadable audio visual recordings featuring clothing, footwear, headwear, bags, jewellery, watches and eyewear, authenticated by non-fungible tokens (NFTs); downloadable computer programs featuring virtual goods, namely, clothing, footwear, headwear, bags, jewellery, watches and eyewear; downloadable virtual goods, namely, computer programs featuring automobile parts and fitting for use online and in online virtual worlds; parts and fittings for all the aforementioned goods.*

Class 14: *Precious metals and their alloys; jewellery; precious and semi-precious stones; horological and chronometric instruments; wristwatches; watches; watch bands; clocks; electric clocks; tie clips; cuff links; pin badges; brooches; charms; badges; key rings, key fobs; charms for key rings; decorative key rings; key chain tags; key holders; leather key rings; presentation boxes for watches; medals; parts and fittings for all the aforementioned goods.*

Class 18: *Leather and imitations of leather; animal skins and hides; luggage and carrying bags; umbrellas and parasols; walking sticks; whips, harness and saddlery; collars, leashes and clothing for animals; wallets; bags; purses; handbags; travelling*

bags; tote bags; backpacks; rucksacks; business card cases; credit card cases; net bags for shopping; briefcases; suitcases; duffle bags; sports bags; leather key cases; coin holders; parts and fittings for all the aforementioned goods.

Class 25: *Clothing, footwear, headgear; sweaters; sweatshirts; shirts; polo shirts; blouses; t-shirts; camisoles; trousers; shorts; tracksuits; loungewear; dresses; jumpsuits; outer clothing; gilets; jackets; jumpers; knitwear; hoodies [clothing]; coats; parkas; jerseys; sports clothing; leather jackets; sports jackets; sports shoes; caps; sports caps; knitted hats; belts; scarves; gloves; parts and fittings for all the aforementioned goods.*

Class 35: *Advertising; business management; business administration; office functions; auctioneering; planning and conducting of trade fairs, exhibitions and presentations for commercial or advertising purposes; event marketing; arranging of exhibitions for commercial purposes; promotion of goods and services through sponsorship of sports events; presentation of goods on communication media, for retail purposes; wholesale and retail services connected with the sale of apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data, recorded and downloadable media, digital recording and storage media, computers and computer peripheral devices, computer software, computer hardware, computer programs, interactive multimedia computer programs, computer game software, mobile applications, downloadable image, video, and multimedia files, downloadable graphic for mobile phones, downloadable electronic publications, eyewear, sunglasses, eyewear cases, 3D glasses, smartglasses, smartwatches, carrying cases for mobile telephones, computer software for speed control, computer software for automobile parking assistance, handsfree kits for telephones, encoded key cards, security tokens [encryption devices], virtual and augmented reality software, downloadable virtual goods, namely, digital images, digital graphic designs, digital clothing, digital footwear, digital headwear, digital bags, digital jewellery, digital watches and digital eyewear authenticated by non-fungible tokens created with blockchain technology to represent a collectible item, non-fungible tokens (NFTs), downloadable audio visual recordings featuring clothing, footwear, headwear, bags, jewellery, watches and eyewear, authenticated by nonfungible tokens (NFTs),*

downloadable computer programs featuring virtual goods, namely, clothing, footwear, headwear, bags, jewellery, watches and eyewear, Clothing, footwear, headgear, sweaters, sweatshirts, shirts, polo shirts, blouses, t-shirts, camisoles, trousers, shorts, tracksuits, loungewear, dresses, jumpsuits, outer clothing, gilets, jackets, jumpers, knitwear, hoodies [clothing], coats, parkas, jerseys, sports clothing, leather jackets, sports jackets, sports shoes, caps, sports caps, knitted hats, belts, scarves, gloves, precious metals and their alloys, jewellery, precious and semi-precious stones, horological and chronometric instruments, wristwatches, watches, watch bands, clocks, electric clocks, tie clips, cuff links, pin badges, brooches, charms, badges, key rings, key fobs, charms for key rings, decorative key rings, key chain tags, key holders, leather key rings, presentation boxes for watches, medals, leather and imitations of leather, animal skins and hides, luggage and carrying bags, umbrellas and parasols, walking sticks, whips, harness and saddlery, collars, leashes and clothing for animals, wallets, bags, purses, handbags, travelling bags, tote bags, backpacks, rucksacks, business card cases, credit card cases, net bags for shopping, briefcases, suitcases, duffle bags, sports bags, leather key cases, coin holders.

Annex 4

Class 9: *Sunglass nose pads; anti-glare glasses; eyewear pouches; chains the sunglasses; pince-nez chains; chains for spectacles and for sunglasses; clip-on sunglasses; cords for sunglasses; eyeglass lanyards; sunglass cords; spectacle straps; straps for sunglasses; spectacle lenses; spectacle lenses; spectacle cases; cases for children's eyeglasses; cases for sunglasses; cases for spectacles and sunglasses; covers for glasses; covers for sunglasses; spectacles [optics]; alidades; anti-glare glasses; dustproof glasses; anti-glare glasses; pince-nez chains; prescription eyeglasses; antireflection coated eyeglasses; spectacle cords; corrective eyewear; spectacle lenses; magnifying eyeglasses; diving goggles; scuba goggles; sports glasses; snow goggles; reading glasses; fashion eyeglasses; motorcycle goggles; swim goggles; prescriptive goggles for swimming; camera goggles; sight glasses [optical]; virtual reality glasses; goggles; safety glasses for protecting the eyes; sunglasses; fashion sunglasses; prescription sunglasses; welding goggles; theatre glasses; shooting glasses [optical] ; night vision goggles; sports glasses; snow goggles; smart glasses; spectacles [optics]; cyclists' glasses; snow goggles; glacier eyeglasses; make up goggles; children's eye glasses; polarizing spectacles; goggles; 3D spectacles; 3D spectacles for television receivers; 3D spectacles; replacement lenses for glasses; optical lenses for use with sunglasses; spectacle lenses; lenses for sunglasses; spectacle lens blanks; spectacle frames; frames for sunglasses; unmounted spectacle frames; spectacle frames made of metal or of a combination of metal and plastic; spectacle frames made of metal and of synthetic material; frames for spectacles and sunglasses; spectacle frames made of metal; spectacle frames made of a combination of metal and plastics; spectacle frames made of plastic; frames for sunglasses; eyeglass shields; spectacle temples; bars for spectacles; sunglass temples; parts of the spectacles; spectacle nose pads; nose pads for eyewear; side guards for eyeglasses; smart phones in the form of eyewear; spectacle holders; spectacle holders; spectacle lenses; cases adapted for mobile phones; mobile telephone cases made of leather or imitations of leather; carrying cases for cellular phones; mobile telephone covers made of cloth or textile materials; cell phone covers; carriers adapted for mobile phones; covers for tablet computers; flip covers for tablet computers; software for tablet computers; stands adapted for tablet computers; tablet holders adapted for use in cars; bags adapted for laptops; downloadable electronic*

newsletters; laptop covers; bags adapted for laptops; carrying cases for portable music players; leather cases for mobile phones; cases adapted for note book computers; downloadable mobile applications for use with wearable computer devices; jewellery that communicates data; portable telecommunications apparatus; radios incorporating clocks; watchbands that communicate data to smart phones; wearable communications devices in the form of wristwatches; carrying cases for mobile computers; mobile software; computer software; embedded operating software; mobile apps; computer software applications, downloadable; computer application software; flip covers for smart phones; labels with integrated RFID chips; apparatus for the transmission of data; hands-free kits for cell phones; hands-free headsets for cell phones; data suits; smart bracelets.

Class 14: *Jewelry; paste jewellery [costume jewellery(Am)]; key chains as jewellery [trinkets or fobs]; jewellery in the form of beads; enamelled jewellery; jewellery for personal adornment; jewellery, clocks and watches; lockets [jewellery]; pins being jewelry; clips of silver [jewellery]; bracelets [jewellery, jewelry (AM.)]; Bracelets made of embroidered textile[jewellery]; jewellery, clocks and watches; rings [jewellery. Jewelry (Am.)] Cufflinks; cufflinks coated with precious metals; cufflinks made of imitation gold; cufflinks of precious metal; cufflinks made of precious metals with precious stones; cuff links made of precious metals with semi- precious stones; cufflinks made of gold; cufflinks made of porcelain; cufflinks made of precious metals with semi-precious stones; cufflinks made of silver plate; tie bars; key rings [split rings with trinket or decorative fob]: leather key fobs; key fobs of common metal; key rings comprising reel mechanisms; fancy keyrings of precious materials; key fobs of precious materials; key rings of leather; badges of precious metal; lapel badges of precious metal; watches bearing insignia; jewellery rope chain for anklets; ankle bracelets; jewel cases; cases [fitted] for jewels; cuff links; amulets [jewellery, jewelry (Am.)]; Decorative articles [trinkets or jewellery] for personal use; tie bars; friendship bracelets; charity bracelets; trophies made of precious materials; clocks and watches; dress watches; digital clocks; clocks and watches in general; watch straps; wristwatches with GPS apparatus; pocket watches; watches made of precious metals; desk clocks; bracelets of precious metal; parts for clocks; parts and fittings for jewellery; ornaments, made of all coated with precious or semi-precious metals or stones, or imitations thereof; metal key fobs; key fobs of imitation leather; jewellery*

boxes and watch boxes; jewelry boxes of metal ; key rings [split rings with trinket or decorative fob]; key rings and key cords; commemorative medals; key fobs, not of metal; jewelry cases [caskets or boxes]; jewellery, including imitation jewellery and plastic jewellery; paste jewellery [costume jewellery] (Am.); paste jewellery [costume jewellery] (Am.); Jewelry; Time instruments; metal badges for wear [precious metal]; cuff links and tie clips; electronic alarm clocks; diadems; necklaces [jewellery]; pendants presentation boxes for horological articles; presentation boxes for jewelry; paste jewellery [costume jewellery] (Am.); Bracelets; brooches [jewellery]; chains [jewelry]; horological articles; paste jewellery [costume jewellery] (Am.); Articles of jewellery coated with precious metals; rings [jewellery] made of non--precious metal; rings [jewellery] made of precious metal; rings [jewellery, jewelry (Am.)]; Imitation jewellery ornaments; pins being jewelry; ornamental hat pins; lapel pins [jewellery]; cases [fitted] for jewels; housings for clocks and watches; watch straps of plastic; watchstraps; watch crystals; electronic alarm clocks; statues and figurines, made of all coated with precious or semi-precious metals or stones, or imitations thereof.

Class 18: *umbrellas and parasols; purse frames; casual bags; wheeled bags; ladies' handbags; small clutch purses; handbags, purses and wallets; shoulder bags; straps for handbags; luggage, bags, wallets and other carriers; toiletry bags; cross-body bags; travelling sets [leatherware]; suitcases; wheeled suitcases; leather suitcases; travelling bags made of imitation leather; leather bags and wallets; card wallets [leatherware]; key cases; clutches [purses]; leather wallets; combination walking sticks and umbrellas; travelling sets [leatherware]; semi-worked fur; imitation leather; worked or semi-worked hides and other leather; key-cases of leather and skins; coin holders; carriers for suits, shirts and dresses; travelling sets; vanity cases, not fitted; coin purses, not of precious metal; leather cases; suitcases; luggage tags [leatherware]; plastic luggage tags; travel cases; leather, unworked or semi--worked; multi-purpose purses; evening handbags; card wallets [leatherware]; clothing for pets; animal carriers [bags]; clothing for pets; blankets for pets; leads for animals; all-purpose athletic bags; general purpose sport trolley bags; bags for sports clothing; sports packs; school knapsacks; daypacks; gentlemen's handbags, satchels, small rucksacks, umbrellas for children, children's shoulder bags, satchels, satchels, key cases, key bags, key-cases of leather and skins, duffel bags, shoe bags for travel, bags for umbrellas, towelling bags, shoe bags for travel; shoulder belts; bumbags;*

wallets for attachment to belts; bags for umbrellas; telescopic umbrellas; portmanteaus; travel baggage; wash bags for carrying toiletries; gym bags; beach bags; clutch bags; travelling bags; umbrellas sticks; roll bags; ankle-mounted wallets; wrist-mounted wallets; travel garments covers; key bags; pouches; wallets; backpacks; back frames for carrying children; sling bags; hiking rucksacks; bags for claimants; bags for climbers; climbers bags; bags for campers; sports bags; duffel bags; carry-on bags; travel bags made of plastic materials; travelling sets [leatherware] ; flexible bags for garments; shoe bags; bags for climbers; hipsacks; shoe bags; gentleman's handbags; hiking bags; waterproof bags; slouch handbags; bags for climbers; briefcases [leather goods]; travelling sets [leatherware]; luggage tags [leatherware]; small rucksacks; rain proof parasols; straps for luggage; belt bags and hip bags; kit bags; harnesses; rattan canes; hiking poles; wading staffs; walking staffs; folding walking sticks; walking stick seats; walking stick seats; speciality holsters adapted for carrying holding walking sticks; baby backpacks; straps for luggage.

Class 25: shirts for suits; suit coats; suits; men's suits; leisure suits; suits; dinner jackets; men's suits; suits; three piece suits [clothing]; jackets [clothing]; dress shirts; silk ties; ascots (ties); bowties; pocket squares; kerchiefs [clothing]; morning coats; Gilets; dress pants; dress shoes; belts [clothing]; leather belts [clothing]; cummerbunds; cummerbunds; infants' boots, socks for infants and toddlers, children's footwear, snap crotch shirts for infants and toddlers, overalls for infants and toddlers, trousers for children, children's wear, children's outer clothing, swim wear for children, clothing, footwear, headgear; lingerie, underwear, foundation garments; swimming costumes; bathing suit cover-ups; bath sandals; bath slippers; loungewear; nightwear; pyjamas; robes; outer clothing; ready-to-wear clothing; Tee-shirts; sweat shirts; coats; jumpers; long and short trousers; thermal underwear; men's underwear; beach robes; beach shoes; beachwear; beach hats; beachwear; sandals and beach shoes; tops [clothing]; vest tops; trunks; swimming costumes; swimming costumes; gussets for bathing suits [parts of clothing]; swimming costumes; bathing drawers; bathing caps; swim shorts; bath slippers; bathing suit cover-ups; bathwraps; bathing drawers; swimming costumes; swim wear for gentlemen and ladies; sarongs; beach wraps; blouses; halter tops; chemise tops; caps[headwear]; visors; ankle socks; men's socks; trouser socks; slipper socks; socks and stockings; fabric belts [clothing] ; gloves [clothing]; jumpers; knitted gloves; sports shoes, winter gloves; men's and women's

jackets, coats, trousers, vests; cravats; footwear for men; training shoes; leather shoes; weatherproof clothing; swim wear for children; shoe soles; turtleneck sweaters; suspenders; fur hats; fashion hats; sportswear; polo knit tops; denims [clothing]; baby bodysuits; windproof clothing; sportswear; one-piece clothing for infants and toddlers; babies' undergarments; sweaters; baby clothes; polo shirts; insoles [for shoes and boots]; denim jeans; sweatpants; trousers shorts; gym shorts; camouflage pants; sports pants; stretch pants; trousers for children; cuffs; ear muffs [clothing] ; jumper suits; coveralls; mittens; athletic tights; Maillots; unitards; sports caps and hats; gloves with conductive fingertips that may be worn while using hand-held electronic touch screen devices; jumpers; caps with visors; scarves; jogging sets [clothing]; shoe covers, other than for medical purposes; sports jackets; waist belts; leather jackets; ;printed t-shirts; undershirts; baby boots; wrist warmers; infants' footwear; stuff jackets [clothing]; flip-flops; fleece vests; leather waistcoats; blousons; shirt-jacs; long-sleeved shirts; neck scarves; silk scarves; blazers; bodies [clothing]; rain boots; ankle boots; winter boots; mountaineering boots; booties: smoking jackets; burnouses; fur coats and jackets; Parkers; sweat bands for the wrist; shoulder straps for clothing; lounging robes, suspenders; belts made from imitation leather; belts [clothing]; gloves including those made of skin, hide or fur; dresses made from skins; underwear; sweat-absorbent underwear; thong sandals; cap peaks; knitted caps; sports headgear [other than helmets] ; tank tops; bra straps; leisurewear; sports socks; footwear not for sports; casual shirts sports shirts with short sleeves; sports jerseys and breeches for sports; clothing for men, women and children; outerclothing for men; slipovers [clothing]; sleepsuits; boys' clothing; long underwear; clothing made of fur; oilskins [clothing]; leisurewear; clothing of imitations of leather; casualwear; knitted underwear; clothing of imitations of leather; knitwear[clothing]; bottoms [clothing]; outerclothing for boys; woven clothing.

Class 35: *sales promotions at the point of purchase or sale, for others; providing business marketing information; business advice relating to marketing management consultations; provision of information relating to marketing; market analysis and research; Internet marketing; product marketing; arranging and conducting marketing promotional events for others; advice relating to marketing management; development of marketing strategies and concepts; dissemination of commercial information; dissemination of advertisements via the Internet; dissemination of advertisements;*

distribution of promotional matter; production of advertising material; demonstration of goods for promotional purposes; preparation of advertising material; demonstration of goods for promotional purposes; production of advertising material; compilation, production and dissemination of advertising matter; management on behalf of industrial and commercial enterprises in terms of supplying them with office requisites; provision of information and advice to consumers regarding the selection of products and items to be purchased; business management of wholesale and retail outlets; dissemination services of advertisement matter; customer loyalty services for commercial, promotional and/or advertising purposes; issuing of publicity leaflets; publication of advertising literature; publication of printed matter for advertising purposes; publication of publicity materials on-line; publication of publicity materials and texts; electronic publication of printed matter for advertising purposes; arranging of displays for advertising purposes; arranging of presentations for advertising purposes; organisation of customer loyalty programs for commercial, promotional or advertising purposes; prize draws (organising of-) for promotional purposes; organisation and holding of fairs for commercial or advertising purposes; arranging and conducting of fairs and exhibitions for advertising purposes; arranging and conducting of art exhibitions for commercial or advertising purposes; planning and conducting of trade fairs, exhibitions and presentations for economic or advertising purposes; distribution of publicity materials (flyers, prospectuses, brochures, samples, particularly for catalogue long distance sales) whether cross border or not; distribution of advertising material by post; distribution of publicity materials (flyers, prospectuses, ratios, samples, particularly catalogue long distance sales) whether cross border or not; distribution and dissemination of advertising materials [leaflets, prospectuses, printed material, samples]; distribution and dissemination of advertising materials [leaflets, prospectuses, printed material, samples]; dissemination of advertising matter online; issuing and updating of advertising texts; organization of exhibitions; provision of advertising space by electronic means and global information networks; arranging of demonstrations for advertising purposes; dissemination of advertising matter; dissemination of advertising via online communications networks; dissemination of advertising matter by mail; dissemination of advertising, marketing and publicity materials; conducting, arranging and organizing trade shows and trade fairs all commercial and advertising purposes; design of advertising brochures; design of advertising logos; design of advertising materials; design of advertising flyers;

distribution of advertising announcements; distribution of advertising mail and of advertising supplements attached to regular editions; distribution of prospectuses for advertising purposes; handbill distribution; distribution of flyers, brochures, printed matter and samples for advertising purposes; distribution of advertising material; distribution of promotional matter; distribution of samples for publicity purposes; distribution of products for advertising purposes; distribution of publicity texts; organization of exhibitions for commercial or advertising purposes; bill-posting; advertising business especially in the field of telematic and telephone networks; personnel recruitment advertising; advertising the goods and services of online vendors via a searchable online guide; advertising of services of other vendors, enabling customers to conveniently view and compare the services of those vendors; advertising of business websites; direct mail advertising; banner advertising; advertisements for others on the Internet; on-line advertising on a computer network; on-line advertising on a computer network; on-line advertising on a computer network; on-line advertising on a computer network; online advertisements; on-line advertising on a computer network; on-line advertising on a computer network; advertising particularly services for the promotion of goods; advertising in the popular and professional press; advertising in periodicals, brochures and newspapers; magazine advertising; electronic billboard advertising: bill-posting; advertising, including on-line advertising on a computer network; advertising, marketing and promotional services; advertising by transmission of on-line publicity for third-parties through electronic communications networks; advertising, marketing and promotional services; personnel recruitment advertising; advertising for others; direct mail advertising; direct mail advertising to attract new customers and to maintain the existing customer base; advertising by mail order; direct marketing; promotional services provided by telephone; radio advertising; television advertising; advertising; radio advertising; advertising and marketing; on-line advertising and marketing services; publicity and sales promotion services; collection of information relating to advertising; advertising agencies; consultancy relating to advertising; organisation of events for commercial and advertising purposes; online retailing of clothing accessories, accessories for clothing, perfumery, eyeglasses and optical goods, clocks and watches, travel articles, umbrellas, travelling bags (leatherware), wallets of leather (Leatherware), travelling sets(Leatherware), luggage tag holders (leatherware), bags and wallets of leather, semi-processed leather , imitations of leather, worked and semi-white hides and

leather, key cases of leather and hide, travelling bags of leather, bags, backpacks, wallets, clothing, footwear and headwear, suits, ceremonial clothing, polo shirts, dress shoes, trainers, parkers, lasers, jerseys, hosiery, underclothing, waistcoats, trousers, sweatshirts, wallets, belts, sports shoes, ties, cufflinks, braces, handkerchiefs for suits, bow-ties, arranging and conducting of promotional marketing events, for others; organization events, exhibitions, fairs and shows for commercial, promotional and advertising purposes; mediation of agreements regarding the sale and purchase of goods; promoting the sale of goods and services of others the distribution of printed material and promotional contests; sales promotion for others provided through the distribution and the administration of privileged user cards; issuing of publicity leaflets; promotion, advertising and marketing of on-line websites; publication of advertising literature; publication of publicity materials; market campaigns; publication of publicity texts; advertising; advertising via electronic media and specifically the Internet; advertisement via mobile phone networks; advertising through all public communication means; electronic commerce services, namely, providing information about products via telecommunication networks for advertising and sales purposes; administration relating to sales methods; advisory services relating to sales promotion; advisory services relating to sales promotion; arranging business introductions relating to the buying and selling of products; presentation of goods on communication media, for retail purposes; presentation of goods via communication media for retail and advertising purposes, including promotion relating to the sale of goods and services for others by means of the distribution of advertising material and the dissemination of advertising messages on computer networks, advertising and sales promotion relating to goods and services offered and requested via telecommunications or electronic means; administrative processing and organising of mail order services; sales promotion; business administration services for processing sales made on the Internet; sales promotion for others; presentation of goods on communication media, for retail purposes; clerical services for the taking of sales orders; provision of space on web-sites or advertising goods and services; compilation of advertisements for use as web pages on the Internet; promotion, advertising and marketing of on-line websites; advertising, relating to consultancy and assistance in business management, organisation and promotion; publicity and sales promotion services; import and export services, sales promotion; online promotion via computer networks and websites; promotional marketing, demonstration of goods for promotional

purposes, advertising, in particular promotion of goods, dissemination of promotional leaflets, business administration, promotion of goods and services via the dissemination of discount cards, import and export of goods; assistance in business management within the framework of a franchise contract; services rendered by a franchisor, namely, assistance in the running management of industrial or commercial enterprises; import-export agencies for clothing, footwear, headgear, clothing accessories, accessories for clothing, leatherware; modelling agency services relating to sales promotions; provision of models for advertising; provision of models for advertising; promoting the goods and services of others by means of a loyalty rewards card scheme; administration of a discount program for enabling participants to obtain discounts on goods and services through use of a discount membership card; administration of the business affairs of franchises; business advice relating to franchising; business advice and consultancy relating to franchising; assistance in product commercialization, within the framework of a franchise contract; provision of assistance [business] in the operation of franchises; services rendered by a franchisor, namely, assistance in the running management of industrial or commercial enterprises; business advisory services relating to the establishment and operation of franchises; advisory services relating to publicity for franchisees; business management assistance in the field of franchising; business advertising services relating to franchising; computerized on-line ordering services; on-line promotion of computer networks and websites; business information services from a computer database or the Internet; online ordering services; online data processing; presentation of goods on communication media, for retail purposes; presentation of goods on communication media, for retail purposes; retailing and wholesaling in shops and via the Internet of clothing, footwear and headwear, perfumery, cosmetics, hosiery and underclothing, wallets, backpacks, bags, hardware, computer bags, covers for telephones and tablets, covers and bags for laptops, umbrellas, fashion and clothing accessories, accessories for clothing, suitcases, tie clips, key chains, suits, jackets (clothing), links, generate, clocks and watches, eyeglasses, sunglasses, travel articles, travel accessories, suitcases, waistcoats, trousers, sweatshirts, wallets, belts, shirts, sports shoes, ties, cuff links, braces, handkerchiefs for suits, bowties, travelling bags (leatherware), wallets for cards (leatherware), wallets of leather (leatherware), travelling sets (leatherware), luggage tag holders [leatherware], bags and wallets of

leather, semi-processed leather, imitations of leather, worked and semi-worked hides and leather, key cases of leather and hide, travelling bags of leather, braces.