

O/0288/24

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO. UK00003912129
BY WINDY VENTURES LLC
TO REGISTER:**



**AS A TRADE MARK IN CLASSES 8, 12, 14, 15, 16,
18, 20, 21, 24, 25, 27, 28, 29, 30, 32, 33, 38, 41, 42 & 43**

AND

**IN THE MATTER OF OPPOSITION THERETO
UNDER NO. OP600002976 BY
NICHOLAS BOLAND**

BACKGROUND AND PLEADINGS

1. On 16 May 2023, Windy Ventures LLC (“the applicant”) applied to register the trade mark on the cover page of this decision in the UK (“the applicant’s mark”). The application was published for opposition purposes on 2 June 2023 and registration is sought for the goods and services set out in the **Annex** to this decision.
2. On 31 July 2023, the applicant’s mark was partially opposed under the fast track procedure by Nicholas Boland (“the opponent”). The opposition is targeted at the following goods only:

Class 25: Clothing; Boots; Shoes; Slippers.

3. The opposition is brought under section 5(2)(b) of the Trade Marks Act 1994 (“the Act”) and is reliant upon the following trade mark:

FIERCE

UK registration no. 918080465¹

Filing date 7 June 2019; registration date 26 October 2019

Relying on some goods only, namely:

Class 25: Clothing; Footwear; Shoes.

(“the opponent’s mark”)

4. The opponent argues that the marks containing the identical element ‘FIERCE’ at their beginnings is a clear indication of a likelihood of confusion. Additionally, the opponent claims that his position is supported by the fact that the marks cover clothing related products.
5. The applicant’s counterstatement sets out that the opponent’s mark is registered for the same goods as the applicant’s class 25 goods. However, the applicant

¹ The opponent’s mark is a comparable trade mark based on a pre-existing EUTM. On 1 January 2021, in accordance with Article 54 of the Withdrawal Agreement between the UK and the European Union, the UK IPO created comparable UK trade marks for all right holders with existing EUTMs.

denies that there exists a likelihood of confusion between the marks due to their visual, aural and conceptual differences. Additional reasons are provided in the counterstatement as to why the marks are dissimilar and I will discuss these further when making the relevant comparisons below.

6. Rule 6 of the Trade Marks (Fast Track Opposition) (Amendment) Rules 2013, S.I. 2013 2235, disapplies paragraphs 1-3 of Rule 20 of the Trade Mark Rules 2008 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.”

7. The net effect of these changes is to require the parties to seek leave in order to file evidence in fast track oppositions. No leave was sought in respect of these proceedings.
8. The opponent is unrepresented and the applicant is represented by RevoMark. 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 and I note that only the opponent filed written submissions in lieu. This decision is taken following a careful perusal of the papers.
9. The provisions of the Act relied upon in these proceedings are assimilated law, as they are derived from EU law. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 (as amended by Schedule 2 of the Retained EU Law (Revocation and Reform) Act 2023) requires tribunals applying assimilated law to follow assimilated EU case law. That is why this decision refers to decisions of the EU courts which predate the UK's withdrawal from the EU.

DECISION

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

10. 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.”

11. Section 5A of the Act states as follows:

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

12. An earlier trade mark is defined in section 6 of the Act, the relevant parts of which state:

“(6)(1) In this Act an “earlier trade mark” means –

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

13. The opponent's mark qualifies as an earlier trade mark under the above provisions. As the opponent's mark had not completed its registration process more than five years before the filing date of the applicant's mark, it is not subject to proof of use pursuant to section 6A of the Act. Consequently, the opponent may rely on the goods highlighted in his notice of opposition.
14. 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 Office for Harmonization in the Internal Market (Trade Marks and Designs) ("OHIM")*, Case C-3/03, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH*, Case C-120/04, *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P:
- (a) The likelihood of confusion must be appreciated globally, taking account of all relevant factors;
 - (b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;
 - (c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;
 - (d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;

- (e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;
- (f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;
- (g) a lesser degree of similarity between the goods or services may be offset by a great degree of similarity between the marks, and vice versa;
- (h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;
- (i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;
- (j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;
- (k) if the association between the marks creates a risk that the public might believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

Comparison of goods

15. As above, the applicant's counterstatement sets out that the opponent's mark is registered for the same goods that the applicant seeks to register. In my view, this is a concession as to identity and, as such, I do not consider it necessary to compare the goods at issue. Even if the applicant had not made such a concession,

the opposing goods are plainly identical. I say this because they are either self-evidently identical or identical under the principle outlined in the case of *Merici*.²

The average consumer and the nature of the purchasing act

16. The case law, as set out earlier, requires that I determine who the average consumer is for the respective parties' goods. I must then decide the manner in which these goods are likely to be selected by the average consumer in the course of trade. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch), Birss J. described the average consumer in these terms:

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

17. The goods at issue are ordinary consumer goods that will be selected by members of the general public at large. The goods will likely to be sold through a range of retailers and their online or catalogue equivalents. In physical retailers, the goods at issue will be displayed on shelves or racks, where they will be viewed and self-selected by the consumer. A similar process will apply to online and catalogue sales, where the consumer will select the goods having viewed an image displayed on a webpage or in a catalogue. The selection of the goods at issue will, therefore, be primarily visual. That being said, I do not discount aural considerations in the form of advice sought from sales assistants or word of mouth recommendations.

² See paragraph 29 of *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T- 133/05 wherein the General Court set out that if goods fall within a broader term, they can be considered identical.

18. The goods will be selected relatively frequently and will vary in cost from cheap goods such as socks to more expensive fashion items. Generally, the average consumer will still give consideration to various factors such as current fashion trends, materials used, suitability and durability. I consider that these factors will remain in place regardless of whether the consumer is buying goods on the lower-priced end of the scale or goods on the more expensive end of the scale. I find that the average consumer will, for the most part, select the goods at issue whilst paying a medium degree of attention. Having said that, I do appreciate that when selecting goods that are inexpensive and far more casual purchases (such as socks, for example), the consumer is likely to pay a lower degree of attention.

Comparison of the marks


19. It is clear from *Sabel v Puma AG* (particularly paragraph 23) that the average consumer normally perceives a trade mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the trade marks must be assessed by reference to the overall impressions created by the trade marks, bearing in mind their distinctive and dominant components.

20. The Court of Justice of the European Union (“CJEU”) stated at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

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

21. 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.

22. The respective trade marks are shown below:

| The opponent's mark | The applicant's mark |
|---------------------|--|
| FIERCE |  |

23. As discussed above, I have particular comments from the applicant as to why it does not consider the marks to be similar. I will discuss these in turn when considering the relevant comparisons below.

Overall impression

24. The opponent's mark is a word only mark consisting solely of the word 'FIERCE'. There are no other elements that contribute to its overall impression which lies in the word itself. The applicant's mark is a figurative mark which consists of the word 'FIERCEPC', presented in a standard black typeface. I note in its counterstatement, the applicant set out that this element consists of two words. While I note that it is technically presented as one, I do agree that it will be viewed as two, being 'FIERCE' and 'PC'. Preceding this is a black and white device element which is made up of a black circle, within which sits what appears to be a graphical depiction of the head of an unknown animal/creature. While this will not be ignored, average consumers tend to focus on parts of marks that can be read. Having said that, the applicant's position is that 'PC' is non-distinctive (a point that I am minded to agree with) and I will treat it as such. Therefore, I find that 'FIERCE' will play a greater role than 'PC'.³ For completeness, I find that 'FIERCE' plays the greater role in the overall impression of the mark with the device element playing

³ On this point, I note that the applicant's counterstatement accepts that 'PC' is non-distinctive.

a lesser role and 'PC' having an even lesser role due to its accepted non-distinctiveness.

Visual comparison

25. Visually, the applicant argues that the non-distinctive element 'PC' clearly distinguishes it from the opponent's mark. While I appreciate that it is a point of difference, it is not a considerable point, especially given (by the applicant's own admission) it is non-distinctive. Further, its presence plainly does not counteract the identical use of the word 'FIERCE' in both marks. While this word is presented in a slightly stylised typeface in the applicant's mark, I am of the view that the fair and notional use of the opponent's word mark may cover use of the exact same typeface. I also note the presence of the device element in the applicant's mark which has no counterpart in the opponent's mark. While this plays a lesser role, it will still act as a point of visual difference. Taking all of this into account and bearing in mind what I have said in regard to the overall impressions of the marks, I find that they are visually similar to an above medium (but not high) degree.

Aural comparison

26. I am of the view that despite its role in the applicant's mark, 'PC' will still be pronounced.⁴ As such, the aural element of the applicant's mark will be made up of the words 'FIERCE PC'. This consists of four syllables that will be pronounced in the ordinary way (with PC pronounced as its individual letters). As for the opponent's mark, the only element capable of pronunciation is the word 'FIERCE' which consists of two syllables that will be pronounced in the ordinary way. The applicant argues that the presence of the 'PC' element reduces the phonetic similarity between the marks. On this point, I agree. However, while 'PC' does act as a point of aural difference, the 'FIERCE' element remains identical. Bearing in mind that the identical element is (1) the sole element in the opponent's mark and the dominant element of the applicant's and (2) placed at the beginning of the

⁴ I remind myself of the case of *Purity Hemp Company Improving Life as Nature Intended*, Case BL O/115/22 which set out that the descriptiveness (which I appreciate is not the case here) of an element does not render it aurally invisible.

applicant's mark, being where consumers tend to focus,⁵ I find that the marks are aurally similar to a high degree.

Conceptual comparison

27. In considering the concept of the applicant's mark, I am of the view that each element carries its own meaning and, when viewed together, those meanings will not create any obvious overall concept. As a result, the concept of the mark will be associated with its individual elements. The word 'FIERCE' will be viewed as an ordinary dictionary word with a readily known meaning, i.e. someone or something having a *violent and unrestrained nature* or being *intensely eager*.⁶ This concept will be reinforced by the presence of the device element which, when viewed with the word 'FIERCE', will be understood as a graphical representation of a fierce creature. As for 'PC'. I note that the applicant submits that 'PC' will be understood as reference to a 'personal computer'. Regardless of the fact that the goods at issue do not relate to personal computers, I agree that this will be the understanding of the majority of average consumers and, as such, it will have lesser trade mark significance.⁷ Turning to the opponent's mark, as 'FIERCE' is its only element, the concept of the mark will be associated with the meaning of the same, which will be identical to the meaning associated with the word in the applicant's mark. Comparing the marks, clearly the common use of 'FIERCE' will be a point of conceptual identity. The applicant argues that the presence of 'PC' eliminates any conceptual identity or close similarity between the marks. I agree that it does act as a point of conceptual difference meaning that the marks are not capable of being identical. However, its impact is only slight and, as such, I consider that the parties' marks are conceptually similar to a high degree.

⁵ *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02

⁶ <https://www.collinsdictionary.com/dictionary/english/fierce>

⁷ This is particularly the case off the back of the way in which the applicant has pleaded its case, namely that 'PC' is non-distinctive.

Distinctive character of the opponent's mark

28. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97 the CJEU stated that:

“22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-0000, paragraph 49).

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

29. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods or services, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The opponent has not pleaded that its mark has obtained an enhanced level of distinctiveness and, being fast track proceedings, no evidence has been filed to that effect. Therefore, I have only the inherent position to consider.

30. As a word only mark, the distinctiveness in the opponent's mark lies solely in the word 'FIERCE' which, as above, will be understood as a reference to someone or something having *a violent and unrestrained nature* or being *intensely eager*.⁸ While not descriptive or allusive, I do consider that on clothing goods, the opponent's mark could be said to convey the message that the wearer is fierce. In my view, the idea of a trade mark conveying such a message as to the attitude of its wearer is not remarkable. In my view, this lends itself to a finding that the mark has no more than a medium degree of inherent distinctive character.

Likelihood of confusion

31. 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 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 mark, the average consumer for the goods and the nature of the purchasing process. In doing so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

32. The goods at issue are identical. The average consumer base is formed of members of the general public at large who will select the goods by primarily visual means, although I do not discount an aural component. I have concluded that the average consumer will, for the most part, pay a medium degree of attention when selecting the goods at issue. In some instances, however, they will be selected

⁸ <https://www.collinsdictionary.com/dictionary/english/fierce>

with a lower degree of attention. I have found the marks at issue to be visually similar to an above medium (but not high) degree and aurally and conceptually similar to a high degree. I have found the opponent's mark to possess no more than a medium degree of inherent distinctive character.

33. Taking all of these factors into account and bearing in mind the principle of imperfect recollection, I consider that the parties' marks will be misremembered or inaccurately recalled for one another. I say this because the points of difference between the marks are lacking in distinctiveness. I say this for two reasons. First, the device element in the applicant's mark, while not being overlooked, only serves to reinforce the conceptual hook that the marks share. Such a point of difference will not enable the consumer to recall the marks correctly. Second, the word 'PC', being a reference to 'personal computers' is, by the applicant's own admissions, non-distinctive. While it will not be overlooked entirely, consumers will place such little weight on it that they will be unable to use it to recall which mark was which. Taking all of this into account and bearing in mind the identity of the goods at issue and the levels of similarity between the marks (all of which sit at the higher end of the scale), I am of the view that there exists a likelihood of direct confusion between the marks at issue.

34. For the sake of completeness, I will now turn to consider indirect confusion. In doing so, I remind myself of the case of *L.A. Sugar Limited v By Back Beat Inc*, BL O/375/10, wherein Mr Iain Purvis Q.C., as the Appointed Person, explained that:

"16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: 'The later mark is different from the earlier mark, but also has something in common with it. Taking account of the

common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark’.

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.).

(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)”.

35. Taking all of the above into account, even if the differences are such that the consumer will be able to recall which mark was which, I consider that the marks will still be viewed as originating from the same or economically linked undertakings. I say this because the differences between the marks at issue here will be understood, by consumers, as logical indicators of a sub-brand or brand extension. Regardless of which mark they are confronted with first, consumers will believe that the word ‘FIERCE’ is the indicator of origin for both marks. While not of a high degree of distinctive character, its use will not be considered as coincidental. In my view, the presence of the word ‘PC’, while not descriptive of clothing goods, will be viewed as a sub-brand of the ‘FIERCE’ brand. On this point, I consider that the removal or addition of such an element is a logical step for an undertaking to take when using alternate marks. As for the presence of the device

element, I have set out above that this will only serve to reinforce the meaning of 'FIERCE'. It will, therefore, simply be viewed as an additional stylisation used on different marks owned by the same or economically linked undertakings. Consequently, if I am wrong to find direct confusion, I consider that there exists a likelihood of indirect confusion between the marks.

CONCLUSION

36. The opposition succeeds in full and, subject to any successful appeal, the applicant's mark is refused registration for the following goods:

Class 25: Clothing; Boots; Shoes; Slippers.

37. Given the partial nature of the present opposition, the application may proceed to registration for the remaining goods and services for which protection was sought. Those goods and services are the ones listed in classes 8, 12, 14, 15, 16, 18, 20, 21, 24, 27, 28, 29, 30, 32, 33, 38, 41, 42 & 43 of the Annex to this decision.

COSTS

38. The opposition succeeded in full meaning that the opponent would, in the ordinary course of these proceedings, be entitled to a contribution towards his costs. However, the opponent is unrepresented meaning that, in order to claim his costs, he was required to file a completed costs pro-forma. He did not do so. On this point, I note that a blank costs pro-forma was provided to the applicant under the cover of a letter from the Tribunal dated 26 October 2023. I also note that this letter set out that:

"If the pro-forma is not completed and returned, costs, other than official fees arising from the action (excluding extensions of time), may not be awarded."

39. No costs pro-forma was filed; however, the opponent did incur official fees arising from this action. As such, I award the opponent the sum of **£100** in respect of the official fees arising out of the filing of his notice of opposition.

40.I hereby order Windy Ventures LLC to pay Nicholas Boland the sum of £100. The above 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 2nd day of April 2024

A COOPER

For the Registrar

ANNEX

Class 8

Hand-operated sharpening tools and instruments; knives; cutlery; forks; spoons.

Class 12

Vehicles; Apparatus for locomotion by land, air or water.

Class 14

Precious metals and their alloys; Jewellery; precious stones; semi-precious stones; Horological instruments; Chronometric instruments.

Class 15

Musical instruments.

Class 16

Paper; cardboard; printed matter; books; newspapers; periodicals; Bookbindings; photographs; stationery; Adhesive materials for office use; materials for artists; paint brushes; typewriters; office requisites; instructional and teaching material (except apparatus); Prints; Cliches [stereotypes]; Tissues.

Class 18

Leather and imitations of leather; trunks and suitcases; umbrellas; parasols; walking sticks; whips; harness; saddlery.

Class 20

Furniture; mirrors; picture frames.

Class 21

Kitchen utensils; Household utensils; All-purpose portable household containers; Combs; Sponges; brushes (except paint brushes); steel wool; glassware; Porcelain; Earthenware.

Class 24

Textile tissues; Tissues being textile piece goods; Bed covers; Table covers; Household textile articles; Wall hangings.

Class 25

Clothing; Boots; Shoes; Slippers.

Class 27

Carpets; Rugs; Mats; Matting; Linoleum; Materials for covering existing floors; Wall hangings (non-textile).

Class 28

Playing cards; Toys, games, and playthings; Gymnastic and sporting articles; Christmas tree ornaments.

Class 29

Meat; Fish; Poultry; Game; meat extracts; Preserved fruits; Preserved vegetables; Dried fruits; Dried vegetables; Jellies, jams, compotes, fruit and vegetable spreads; Eggs; Milk; Dairy products; edible oils and fats; preserves, pickles.

Class 30

Coffee; Tea; Cocoa; Sugar; Rice; Tapioca; Sago; Coffee substitutes; Flour; preparations made from cereals; Bread; Biscuits; Cakes; Pastry; confectionery; Ices; Honey; Treacle; Yeast; Baking powder; Salt; Mustard; Pepper; Vinegar; Sauces; Spices.

Class 32

Beer; Ale; Porter; Mineral waters; Carbonated soft drinks; Syrups and other non-alcoholic preparations for making beverages.

Class 33

Alcoholic beverages (except beer).

Class 38

Telecommunications; Communications by computer terminals; Communications via a global computer network or the internet; Satellite television broadcasting; Cable television broadcasting; Television broadcasting; Broadcasting of television programmes; Computer-aided transmission of messages and images; Leasing of access time to a computer database.

Class 41

Education, entertainment and sports; Education; Entertainment; publishing of books, magazines; Newspaper publication; Loans of books; animal training; Radio entertainment; Television entertainment; Film production; Rental of films; Sound recording services; Organization of competitions for education or entertainment; Physical education; Providing sports facilities; Publication of texts; Publication of books; Publication of newspapers; Publication of magazines; Publication of periodicals; Production of radio and television programs; Music-hall services; Orchestra services; Theatrical performances; Organization of exhibitions for educational purposes; Holiday camp services; Music halls; Newspaper publishing.

Class 42

Scientific and industrial research; computer programming.

Class 43

Hotels; restaurants; Hotel room booking services; Self-service restaurants; Holiday camp services [lodging]; Bar services.