

**O/0524/24**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION NO. UK00003800114**

**BY ASAS (UK) LIMITED**

**TO REGISTER THE TRADE MARK:**

**ASAS**

**IN CLASS 25**

**AND**

**IN THE MATTER OF OPPOSITION THERETO**

**UNDER NO. 436769 BY**

**ASOS PLC**

## BACKGROUND AND PLEADINGS

1. On 17 June 2022, ASAS (UK) LIMITED (“the applicant”) applied to register the trade mark shown on the cover page of this decision, in the UK. The application was published for opposition purposes on 8 July 2022 and registration is sought for the following goods:

Class 25 Pullovers; Clothing; Suits; Ready-made clothing; Trousers; Outerclothing; Knitwear [clothing]; Coats; Jerseys [clothing]; Sports jerseys; Stuff jackets [clothing]; Tee-shirts; Leggings [trousers]; Underwear; Waistcoats; Pyjamas; Underpants; Down garments; Children's clothing; Vests.

2. On 10 October 2022, the application was opposed by ASOS Plc (“the opponent”) based upon sections 5(2)(b) and 5(3) of the Trade Marks Act 1994 (“the Act”). Under both grounds, the opponent relies upon the following trade marks:

ASOS

UKTM no. 916053101<sup>1</sup>

Filing date 16 November 2016; registration date 15 September 2017

Relying on the goods and services in classes 18, 25 and 35 only.

(“the First Earlier Mark”)

ASOS

UKTM no. 904524997

Filing date 30 June 2005; registration date 21 February 2015

Relying on all goods and services for which the mark is registered.

(“the Second Earlier Mark”)

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<sup>1</sup> 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 European Union Trade Mark (“EUTM”). As a result of the opponent having EUTMs protected as at the end of the Implementation Period, comparable UK trade marks were automatically created. The comparable trade marks shown here are now recorded on the UK trade mark register, have the same legal status as if they had been applied for and registered under UK law, and retain their original filing dates.



UKTM no. 3207900

Filing date 20 January 2017; registration date 6 October 2017

Relying on the goods and services in classes 18, 25 and 35 only.

(“the Third Earlier Mark”)

(together “the earlier marks”)

3. The goods and services relied upon are set out in the Annex to this decision.

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

5. Under section 5(3) of the Act, the opponent claims that it has a reputation for the goods and services set out above. It claims that use of the applicant’s mark would, without due cause, take unfair advantage of, and/or be detrimental to, the distinctive character and/or repute of the earlier marks.

6. The applicant filed a counterstatement admitting that the parties’ goods and services are identical or similar, but denying the grounds of opposition. The applicant also requested that the opponent provide proof of use of the Second Earlier Mark.

7. Neither party requested a hearing, and only the opponent filed written submissions in lieu. This decision is taken following a careful consideration of all papers on file.

## **REPRESENTATION**

8. The applicant is represented by IPEY and the opponent is represented by Stobbs.

## **EVIDENCE AND SUBMISSIONS**

9. The opponent filed evidence in the form of the witness statement of Amy Elizabeth Toms dated 30 May 2023, which is accompanied by 13 exhibits (Exhibits 1 to 13). Ms Toms is Head of Legal – Trade Marks and Brands for the opponent, a position she has held since September 2022. Prior to this date she was employed by the opponent as a trade mark attorney since September 2016.

10. The applicant elected not to file evidence.

11. The opponent filed written submissions in lieu dated 20 October 2023.

## **RELEVANCE OF EU LAW**

12. 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**

### **My Approach**

13. All three of the marks relied upon by the opponent qualify as earlier trade marks pursuant to section 6 of the Act. The Second Earlier Mark is subject to the use provisions in section 6A of the Act, whereas the First and Third Earlier Marks are not. Further, the Third Earlier Mark is a figurative mark, whereas the First Earlier Mark is word only. Consequently, it seems plain to me that the First Earlier Mark represents the opponent's best case (given that the applicant's mark is also a word only mark). I will, therefore, begin by considering the opposition based upon the First Earlier Mark, returning to the Second and Third Earlier Marks only if it is necessary to do so.

## **Section 5(2)(b)**

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

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

(a) [...]

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

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

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

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

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

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

(b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;

(c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;

(d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;

(e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;

(f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;

(g) a lesser degree of similarity between the goods or services may be offset by a greater degree of similarity between the marks, and vice versa;

(h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;

(i) mere association, in the strict sense that the later mark brings to mind the earlier mark, is not sufficient;

(j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;

(k) if the association between the marks creates a risk that the public 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

17. The opponent relies upon the goods and services for which the First Earlier Mark is registered, as set out in the Annex to this decision. However, I have reproduced only the term that I consider represents the opponent's best case in the table below. With that in mind, the competing goods are as follows:

<b>Opponent's goods</b>	<b>Applicant's goods</b>
<u>Class 25</u> Clothing.	<u>Class 25</u> Pullovers; Clothing; Suits; Ready-made clothing; Trousers; Outerclothing; Knitwear [clothing]; Coats; Jerseys [clothing]; Sports jerseys; Stuff jackets [clothing]; Tee-shirts; Leggings [trousers]; Underwear; Waistcoats; Pyjamas; Underpants; Down garments; Children's clothing; Vests.

18. In *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T- 133/05, the General Court stated that:

“29. In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 *Institut for Lernsysteme v OHIM – Educational Services* (ELS) [2002] ECR II-4301, paragraph 53) or

where the goods designated by the trade mark application are included in a more general category designated by the earlier mark.”

19. The term “clothing” appears identically in the specifications of both marks.

20. The remaining goods in the applicant’s specification are identical on the principle outlined in *Meric* to the opponent’s “clothing”.

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

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

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

22. The average consumer for the goods is a member of the general public. The applicant submits that the average consumer will pay a high degree of attention; I disagree. The cost of the goods is likely to vary, but generally they are unlikely to be particularly expensive. They are not everyday purchases, but they are likely to be purchased reasonably frequently. I bear in mind that factors such as aesthetics, materials and fit are all likely to be taken into consideration. Taking all of this into account, I consider that a medium degree of attention is likely to be paid during the purchasing process.

23. The goods are likely to be self-selected from the shelves of a retail outlet or an online equivalent. Consequently, visual considerations are likely to dominate the purchasing process. However, I do not discount an aural component to the purchase given that advice may be sought from retail assistants.

### **Comparison of trade marks**

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

25. 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.

26. The respective trade marks are shown below:

<b>Opponent's trade mark</b>	<b>Applicant's trade mark</b>
ASOS	ASAS

27. Both parties' marks consist of single words/acronyms, in which the overall impression resides.

28. Visually, the marks coincide in the presence of the letters AS-S in the same order. They differ in the third letter which is O in the opponent's mark, but A in the applicant's mark. I bear in mind that differences in shorter marks tend to make more of an impact.<sup>2</sup> In my view, the marks are visually similar to between a medium and high degree.

29. Aurally, for a significant proportion of average consumers who perceive both marks as invented words, the marks will be pronounced AYY-SOS and AYY-SAS, respectively. The applicant submits that the marks might also be pronounced as ASS-OSS and ASS-ASS respectively. Alternatively, if they are viewed as acronyms, they are likely to be pronounced AYY-ESS-OHH-ESS and AYY-ESS-AYY-ESS respectively. Whichever of these pronunciations is used, they are aurally similar to between a medium and high degree.

30. In relation to the conceptual comparison, the opponent submits as follows:

“Conceptually, there is a high similarity [...] because the Earlier Registrations have been extensively used since at least as early as 2000, so that they have an established and enhanced distinctive character throughout the European Union.

The Opponent therefore submits that the Application is conceptually similar to the Earlier Registrations for ASOS because all marks start with the same two letters “AS-“ and where the fourth letters for “\_S” are also identical. The marks differ by only the third letters for “O” and “A” respectively, both of which are vowels.”

31. Whilst the opponent claims that the marks are conceptually highly similar, no explanation is provided as to what meaning would be attributed to either. The fact that the marks share common letters has no bearing on their conceptual meaning. I note

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<sup>2</sup> See, for example, *F1T BL O/013/21*

that the First Earlier Mark was originally created as an acronym for 'As Seen On Screen' (see the opponent's evidence, summarised at paragraph 35 below). However, I do not consider it likely that this will be identified by the average consumer. In my view, neither mark will be attributed any particular meaning by the average consumer. Consequently, the conceptual position is neutral.

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

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

“22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-2779, paragraph 49).

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

33. Registered trade marks possess varying degree of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods, to those with high inherent distinctive character, such as invented words

which have no allusive qualities. The distinctive character of a mark can be enhanced by virtue of the use that has been made of it.

34. The First Earlier Mark is, in my view, likely to be perceived by a significant proportion of average consumers as an invented word. Consequently, I consider it to be distinctive to a high degree. Alternatively, if it is viewed as an acronym, it will be inherently distinctive to a medium (or average) degree.

35. I must now consider whether the distinctiveness of the First Earlier Mark has been enhanced through use. I have reviewed the opponent's evidence in full. In particular, I note the following:

- a) The ASOS mark became the trading name for the business some time in 2002, when there was a move away from the original name of "As Seen On Screen".
- b) In order to purchase goods through the opponent's website, customers must register with their name, billing address, postal address and telephone number. By 2016, there were over 13million UK users of the opponent's website and by 2021 there were over 24million UK users.
- c) The ASOS mobile applications had over 520million views from UK customers in 2021 and the ASOS websites had over 445million views from UK customers.
- d) 78million units were shipped to customers in the UK between 2017 and 2018, rising to over 138million units between 2020 and 2021.
- e) The First Earlier Mark appears on the opponent's website as registered and in the following forms:<sup>3</sup>



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<sup>3</sup> Exhibit 6

- f) The opponent's website shows goods such as jewellery, watches, clothing, hats, bags, home accessories and footwear.<sup>4</sup>
- g) ASOS is currently ranked the number 1 fashion retail website in the UK for customers ages 18 to 24, and number 2 for customers aged 25 to 34.
- h) Between September 2021 and August 2022 the opponent spent over £223million on marketing. However, this is a worldwide spend, not a UK/EU spend.
- i) ASOS has over 1.5million Facebook followers in the UK and over 2.6million Instagram followers.
- j) ASOS partnered with Team GB at the Paralympic Games in 2017.

36. There are clearly issues with the opponent's evidence; parts of it are not focused on the UK (or, indeed, the EU). Further, no breakdown is given as to what proportion of the opponent's sales relate to the relevant goods. However, Ms Toms' narrative evidence is that the business started out selling clothing and accessories, and there is a clear focus on 'fashion' items. With this in mind, I consider it a reasonable inference that a significant proportion of the sales made relate to clothing goods. Whilst I note that there is use of the logo marks shown above, these would both be covered by normal and fair use of the First Earlier Mark. Consequently, I am satisfied that the distinctiveness of the First Earlier Mark has been enhanced through use to a high degree (where it is inherently distinctive to a medium degree) or a very high degree (where it is inherently distinctive to a high degree) in relation to clothing.

### **Likelihood of confusion**

37. 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

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<sup>4</sup> Exhibit 6

exists between the marks and the goods 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 vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the First 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.

38. I have found as follows:

- a) The goods are identical.
- b) The average consumer is a member of the general public who will pay a medium (or average) degree of attention during the purchasing process.
- c) The purchasing process is predominantly visual, although I do not discount an aural component to the purchase.
- d) The marks are visually and aurally similar to between a medium and high degree. The conceptual position is neutral.
- e) The First Earlier Mark is either inherently distinctive to a medium degree, which has been enhanced through use to a high degree in relation to clothing, or inherently distinctive to a high degree, which has been enhanced through use to a very high degree in relation to clothing. This will depend upon whether the average consumer perceives the marks as invented words or acronyms.

39. Bearing in mind the visual and aural similarity of the marks, as well as the identical goods, I consider it likely that the marks will be mistakenly recalled or misremembered as each other. This is particularly likely given that there is no conceptual hook to assist

the average consumer in distinguishing between the marks and the distinctiveness of the First Earlier Mark has been enhanced through use in relation to the relevant goods. In this regard, I bear in mind that the average consumer tends to see what he expects to see when confronted with a similar mark for goods that are identical to those for which the distinctiveness of the First Earlier Mark has been enhanced.<sup>5</sup> There is a likelihood of direct confusion.

40. The opposition based upon section 5(2)(b) succeeds in full.

### **Section 5(3)**

41. Section 5(3) of the Act states:

“5(3) A trade mark which -

(a) is identical with or similar to an earlier trade mark, [...] shall not be registered if, or to the extent that, the earlier trade mark has a reputation in the United Kingdom and the use of the later mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or repute of the earlier trade mark.”

42. Section 5(3A) of the Act states:

“Subsection (3) applies irrespective of whether the goods and services for which the trade mark is to be registered are identical with, similar to or not similar to those for which the earlier trade mark is protected.”

43. The relevant case law can be found in the following judgments of the CJEU: *Case C-375/97, General Motors, Case 252/07, Intel, Case C-408/01, Adidas-Salomon, Case C-487/07, L’Oreal v Bellure and Case C-323/09, Marks and Spencer v Interflora and Case C383/12P, Environmental Manufacturing LLP v OHIM*. The law appears to be as follows.

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<sup>5</sup> *Kennedy Fried Chicken, Case BL O/227/04*

(a) The reputation of a trade mark must be established in relation to the relevant section of the public as regards the goods or services for which the mark is registered; *General Motors, paragraph 24*.

(b) The trade mark for which protection is sought must be known by a significant part of that relevant public; *General Motors, paragraph 26*.

(c) It is necessary for the public when confronted with the later mark to make a link with the earlier reputed mark, which is the case where the public calls the earlier mark to mind; *Adidas Saloman, paragraph 29 and Intel, paragraph 63*.

(d) Whether such a link exists must be assessed globally taking account of all relevant factors, including the degree of similarity between the respective marks and between the goods/services, the extent of the overlap between the relevant consumers for those goods/services, and the strength of the earlier mark's reputation and distinctiveness; *Intel, paragraph 42*

(e) Where a link is established, the owner of the earlier mark must also establish the existence of one or more of the types of injury set out in the section, or there is a serious likelihood that such an injury will occur in the future; *Intel, paragraph 68*; whether this is the case must also be assessed globally, taking account of all relevant factors; *Intel, paragraph 79*.

(f) Detriment to the distinctive character of the earlier mark occurs when the mark's ability to identify the goods/services for which it is registered is weakened as a result of the use of the later mark, and requires evidence of a change in the economic behaviour of the average consumer of the goods/services for which the earlier mark is registered, or a serious risk that this will happen in future; *Intel, paragraphs 76 and 77 and Environmental Manufacturing, paragraph 34*.

(g) The more unique the earlier mark appears, the greater the likelihood that the use of a later identical or similar mark will be detrimental to its distinctive character; *Intel, paragraph 74*.

(h) Detriment to the reputation of the earlier mark is caused when goods or services for which the later mark is used may be perceived by the public in such a way that the power of attraction of the earlier mark is reduced, and occurs particularly where the goods or services offered under the later mark have a characteristic or quality which is liable to have a negative impact of the earlier mark; *L'Oreal v Bellure NV, paragraph 40*.

(i) The advantage arising from the use by a third party of a sign similar to a mark with a reputation is an unfair advantage where it seeks to ride on the coat-tails of the senior mark in order to benefit from the power of attraction, the reputation and the prestige of that mark and to exploit, without paying any financial compensation, the marketing effort expended by the proprietor of the mark in order to create and maintain the mark's image. This covers, in particular, cases where, by reason of a transfer of the image of the mark or of the characteristics which it projects to the goods identified by the identical or similar sign, there is clear exploitation on the coat-tails of the mark with a reputation (*Marks and Spencer v Interflora, paragraph 74 and the court's answer to question 1 in L'Oreal v Bellure*).

44. The conditions of section 5(3) are cumulative. Firstly, the opponent must show that the First Earlier Mark and the applicant's mark are similar. Secondly, the opponent must show that the First Earlier Mark has achieved a level of knowledge/reputation amongst a significant part of the public. Thirdly, it must be established that the level of reputation and the similarities between the marks will cause the public to make a link between them in the sense of the First Earlier Mark being brought to mind by the later mark. Finally, assuming the first three conditions have been met, section 5(3) requires that one or more of the types of damage will occur. It is unnecessary for the purposes of section 5(3) that the goods be similar, although the relative distance between them is one of the factors which must be assessed in deciding whether the public will make a link between the marks.

## Similarity of the marks

45. The opponent has satisfied the first requirement of demonstrating that the marks are similar. For the reasons given above, I find the marks to be visually and aurally similar to between a medium and high degree. The conceptual position is neutral.

## Reputation

46. I bear in mind the guidance of the CJEU in *General Motors*, Case C-375/97. Whilst enhanced distinctiveness and reputation are different, the factors relevant to both assessments are the same. For the same reasons given above, I consider that the opponent has demonstrated a reasonably strong reputation in the UK for clothing.

## Link

47. As I noted above, my assessment of whether the public will make the required mental 'link' between the marks must take account of all relevant factors. The factors identified in *Intel* are:

### The degree of similarity between the conflicting marks

The marks are visually and aurally similar to between a medium and high degree. The conceptual position is neutral.

### The nature of the goods or services for which the conflicting marks are registered, or proposed to be registered, including the degree of closeness or dissimilarity between those goods or services, and the relevant section of the public

I have found the goods to be identical.

I apply the same findings in relation to the relevant public and purchasing process as set out above.

### The strength of the earlier mark's reputation

The First Earlier Mark has a reasonably strong reputation for clothing in the UK.

### The degree of the earlier mark's distinctive character, whether inherent or acquired through use

The First Earlier Mark is inherently distinctive to either a medium degree or a high degree, depending upon how it is perceived. This has been enhanced through use in relation to clothing to either a high degree (where the starting point was medium) or very high degree (where the starting point was high).

### Whether there is a likelihood of confusion

I have found there to be a likelihood of direct confusion.

48. Taking into account all of these factors, particularly the identity of the goods and the similarity of the marks, I consider that a link will be made in the mind of the relevant public.

### **Damage**

49. I must now consider whether any of the types of damage pleaded will arise.

### Unfair advantage

50. In its Form TM7, the opponent states that use of the applicant's mark would amount to free-riding because:

“...the Opponent has developed a reputation in their Earlier Registrations and use of the Application would give an unfair and undeserved boost to the Applicant's business. The Applicant is seeking to take a “free ride” on the investment of the Opponent in promoting and building up goodwill for its trade

mark, in order to stimulate demand for the Applicant's class 25 goods to an extent that is disproportionately high in comparison with the size of its promotion investment.

The Opponent is one of the leading online global retailers operating in the field of fashion, homeware, face and body and activewear, at both a national and international level. The Opponent has been consistently using the 'ASOS' brand since at least as early as 2002 and the brand has since this date become synonymous with the Opponent's company and its products and services."

51. To the extent that the relevant public believe that the goods of the applicant are the goods of the opponent, there will plainly be an unfair advantage. Further, the evidence shows that the opponent has invested heavily in promoting the First Earlier Mark and so it is plain to see that there is potential for the applicant to gain an unfair advantage, benefitting from that investment, without having to invest in its own marketing activities. Given that Ms Toms' unchallenged narrative evidence is that the opponent focuses on "cutting edge fashion", that is clearly an image that could transfer to the applicant. In my view, there is clearly a case of unfair advantage.

52. As I have found there to be unfair advantage, I do not need to consider the other pleaded heads of damage.

53. The opposition based upon section 5(3) of the Act succeeds in its entirety.

### **Final Remarks**

54. As I have found the opposition to be successful on the basis of the First Earlier Mark, I do not need to consider the Second or Third Earlier Marks.

### **CONCLUSION**

55. The opposition is successful and, subject to any successful appeal, the application is refused.

## **COSTS**

56. The opponent has been successful and is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 2/2016. In the circumstances, I award the opponent the sum of **£1,750**, calculated as follows:

Preparing a Notice of opposition and considering the applicant's counterstatement	£350
Preparing and filing evidence	£800
Written submissions in lieu	£400
Official fee	£200
<b>Total</b>	<b>£1,750</b>

57. I therefore order ASAS (UK) LIMITED to pay ASOS Plc the sum of **£1,750**. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

**Dated this 6<sup>th</sup> day of June 2024**

**S WILSON**

**For the Registrar**

## ANNEX

### **The First Earlier Mark**

#### Class 18

Leather and imitations of leather, and not included in other classes; Animal skins, hides; Trunks and travelling bags; umbrellas and parasols; walking sticks; luggage, bags, wallets and other carriers; bags for clothes; bags for school; bags for umbrellas; bags made of imitation leather; bags made of leather; beach bags; belt bags and hip bags; canvas bags; book bags; Boston bags; barrel bags; changing bags; clutch bags; cosmetic bags; duffel bags; document suitcases; luggage bags; leather shopping bags; make-up bags; overnight bags; shaving bags sold empty; shoulder bags; sling bags; small bags for men; suit bags; suitcases; textile shopping bags; toiletry bags; tote bags; travelling bags made of leather; trunks [luggage]; cloth bags; evening bags; card wallets; key wallets; pocket wallets; wallets for attachment to belts; clutch purses; coin purses; cosmetic purses; evening purses; wrist mounted purses; pilot cases; trolley cases; backpacks; business bags; wash bags; shoppers; travel cases; luggage; holdalls; portmanteaux; valises; toilet bags; carrier bags; rucksacks; bum bags; casual bags; briefcases; attaché cases; music cases; satchels; beauty cases; carriers for suits, for shirts and for dresses; tie cases; credit card cases and holders; wallets; purses; bags; leather handbags; haversacks; hat boxes; handbags; key cases; leather laces; wheeled shopping bags; travelling cases; make-up cases; card cases; clothing for pets; animal apparel; belts; harnesses, collars, leads and muzzles; articles made from faux fur, namely, bags; presentation boxes made of leather; badges made of leather; faux furs; parts and fittings for all the aforesaid goods; but none of the aforesaid goods relating to cycling.

#### Class 25

Clothing, footwear, headgear; menswear; womenswear; childrenswear; bandanas; beach clothes; beach shoes; belts; money belts; bibs (not of paper); bodices; boot uppers; boots; leather shoes; suede shoes; canvas footwear; brassieres; camisoles; caps; berets; scarves; shower caps; coats; collars; corsets; wristbands; detachable collars; dresses; ear muffs; footmuffs; non-slipping devices for footwear; tips for footwear; heelpieces for footwear; gloves; dressing gowns; half-boots; hats; paper hats; headbands; heels; hoods; hosiery; inner soles; jackets; jerseys; jumper dresses;

knitwear; lace boots; layettes; clothing of imitations of leather; clothing of leather; leggings; leg warmers; ready-made linings; mantillas; sleep masks; mittens; muffs; neckties; outerclothing; overcoats; pants; paper clothing; parkas; playsuits; cap peaks; pelerines; pelisses; petticoats; pocket squares; pockets for clothing; ponchos; pullovers; pyjamas; ready-made clothing; bath robes; sandals; saris; sarongs; scarfs; shawls; dress shields; shirt fronts; shirts; shoes; short-sleeve shirts; skirts; slippers; slips; socks; soles for footwear; stocking suspenders; stockings; suits; swimsuits; sweaters; tee-shirts; tights; togas; top hats; trouser straps; trousers; bathing trunks; turbans; underpants; underwear; uniforms; footwear uppers; veils; waistcoats / vests; sleepsuits; bodysuits; blouses; anoraks; braces; costumes; fancy dress costumes; shoulder wraps for clothing; parts and fittings for all the aforesaid goods; but none of the aforesaid goods relating to cycling.

### Class 35

advertising; business management; business administration; office functions; organisation, operation and supervision of loyalty schemes and incentive schemes; organisation, operation and supervision of sales incentive schemes; on-line administration and supervision of a discount, special offer and gift voucher schemes; organisation, operation and supervision of loyalty and incentive schemes via the internet and mobile devices; loyalty card services; advertising, marketing and promotional services; dissemination of advertising and promotional materials; direct mail advertising services; on-line advertising on a computer network; market research and marketing services; business information; advisory services for business management; computerised file management; compilation, storage, analysis and retrieval of information and data; compilation and systemisation of information into computer databases; compilation and arranging of statistical information; price comparison services; price analysis services; compilation and provision of price, feature and suitability information relating to goods and services; dissemination of statistical information; management of a retail store and or supermarket; rental of advertising space; presentation of goods on communication media, for retail purposes; public relations; commercial information and advice for consumers; sales promotion for others; shop window dressing; distribution of samples; arranging newspaper subscriptions for others; photocopying services; rental of vending machines; accounting; commercial administration of the licensing of the goods and services of

others; employment agencies; payroll preparation; retail and online retail services connected with the sale of scientific apparatus and instruments, nautical apparatus and instruments, surveying apparatus and instruments, photographic apparatus and instruments, cinematographic apparatus and instruments, optical apparatus and instruments, weighing apparatus and instruments, measuring apparatus and instruments, signalling apparatus and instruments, checking (supervision) apparatus and instruments, life-saving apparatus and instruments; retail and online retail services connected with the sale of teaching apparatus and instruments, apparatus for recording of sound or images, apparatus for transmission of sound or images, apparatus for reproduction of sound or images, magnetic data carriers, recording discs, compact discs, DVDs, digital recording media, computers, computer software; electronic publications, downloadable publications, applications for smartphones and tablets, sunglasses, spectacles, eyewear, spectacle cases; retail and online retail services connected with the sale of chains and eyeglass frames, eyeshades, lenses, precious metals, precious metal alloys, jewellery, precious stones, horological instruments, chronometric instruments, watches, cufflinks, cases, badges of precious metal, clocks, alarm clocks, figurines [statuettes] of precious metal, key-rings, medals, semi-precious stones, tie pins, tie clips, watch straps, jewellery boxes, leather, imitations of leather, animal skins, hides, trunks; retail and online retail services connected with the sale of travelling bags, umbrellas, parasols, walking sticks, portmanteaux, suitcases, bags, leather handbags, attaché cases, haversacks, hat boxes, briefcases, handbags, key cases, leather laces, music cases, wallets, purses, satchels, wheeled shopping bags, rucksacks, faux fur, baby backpacks, baby carriers, back packs, cases, satchels, clothing for pets, animal apparel, paper, cardboard, printed matter, bookbinding material; retail and online retail services connected with the sale of photographs, stationery, adhesives for stationery or household purposes, artists' materials, paint brushes, typewriters, office requisites, instructional and teaching material, plastic materials for packaging, printers' type, printing blocks, packaging materials, packaging tape, packaging containers of card, cardboard materials for packaging, packaging containers of paper, gift wrapping, paper gift wrapping ribbons; retail and online retail services connected with the sale of bubble packs for packaging, packaging bags of paper, paper packaging, gift packaging, envelopes, wrapping tape, note pads, greetings cards, ornaments, pencil cases, notebooks, pencils, pens, packaging envelopes made of paper, printed publications,

magazines, textiles, textile piece goods, fabrics, coverings for furniture, labels, linens, bed covers, table covers, bath linen, except clothing, bed blankets, chenille fabric, chevots; retail and online retail services connected with the sale of cloth, glasses, flasks, food boxes, candles, coasters, picnic blankets, money banks, cotton fabrics, covers for cushions, fabrics for textile use, household linen, jersey, lining fabric for shoes, linings, loose covers for furniture, mattress covers, napkins, of cloth, for removing make-up, handkerchiefs, net curtains, non-woven textile fabrics, sanitary flannel, serviettes of textile, sheets, shower curtains of textile or plastic; retail and online retail services connected with the sale of shrouds, silk, silk fabrics for printing patterns, table runners, tablecloths, not of paper, tablemats, not of paper, textile material, towels of textile, traced cloth for embroidery, travelling rugs, tulle, upholstery fabrics, velvet, wall hangings of textile, washing mitts, woollen cloth, zephyr, textiles for making clothing, duvets, duvet covers, pillow covers, bath linen, bed canopies, curtains, blankets, bed blankets made of cotton; retail and online retail services connected with the sale of bed blankets made of wool, bed blankets made of man-made fibres, hooded towels, clothing, footwear, headgear, menswear, womenswear, childrenswear, bandanas, beach clothes, beach shoes, belts, money belts, bibs (not of paper), bodices, boot uppers, boots, leather shoes, suede shoes, canvas footwear, brassieres, camisoles, caps, berets, scarves, shower caps, coats, collars, corsets, wristbands, detachable collars, dresses; retail and online retail services connected with the sale of ear muffs, footmuffs, non-slipping devices for footwear, tips for footwear, heelpieces for footwear, faux furs, gloves, dressing gowns, half-boots, hats, paper hats, headbands, heels, hoods, hosiery, inner soles, jackets, jerseys, jumper dresses, knitwear, lace boots, layettes, clothing of imitations of leather, clothing of leather, leggings, leg warmers, ready-made linings, mantillas, sleep masks, mittens, muffs, neckties, outerclothing; retail and online retail services connected with the sale of overcoats, pants, paper clothing, parkas, playsuits, cap peaks, pelerines, pelisses, petticoats, pocket squares, pockets for clothing, ponchos, pullovers, pyjamas, ready-made clothing, bath robes, sandals, saris, sarongs, scarfs, shawls, dress shields, shirt fronts, shirts, shoes, short-sleeve shirts, skirts, slippers, slips, socks, soles for footwear, stocking suspenders, stockings, suits, swimsuits, sweaters, tee-shirts, tights, togas; retail and online retail services connected with the sale of top hats, trouser straps, trousers, bathing trunks, turbans, underpants, underwear, uniforms, footwear uppers, veils, waistcoats / vests, sleepsuits, bodysuits, socks, blouses,

anoraks, hats, braces, lace, embroidery, ribbons, braid, buttons, hooks and eyes [haberdashery], pins, needles, artificial flowers, musical instruments, furniture, mirrors, picture frames, beds, bedding, mattresses, pillows, cushions, door fittings, furniture fittings; retail and online retail services connected with the sale of blinds, games, playthings, playing cards, decorations for Christmas trees, bleaching preparations, substances for laundry use, cleaning preparations, polishing preparations, scouring preparations, abrasive preparations, bubble baths, tanning lotions, tanning gels, tanning oils, cleansing lotions, nail polish, lip balms, lip sticks, lip, gloss, eye gloss, cosmetic brushes, nail care kits, shower caps, soaps, perfumery, essential oils; retail and online retail services connected with the sale of cosmetics, cosmetic glitter, shoe polish, hair gel, hair lotions, cosmetic bags, wash bags, shaving balms, shaving lotions, shaving gels, shaving kits, epilatory strips, dentifrices, make-up for the face, hand tools, grooming brushes, hand operated implements, epilators, cutlery, razors, manicure sets, hand operated tools for hairdressing, electric apparatus for hair crimping, straightening, styling, hairdressing appliances; retail and online retail services connected with the sale of candles and wicks for lighting, aromatherapy fragrance candles, candles in tins, candles for use in the decoration of cakes, musk scented candles, perfumed candles, special occasion candles, table candles, tapers, tealights, votive candles, wicks, beeswax for use in the manufacture of cosmetics, candle wax, wax for making candles, effervescent vitamin tablets, gummy vitamins, multivitamin preparations, nutritional supplement bars for boosting energy, vitamin tablets, razors, clippers for personal use [electric and non-electric], cuticle scissors, electric flat irons, electric hair straightening irons, electric hand-held hair styling irons, eyelash curlers, eyelash separators, hair styling appliances, hair cutting and removal implements, scissors, tweezers, non-electric hand implements for hair curling, cuticle pushers, cuticle tweezers, electric fingernail polishers, emery boards, manicure sets, nail buffers, nail clippers, nail files, emery files, cases for manicure instruments, cuticle nippers, nail scissors, pedicure sets, beard trimmers, depilation appliances, electric nasal hair trimmers, hair-removing tweezers, razors [electric or non-electric], pictures, craft paper, colour pens, drawing books, paper bows for gift wrap, paper garlands, paper party decorations, party ornaments of paper, photograph stands, tissues, Christmas gift wrap, gift bags, gift boxes, gift wrapping foil, gift paper, paper gift bags, paper ribbon, plastic gift wrap, pen and pencil cases, leather pencil cases, writing stationery, slate pencils, colour pencils, staplers for office use, paper hole punches,

rulers, paper badges, penholders, rubber stamps, stamp pads, stamping inks, pencil sharpeners, electric or non-electric, albums, event albums, photo albums, scrapbooks, wedding albums, address books, advent calendars, announcement cards, books, art prints, cardboard hangtags, cases for passports, colouring books, Christmas cards, decorative paper garlands for parties, gift cards, guest books, gift vouchers, paper bunting, paper banners, postcards, posters, printed calendars, wall charts, scented paper drawer liners, disposable napkins, facial tissue, paper cocktail parasols, paper tablecloths, anniversary cards, advertising publications, events programmes, mounted and unmounted photographs, pads of party invitations, paper hangtags, printed training materials, score-cards, stickers, cake decorations made of plastic, decorations of plastic for foodstuffs, plaster busts, party ornaments of plastic, plastic sculptures, decorative plaques made of plastics material, figurines [statuettes] of wood, wax, plaster or plastic, pet cushions, scented pillows, carved picture frames, leather picture frames, photo frames, picture frames, frames for mirrors, make-up mirrors for purses, make-up mirrors for the home, personal compact mirrors, mirrors [furniture], wall mirrors, clothes rails, coathooks, scented coathangers, clothes covers, basketware, boxes for storage purposes [plastic], boxes for storage purposes [wood], chests, sleeping bags, sleeping mats, household or kitchen utensils and containers, combs and sponges, brushes [except paintbrushes], unworked or semi-worked glass [except glass used in building], glassware, porcelain and earthenware, air fragrancing apparatus, appliances for removing make-up, electric, appliances for removing make-up, non-electric, applicators for cosmetics, applicator sticks for applying makeup, artworks of glass, apparatus for wax-polishing, non-electric, baskets for domestic use, bath sponges, beverage glassware, beverage ware, body scrubbing puffs, body sponges, bootjacks, bottle coolers, bottle openers, bouquet holders, bowls, boxes for dispensing paper serviettes, boxes for dispensing paper towels, boxes of ceramics, boxes of china, boxes of earthenware, boxes of glass, boxes of porcelain, brushes, brushes for personal hygiene, buckets, bud vases, candelabra [candlesticks], candle extinguishers, candle holders, candle jars [holders], candle rings, candle snuffers, candle sticks, candy boxes, cases adapted for cosmetic utensils, cases adapted for toilet utensils, cases (comb -), cases for toiletry articles, ceramic figurines, ceramic ornaments, ceramic tissue box covers, champagne buckets, champagne flutes, china ornaments, chinaware, cleaning cloths, clothes brushes, cloths for cleaning purposes, coasters (tableware), cocktail glasses, cocktail picks, cocktail shakers, cocktail sticks,

cocktail stirrers, comb cases, combs, containers for beverages, containers for cosmetics, containers for flowers, containers for household use, containers for pot pourri, coolers for wine, cork screws, cosmetic bags [fitted], cosmetic brushes, cosmetic powder compacts, cosmetic spatulas, cosmetic spatulas for use with depilatory preparations, cosmetic utensils, cosmetics applicators, cosmetics brushes, cotton ball dispensers, cotton ball jars, crystal [glassware], crystal ornaments, cups, deodorising apparatus for personal use, dispensers for cosmetics, dispensers for facial tissues, drinking flasks, drinking cups, drinking glasses, drinking goblets, drinking receptacles, drinking straws, earthenware, electric combs, electric tooth brushes, electrically heated hair brushes, empty spray bottles, enamel boxes, exfoliating brushes, exfoliating mitts, exfoliating pads, exfoliating slippers, eye make-up applicators, eyebrow brushes, eyeglass cleaning cloths, eyelash combs, facial cleansing sponges, facial sponges for applying make-up, figurines made of china, figurines made of crystal, figurines made of earthenware, figurines made of porcelain, figurines made of terra cotta, file brushes, fitted holders for hair fixers, fitted holders for skin creams, fitted picnic baskets, fitted toilet bags, fitted vanity cases, flower bowls, flower pots, flower vases, foam toe separates for use in pedicures, foot exfoliating pads, footwear (brushes for -), glass bowls, glass containers, glass holders, glass [receptacles], glasses [drinking vessels], glasses [receptacles], glassware, glove stretchers, gloves for domestic use, gloves for household purposes, gloves for polishing, gloves (gardening -), gloves (polishing -), hair brushes, hair color application bottles, hair combs, hair fixer dispensers, hand soap holders, hand soap dispensers, heat-insulated containers for beverages, heat insulated containers, holders for cosmetics, household containers, household utensils, ice buckets, incense pots, incense stick holders, itch scratchers, jars, jewellery dishes, lip brushes, make-up artist belts, make-up brushes, make-up removing appliances, make-up sponges, mascara brushes, metal coin banks, microdermabrasion sponges for cosmetic use, mugs, nail brushes, non-electric make-up removing appliances, non-metal money boxes, non-metal piggy banks, perfume bottles, perfume sprayers, perfume vaporizers, picnic boxes, piggy banks, pill boxes for personal use, plant holders, pomanders [containers], porcelain, porcelain ware, pot pourri jars, pots, powder compacts, powder puffs, scent sprays [atomizers], shampoo dispensers, shampoo holders, shaving brush holders, shaving brush stands, shaving brushes, shaving dishes, shoe brushes, shirt stretchers, shoe polishers (non- electric -), shoe stretchers, shoe trees, shower gel

dispensers, shower gel holders, skin (abrasive sponges for scrubbing the -), skin care cream dispensers, skin cleansing brushes, soap boxes, sponges, statues of porcelain, ceramic, earthenware or glass, statuettes of porcelain, ceramic, earthenware or glass, stretchers for clothing, stretchers for gloves, tissue box covers, toilet cases, toiletry cases, tooth brushes, vanity cases (fitted -), vaporizers for perfume [empty], vases, wash bags (fitted -), wine chillers, wine buckets, wine coolers, wine openers, works of art of porcelain, ceramic, earthenware or glass, substitutes for textiles, bath sheets, bath sheets (towels), beach towels, bed coverings, bed linen, bed sheets, bed spreads, bed throws, blanket throws, blankets (bed -), bunting, bedspreads, brocade, calico, calico cloth (printed -), canvas, cloth bunting, cloth handkerchiefs, coated textiles, coated fabrics, coated fabrics for use in the manufacture of rainwear, coated fabrics for use in the manufacture of leather goods, cotton cloth, cotton knitted fabric, crepe [fabric], cushion covering materials, damask, denim [cloth], denim fabric, elastic fabrics for clothing, elasticated woven textile materials, embroidery fabric, fabric, face towels, felt, felt piece goods, face cloths of towelling, flannel, flannel [fabric], flocked fabrics, foils of plastics for the manufacture of disposable clothes, footwear (fabric for -), gift wrap of fabric, hand towels, handkerchiefs of textile, heat-activated adhesive fabrics, heat resistant fabrics [other than for insulation], jersey material [fabric], jersey [fabric], jersey fabrics for clothing, jute fabric, kashmir fabric, knit lace fabrics, knitted fabrics of cotton yarn, knitted fabrics of silk yarn, knitted fabrics of wool yarn, lace fabrics, lingerie fabric, material (textile -), materials (textile -) for use in the manufacture of footwear, materials (textile -) for use in the manufacture of insoles, mesh-woven fabrics, metal fiber fabrics, metal fiber fabrics, moleskin [fabric], non-woven fabric, nylon fabric, pelmets, printed fabrics, shirt fabrics, silk base mixed fabrics, silk base mixed fabrics, silk [cloth], silk fabrics, suiting materials [textile], taffeta, taffeta [cloth], textile fabric of animal skins imitations, textile fabrics for the manufacture of clothing, textile fabrics for the manufacture of sportswear, textile handkerchiefs, textiles made of cotton, textiles made of linen, textiles made of flannel, textiles made of satin, textiles made of synthetic materials, textiles made of wool, waterproof cloths, wool yarn fabrics, woollen fabrics, woven fabrics, woven fabrics for making up into articles of clothing, zephyr fabric, hair fasteners, hair bands, hair pieces, hair pins, hair ribbons, scrunchies, hair scrunchies, hair clips, barrettes, hair barrettes, hair bows, hair wraps, hair ornaments, hair slides, hair grips, hair twisters [hair accessories], hair buckles, buckles [clothing accessories], elasticated hair ribbons, elasticated hair bands, snap

clips [hair accessories], claw clips [hair accessories], hair ornaments in the form of combs, hair ornaments in the nature of hair wraps, hair ornaments [not of precious metal], ponytail holders and hair ribbons, top-knots [pompoms], brooches [clothing accessories], feathers [clothing accessories], braids, curlers, hair curlers, electric hair curlers, non-electric hair curlers, curling pins, hair curling pins, hair curl clips, waving pins for the hair, hair rollers, electric hair rollers, non-electric hair rollers, wigs, false hairpieces, synthetic hairpieces, elastic ribbons, silk ribbons, decorative ribbons, ribbons of textile materials, ornamental ribbons made of textiles, decorative articles for the hair, ornamental bows of textile for decoration, artificial corsages, ornamental novelty badges [buttons], heat adhesive patches, heat adhesive patches for decoration of textile articles, heat adhesive patches for repairing textile articles, patches for repairing textile articles, patches (textile) for ironing-on, sew-on patches, gymnastic and sporting articles, action toys, action figure toys, american footballs, accessories for toy vehicles, accessories for toy trains, accessories for toy buildings, accessories for toy animals, accessories for dolls, accessories for action figure toys, apparatus for games, apparatus for performing magic tricks, artificial Christmas trees, articles of clothing for toys, baby dolls, badminton sets, bags adapted for use with sporting equipment, balls for games, balloons [party novelties], balls for racket sports, balls for sports, bar-bells, bath toys, baseball gloves, beach balls, bean bag animals, beanbags being playthings, bells for Christmas trees, board games, body-building apparatus, boxing gloves, building blocks [toys], building games, candle holders for Christmas trees, carnival masks, cat toys, checkerboards, checkers [games], chessboards, Christmas crackers, Christmas dolls, Christmas stockings, Christmas tree ornaments and decorations, Christmas tree ornaments and decorations, except confectionery and electric Christmas tree lights, Christmas tree skirts, Christmas trees of synthetic material, clockwork toys, clothing for teddy bears, conjuring apparatus, controllers for game consoles, controllers for toys, costume masks, dart games, darts, dice, dice games, discuses for sports, dog toys, dolls, dolls' clothes, dominoes, drones [toys], dumb-bells, educational toys, electronic action toys, electronic dart games, electronic games apparatus, electronic targets, electronic toys, exercise balls, explosive bonbons [Christmas crackers], face masks for sports, fitness machines and apparatus, flippers for swimming, game consoles, game machines and apparatus, gloves for games, gymnastic and sporting articles, hand-held electronic games, hand-held game consoles, hoops for children, hoops for exercise, inflatable toys, jigsaw

puzzles, kites, machines for physical exercises, marbles for games, masks [playthings], mechanical action toys, mechanical toys, memory games, mobiles [toys], musical Christmas tree ornaments, musical toys, nets for ball games, nets for sports, novelty face masks, novelty fake teeth, novelty masks, novelties for parties, dances [party favors, favours], outdoor play equipment, outdoor toys, paper party hats, party poppers, plastic toy figurines, plastic toys, play balloons, playing balls, pool tables, practical jokes [novelties], punching bags, protective paddings [parts of sports suits], puppets, puzzles, rackets, radio-controlled scale model vehicles, radio-controlled miniature aerial targets for sports, radio-controlled toys, radio-controlled toy vehicles, remote-controlled scale model vehicles, ride-on toy cars, ride-on toys, role playing games, rugby balls, scale model kits [toys], scale models, scale model vehicles, skateboards, soccer balls, soft toys, sports equipment, sporting articles, stacking blocks, stacking boxes, stacking toys, stuffed toys, tables for table tennis, talking toys, targets, teddy bears, tennis equipment, theatrical masks, toy Christmas trees, toy figures, toy models, toy robots, toy racing sets, toys, toys for children, toys for domestic pets, toy vehicles, trampolines, trivia cards [games], trivia games played with cards and game components, video game consoles, video game apparatus, water-squirting toys, wooden toys, quiz games, footballs [soccer], soccer goals, soccer goal nets, soccer goalkeepers' gloves, shin guards for soccer, footballs [american football], football pads, football body protectors, goals for american football; parts and fittings for all the aforesaid goods; the bringing together, for the benefit of others, of all of the aforesaid goods enabling customers to conveniently view and purchase all of the aforesaid goods from an internet website or from a catalogue by mail order, or by means of telecommunications; provision of information to customers and advice or assistance in the selection of goods brought together as above; information, advisory and consultancy services relating to the aforesaid services; but none of the aforesaid services relating to cycling.

## **The Second Earlier Mark**

### Class 14

Precious metals and their alloys and goods in precious metals or coated therewith; precious and semi-precious stones; jewellery; fashion jewellery; amulets; bracelets; brooches and lapel pins; chains; charms; cuff links; earrings; rings; tie clips and pins; horological and chronometric instruments; wrist watches; clocks; boxes, cases and

containers of precious metals; hat and shoe ornaments of precious metals; figurines and statuettes of precious metals; badges of precious metal; objects of imitation gold; Key rings [trinkets or fobs]; Medals; Watch bands; Watch cases; none of the aforesaid goods relating to cycling and specialist cyclist accessories and equipment.

#### Class 18

Trunks and travelling bags; travel cases; luggage; suitcases; holdalls; portmanteaux; valises; toilet bags; carrier bags; rucksacks; backpacks; bumbags; sports bags; casual bags; briefcases; attaché cases; music cases; satchels; beauty cases; carriers for suits, for shirts and for dresses; tie cases; credit card cases and holders; wallets; purses; umbrellas; parasols; walking sticks; shooting sticks; parts and fittings for all the aforesaid goods; none of the aforesaid goods relating to cycling and specialist cyclist accessories and equipment.

#### Class 35

Retail services in the fields of candles, pharmacy goods, hardware and metal goods, cutlery, electrical goods, computers, computer programmes, photographic and video equipment and accessories, optical goods and sunglasses, books and printed materials, audio tapes, audio, video and television systems, CDs, records and video tapes, films, telephones and mobile phones, lighting equipment and fixtures, jewellery, watches, horological and chronometric goods, musical instruments, stationery, printed publications and printed matter, diaries and personal organisers, greeting cards, gift wrap and ribbons, furniture, furnishings and decorations, kitchenware, domestic utensils, crystal, glassware, porcelain and chinaware, brassware, ornaments, hair accessories, hampers, piece goods, sewing accessories, bags made from canvas, straw, plastic and PVC, bed and table linen, towels, bags, leather and travel goods, luggage, carpets and rugs, artwork, toys (including novelty toys), games, playthings and sporting goods, fitness equipment, equestrienne goods, decorations, food and confectionery, non-alcoholic and alcoholic beverages, pets, apparatus for use in assisting relaxation; mail order services and on-line and Internet retail services relating to the aforesaid goods; but all the above services excluding services relating to cycling and specialist cyclist clothing.

#### **The Third Earlier Mark**

### Class 18

Leather and imitations of leather, and not included in other classes; Animal skins, hides; Trunks and travelling bags; umbrellas and parasols; walking sticks; luggage, bags, wallets and other carriers; bags for clothes; bags for school; bags for umbrellas; bags made of imitation leather; bags made of leather; beach bags; belt bags and hip bags; canvas bags; book bags; Boston bags; barrel bags; changing bags; clutch bags; cosmetic bags; duffel bags; document suitcases; luggage bags; leather shopping bags; make-up bags; overnight bags; shaving bags sold empty; shoulder bags; sling bags; small bags for men; suit bags; suitcases; textile shopping bags; toiletry bags; tote bags; travelling bags made of leather; trunks [luggage]; cloth bags; evening bags; card wallets; key wallets; pocket wallets; wallets for attachment to belts; clutch purses; coin purses; cosmetic purses; evening purses; wrist mounted purses; pilot cases; trolley cases; backpacks; business bags; organisers; wash bags; shoppers; travel cases; luggage; holdalls; portmanteaux; valises; toilet bags; rucksacks; bum bags; casual bags; briefcases; attaché cases; music cases; satchels; beauty cases; carriers for suits, for shirts and for dresses; tie cases; credit card cases and holders; wallets; purses; bags; leather handbags; haversacks; hat boxes; handbags; key cases; leather laces; wheeled shopping bags; travelling cases; make-up cases; card cases; clothing for pets; animal apparel; belts; harnesses, collars, leads and muzzles; articles made from faux fur, namely, bags; badges made of leather; faux furs; parts and fittings for all the aforesaid goods; but none of the aforesaid goods relating to cycling.

### Class 25

Clothing, footwear, headgear; menswear; womenswear; childrenswear; bandanas; beach clothes; beach shoes; belts; money belts; bibs (not of paper); bodices; boot uppers; boots; leather shoes; suede shoes; canvas footwear; brassieres; camisoles; caps; berets; scarves; shower caps; coats; collars; corsets; wristbands; detachable collars; dresses; ear muffs; footmuffs; non-slipping devices for footwear; tips for footwear; heelpieces for footwear; articles made from faux fur, namely, clothing, footwear and headgear; gloves; dressing gowns; half-boots; hats; paper hats; headbands; heels; hoods; hosiery; inner soles; jackets; jerseys; jumper dresses; knitwear; lace boots; layettes; clothing of imitations of leather; clothing of leather; leggings; leg warmers; ready-made linings; mantillas; sleep masks; mittens; muffs; neckties; outerclothing; overcoats; pants; paper clothing; parkas; playsuits; cap peaks;

pelerines; pelisses; petticoats; pocket squares; pockets for clothing; ponchos; pullovers; pyjamas; ready-made clothing; bath robes; sandals; saris; sarongs; scarfs; shawls; dress shields; shirt fronts; shirts; shoes; short-sleeve shirts; skirts; slippers; slips; socks; soles for footwear; stocking suspenders; stockings; suits; swimsuits; sweaters; tee-shirts; tights; togas; top hats; trouser straps; trousers; bathing trunks; turbans; underpants; underwear; uniforms; footwear uppers; veils; waistcoats / vests; sleepsuits; bodysuits; blouses; anoraks; braces; costumes; fancy dress costumes; shoulder wraps for clothing; parts and fittings for all the aforesaid goods; but none of the aforesaid goods relating to cycling.

### Class 35

Advertising; business management; business administration; office functions; organisation, operation and supervision of loyalty schemes and incentive schemes; organisation, operation and supervision of sales incentive schemes; on-line administration and supervision of a discount, special offer and gift voucher schemes; organisation, operation and supervision of loyalty and incentive schemes via the internet and mobile devices; loyalty card services; advertising, marketing and promotional services; dissemination of advertising and promotional materials; direct mail advertising services; on-line advertising on a computer network; market research and marketing services; business information; advisory services for business management; computerised file management; compilation, analysis and retrieval of information and data; compilation and systemisation of information into computer databases; compilation and arranging of statistical information; price comparison services; price analysis services; compilation and provision of price, feature and suitability information relating to goods and services; dissemination of statistical information; management of a retail store and or supermarket; rental of advertising space; presentation of goods on communication media, for retail purposes; public relations; commercial information and advice for consumers; sales promotion for others; shop window dressing; distribution of samples; arranging newspaper subscriptions for others; photocopying services; rental of vending machines; accounting; commercial administration of the licensing of the goods and services of others; employment agencies; payroll preparation; retail and online retail services connected with the sale of scientific apparatus and instruments, nautical apparatus and instruments, surveying apparatus and instruments, photographic apparatus and

instruments, cinematographic apparatus and instruments, optical apparatus and instruments, weighing apparatus and instruments, measuring apparatus and instruments, signalling apparatus and instruments, checking (supervision) apparatus and instruments, life-saving apparatus and instruments; retail and online retail services connected with the sale of teaching apparatus and instruments, apparatus for recording of sound or images, apparatus for transmission of sound or images, apparatus for reproduction of sound or images, magnetic data carriers, recording discs, compact discs, DVDs, digital recording media, computers, computer software, electronic publications, downloadable publications, applications for smartphones and tablets, sunglasses, spectacles, eyewear, spectacle cases; retail and online retail services connected with the sale of chains and eyeglass frames, eyeshades, lenses, precious metals, precious metal alloys, jewellery, precious stones, horological instruments, chronometric instruments, watches, cufflinks, cases, badges of precious metal, clocks, alarm clocks, figurines [statuettes] of precious metal, key-rings, medals, semi-precious stones, tie pins, tie clips, watch straps, jewellery boxes, leather, imitations of leather, animal skins, hides, trunks; retail and online retail services connected with the sale of travelling bags, umbrellas, parasols, walking sticks, portmanteaux, suitcases, bags, leather handbags, attache cases, haversacks, hat boxes, briefcases, handbags, key cases, leather laces, music cases, wallets, purses, satchels, wheeled shopping bags, rucksacks, faux fur, baby backpacks, baby carriers, back packs, cases, satchels, clothing for pets, animal apparel, paper, cardboard, printed matter, bookbinding material; retail and online retail services connected with the sale of photographs, stationery, adhesives for stationery or household purposes, artists' materials, paint brushes, typewriters, office requisites, instructional and teaching material, plastic materials for packaging, printers' type, printing blocks, packaging materials, packaging tape, packaging containers of card, cardboard materials for packaging, packaging containers of paper, gift wrapping, paper gift wrapping ribbons; retail and online retail services connected with the sale of bubble packs for packaging, packaging bags of paper, paper packaging, gift packaging, envelopes, wrapping tape, note pads, greetings cards, ornaments, pencil cases, notebooks, pencils, pens, packaging envelopes made of paper, printed publications, magazines, textiles, textile piece goods, fabrics, coverings for furniture, labels, linens, bed covers, table covers, bath linen, bed blankets, chenille fabric, cheviots; retail and online retail services connected with the sale of cloth, glasses, flasks, food boxes,

candles, coasters, picnic blankets, money banks, cotton fabrics, covers for cushions, fabrics for textile use, household linen, jersey, lining fabric for shoes, linings, loose covers for furniture, mattress covers, napkins, of cloth, for removing make-up, handkerchiefs, net curtains, non-woven textile fabrics, sanitary flannel, serviettes of textile, sheets, shower curtains of textile or plastic; retail and online retail services connected with the sale of shrouds, silk, silk fabrics for printing patterns, table runners, tablecloths, not of paper, tablemats, not of paper, textile material, towels of textile, traced cloth for embroidery, travelling rugs, tulle, upholstery fabrics, velvet, wall hangings of textile, washing mitts, woollen cloth, zephyr, textiles for making clothing, duvets, duvet covers, pillow covers, bath linen, bed canopies, curtains, blankets, bed blankets made of cotton; retail and online retail services connected with the sale of bed blankets made of wool, bed blankets made of man-made fibres, hooded towels, clothing, footwear, headgear, menswear, womenswear, childrenswear, bandanas, beach clothes, beach shoes, belts, money belts, bibs (not of paper), bodices, boot uppers, boots, leather shoes, suede shoes, canvas footwear, brassieres, camisoles, caps, berets, scarves, shower caps, coats, collars, corsets, wristbands, detachable collars, dresses; retail and online retail services connected with the sale of ear muffs, footmuffs, non-slipping devices for footwear, tips for footwear, heelpieces for footwear, faux furs, gloves, dressing gowns, half-boots, hats, paper hats, headbands, heels, hoods, hosiery, inner soles, jackets, jerseys, jumper dresses, knitwear, lace boots, layettes, clothing of imitations of leather, clothing of leather, leggings, leg warmers, ready-made linings, mantillas, sleep masks, mittens, muffs, neckties, outerclothing; retail and online retail services connected with the sale of overcoats, pants, paper clothing, parkas, playsuits, cap peaks, pelerines, pelisses, petticoats, pocket squares, pockets for clothing, ponchos, pullovers, pyjamas, ready-made clothing, bath robes, sandals, saris, sarongs, scarfs, shawls, dress shields, shirt fronts, shirts, shoes, short-sleeve shirts, skirts, slippers, slips, socks, soles for footwear, stocking suspenders, stockings, suits, swimsuits, sweaters, tee-shirts, tights, togas; retail and online retail services connected with the sale of top hats, trouser straps, trousers, bathing trunks, turbans, underpants, underwear, uniforms, footwear uppers, veils, waistcoats / vests, sleepsuits, bodysuits, socks, blouses, anoraks, hats, braces, lace, embroidery, ribbons, braid, buttons, hooks, eyes, pins, needles, artificial flowers, musical instruments, furniture, mirrors, picture frames, beds, bedding, mattresses, pillows, cushions, door fittings, furniture fittings; retail and online retail services connected with

the sale of blinds, games, playthings, playing cards, decorations for Christmas trees, bleaching preparations, substances for laundry use, cleaning preparations, polishing preparations, scouring preparations, abrasive preparations, bubble baths, tanning lotions, tanning gels, tanning oils, cleansing lotions, nail polish, lip balms, lip sticks, lip gloss, eye gloss, cosmetic brushes, nail care kits, shower caps, soaps, perfumery, essential oils; retail and online retail services connected with the sale of cosmetics, cosmetic glitter, shoe polish, hair gel, hair lotions, cosmetic bags, wash bags, shaving balms, shaving lotions, shaving gels, shaving kits, epilatory strips, dentifrices, make-up for the face, hand tools, grooming brushes, hand operated implements, epilators, cutlery, razors, manicure sets, hand operated tools for hairdressing, electric apparatus for hair crimping, straightening, styling, hairdressing appliances; retail and online retail services connected with the sale of candles and wicks for lighting, aromatherapy fragrance candles, candles in tins, candles for use in the decoration of cakes, musk scented candles, perfumed candles, special occasion candles, table candles, tapers, tealights, votive candles, wicks, beeswax for use in the manufacture of cosmetics, candle wax, wax for making candles, effervescent vitamin tablets, gummy vitamins, multivitamin preparations, nutritional supplement bars for boosting energy, vitamin tablets, Razors, clippers for personal use [electric and non electric], cuticle scissors, electric flat irons, electric hair straightening irons, electric hand-held hair styling irons, eyelash curlers, eyelash separators, hair styling appliances, hair cutting and removal implements, scissors, tweezers, non-electric hand implements for hair curling, cuticle pushers, cuticle tweezers, electric fingernail polishers, emery boards, manicure sets, nail buffers, nail clippers, nail files, emery files, cases for manicure instruments, cuticle nippers, nail scissors, pedicure sets, beard trimmers, depilation appliances, electric nasal hair trimmers, hair-removing tweezers, razors [electric or non-electric], pictures, craft paper, colour pens, drawing books, paper bows for gift wrap, paper garlands, paper party decorations, party ornaments of paper, photograph stands, tissues, Christmas gift wrap, gift bags, gift boxes, gift wrapping foil, gift paper, paper gift bags, paper ribbon, plastic gift wrap, pen and pencil cases, leather pencil cases, writing stationery, slate pencils, colour pencils, staplers for office use, paper hole punches, rulers, paper badges, penholders, rubber stamps, stamp pads, stamping inks, pencil sharpeners [electric or non-electric], albums, event albums, photo albums, scrapbooks, wedding albums, address books, advent calendars, announcement cards, books, art prints, cardboard hangtags, cases for passports, colouring books,

Christmas cards, decorative paper garlands for parties, gift cards, guest books, gift vouchers, paper bunting, paper banners, postcards, posters, printed calendars, wall charts, scented paper drawer liners, disposable napkins, facial tissue, paper cocktail parasols, paper tablecloths, Anniversary cards, Advertising publications, Events programmes, Mounted and unmounted photographs, Pads of party invitations, Paper hangtags, Printed training materials, Score-cards, Stickers, cake decorations made of plastic, decorations of plastic for foodstuffs, plaster busts, party ornaments of plastic, plastic sculptures, decorative plaques made of plastics material, figurines [statuettes] of wood, wax, plaster or plastic, pet cushions, scented pillows, carved picture frames, leather picture frames, photo frames, picture frames, frames for mirrors, make-up mirrors for purses, make-up mirrors for the home, personal compact mirrors, mirrors [furniture], wall mirrors, clothes rails, coathooks, scented coathangers, clothes covers, basketware, boxes for storage purposes [plastic], boxes for storage purposes [wood], chests, Sleeping bags, Sleeping mats, Household or kitchen utensils and containers, combs and sponges, brushes [except paintbrushes], unworked or semi-worked glass [except glass used in building], glassware, porcelain and earthenware, air fragrancing apparatus, appliances for removing make-up [electric], appliances for removing make-up [non-electric], applicators for cosmetics, applicator sticks for applying makeup, artworks of glass, apparatus for wax-polishing [non-electric], baskets for domestic use, bath sponges, beverage glassware, beverage ware, body scrubbing puffs, body sponges, bootjacks, bottle coolers, bottle openers, bouquet holders, bowls, boxes for dispensing paper serviettes, boxes for dispensing paper towels, boxes made of ceramics, boxes made of china, boxes made of earthenware, boxes made of glass, boxes made of porcelain, Brushes, brushes for personal hygiene, buckets, bud vases, candelabra [candlesticks], candle extinguishers, candle holders, candle jars [holders], candle rings, candle snuffers, candle sticks, candy boxes, cases adapted for cosmetic utensils, cases adapted for toilet utensils, cases (Comb -), cases for toiletry articles, ceramic figurines, ceramic ornaments, ceramic tissue box covers, champagne buckets, champagne flutes, china ornaments, chinaware, cleaning cloths, clothes brushes, cloths for cleaning purposes, coasters (tableware), cocktail glasses, cocktail picks, cocktail shakers, cocktail sticks, cocktail stirrers, comb cases, combs, containers for beverages, containers for cosmetics, containers for flowers, containers for household use, containers for pot pourri, coolers for wine, cork screws, cosmetic bags [fitted], Cosmetic brushes, Cosmetic powder compacts, Cosmetic spatulas,

Cosmetic spatulas for use with depilatory preparations, Cosmetic utensils, Cosmetics applicators, Cosmetics brushes, Cotton ball dispensers, Cotton ball jars, Crystal [glassware], Crystal ornaments, Cups, Deodorising apparatus for personal use, Dispensers for cosmetics, Dispensers for facial tissues, Drinking flasks, Drinking cups, Drinking glasses, Drinking goblets, Drinking receptacles, Drinking straws, Earthenware, Electric combs, Electric tooth brushes, Electrically heated hair brushes, Empty spray bottles, Enamel boxes, Exfoliating brushes, Exfoliating mitts, Exfoliating pads, Exfoliating slippers, Eye make-up applicators, Eyebrow brushes, Eyeglass cleaning cloths, Eyelash combs, Facial cleansing sponges, Facial sponges for applying make-up, Figurines made of china, Figurines made of crystal, Figurines made of earthenware, Figurines made of porcelain, Figurines made of terra cotta, file brushes, Fitted holders for hair fixers, Fitted holders for skin creams, Fitted picnic baskets, Fitted toilet bags, Fitted vanity cases, Flower bowls, Flower pots, Flower vases, Foam toe separates for use in pedicures, Foot exfoliating pads, Footwear (Brushes for -), Glass bowls, Glass containers, Glass holders, Glass [receptacles], Glasses [drinking vessels], Glasses [receptacles], Glassware, Glove stretchers, Gloves for domestic use, Gloves for household purposes, Gloves for polishing, Gloves (Gardening -), Gloves (Polishing -), Hair brushes, Hair color application bottles, Hair combs, Hair fixer dispensers, Hand soap holders, Hand soap dispensers, Heat-insulated containers for beverages, Heat insulated containers, Holders for cosmetics, Household containers, Household utensils, Ice buckets, Incense pots, Incense stick holders, Itch scratchers, Jars, Jewellery dishes, Lip brushes, Make-up artist belts, Make-up brushes, Make-up removing appliances, Make-up sponges, Mascara brushes, Metal coin banks, Microdermabrasion sponges for cosmetic use, Mugs, Nail brushes, Non-electric make-up removing appliances, Non-metal money boxes, Non-metal piggy banks, Perfume bottles, Perfume sprayers, Perfume vaporizers, Picnic boxes, Piggy banks, Pill boxes for personal use, Plant holders, Pomanders [containers], Porcelain, Porcelain ware, Pot pourri jars, Pots, Powder compacts, Powder puffs, Scent sprays [atomizers], Shampoo dispensers, Shampoo holders, Shaving brush holders, Shaving brush stands, Shaving brushes, Shaving dishes, Shoe brushes, Shirt stretchers, Shoe polishers (Non- electric -), Shoe stretchers, Shoe trees, Shower gel dispensers, Shower gel holders, Skin (Abrasive sponges for scrubbing the -), Skin care cream dispensers, Skin cleansing brushes, Soap boxes, Sponges, Statues of porcelain, ceramic, earthenware or glass, Statuettes of porcelain,

ceramic, earthenware or glass, Stretchers for clothing, Stretchers for gloves, Tissue box covers, Toilet cases, Toiletry cases, Tooth brushes, Vanity cases (Fitted -), Vaporizers for perfume [empty], Vases, Wash bags (Fitted -), Wine chillers, Wine buckets, Wine coolers, Wine openers, Works of art of porcelain, ceramic, earthenware or glass, substitutes for textiles, bath sheets, bath sheets (towels), beach towels, bed coverings, bed linen, bed sheets, bed spreads, bed throws, blanket throws, blankets (bed -), bunting, bedspreads, brocade, calico, calico cloth (Printed -), canvas, cloth bunting, cloth handkerchiefs, coated textiles, coated fabrics, coated fabrics for use in the manufacture of rainwear, coated fabrics for use in the manufacture of leather goods, cotton cloth, cotton knitted fabric, crepe [fabric], cushion covering materials, damask, denim [cloth], denim fabric, elastic fabrics for clothing, elasticated woven textile materials, embroidery fabric, fabric, Face towels, Felt, Felt piece goods, Face cloths of towelling, Flannel, Flannel [fabric], Flocked fabrics, Foils of plastics for the manufacture of disposable clothes, Footwear (Fabric for -), Gift wrap of fabric, Hand towels, Handkerchiefs of textile, Heat-activated adhesive fabrics, Heat resistant fabrics [other than for insulation], Jersey material [fabric], Jersey [fabric], Jersey fabrics for clothing, Jute fabric, Kashmir fabric, Knit lace fabrics, Knitted fabrics of cotton yarn, Knitted fabrics of silk yarn, Knitted fabrics of wool yarn, Lace fabrics, Lingerie fabric, Material (Textile -), Materials (Textile -) for use in the manufacture of footwear, Materials (Textile -) for use in the manufacture of insoles, Mesh-woven fabrics, Metal fiber fabrics, Metal fiber fabrics, Moleskin [fabric], Non-woven fabric, Nylon fabric, Pelmet, Printed fabrics, Shirt fabrics, Silk base mixed fabrics, Silk base mixed fabrics, Silk [cloth], Silk fabrics, Suiting materials [textile], Taffeta, Taffeta [cloth], Textile fabric of animal skins imitations, Textile fabrics for the manufacture of clothing, Textile fabrics for the manufacture of sportswear, Textile handkerchiefs, Textiles made of cotton, Textiles made of linen, Textiles made of flannel, Textiles made of satin, Textiles made of synthetic materials, Textiles made of wool, Waterproof cloths, Wool yarn fabrics, Woollen fabrics, Woven fabrics, Woven fabrics for making up into articles of clothing, Zephyr fabric, Hair fasteners, Hair bands, Hair pieces, Hair pins, Hair ribbons, Scrunchies, Hair scrunchies, Hair clips, Barrettes, Hair barrettes, Hair bows, Hair wraps, Hair ornaments, Hair slides, Hair grips, Hair twisters [hair accessories], Hair buckles, Buckles [clothing accessories], Elasticated hair ribbons, Elasticated hair bands, Snap clips [hair accessories], Claw clips [hair accessories], Hair ornaments in the form of combs, Hair ornaments in the nature of hair wraps, Hair ornaments [not of

precious metal], Ponytail holders and hair ribbons, Top-knots [pompoms], Brooches [clothing accessories], Feathers [clothing accessories], Braids, Curlers, Hair curlers, Electric hair curlers, Non-electric hair curlers, Curling pins, Hair curling pins, Hair curl clips, Waving pins for the hair, Hair rollers, Electric hair rollers, Non-electric hair rollers, Wigs, False hairpieces, Synthetic hairpieces, Elastic ribbons, Silk ribbons, Decorative ribbons, Ribbons of textile materials, Ornamental ribbons made of textiles, Decorative articles for the hair, Ornamental bows of textile for decoration, Artificial corsages, Ornamental novelty badges [buttons], Heat adhesive patches, Heat adhesive patches for decoration of textile articles, Heat adhesive patches for repairing textile articles, Patches for repairing textile articles, Patches (Textile) for ironing-on, sew-on patches, gymnastic and sporting articles, action toys, action figure toys, American footballs, accessories for toy vehicles, accessories for toy trains, accessories for toy buildings, accessories for toy animals, accessories for dolls, accessories for action figure toys, apparatus for games, apparatus for performing magic tricks, artificial Christmas trees, articles of clothing for toys, baby dolls, badminton sets, bags adapted for use with sporting equipment, balls for games, balloons [party novelties], balls for racket sports, balls for sports, bar-bells, bath toys, baseball gloves, beach balls, bean bag animals, beanbags being playthings, bells for Christmas trees, board games, body-building apparatus, boxing gloves, building blocks [toys], building games, candle holders for Christmas trees, carnival masks, cat toys, checkerboards, checkers [games], chessboards, Christmas crackers, Christmas dolls, Christmas stockings, Christmas tree ornaments and decorations, Christmas tree ornaments and decorations (except confectionery and electric Christmas tree lights), Christmas tree skirts, Christmas trees of synthetic material, clockwork toys, clothing for teddy bears, conjuring apparatus, controllers for game consoles, controllers for toys, costume masks, dart games, darts, dice, dice games, discuses for sports, dog toys, dolls, dolls' clothes, dominoes, drones [toys], dumb-bells, educational toys, electronic action toys, electronic dart games, electronic games apparatus, electronic targets, electronic toys, exercise balls, explosive bonbons [Christmas crackers], face masks for sports, fitness machines and apparatus, flippers for swimming, game consoles, game machines and apparatus, gloves for games, gymnastic and sporting articles, hand-held electronic games, hand-held game consoles, hoops for children, hoops for exercise, inflatable toys, jigsaw puzzles, kites, machines for physical exercises, marbles for games, masks [playthings], mechanical action toys, mechanical toys, memory games, mobiles [toys],

musical Christmas tree ornaments, musical toys, nets for ball games, nets for sports, novelty face masks, novelty fake teeth, novelty masks, novelties for parties, dances [party favors, favours], outdoor play equipment, outdoor toys, paper party hats, party poppers, plastic toy figurines, plastic toys, play balloons, playing balls, pool tables, practical jokes [novelties], punching bags, protective paddings [parts of sports suits], puppets, puzzles, rackets, radio-controlled scale model vehicles, radio-controlled miniature aerial targets for sports, radio-controlled toys, radio-controlled toy vehicles, remote-controlled scale model vehicles, ride-on toy cars, ride-on toys, role playing games, rugby balls, scale model kits [toys], scale models, scale model vehicles, skateboards, soccer balls, soft toys, sports equipment, sporting articles, stacking blocks, stacking boxes, stacking toys, stuffed toys, tables for table tennis, talking toys, targets, teddy bears, tennis equipment, theatrical masks, toy Christmas trees, toy figures, toy models, toy robots, toy racing sets, toys, toys for children, toys for domestic pets, toy vehicles, trampolines, trivia cards [games], trivia games played with cards and game components, video game consoles, video game apparatus, water-squirting toys, wooden toys, quiz games, footballs [soccer], soccer goals, soccer goal nets, soccer goalkeepers' gloves, shin guards for soccer, footballs [American football], football pads, football body protectors, goals for American football, parts and fittings for all the aforesaid goods; the bringing together, for the benefit of others, of a variety of make-up, perfumery, candles, vitamin tablets, razors, clippers, manicure kits, downloadable computer software, sunglasses, eyewear, mobile phone cases, jewellery, watches, smart jewellery, ornaments, printed matter, stationery, bags, belts, kitchen utensils, drinking vessels, fabrics, bed linen, table linen, towels, clothing, footwear and headgear, haberdashery, games, toys, artificial Christmas trees and sporting equipment, faux fur clothing, footwear, headgear, bags, cosmetics cases, jewellery cases, trinket cases, mobile phone cases, jewellery, textiles, furniture, bed linen, toys, hair clips, sew-on patches, all made from faux fur, enabling customers to conveniently view and purchase all of the aforesaid goods from an internet website or from a catalogue by mail order, or by means of telecommunications; provision of information to customers and advice or assistance in the selection of goods brought together as above; model agency services; provision of models; artist management; information, advisory and consultancy services relating to the aforesaid services; but none of the aforesaid services relating to cycling.