

O/0683/24

TRADE MARKS ACT 1994

IN THE MATTER OF REGISTRATION NO. 3746589
IN THE NAME OF MUDASIR IQBAL
IN RESPECT OF THE TRADE MARK

The logo consists of the word "Crazy" in a bold, black, sans-serif font, positioned above the word "Tees" in a bold, blue, sans-serif font. The two words are centered and stacked vertically.

IN CLASS 25

AND

THE APPLICATION FOR CANCELLATION THEREOF UNDER NO. 506078
BY ONLY THE BEST, INC

Background and pleadings

1. Mudasir Iqbal (“the proprietor”) applied to register the trade mark no. 3746589 for the mark shown on the cover page of this decision in the UK on 24 January 2022. It was accepted and published in the Trade Marks Journal on 11 February 2022, and was registered on 20 May 2022 in respect of a long list of goods in class 25. This list is provided in full at Annex A to this decision.

2. On 3 May 2023, Only The Best, Inc (“the cancellation applicant”) applied to have the contested trade mark declared invalid in accordance with section 47(2)(a) on the basis of section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). This is on the basis of its two UK trade marks set out below:

1. Comparable UK trade mark no. 900174235¹

CRAZY SHIRTS (filing date 1 April 1996, registration date 18 September 1998)

Class 25: T-shirts, shirts, tank tops, beach cover-ups, pants, hats, caps, jackets, leggings, sweatshirts, sweaters, shorts and socks.

2. Comparable UK trade mark no. 904625471²



(filing date 8 September 2005, registration date

29 August 2006)

Class 25: T-shirts, shirts, tank tops, beach cover-ups, pants, hats, caps, jackets, leggings, sweatshirts, sweaters, shorts and socks.

¹ On 1 January 2021, the UK left the EU after the expiry of the transition period. Under Article 54 of the Withdrawal Agreement, the Registry created comparable UK trade marks for all right holders with an existing EUTM. As a result of the cancellation applicant’s EUTM being registered as at the end of the Implementation Period, a comparable UK trade mark was automatically created. The comparable UK mark is now recorded on the UK trade mark register, has the same legal status as if it had been applied for and registered under UK law, and retains its original filing date.

² See above.

Class 35: Business management consultancy including giving assistance and advice for the establishment and management of retail stores in the field of clothing.

Class 42: Technical consultancy and advising for the establishment of retail stores in the field of clothing.

3. By virtue of their earlier filing dates, the above registrations constitute earlier marks in accordance with section 6 of the Act.

4. The cancellation applicant argues that the respective goods and services are identical or highly similar and that the marks are similar, and that as such, there is a likelihood of conclusion including a likelihood of association between the marks.

5. The proprietor filed a counterstatement, accepting that they operate in “the same niche” but submitting the word ‘Crazy’ is of a generic nature, and denying that there will be a likelihood of confusion between the marks. The proprietor did not request that the cancellation applicant file proof of use of its mark.

6. Neither party filed evidence in these proceedings. Only the cancellation applicant filed written submissions which will not be summarised but will be referred to as and where appropriate during this decision. No hearing was requested and so this decision is taken following a careful perusal of the papers.

7. The cancellation applicant is represented in these proceedings by Hansel Henson Limited. The proprietor represents himself.

8. 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

9. Section 5(2)(b) of the Act is as follows:

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

(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”.

10. The relevant parts of section 47 of the Act are as follows:

“47. (1) [...]

(2) Subject to subsections (2A) and (2G), the registration of a trade mark may be declared invalid on the ground-

(a) that there is an earlier trade mark in relation to which the conditions set out in section 5(1), (2) or (3) obtain, or

(b) that there is an earlier right in relation to which the condition set out in section 5(4) is satisfied,

unless the proprietor of that earlier trade mark or other earlier right has consented to the registration.

[...]

(5) Where the grounds of invalidity exist in respect of only some of the goods or services for which the trade mark is registered, the trade mark shall be declared invalid as regards those goods or services only”.

The Principles

11. The following principles are gleaned from the decisions of the EU courts in *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case

C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v OHIM*, Case C-3/03, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH*, Case C-120/04, *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P.

The principles

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

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

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

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

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

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

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

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

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

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

(k) if the association between the marks creates a risk that the public might believe that the respective goods or services come from the same or economically linked undertakings, there is a likelihood of confusion.

Reliance on two earlier marks

12. The cancellation applicant relies on two earlier marks in these proceedings. The first earlier mark relied upon is a word mark. This protects the words contained in the mark, whatever form, colour or typeface are used: see *LA Superquímica v EUIPO*, Case T-24/17, paragraph 39. The second mark relied upon is a stylised mark. As the stylisation used in this second mark bears little resemblance to the stylisation used in the contested mark, it is my view this will only detract from the similarity of this second earlier mark with the contested mark.

13. The second earlier mark relies on a broader specification of goods and services than the first earlier mark. However, I do not consider the additional services in classes 35 and 42 relied upon by the cancellation applicant under this mark will be considered more similar to the contested class 25 goods than its own goods under class 25, which are relied upon identically under both earlier marks.

14. For the reasons above, it is my view that the earlier word mark puts the cancellation applicant in its strongest position within these proceedings. If the cancellation action proves unsuccessful based on the earlier word mark, it will also prove unsuccessful based on the earlier stylised mark. For this reason, I will proceed on the basis of the cancellation applicant's earlier word mark only at this stage. However, I will keep the second earlier mark in mind and should I for any reason find it necessary to do so at any stage, I will revert to this point and consider the cancellation applicant's stylised mark.

Comparison of goods and services

15. The cancellation applicant included within its pleadings, a statement submitting that all of the goods filed by the proprietor are either identical or at least highly similar to its goods relied upon. Within his counterstatement, the proprietor responded to the cancellation applicant's pleadings as follows:

The Trademark, "CrazyTees," stands out as a separate entity from the opposing party's Trademark. It is submitted as a design trademark, and upon examination, it becomes evident that the design of the Trademarks is not the same. While it is true that both trademarks operate within the same niche, it appears unjustified for the opposing party to assert exclusive rights over the word "Crazy." This word holds a generic nature and should not be monopolized. I firmly refute any claims against using the term "Crazy" and strongly affirm that both trademarks are unique entities, each deserving the right to sell their products.

16. It is my view that the above statement does not include any denial of the pleading that the goods filed are either identical or highly similar to those covered by the cancellation applicant's earlier marks. Rather, the proprietor's statement above appears to be a tacit acceptance of the cancellation applicant's pleadings in relation to the similarity of the goods. As the matter of similarity or identity of the goods has not been put in issue by the proprietor, it would be wrong for me to proceed on the basis that it has been.³ I therefore intend to proceed on the basis that there is at least a high level of similarity in respect of all of the goods at this stage. If the difference between a high level of similarity and identity between the goods becomes a determining factor within this decision, I will return to this point to identify which of the goods registered by the proprietor fall into each of these categories.

³ See the decision of Mr Phillip Johnson sitting as the Appointed Person in *Skyclub* O/044/21 and particularly paragraph 29.


Comparison of marks

17. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a 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 marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The Court of Justice of the European Union 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.”

18. It would be wrong, therefore, to dissect the trade marks artificially, 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.

19. The respective trade marks are shown below:

Earlier trade mark	Contested trade mark
CRAZY SHIRTS	

20. The earlier mark comprises the two words ‘CRAZY’ and ‘SHIRTS’. The word SHIRTS is descriptive of some of the goods registered, and as such the word CRAZY appears to be the more distinctive element in that respect. That said, both elements appear to hang together to an extent to suggest shirts which are out of the ordinary,

and as such the overall impression resides in the combination of the two words and the mark as a whole.

21. The contested mark also comprises two words, namely Crazy and Tees. Again, the word 'Tees' appears to some extent to be descriptive of the goods, with the word Crazy therefore appearing to be the more distinctive element. In addition, the use of the colour black on this element of the mark and a paler colour on the additional word 'Tees' makes it stand out and appear slightly more dominant within the mark as a whole. However, that said, again I note the two elements hang together to an extent to suggest 'tees' (t-shirts) which are out of the ordinary, and the overall impression of the mark primarily resides in the combination of the two words. The use of the contrasting black and blue colour, and the slight stylisation of the mark including the stacking of the word elements is not negligible, and also contribute to its overall impression, although to a far smaller extent than the words themselves.

Visual comparison

22. The marks coincide visually through the use of the initial word 'CRAZY', placed at the beginning of the earlier mark where the consumer tends to pay more attention,⁴ and in a dominant position in the contested mark. They differ primarily by way of the use of the word 'SHIRTS' in the earlier mark and 'Tees' in the later mark. As previously mentioned, the earlier word mark protects the words contained in the mark, whatever form, colour or typeface are used, and so I must consider it may be used in blue for example, or in an alternative font. The stylisation of the contested mark does not add significantly to the visual differences between the marks. Overall, I find the marks to be visually similar to just above a medium degree.

Aural comparison

23. The marks share the first two syllable word 'CRAZY', which will be pronounced in the normal way. They differ by way of the inclusion of a different second single syllable word in each of the marks. Considering the similarities and differences, I find the marks to be aurally similar to between a medium and high degree.

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

Conceptual comparison

24. The word 'crazy' is defined by the Oxford English Dictionary (amongst other definitions) as follows:⁵

Unusual, esp. in a way which is regarded as fun or playful; unconventional. Also of hair or a beard: wildly unkempt.

25. The word 'Shirt' is defined as (amongst other definitions):⁶

*Originally: a long, loose undergarment covering the torso, arms, and (often) the upper legs (compare **chemise_n.1a**). Now usually: a garment for the upper body, made from light woven fabric such as cotton, silk, linen, etc., and fastening down the front with buttons, typically having a collar and sleeves which finish in a wristband or cuff.*

[...]

A long shirt or loose garment worn to bed.

[...]

A garment for the upper body, typically made of soft stretchable fabric (sometimes having a short row of buttons at the neck), that is designed to be pulled on over the head, and is widely worn for sport or as casual wear.

26. The word 'tee' is defined by the Oxford English Dictionary as (amongst other definitions):⁷

Originally North American

A T-shirt.

This aligns with my understanding of the word 'Tee' in this context.

⁵ https://www.oed.com/dictionary/crazy_adj?tab=meaning_and_use#8004171 [accessed 10 July 2024]

⁶ https://www.oed.com/dictionary/shirt_n?tab=meaning_and_use#22936089 [accessed 10 July 2024]

⁷ https://www.oed.com/dictionary/tee_n5?tab=meaning_and_use#44319665 [accessed 10 July 2024]

27. It is my view that the earlier mark CRAZY SHIRTS will, as a whole, convey to the consumer the idea of particularly unconventional or playful shirts⁸. It is also my view that the contested mark as a whole will convey the concept of particularly unconventional or playful t-shirts. Within their final written submissions, the cancellation applicant submits:

“Conceptually, the marks are identical as both trade marks will convey the concepts of a mad or wild (t-)shirt”

28. I note that the word shirt may be used to describe a t shirt, and as such I accept that a significant portion of consumers may consider the two marks conceptually identical. It is also my view that there may also be some consumers to whom the word shirt conveys the more traditional meaning of a buttoned, collared shirt. In that scenario, I still consider both marks will convey the concept of a particularly playful or unconventional item of upper body clothing, and so they will remain conceptually similar to a high degree to those consumers.

Average consumer and the purchasing act

29. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purpose of assessing the likelihood of confusion, it must be borne in mind that the average consumer's level of attention is likely to vary according to the category of goods or services in question: *Lloyd Schuhfabrik Meyer*, Case C-342/97.

30. 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

⁸ See the definitions of the word shirt above.

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.”

31. The relevant average consumers of the majority of the clothing, footwear and headgear items will primarily comprise members of the general public. These consumers will consider factors such as quality, practicality, style and durability of goods, with some consumers also paying attention to features such as materials used and manufacturing origin. These consumers will generally pay a medium level of attention in respect of the same. There will also be a further group of professional consumers of these goods, including business owners concerned with stocking retail stores. These consumers will likely pay a slightly higher level of attention, on the basis that stocking the wrong type of goods may have a direct impact on the success of their business overall, although they will largely consider the same factors as the general public. It is therefore my view that these consumers are likely to pay a slightly above medium degree of attention in respect of the same.

32. I note the goods also include examples of specialist clothing. For example, they include items of religious wear such as Cassocks. Where the goods are items worn to represent a particular profession, it is likely the consumer will be a professional. It is my view that in this case they may again likely pay a slightly above medium level of attention to the goods due to the frequency of wear and the importance of the role the goods may play in their profession.

33. Finally, I note the goods also include parts of clothing, headwear and footwear items, such as, for example, *Linings (Ready-made -) [parts of clothing]*. These parts will likely also be purchased primarily by professionals, for the purpose of making into complete goods for end users. These consumers are likely to pay attention to factors such as the quality and style of the goods, in addition to factors such as the compatibility with their designs and products. Due to their impact on the end goods and business, I again consider the end user will likely pay a slightly above medium degree of attention in respect of the same.

34. The goods will likely be primarily purchased visually, in retail or wholesale stores or via websites or brochures. However, I consider that verbal assistance may be

sought from retail staff, verbal recommendations may be made, and telephone orders placed (most likely by professionals). I cannot, therefore, completely discount the aural comparison.

Distinctive character of the earlier trade mark

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

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

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

36. The cancellation applicant has not provided any evidence of use of its earlier mark, and I therefore only have the inherent position to consider.

37. As set out previously, it is my view that the earlier mark CRAZY SHIRTS will, as a whole, convey to the consumer the idea of particularly unconventional or playful shirts. I note the goods covered by the earlier mark include both t-shirts and shirts, along with

a range of other types of clothing. Within his witness statement, the proprietor submits that the word crazy "...holds a generic nature and should not be monopolised". I note the mark as a whole is at least allusive of the type goods protected by mark. Even in respect of the other clothing goods, the mark suggests that these will likely be of an unconventional nature and alludes to the fact the entity responsible may also offer shirts under the mark in addition to the other clothing items. However, I note that the earlier mark relied upon is a registered mark, and there is no challenge to the validity of this mark within these proceedings. It is well established that a registered mark must be assumed to have at least some distinctive character.⁹ Considering all of this, I find the earlier mark to hold a low level of distinctive character in respect of the goods.

GLOBAL ASSESSMENT – Conclusions on Likelihood of Confusion

38. Prior to reaching a decision under Section 5(2)(b), I must first consider all relevant factors, including those as set out within the principles A-K at paragraph 11 of this decision. I must view the likelihood of confusion through the eyes of the average consumer, 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 they have kept in their mind. I must consider the level of attention paid by the average consumer, and consider the impact of the visual, aural and conceptual similarities of the marks by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. I must consider that the level of distinctive character held by the earlier mark will have an impact on the likelihood of confusion. I must remember that the distinctiveness of the common elements is key.¹⁰ I must keep in mind that a lesser degree of similarity between the goods may be offset by a greater degree of similarity between the marks, and vice versa. I must also consider that both the degree of attention paid by the average consumer and how the goods are obtained will have a bearing on how likely the consumer is to be confused.

⁹ See *Formula One Licensing BV v OHIM*, Case C-196/11P

¹⁰ See *Kurt Geiger v A-List Corporate Limited*, BL O-075-13, in which Mr Iain Purvis Q.C. as the Appointed Person pointed out that the level of 'distinctive character' is only likely to increase the likelihood of confusion to the extent that it resides in the element(s) of the marks that are identical or similar.

39. There are two types of confusion that I may find. The first type of confusion is direct confusion. This occurs where the average consumer mistakenly confuses one trade mark for another. The second is indirect confusion. This occurs where the average consumer notices the differences between the marks, but due to the similarities between the common elements, they believe that both products derive from the same or economically linked undertakings.¹¹

40. In *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17, Mr James Mellor Q.C. (as he then was), as the Appointed Person, stressed that a finding of indirect confusion should not be made merely because the two marks share a common element. In this connection, he pointed out that it is not sufficient that a mark merely calls to mind another mark. This is mere association not indirect confusion.

41. In *Face2FaceHR Partners Limited v Peninsula Business Services Limited*, O/0368/23, Emma Himsworth K.C., as the Appointed Person, reviewed the case law in *Whyte and Mackay v Origin* [2015] EWHC 1271 (Ch) and *Nicoventures Holdings Limited v The London Vape Co Ltd* [2017] EHC 3303 (Ch), as well as guidance in the Common Communication on the Common Practice of Relative Grounds of Refusal - Likelihood of Confusion (impact of non-distinctive/weak components) dated 2 October 2014, which is referred to in the case law. Miss Himsworth summarised the correct approach when assessing the likelihood of confusion where the only common element between the marks in issue has no or low distinctiveness as follows, at paragraph 44:

“(1) The distinctiveness of the mark as a whole must be assessed, taking into account that a minimum degree of distinctiveness must be acknowledged.

(2) The distinctiveness of each of the components of both marks must be assessed with priority being given to the coinciding elements.

(3) The focus of the assessment of the likelihood of confusion should be on the impact of the non-coinciding components on the overall impression of the mark.

¹¹ *L.A. Sugar Limited v Back Beat Inc*, BL O/375/10

(4) Account must be taken of the similarities/differences in the non-coinciding elements of the marks.

(5) A coincidence of an element with a low level of distinctiveness will not usually lead to a likelihood of confusion.

(6) There may be a finding of a likelihood of confusion if (a) the non-coinciding elements of the mark are of lower (or equally low) degree of distinctiveness or are of insignificant visual impact and the overall impression is similar; or (b) the overall impression of the marks is highly similar or identical.”

42. In this case I found the marks visually similar to just above a medium degree, aurally similar to between a medium and high degree, and conceptually either identical or similar to a high degree. I found the similarity of the goods was not in dispute, and I therefore accepted the cancellation applicant’s pleadings that these are similar to either a high degree, or identical. I found the relevant average consumer of the majority of the goods to be a member of the general public who will pay a medium level of attention, but that there will also be a portion of goods aimed at professional consumers paying a slightly above medium level of attention in respect of the same. I found the purchasing process will be primarily visual but that aural considerations cannot be completely discounted, and that the earlier mark holds a low degree of distinctive character inherently, and there is no evidence this has been enhanced through use.

43. Having carefully considered all of the factors, it is my view that there is a likelihood of direct confusion between the marks. I consider that the highly similar or identical concepts will mean there is little to assist the consumer in recalling the differences between the more descriptive elements at the end of the marks, and instead the shared or similar concept of this descriptive element, along with the consumers imperfect recollection, will mean it would be easy for the consumer upon coming across the contested mark, to believe they had come across the same mark as on a previous occasion, when in fact this was the earlier mark. Whilst I note the low degree of distinctive character held by the earlier mark and the common element point in the

proprietor's favour, this does not preclude a likelihood of confusion,¹² and considering the circumstances of this case it is my view that it will not prevent it from taking place.

44. For completeness, I will go on to consider if there is a likelihood of indirect confusion between the marks. In *L.A. Sugar* (cited above) Mr Iain Purvis Q.C. (as he then was), as the Appointed Person set out three examples of when indirect confusion may occur as below:

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

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

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

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

45. I note that the examples above were intended to be illustrative and are not exhaustive. Further, I also keep in mind *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207, in which Arnold LJ referred to the comments of James Mellor QC (as he then was), sitting as the Appointed Person in *Cheeky Italian Ltd v Sutaria* (O/219/16), where he said at [16] that "a finding of a likelihood of indirect confusion is not a consolation prize for those who fail to establish a likelihood of direct confusion". Arnold LJ agreed, pointing out that there must be a

¹² See *L'Oréal SA v OHIM*, Case C-235/05 P

“proper basis” for concluding that there is a likelihood of indirect confusion where there is no likelihood of direct confusion.

46. I have considered afresh all of the factors of the case. I am alive to the fact that a low level of distinctive character in an earlier mark and particularly in the element shared with a contested mark, means that if the consumer were to notice differences between the marks, it may be more likely they would put the shared element down to coincidence rather than an economic connection between the same. However, I consider in this instance that it would be a perfectly logical and indeed likely for the consumer to assume that a company offering goods under the earlier mark may extend its brand to offer an alternative or additional range of goods under the contested mark, or use this mark in relation to a sister company for example, by replacing the more descriptive element with an alternative descriptive term. Considering fair and notional use of the earlier word mark, I consider it is open to being used in a manner that goes some way to support this impression, and I note that sub brands are not uncommon in the clothing sector.¹³ I find this to be a conclusion the consumer may easily reach even where the terms ‘shirts’ and ‘tees’ are not directly descriptive of the exact goods on which they are used, considering they are still likely to provide the consumer with an indication of alternative related goods offered under the marks.

Final Remarks

47. The application for the cancellation of the contested mark has succeeded in its entirety, and the contested registration will be removed from the register. Due to the complete success of the application for cancellation based on the earlier word mark, it is clear that the outcome of the application for cancellation based on the earlier stylised mark will make no difference to the overall outcome of these proceedings. It is therefore not necessary for me to consider this further.

¹³ See paragraph 78 of the General Court decision in *Zero Industry Srl v OHIM*, Case T-400/06

COSTS

48. The cancellation applicant has been successful and is entitled to a contribution towards its costs in accordance with Tribunal Practice Notice 1/2023. In the circumstances I award the cancellation applicant the sum of £800 as a contribution towards the cost of the proceedings. The sum is calculated as follows:

Official fees	£200
Preparing and filing the TM26(I) and considering the TM8:	£250
Preparing and filing written submissions:	£350
Total	£800

49. I therefore order Mudasir Iqbal to pay Only The Best, Inc the sum of £800. The above sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

Dated this 18th day of July 2024

Rosie Le Breton

For the Registrar

Annex A

Class 25: Adhesive bras; Adhesive brassieres; After ski boots; Aikido suits; Aikido uniforms; Albs; Aloha shirts; American football bibs; American football pants; American football shirts; American football shorts; American football socks; Anglers' shoes; Ankle boots; Ankle socks; Anklets [socks]; Anoraks; Anoraks [parkas]; Anti-perspirant socks; Anti-sweat underclothing; Anti-sweat underwear; Après-ski boots; Apres-ski shoes; Aprons; Aprons [clothing]; Aqua shoes; Arm warmers [clothing]; Army boots; Articles of clothing; Articles of clothing for theatrical use; Articles of clothing made of hides; Articles of clothing made of leather; Articles of outer clothing; Articles of sports clothing; Articles of underclothing; Ascots; Ascots (ties); Athletic clothing; Athletic footwear; Athletic shoes; Athletic tights; Athletic uniforms; Athletics footwear; Athletics hose; Athletics shoes; Athletics vests; Babies' clothing; Babies' outerclothing; Babies' pants [clothing]; Babies' pants [underwear]; Babies' undergarments; Babushkas; Baby bibs [not of paper]; Baby bodysuits; Baby boots; Baby bottoms; Baby clothes; Baby doll pyjamas; Baby layettes for clothing; Baby pants; Baby sandals; Baby tops; Balaclavas; Ball gowns; Ballet shoes; Ballet slippers; Ballet suits; Ballroom dancing shoes; Bandanas; Bandanas [neckerchiefs]; Bandannas; Bandeaux [clothing]; Barber smocks; Baseball caps; Baseball caps and hats; Baseball hats; Baseball shoes; Baseball uniforms; Baselayer bottoms; Baselayer tops; Basic upper garment of Korean traditional clothes [Jeogori]; Basketball shoes; Basketball sneakers; Bath robes; Bath sandals; Bath slippers; Bathing caps; Bathing costumes; Bathing costumes for women; Bathing drawers; Bathing suit cover-ups; Bathing suits; Bathing suits for men; Bathing trunks; Bathrobes; Beach clothes; Beach clothing; Beach cover-ups; Beach footwear; Beach hats; Beach robes; Beach shoes; Beach wraps; Beachwear; Beanie hats; Beanies; Bed jackets; Bed socks; Belts [clothing]; Belts for clothing; Belts made from imitation leather; Belts made of leather; Belts made out of cloth; Belts (Money -) [clothing]; Belts of textile; Berets; Bermuda shorts; Bib overalls for hunting; Bib shorts; Bib tights; Bibs, not of paper; Bibs, sleeved, not of paper; Bikinis; Blazers; Bloomers; Blouses; Blouson jackets; Blousons; Blue jeans; Board shorts; Boardshorts; Boas; Boas [clothing]; Boas [necklets]; Boaters; Bobble hats; Bodices; Bodices [lingerie]; Bodies [clothing]; Bodies [underclothing]; Body linen [garments]; Body stockings; Body suits; Body warmers; Bodysuits; Boiler suits; Boleros; Bolo ties; Bolo ties with precious metal tips; Bomber jackets; Bonnets;

Bonnets [headwear]; Boot cuffs; Boot uppers; Bootees (woollen baby shoes); Booties; Boots; Boots for motorcycling; Boots for sport; Boots for sports; Boots (Ski -); Bottoms [clothing]; Bow ties; Bowling shoes; Bowties; Boxer briefs; Boxer shorts; Boxing shoes; Boxing shorts; Boy shorts [underwear]; Boys' clothing; Bra straps; Bra straps [parts of clothing]; Braces as suspenders; Braces for clothing; Braces for clothing [suspenders]; Braces [suspenders]; Bralettes; Bras; Brassieres; Breeches; Breeches for wear; Bridal garters; Bridal gowns; Bridesmaid dresses; Bridesmaids wear; Briefs; Briefs [underwear]; Bucket caps; Bucket hats; Burkhas; Burnouses; Bushjackets; Bustiers; Bustle holder bands for obi (obiage); Bustles for obi-knots (obiage-shin); Button down shirts; Button-front aloha shirts; Caftans; Cagoules; Camiknickers; Camisoles; Camouflage gloves; Camouflage jackets; Camouflage pants; Camouflage shirts; Camouflage vests; Canvas shoes; Cap peaks; Cap visors; Capelets; Capes; Capes (clothing); Capri pants; Caps; Caps being headwear; Caps [headwear]; Caps (Shower -); Caps with visors; Car coats; Cardigans; Cargo pants; Cashmere clothing; Cashmere scarves; Cassocks; Casual clothing; Casual footwear; Casual jackets; Casual shirts; Casual trousers; Casual wear; Casualwear; Chadors; Chaps; Chaps (clothing); Chasubles; Chefs' hats; Chefs' whites; Chemise tops; Chemises; Chemisettes; Cheongsams (Chinese gowns); Children's clothing; Childrens' clothing; Children's footwear; Children's headwear; Children's outerclothing; Children's wear; Chino pants; Choir robes; Christening gowns; Christening robes; Cleats for attachment to sports shoes; Climbing boots; Climbing boots [mountaineering boots]; Climbing footwear; Cloaks; Cloche hats; Clogs; Cloth bibs; Cloth bibs for adult diners; Clothes; Clothes for sport; Clothes for sports; Clothing; Clothing containing slimming substances; Clothing for babies; Clothing for children; Clothing for cycling; Clothing for cyclists; Clothing for fishermen; Clothing for gymnastics; Clothing for horse-riding [other than riding hats]; Clothing for infants; Clothing for leisure wear; Clothing for martial arts; Clothing for men, women and children; Clothing for skiing; Clothing for sports; Clothing for wear in judo practices; Clothing for wear in wrestling games; Clothing incorporating LEDs; Clothing layettes; Clothing made of fur; Clothing made of imitation leather; Clothing made of leather; Clothing of imitations of leather; Clothing of leather; Coats; Coats for men; Coats for women; Coats made of cotton; Coats of denim; Coats (Top -); Cocktail dresses; Collar guards for protecting clothing collars; Collar liners for protecting clothing collars; Collar protectors; Collared shirts; Collars; Collars [clothing]; Collars for dresses; Combative sports uniforms; Combinations

[clothing]; Corduroy pants; Corduroy shirts; Corduroy trousers; Corselets; Corsets; Corsets [clothing, foundation garments]; Corsets [foundation clothing]; Corsets [underclothing]; Costumes; Costumes for use in children's dress up play; Costumes for use in role-playing games; Costumes (Masquerade -); Cotton coats; Coveralls; Coverups; Cover-ups; Cowls [clothing]; Cravates; Cravats; Crew neck sweaters; Crinolines; Crop tops; Cuffs; Culotte skirts; Culottes; Cummerbunds; Cycling caps; Cycling Gloves; Cycling pants; Cycling shoes; Cycling shorts; Cycling tops; Cyclists' clothing; Dance clothing; Dance costumes; Dance shoes; Dance slippers; Deck shoes; Deck-shoes; Denim coats; Denim jackets; Denim jeans; Denim pants; Denims [clothing]; Desert boots; Detachable collars; Detachable neckpieces for kimonos (haneri); Dinner jackets; Dinner suits; Disposable slippers; Disposable underwear; Donkey jackets; Down jackets; Down vests; Drawers as clothing; Drawers [clothing]; Dress pants; Dress shields; Dress shirts; Dress shoes; Dress suits; Dresses; Dresses for evening wear; Dresses for infants and toddlers; Dresses made from skins; Dressing gowns; Driving gloves; Driving shoes; Duffel coats; Duffle coats; Dungarees; Dust coats; Ear muffs; Ear muffs [clothing]; Ear warmers; Ear warmers being clothes; Earbands; Earmuffs; Embossed heels of rubber or of plastic materials; Embossed soles of rubber or of plastic materials; Embroidered clothing; Espadrilles; Esparto shoes or sandals; Esparto shoes or sandals; Evening coats; Evening dresses; Evening gowns; Evening suits; Evening wear; Exercise wear; Eye masks; Fabric belts; Fabric belts [clothing]; Fake fur hats; Fancy dress costumes; Fascinator hats; Fashion hats; Fedoras; Fezzes; Figure skating clothing; Fingerless gloves; Fingerless gloves as clothing; Fishermen's jackets; Fishing boots; Fishing clothing; Fishing footwear; Fishing headwear; Fishing jackets; Fishing shirts; Fishing smocks; Fishing vests; Fishing waders; Fitted swimming costumes with bra cups; Fittings of metal for boots and shoes; Fittings of metal for footwear; Flat caps; Flat shoes; Fleece jackets; Fleece pullovers; Fleece shorts; Fleece tops; Fleece vests; Fleeces; Flip-flops; Flip-flops for use as footwear; Flying suits; Foam pedicure slippers; Folk costumes; Foot volleyball shoes; Football boots; Football boots (Studs for -); Football jerseys; Football shirts; Football shoes; Footless socks; Footless tights; Footmuffs, not electrically heated; Footwear; Footwear [excluding orthopedic footwear]; Footwear (Fittings of metal for -); Footwear for men; Footwear for men and women; Footwear for snowboarding; Footwear for sport; Footwear for sports; Footwear for track and field athletics; Footwear for use in sport; Footwear for women; Footwear made of vinyl; Footwear

made of wood; Footwear (Non-slipping devices for -); Footwear not for sports; Footwear soles; Footwear (Tips for -); Footwear uppers; Footwear (Welts for -); Formal evening wear; Formal wear; Formalwear; Foulards [clothing articles]; Foundation garments; Frames (Hat -) [skeletons]; Frock coats; Full-length kimonos (nagagi); Functional underwear; Fur cloaks; Fur coats; Fur coats and jackets; Fur hats; Fur jackets; Fur muffs; Fur stoles; Furs [clothing]; Gabardines; Gabardines [clothing]; Gaiter straps; Gaiters; Galoshes; Garments for protecting clothing; Garrison caps; Garter belts; Garters; Gauchos; Gilets; Girdles; Girdles [corsets]; Girls' clothing; Gloves; Gloves as clothing; Gloves [clothing]; Gloves for apparel; Gloves for cyclists; Gloves including those made of skin, hide or fur; Gloves with conductive fingertips that may be worn while using handheld electronic touch screen devices; Golf caps; Golf clothing, other than gloves; Golf footwear; Golf shirts; Golf shoes; Golf shorts; Golf skirts; Golf trousers; Goloshes; Gowns; Greatcoats; G-strings; Guernseys; Gussets for bathing suits [parts of clothing]; Gussets for footlets [parts of clothing]; Gussets for leotards [parts of clothing]; Gussets for stockings [parts of clothing]; Gussets for tights [parts of clothing]; Gussets for underwear [parts of clothing]; Gussets [parts of clothing]; Gym boots; Gym shorts; Gym suits; Gymnastic shoes; Gymshoes; Gymwear; Hairdressing capes; Half-boots; Halloween costumes; Halter tops; Handball shoes; Handwarmers [clothing]; Haneri [detachable neckpieces for kimonos]; Hat frames [skeletons]; Hats; Hats (Paper -) [clothing]; Head bands; Head scarves; Head sweatbands; Head wear; Headbands; Headbands against sweating; Headbands [clothing]; Headbands for clothing; Headdresses [veils]; Headgear; Headgear for wear; Headscarfs; Headscarves; Headshawls; Headsquares; Headwear; Heavy coats; Heavy jackets; Heel inserts; Heel pieces for shoes; Heel pieces for stockings; Heel protectors for shoes; Heelpieces for footwear; Heelpieces for stockings; Heels; Hidden heel shoes; High rain clogs (ashida); High-heeled shoes; Hijabs; Hiking boots; Hiking shoes; Hockey shoes; Hooded bathrobes; Hooded pullovers; Hooded sweat shirts; Hooded sweatshirts; Hooded tops; Hoodies; Hoods; Hoods [clothing]; Horse-riding boots; Horse-riding pants; Hosiery; House coats; Housecoats; Hunting boot bags; Hunting boots; Hunting jackets; Hunting pants; Hunting shirts; Hunting vests; Imitation leather dresses; Infant clothing; Infant wear; Infants' boots; Infants' clothing; Infants' footwear; Infants' shoes; Infants' trousers; Infantwear; Inner socks for footwear; Inner soles; Innersocks; Insoles; Insoles for footwear; Insoles for shoes and boots; Insoles [for shoes and boots]; Intermediate

soles; Jacket liners; Jackets; Jackets being sports clothing; Jackets [clothing]; Jackets (Stuff -) [clothing]; Japanese footwear of rice straw (waraji); Japanese kimonos; Japanese sleeping robes (nemaki); Japanese sleeping robes [nemaki]; Japanese split-toed work footwear (jikatabi); Japanese style clogs and sandals; Japanese style sandals of felt; Japanese style sandals of leather; Japanese style sandals (zori); Japanese style socks (tabi); Japanese style socks (tabi covers); Japanese style wooden clogs (geta); Japanese toe-strap sandals (asaura-zori); Japanese traditional clothing; Jeans; Jerkins; Jerseys; Jerseys [clothing]; Jockstraps [underwear]; Jodhpurs; Jogging bottoms; Jogging bottoms [clothing]; Jogging outfits; Jogging pants; Jogging sets [clothing]; Jogging shoes; Jogging suits; Jogging tops; Judo suits; Judo uniforms; Jump Suits; Jumper dresses; Jumper suits; Jumpers; Jumpers [pullovers]; Jumpers [sweaters]; Jumpsuits; Kaftans; Karate suits; Karate uniforms; Kendo outfits; Kerchiefs; Kerchiefs [clothing]; Khakis; Khimars; Kilts; Kimonos; Knee highs; Knee warmers [clothing]; Knee-high stockings; Knickerbockers; Knickers; Knit jackets; Knit shirts; Knit tops; Knitted baby shoes; Knitted caps; Knitted clothing; Knitted gloves; Knitted tops; Knitted underwear; Knitwear; Knitwear [clothing]; Knot caps; Korean outer jackets worn over basic garment [Magoja]; Korean topcoats [Durumagi]; Korean traditional women's waistcoats [Baeja]; Laboratory coats; Lace boots; Ladies' boots; Ladies' clothing; Ladies' dresses; Ladies' footwear; Ladies' outerclothing; Ladies' sandals; Ladies' suits; Ladies' underwear; Ladies wear; Latex clothing; Layette; Layette [clothing]; Leather belts [clothing]; Leather clothing; Leather (Clothing of -); Leather (Clothing of imitations of -); Leather coats; Leather dresses; Leather garments; Leather headwear; Leather jackets; Leather pants; Leather shoes; Leather slippers; Leather suits; Leather waistcoats; Leg warmers; Leggings [leg warmers]; Leggings [trousers]; Legwarmers; Leg-warmers; Leisure clothing; Leisure footwear; Leisure shoes; Leisure suits; Leisure wear; Leisurewear; Leotards; Light-reflecting coats; Light-reflecting jackets; Linen (Body -) [garments]; Linen clothing; Lingerie; Linings (Ready-made -) [parts of clothing]; Liveries; Long jackets; Long johns; Long sleeve pullovers; Long sleeved vests; Long underwear; Long-sleeved shirts; Lounge pants; Loungewear; Lounging robes; Low wooden clogs (hiyori-geta); Low wooden clogs (koma-geta); Low wooden clogs [koma-geta]; Lumberjackets; Mackintoshes; Maillots; Maillots [hosiery]; Maniples; Mankinis; Mantillas; Mantles; Martial arts uniforms; Masks (Sleep -); Masquerade and halloween costumes; Masquerade costumes; Maternity bands; Maternity clothing; Maternity

dresses; Maternity leggings; Maternity lingerie; Maternity pants; Maternity shirts; Maternity shorts; Maternity sleepwear; Maternity smocks; Maternity tops; Maternity underwear; Maternity wear; Men's and women's jackets, coats, trousers, vests; Men's clothing; Men's dress socks; Men's sandals; Men's socks; Men's suits; Men's underwear; Menswear; Metal fittings for Japanese style wooden clogs; Military boots; Millinery; Miniskirts; Miters [hats]; Mitres [hats]; Mittens; Mitts [clothing]; Moccasins; Mock turtleneck shirts; Mock turtleneck sweaters; Mock turtlenecks; Moisture-wicking sports bras; Moisture-wicking sports pants; Moisture-wicking sports shirts; Money belts [clothing]; Monokinis; Morning coats; Motorcycle gloves; Motorcycle jackets; Motorcycle rain suits; Motorcycle riding suits; Motorcyclist boots; Motorcyclists' clothing; Motorcyclists' clothing of leather; Motorists' clothing; Mountaineering boots; Mountaineering shoes; Mufflers; Mufflers as neck scarves; Mufflers [clothing]; Mufflers [neck scarves]; Muffs; Muffs [clothing]; Mukluks; Mules; Muumuus; Nappy pants [clothing]; Neck gaiters; Neck scarfs [mufflers]; Neck scarves; Neck scarves [mufflers]; Neck tube scarves; Neck tubes; Neck warmers; Neckbands; Neckerchiefs; Neckerchieves; Neckties; Neckwear; Negligees; Night gowns; Night shirts; Nightcaps; Nightdresses; Nightgowns; Nighties; Nightshirts; Nightwear; Nipple pasties; Niqabs; Non-slip socks; Non-slipping devices for boots; Non-slipping devices for footwear; Nurse dresses; Nurse overalls; Nurse pants; Nurses' uniforms; Nursing bras; Nursing shoes; Oilskins [clothing]; One-piece clothing for infants and toddlers; One-piece playsuits; One-piece suits; Open-necked shirts; Outer clothing; Outer soles; Outerclimbing; Outerclimbing for boys; Outerclimbing for girls; Outerclimbing for men; Outerwear; Overalls; Overalls for infants and toddlers; Overcoats; Overshirts; Overshoes; Overtrousers; Over-trousers; Padded jackets; Padded pants for athletic use; Padded shirts for athletic use; Padded shorts for athletic use; Pajama bottoms; Pajamas; Pajamas (Am.); Pantaloons; Pantie-girdles; Panties; Pants; Pants (Am.); Pantsuits; Pantyhose; Pantyhose; Paper aprons; Paper clothing; Paper hats [clothing]; Paper hats for use as clothing items; Paper hats for wear by chefs; Paper hats for wear by nurses; Pareos; Pareus; Parkas; Parts of clothing, footwear and headgear; Party hats [clothing]; Pea coats; Peaked caps; Peaked headwear; Peaks (Cap -); Pedal pushers; Pedicure sandals; Pedicure slippers; Peignoirs; Pelerines; Pelisses; Petticoats; Petti-pants; Pinafore dresses; Pinafores; Pique shirts; Pirate pants; Plastic aprons; Plastic baby bibs; Plastic slippers; Platform shoes; Play suits; Playsuits [clothing]; Pleated skirts; Pleated skirts for formal kimonos (hakama);

Plimsolls; Plus fours; Plush clothing; Pocket kerchiefs; Pocket squares; Pocket squares [clothing]; Pockets for clothing; Polar fleece jackets; Polo boots; Polo knit tops; Polo neck jumpers; Polo shirts; Polo sweaters; Ponchos; Pop socks; Pram suits; Printed t-shirts; Protective metal members for shoes and boots; Pullovers; Pullstraps for shoes and boots; Pumps [footwear]; Puttees; Puttees; Pyjamas; Pyjamas [from tricot only]; Quilted jackets [clothing]; Quilted vests; Rain boots; Rain coats; Rain hats; Rain jackets; Rain ponchos; Rain shoes; Rain slickers; Rain suits; Rain trousers; Rain wear; Raincoats; Rainproof clothing; Rainproof jackets; Rainshoes; Rainwear; Ramie shirts; Rash guards; Ready-made clothing; Ready-made linings [parts of clothing]; Ready-to-wear clothing; Referees uniforms; Religious garments; Removable collars; Replica football kits; Reversible jackets; Riding boots; Riding gloves; Riding Gloves; Riding jackets; Riding shoes; Riding trousers; Robes; Robes (Bath -); Roll necks [clothing]; Roller shoes; Romper suits; Rompers; Ruanas; Rubber fishing boots; Rubber shoes; Rubber soles for jikatabi; Rubbers [footwear]; Rugby boots; Rugby jerseys; Rugby shirts; Rugby shoes; Rugby shorts; Rugby tops; Running shoes; Running Suits; Running vests; Russian felted boots (Valenki); Sabots; Safari jackets; Sailing wet weather clothing; Sailor suits; Salopettes; Sandal-clogs; Sandals; Sandals and beach shoes; Sarees; Saris; Sarongs; Sash bands for kimono (obi); Sashes for wear; Scarfs; Scarves; School uniforms; Scrimmage vests; Sedge hats (suge-gasa); Serapes; Shampoo capes; Shapewear; Shawls; Shawls and headscarves; Shawls and stoles; Shawls [from tricot only]; Sheepskin coats; Sheepskin jackets; Shell jackets; Shell suits; Shields (Dress -); Shift dresses; Shirt fronts; Shirt yokes; Shirt-jacs; Shirts; Shirts and slips; Shirts for suits; Shoe covers, other than for medical purposes; Shoe inserts for non-orthopedic purposes; Shoe soles; Shoe soles for repair; Shoe straps; Shoe uppers; Shoes; Shoes for casual wear; Shoes for foot volleyball; Shoes for infants; Shoes for leisurewear; Shoes soles for repair; Shoes with hook and pile fastening tapes; Short overcoat for kimono (haori); Short petticoats; Short sets [clothing]; Short trousers; Shortalls; Shorts; Shorts [clothing]; Short-sleeve shirts; Short-sleeved shirts; Short-sleeved T-shirts; Shoulder scarves; Shoulder straps for clothing; Shoulder wraps; Shoulder wraps [clothing]; Shoulder wraps for clothing; Shower caps; Shrugs; Silk clothing; Silk scarves; Silk ties; Singlets; Skating outfits; Ski and snowboard shoes and parts thereof; Ski balaclavas; Ski boot bags; Ski boots; Ski gloves; Ski hats; Ski jackets; Ski pants; Ski suits; Ski suits for competition; Ski trousers; Ski wear; Skiing shoes; Skirt suits; Skirts; Skorts; Skull caps; Slacks; Sleep masks;

Sleep pants; Sleep shirts; Sleeping garments; Sleepsuits; Sleepwear; Sleeved jackets; Sleeveless jackets; Sleeveless jerseys; Sleeveless pullovers; Sliding shorts; Slip-on shoes; Slipovers; Slipovers [clothing]; Slipper socks; Slipper soles; Slippers; Slippers made of leather; Slips; Slips [clothing]; Slips [underclothing]; Slips [undergarments]; Small hats; Smocks; Smoking jackets; Snap crotch shirts for infants and toddlers; Sneakers; Sneakers [footwear]; Snoods [scarves]; Snow boarding suits; Snow boots; Snow pants; Snow suits; Snowboard boots; Snowboard gloves; Snowboard jackets; Snowboard mittens; Snowboard shoes; Snowboard trousers; Snowsuits; Soccer bibs; Soccer boots; Soccer shirts; Soccer shoes; Sock suspenders; Socks; Socks and stockings; Socks for infants and toddlers; Socks for men; Soles for footwear; Soles for japanese style sandals; Soles [Inner]; Spats; Spiked running shoes; Sport coats; Sport shirts; Sport shoes; Sport stockings; Sports bibs; Sports [Boots for -]; Sports bras; Sports caps; Sports caps and hats; Sports clothing; Sports clothing [other than golf gloves]; Sports footwear; Sports garments; Sports headgear [other than helmets]; Sports jackets; Sports jerseys; Sports jerseys and breeches for sports; Sports over uniforms; Sports overuniforms; Sports pants; Sports shirts; Sports shirts with short sleeves; Sports shoes; Sports singlets; Sports socks; Sports vests; Sports wear; Sportswear; Stiffeners for boots; Stiffeners for shoes; Stocking suspenders; Stockings; Stockings (Heel pieces for -); Stockings [sweat-absorbent]; Stockings (Sweat-absorbent -); Stoles; Stoles (Fur -); Strapless bras; Strapless brassieres; Straps (Gaiter -); Stretch pants; String fasteners for haori (haori-himo); Studs for football boots; Stuff jackets; Stuff jackets [clothing]; Suede jackets; Suit coats; Suits; Suits (Bathing -); Suits made of leather; Suits of leather; Sun hats; Sun visors; Sun visors [headwear]; Sundresses; Sunsuits; Surf wear; Surfwear; Suspender belts; Suspender belts for men; Suspender belts for women; Suspenders; Suspenders [braces]; Swaddling clothes; Sweat bands; Sweat bands for the head; Sweat bands for the wrist; Sweat bottoms; Sweat jackets; Sweat pants; Sweat shirts; Sweat shorts; Sweat suits; Sweat-absorbent socks; Sweat-absorbent stockings; Sweat-absorbent underclothing; Sweat-absorbent underclothing [underwear]; Sweat-absorbent underwear; Sweatbands; Sweaters; Sweatjackets; Sweatpants; Sweatshirts; Sweatshorts; Sweatsuits; Swim briefs; Swim caps; Swim shorts; Swim suits; Swim trunks; Swim wear for children; Swim wear for gentlemen and ladies; Swimming caps; Swimming caps [bathing caps]; Swimming costumes; Swimming suits; Swimming trunks; Swimsuits; Swimwear; Synthetic fur stoles; Tabards; Taekwondo suits;

Taekwondo uniforms; Tail coats; Tailleurs; Tam o'shanter; Tams; Tank tops; Tankinis; Tank-tops; Tap pants; Tap shoes; Tartan kilts; Teddies; Teddies [underclothing]; Teddies [undergarments]; Tee-shirts; Tennis dresses; Tennis pullovers; Tennis shirts; Tennis shoes; Tennis shorts; Tennis skirts; Tennis socks; Tennis sweatbands; Tennis wear; Theatrical costumes; Thermal clothing; Thermal headgear; Thermal socks; Thermal underwear; Thermally insulated clothing; Thobes; Thong sandals; Thongs; Three piece suits [clothing]; Ties; Ties [clothing]; Tightening-up strings for kimonos (datejime); Tights; Tips for footwear; Toe boxes; Toe socks; Toe straps for Japanese style sandals [zori]; Toe straps for Japanese style wooden clogs; Toe straps for zori [Japanese style sandals]; Togas; Tongues for shoes and boots; Top coats; Top hats; Topcoats; Tops; Tops [clothing]; Toques [hats]; Track and field shoes; Track jackets; Track pants; Track suits; Tracksuit bottoms; Tracksuit tops; Tracksuits; Traction attachments for footwear; Trainers; Trainers [footwear]; Training shoes; Training suits; Trekking boots; Trench coats; Trenchcoats; Trews; Triathlon clothing; Trouser socks; Trouser straps; Trousers; Trousers for children; Trousers for sweating; Trousers of leather; Trousers shorts; Trunks; Trunks (Bathing -); Trunks being clothing; Trunks [underwear]; T-shirts; Tube tops; Tunics; Turbans; Turtleneck pullovers; Turtleneck shirts; Turtleneck sweaters; Turtleneck tops; Turtlenecks; Tutus; Tuxedo belts; Tuxedos; Twin sets; Umpires uniforms; Under garments; Under shirts; Underarm gussets [parts of clothing]; Underclothes; Underclothing; Underclothing (Anti-sweat -); Underclothing for women; Undergarments; Underpants; Underpants for babies; Undershirts; Undershirts for kimonos (juban); Undershirts for kimonos (koshimaki); Undershirts for kimonos [koshimaki]; Underskirts; Underwear; Underwear (Anti-sweat -); Underwear for women; Uniforms; Uniforms for commercial use; Uniforms for nurses; Union suits; Unitards; Uppers (Footwear -); Uppers for Japanese style sandals; Uppers of woven rattan for Japanese style sandals; Ushankas [fur hats]; Valenki [felted boots]; Veils; Veils [clothing]; Vest tops; Vests; Vests (Fishing -); Vests for use in barber shops and salons; Visors; Visors being headwear; Visors [clothing]; Visors [hatmaking]; Visors [headwear]; V-neck sweaters; Volleyball jerseys; Volleyball shoes; Waders; Waist belts; Waist cinchers; Waist strings for kimonos (koshihimo); Waistbands; Waistcoats; Waistcoats [vests]; Walking boots; Walking breeches; Walking shoes; Walking shorts; Warm up suits; Warm-up jackets; Warm-up pants; Warm-up suits; Warm-up tops; Water socks; Waterpolo caps; Waterproof boots; Waterproof boots for fishing; Waterproof capes; Waterproof clothing; Waterproof

jackets; Waterproof outerclothing; Waterproof pants; Waterproof shoes; Waterproof suits for motorcyclists; Waterproof trousers; Water-resistant clothing; Waterskiing suits; Weather resistant outer clothing; Weatherproof clothing; Weatherproof jackets; Weatherproof pants; Wedding dresses; Wedding garters; Wedding gowns; Wedge sneakers; Wellington boots; Wellingtons; Welts for footwear; Wet suits; Wet suits for surfing; Wet suits for water-skiing; Wet suits for water-skiing and sub-aqua; Wet suits for windsurfing; Wetsuit gloves; Wetsuits; Wetsuits for surface watersports; Wetsuits for surfing; Wetsuits for water-skiing; White coats for hospital use; Wimples; Wind coats; Wind jackets; Wind pants; Wind resistant jackets; Wind suits; Wind vests; Windcheaters; Wind-jackets; Windproof clothing; Windproof jackets; Wind-resistant jackets; Wind-resistant vests; Windshirts; Winter boots; Winter coats; Winter gloves; Women's ceremonial dresses; Women's clothing; Women's foldable slippers; Womens' outerclothing; Women's shoes; Women's suits; Womens' underclothing; Womens' undergarments; Women's underwear; Wooden bodies for Japanese style clogs; Wooden main bodies of Japanese style wooden clogs; Wooden shoes; Wooden shoes [footwear]; Wooden supports of Japanese style wooden clogs; Woolen clothing; Woollen socks; Woollen tights; Woolly hats; Work boots; Work clothes; Work overalls; Work shoes; Working overalls; Woven clothing; Woven shirts; Wrap belts for kimonos (datemaki); Wraps [clothing]; Wrist bands; Wrist warmers; Wristbands; Wristbands [clothing]; Yashmaghs; Yashmaks; Yoga bottoms; Yoga pants; Yoga shirts; Yoga shoes; Yoga socks; Yoga tops; Yokes (Shirt -); Zoot suits; Zori; Clothing; Clothes; Wristbands [clothing]; Tops [clothing]; Knitted clothing; Oilskins [clothing]; Motorcyclists' clothing; Hoods [clothing]; Leisure clothing; Infant clothing; Children's clothing; Childrens' clothing; Sports clothing; Leather clothing; Gloves [clothing]; Waterproof clothing; Plush clothing; Girls' clothing; Swaddling clothes; Layettes [clothing]; Jackets [clothing]; Kerchiefs [clothing]; Chaps (clothing); Maternity clothing; Thermal clothing; Belts [clothing]; Muffs [clothing]; Capes (clothing); Motorists' clothing; Boas [clothing]; Slips [clothing]; Veils [clothing]; Wraps [clothing]; Athletic clothing; Triathlon clothing; Windproof clothing; Silk clothing; Work clothes; Woolen clothing; Ladies' clothing; Latex clothing; Knitwear [clothing]; Cloth bibs; Cyclists' clothing; Playsuits [clothing]; Slipovers [clothing]; Jerseys [clothing]; Weatherproof clothing; Casual clothing; Denims [clothing]; Combinations [clothing]; Furs [clothing]; Shorts [clothing]; Collars [clothing]; Babies' clothing; Ties [clothing]; Outer clothing; Cashmere clothing; Bandeaux [clothing]; Women's clothing; Bodies [clothing];

Embroidered clothing; Shirts; Golf shirts; Casual shirts; Sport shirts; Tennis shirts; Sleep shirts; Camouflage shirts; Under shirts; Pique shirts; Yokes (Shirt -); Sports shirts; Football shirts; Knit shirts; Fishing shirts; Turtleneck shirts; Rugby shirts; Polo shirts; Shirt yokes; Tee-shirts; Dress shirts; Shirt fronts; Ramie shirts; Hunting shirts; Woven shirts; Sweat shirts; Collared shirts; T-shirts; Soccer shirts; Night shirts; Aloha shirts; Yoga shirts; Shirt-jacs; Maternity shirts; Corduroy shirts; Button down shirts; Shirts and slips; Printed t-shirts; Mock turtleneck shirts; Shirts for suits; Short-sleeve shirts; Short-sleeved shirts; Open-necked shirts; Hooded sweat shirts; Long-sleeved shirts; American football shirts; Short-sleeved T-shirts; Button-front aloha shirts; Moisture-wicking sports shirts; Sports shirts with short sleeves; Padded shirts for athletic use; Snap crotch shirts for infants and toddlers; Pants; Dress pants; Pirate pants; Nurse pants; Cargo pants; Lounge pants; Chino pants; Corduroy pants; Leather pants; Sweat pants; Baby pants; Waterproof pants; Sports pants; Hunting pants; Petti-pants; Capri pants; Ski pants; Jogging pants; Wind pants; Tap pants; Weatherproof pants; Cycling pants; Track pants; Denim pants; Pants (Am.); Camouflage pants; Stretch pants; Yoga pants; Sleep pants; Snow pants; Maternity pants; Babies' pants [underwear]; Warm-up pants; Nappy pants [clothing]; Horse-riding pants; American football pants; Babies' pants [clothing]; Moisture-wicking sports pants; Padded pants for athletic use; Trousers; Infants' trousers; Snowboard trousers; Corduroy trousers; Ski trousers; Rain trousers; Golf trousers; Waterproof trousers; Leggings [trousers]; Short trousers; Trouser straps; Trousers of leather; Trousers shorts; Over-trousers; Casual trousers; Trouser socks; Riding trousers; Trousers for sweating; Trousers for children; Men's and women's jackets, coats, trousers, vests; Jackets; Fur jackets; Bed jackets; Sleeveless jackets; Stuff jackets; Camouflage jackets; Dinner jackets; Snowboard jackets; Down jackets; Rainproof jackets; Rain jackets; Fishing jackets; Fleece jackets; Shell jackets; Leather jackets; Sweat jackets; Knit jackets; Suede jackets; Waterproof jackets; Weatherproof jackets; Wind jackets; Fishermen's jackets; Jacket liners; Reversible jackets; Hunting jackets; Bomber jackets; Casual jackets; Track jackets; Ski jackets; Blouson jackets; Sports jackets; Padded jackets; Riding jackets; Denim jackets; Heavy jackets; Sleeved jackets; Donkey jackets; Long jackets; Smoking jackets; Motorcycle jackets; Wind-jackets; Windproof jackets; Sheepskin jackets; Safari jackets; Light-reflecting jackets; Jackets (Stuff -) [clothing]; Polar fleece jackets; Quilted jackets [clothing]; Wind-resistant jackets; Wind resistant jackets; Warm-up jackets; Stuff jackets [clothing]; Jackets being sports clothing; Fur coats and

jackets; Korean outer jackets worn over basic garment [Magoja]; Hoodies; Jerseys; Sleeveless jerseys; Sports jerseys; Rugby jerseys; Volleyball jerseys; Football jerseys; Sports jerseys and breeches for sports; Sleeveless pullovers; Leggings [leg warmers]; Leg-warmers; Leg warmers; Maternity leggings; Socks; Men's socks; Bed socks; Ankle socks; Anklets [socks]; Sports socks; Sock suspenders; Tennis socks; Thermal socks; Slipper socks; Woollen socks; Pop socks; Footless socks; Water socks; Toe socks; Yoga socks; American football socks; Non-slip socks; Anti-perspirant socks; Socks and stockings; Japanese style socks (tabi); Socks for men; Men's dress socks; Sweat-absorbent socks; Inner socks for footwear; Japanese style socks (tabi covers); Socks for infants and toddlers; Caps; Swimming caps [bathing caps]; Bathing caps; Flat caps; Waterpolo caps; Skull caps; Shower caps; Caps (Shower -); Knitted caps; Cap visors; Peaks (Cap -); Peaked caps; Swim caps; Golf caps; Caps [headwear]; Swimming caps; Knot caps; Cycling caps; Sports caps; Baseball caps; Cap peaks; Bucket caps; Garrison caps; Caps with visors; Caps being headwear; Baseball caps and hats; Sports caps and hats; Tops; Coats (Top -); Rugby tops; Hooded tops; Tank-tops; Cycling tops; Maternity tops; Fleece tops; Tracksuit tops; Vest tops; Halter tops; Top coats; Tank tops; Jogging tops; Turtleneck tops; Baby tops; Yoga tops; Top hats; Chemise tops; Tube tops; Crop tops; Baselayer tops; Knit tops; Knitted tops; Polo knit tops; Warm-up tops; Ladies' underwear; Ladies' outerclothing; Ladies' suits; Ladies' boots; Ladies wear; Ladies' footwear; Ladies' dresses; Ladies' sandals; Swim wear for gentlemen and ladies; Bras; Bra straps; Nursing bras; Strapless bras; Sports bras; Adhesive bras; Moisture-wicking sports bras; Bra straps [parts of clothing]; Fitted swimming costumes with bra cups; Underwear; Briefs [underwear]; Disposable underwear; Knitted underwear; Women's underwear; Men's underwear; Functional underwear; Jockstraps [underwear]; Thermal underwear; Trunks [underwear]; Maternity underwear; Long underwear; Anti-sweat underwear; Sweat-absorbent underwear; Underwear for women; Boy shorts [underwear]; Underwear (Anti-sweat -); Sweat-absorbent underclothing [underwear]; Gussets for underwear [parts of clothing]; Rain coats; Rain shoes; Rain ponchos; Rain suits; Rain wear; Rain slickers; Rain boots; Rain capes; Rain hats; Motorcycle rain suits; High rain clogs (ashida); Coats; Sheepskin coats; Fur coats; Laboratory coats; Trench coats; Evening coats; Dust coats; Duffle coats; Car coats; Morning coats; Denim coats; Wind coats; Suit coats; Sport coats; Tail coats; Cotton coats; Pea coats; Frock coats; House coats; Leather coats; Duffel coats; Winter coats; Heavy coats; Down coats; Coats of denim;

Coats for men; Light-reflecting coats; Coats for women; Leather dresses; Leather slippers; Leather waistcoats; Leather shoes; Leather garments; Leather suits; Leather belts [clothing]; Suits of leather; Leather (Clothing of -); Imitation leather dresses; Clothing of leather.