

BL O/0779/25

TRADE MARKS ACT 1994

IN THE MATTER OF TRADE MARK APPLICATION No. 3936561
BY BORN ALPHA LTD
TO REGISTER THE TRADE MARK:



IN CLASSES 25 AND 41

-AND-

THE OPPOSITION THERETO UNDER No. 445199
BY STAMINA FOR SALE LIMITED

Background and pleadings

1. On 21 July 2023, Born Alpha LTD (“**the Applicant**”) applied to register the trade mark shown on the cover page of this decision, in the UK. It was accepted and published in the Trade Marks Journal on 06 October 2023. Registration is sought for a variety of clothing goods in Class 25; and a variety of sports and fitness services as well as the provision of various sports and gymnasium facilities in Class 41. The applied for specification is set out in full at paragraph 14 of this decision.

2. On 4 January 2024, STAMINA FOR SALE LIMITED (“**the Opponent**”) opposed the application under section 5(2)(b) of the Trade Marks Act 1994 (“**the Act**”).¹ The Opponent relies on its UK trade mark registration number 3482803 shown below, which is registered in respect of the term “*clothing*”, as well as an extensive variety of clothing items in Class 25, including “*clothing for sports; sportswear; clothing for gymnastics; gymwear; exercise wear; training suits*”. The Opponent’s specification is set out in full at Annex 1 of this decision. For the purposes of the opposition, the Opponent relies on all the Class 25 goods for which its trade mark is registered.



Filing date: 20 April 2020

Registration date: 10 August 2020

3. By virtue of its earlier filing date, the trade mark upon which the Opponent relies qualifies as an earlier trade mark pursuant to section 6 of the Act.

4. The Opponent argues that the marks are similar and that the goods and services are identical or similar, giving rise to a likelihood of confusion.

¹ 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.

5. The Applicant filed a defence and counterstatement denying that the marks are similar, submitting that *“the [letters] ‘BA’ found within our trademark [are] directly representative of our company name ‘Born Alpha Ltd’ whereas the letters within the [opponent’s] trade mark bear no clear identifiable resemblance to ‘Stamina for Sale’”*. The counterstatement remained silent with regard to the Opponent’s claim that the respective goods and services are identical or similar, submitting merely that the Opponent identifies itself as a *“boxing company”* whereas the Applicant *“is a health and fitness company”*.

6. A hearing was not requested and neither party elected to file submissions in lieu of a hearing. I make this decision from the papers before me which consist solely of the Opponent’s Form TM7 ‘Notification of opposition and statement of grounds’ and the Applicant’s Form TM8 ‘Notice of defence and counterstatement’.

7. The Opponent is represented by Jonathan Etuk of Blue Trinity Solicitors; the Applicant represents itself.

Preliminary issue

8. In its counterstatement, the Applicant points to the differing business activities/target markets of the respective parties (presumably to imply that such difference would prevent a likelihood of confusion). However, I note that it is not a relevant consideration that, at present, the parties are trading in what the Applicant regards as discrete business sectors, because I must consider notional use of the Applicant’s mark at a level where direct competition between the parties could take place.² This requires me to make an assessment based on a notional use extended to the full width of the terms in the competing specifications, not just the goods and services for which the competing marks are currently being used in trade. For the avoidance of doubt, an assessment of likelihood of confusion requires a consideration of all the circumstances in which the mark applied for might be used if it were registered,³ and that is how I shall proceed with my assessment.

² *Compass Publishing BV v Compass Logistics Ltd* [2004] RPC 41 at [22]

³ *O2 Holdings Limited & Anor v Hutchison 3G UK Limited*, Case C-533/06, at [66].

DECISION

Legislation and Case Law

9. Section 5(2)(b) and 5A of the Act state:

“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”.

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

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

- (a) the likelihood of confusion must be appreciated globally, taking account of all relevant factors;
- (b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance

- to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;
- (c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;
 - (d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;
 - (e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;
 - (f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;
 - (g) a lesser degree of similarity between the goods or services may be offset by a great degree of similarity between the marks, and vice versa;
 - (h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;
 - (i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;
 - (j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;
 - (k) if the association between the marks creates a risk that the public might believe that the respective goods or services come from the same or economically linked undertakings, there is a likelihood of confusion.

Comparison of goods and services

11. In *Gérard Meric v OHIM*,⁴ (“**Meric**”), the General Court (“GC”) held to the effect that goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by the trade mark application and vice versa (this principle equally applies to services).

12. When considering whether goods and services are similar, all the relevant factors relating to the goods and services should be taken into account. Those factors include, inter alia:⁵

- (1) the physical nature of the goods or acts of service;
- (2) their intended purpose;
- (3) their method of use / uses;
- (4) who the users of the goods and services are;
- (5) the trade channels through which the goods and services reach the market;
- (6) in the case of self-serve consumer items, where in practice they are found or likely to be found in shops and in particular whether they are, or are likely to be, found on the same or different shelves; and
- (7) whether they are in competition with each other (taking into account how those in trade classify goods, for instance whether market research companies put them in the same or different sectors);
or
- (8) whether they are complementary to each other.

13. Complementary means “*there is a close connection between them, in the sense that one is indispensable or important for the use of the other in such a way that customers may think that the responsibility for those goods lies with the same undertaking*”.⁶ Complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity,⁷ and it can be clearly distinguished from ‘use in combination’ – the latter being where goods/services are merely used together,

⁴ Case T- 133/05

⁵ See *Canon*, Case C-39/97, paragraph 23; and *British Sugar PLC v James Robertson & Sons Ltd.*, [1996] R.P.C. 281 – the “*Treat*” case

⁶ *Boston Scientific Ltd v OHIM*, Case T-325/06, paragraph 82

⁷ *Kurt Hesse v OHIM*, Case C-50/15 P

whether by choice or convenience (e.g. wine and wine glasses⁸), this means that they are not essential for each other (e.g. you do not need a wine glass in order to be able to drink wine).

14. Section 60A(1)(a) of the Act provides that goods and services are not to be regarded as being similar to each other on the ground that they appear in the same class under the Nice Classification, nor dissimilar to each other on the ground that they appear in different classes under the Nice Classification.

15. The applied-for goods and services are set out below. The specification relied on is set out in full at Annex 1 of this decision.

Class 25 - Jogging pants; Gymwear; Clothing; Clothes; Shorts [clothing]; Embroidered clothing; Belts [clothing]; Clothing for leisure wear; Sports clothing; Athletic clothing; Men's clothing; Jackets [clothing]; Clothes for sports; Clothes for sport; Bottoms [clothing]; Hoods [clothing]; Ready-to-wear clothing; Tops [clothing]; Belts for clothing; Knitted clothing.

Class 41 - Gym activity classes; Exercise and fitness classes; Sports and fitness; Gymnasium club services; Fitness and exercise training services; Exercise [fitness] training services; Fitness club services; Fitness and exercise instruction; Providing fitness and exercise facilities; Health and fitness training; Exercise classes; Personal trainer services [fitness training]; Conducting physical fitness conditioning classes; Rental of sports or exercise equipment; Gymnasiums; Sports and fitness services; Fitness training services; Health and fitness club services; Health club [fitness] services; Physical fitness training services; Conducting fitness classes; Physical fitness centres; Sports training; Physical fitness consultation; Physical fitness instruction; Gymnasium services; Gymnasium services relating to weight training; Personal fitness training services; Physical fitness centre services; Providing health club and

⁸ As Mr Daniel Alexander Q.C. noted as the Appointed Person in *Sandra Amalia Mary Elliot v LRC Holdings Limited*, BL O/255/13 - "It may well be the case that wine glasses are almost always used with wine – and are, on any normal view, complementary in that sense - but it does not follow that wine and glassware are similar goods for trade mark purposes."

gymnasium services; Booking of exercise facilities; Conducting training sessions on physical fitness online.

Class 25

16. As previously noted, the Opponent's trade mark is registered in respect of the broad term "*clothing*" in Class 25, which appears identically in the Applicant's specification. Furthermore, all of the remaining goods listed in the Applicant's Class 25 specification are items of clothing, and are therefore all identical to the registered term "*clothing*" under the principle outlined in *Meric*.

Class 41

17. The contested Class 41 services broadly relate to the provision of sports and fitness activities as well as the provision of facilities such as gymnasiums and fitness clubs.

18. I cannot find any meaningful similarity between the Opponent's Class 25 goods and the applied-for Class 41 services. Whilst the Opponent's Class 25 specification contains "*clothing for sports; sportswear; clothing for gymnastics; gymwear; exercise wear; training suits*", these are nonetheless clothing items and are not similar in nature, purpose or method of use to the Applicant's services and they are not in competition with each other either. Nor are they complementary – although I appreciate that a consumer using the Applicant's services may wear such clothing, this is not sufficient to engage a finding of similarity based on complementary, this is because this is 'use in combination' instead, and I have nothing before me to suggest otherwise.

19. On that note, whilst the respective users may overlap, this element of similarity is on too general a level to be meaningful.

20. Even though a consumer of clothing goods such as sportswear may be a consumer of sporting activities, I have no evidence before me which suggests that the trade channels of the parties' respective Class 25 and Class 41 goods and services overlap. Even if such an overlap could be established through evidence, a mere overlap in trade channels is not sufficient to find any meaningful similarity between goods and services that I have found do not share the same nature, purpose and

method of use; which are not in competition with each other and not complementary either.

21. I find the applied-for Class 41 services to be dissimilar to any of the goods contained in the Opponent's Class 25 specification relied on.

22. Since some similarity between the goods and services is required for the purposes of a section 5(2)(b) claim, the opposition must fail in respect of the dissimilar services identified above.⁹ I therefore proceed to consider a likelihood of confusion only in relation to the applied-for Class 25 goods.

The average consumer and the nature of the purchasing act

23. Trade mark questions, including the likelihood of confusion, must be viewed through the eyes of the average consumer of the goods in question. It is therefore necessary to determine who the average consumer of the goods is, and how the consumer is likely to select them. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. The word 'average' merely denotes that the person is typical,¹⁰ which in substance means that they are neither deficient in the requisite characteristics of being well informed, observant and circumspect, nor top performers in the demonstration of those characteristics.¹¹

24. The average consumer of the goods at issue will be a member of the general public. The goods are likely to be sold through a range of retail outlets as well as via catalogues (and their online equivalents). The goods are predominantly likely to be selected visually. Whilst I do not discount that they may also be selected orally through requests made to sales assistants in stores, even in those circumstances, the selection process would be visual in nature since the consumer will see the goods prior to purchase. Accordingly, visual considerations dominate.

25. The goods are items that the average consumer intends to wear, re-use and retain for a period of time and will vary significantly in price. However, on average, the goods

⁹ See *Waterford Wedgwood plc v OHIM* – C-398/07 P (case of the CJEU); and *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA, paragraph 49.

¹⁰ *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), paragraph 60

¹¹ *Schutz (UK) Ltd v Delta Containers Ltd* [2011] EWHC 1712, paragraph 98

are affordable, regularly purchased items, and the purchasing process will not, on average, require an overly considered thought process. Taking all the foregoing into account, I find that the average consumer will not typically demonstrate more than a medium level of attention when selecting the goods at hand.

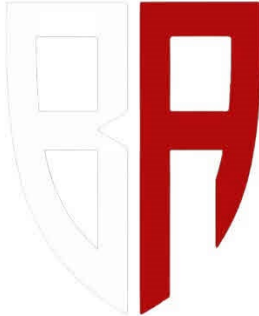
Comparison of marks

26. I have already set out the principles gleaned from established case law with regard to comparing competing marks. I also note that the Court of Justice of the European Union (“CJEU”) stated in *Bimbo SA v OHIM*,¹² 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.”

27. 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.

28. The marks being compared are shown below:

Earlier mark	Contested mark
	

¹² Case C-591/12P, at paragraph 34.

Overall impression

29. The overall impression of both marks is of a heraldic-like device in the form of a shield.

30. The earlier mark comprises of a black shield-device displaying the letters 'BA' in red which have been stylised to not only fit the shape of the shield background, but to also form the shape of a shield themselves. I note that the stylisation of the letter 'A' is such that it could potentially be perceived as the letter 'R'.

31. The contested mark consists of the letters 'BA' shown in white and red, which have been stylised to form the shape of a shield. As with the earlier mark, the stylisation of the letter 'A' is such that it could potentially be perceived as the letter 'R'.

Visual comparison

32. Visually the marks coincide insofar as they both consist of the letters 'BA' (or 'BR', depending on perception) which are stylised to form the shape of a shield. The tops of the letters in the earlier mark are curved into a peak, whereas they are flat in the contested mark; in addition, the cross-bar of the letter 'A' is incomplete in the earlier mark, compared to the complete line in the contested mark – however, these differences are likely to go unnoticed by the average consumer when factoring in imperfect recollection. The right-hand side vertical line of the 'A' / 'R' in both marks is shortened in the same way in both marks rendering their stylisation very similar, and the stylisation of the letter 'B' in both is visually highly similar. Both marks have the colour red in common, albeit only one of the letters in the contested mark is coloured red, whereas they are both red in the earlier mark. The letters of the earlier mark are placed on a black shield-shape background, whereas the letters of the contested mark have no such device, and instead have a transparent background.

33. Whilst the form/shape of the letters in the competing marks is highly similar, taking into account the above identified differences (with regard to colour and background), the marks are visually similar overall to between a medium and high degree.

Aural comparison

34. Aurally the marks coincide in the letters 'BA' (or 'BR', depending on perception). The letters will be articulated singularly ('BEE-AYE' / 'BEE-ARE'). The respective marks are aurally identical.

Conceptual comparison

35. I have noted the Applicant's submission that 'BA' relates to its company name '*Born Alpha Ltd*', and it submits words to the effect that the earlier mark does not have that same correlation with the Opponent's company name. However, for a conceptual message to be relevant, it must be capable of immediate grasp by the average consumer.¹³ Two letter combinations are inherently arbitrary and could stand for a plethora of word combinations. In my opinion, whilst both marks have the letters 'BA' (or 'BR', depending on perception) in common, that two letter combination is conceptually neutral in both marks. If on the other hand that two letter combination has a conceptual meaning capable of immediate grasp (one which I am not aware of), the competing marks would inevitably share that identical concept.

36. What can be said with a degree of certainty is that both marks share the identical concept of a heraldic-like shield, a concept which is capable of immediate grasp by the average consumer.

Distinctive character of the earlier mark

37. The degree of distinctiveness of the earlier mark is one of the factors that must be taken into account when assessing whether there is a likelihood of confusion. This is because the more distinctive the earlier mark, the greater the likelihood of confusion may be,¹⁴ although it is the distinctive character of a component that is similar between the marks that is particularly relevant.¹⁵

38. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic

¹³ This is highlighted in numerous judgments of the General Court and the CJEU including *Ruiz Picasso v OHIM* [2006] E.C.R. I-643; [2006] E.T.M.R. 29.

¹⁴ *Sabel v Puma*.

¹⁵ *Kurt Geiger v A-List Corporate Limited*, BL O-075-13, paragraphs 38 and 39.

of the goods or services, to those with high inherent distinctive character, such as invented words which have no allusive qualities.

39. The Opponent makes no claim to enhanced distinctiveness through the use made of the earlier mark, and has filed no evidence of use, therefore I only have the inherent distinctiveness of the mark to consider.

40. Whilst a two-letter combination is inherently low in distinctive character *per se*, the stylisation of those letters in the earlier mark elevates their distinctive character beyond a low degree because they are stylised in such a way that they form a shield device. The distinctive character of the earlier mark to a large extent rests in the distinctive graphic representation of the letters 'BA' / 'BR' in the form of a shield. Thus the inherent distinctive character of the mark is greater than the sum of its parts, such that the earlier mark is inherently distinctive to a medium degree overall.

Conclusions on Likelihood of Confusion

41. In assessing the likelihood of confusion, I must adopt the global approach advocated by case law and take into account the fact that marks are rarely recalled perfectly, the consumer relying instead on the imperfect picture of them that they have kept in mind.¹⁶ I must also consider the average consumer of the services, the nature of the purchasing process and bear in mind that a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective services and vice versa.¹⁷

42. Making an assessment as to the likelihood of confusion is a matter of considering the relevant factors from the viewpoint of the average consumer and determining whether they are likely to be confused. The global assessment is supposed to emulate what happens in the mind of the average consumer on encountering the later mark with an imperfect recollection of the earlier mark in mind. It is not a process of analysis or reasoning, but an impression or instinctive reaction.¹⁸ The relative weight of the

¹⁶ *Lloyd Schuhfabrik Meyer & Co. GmbH v. Klijsen Handel B.V.*, Case C-342/97, paragraph 27

¹⁷ *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc*, Case C-39/97, paragraph 17

¹⁸ *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17, paragraph 81

factors is not laid down by law but is a matter of judgement for the tribunal on the particular facts of each case.¹⁹

43. It is well established that confusion can be direct, which is a simple matter of the consumer mistaking one mark for another, or indirect. Indirect confusion arises where the consumer recognises that one mark is different from the other, but because of the marks' similarities, believes that the goods or services bearing the later mark come from the same undertaking or from an economically linked undertaking.²⁰

44. I have found as follows:

- (1) The respective Class 25 goods are identical.
- (2) The average consumer for the goods is a member of the general public who will pay a medium degree of attention during the purchasing process.
- (3) The purchasing process is predominantly visual, and even though I do not discount an aural component to the purchase, in such circumstances, the visual considerations would still dominate since the consumer would likely view the goods which they have requested orally prior to completing their purchase.
- (4) The marks are visually similar to between a medium and high degree, with the stylisation of the letters 'BA' (or 'BR' depending on perception) being highly visually similar. The marks are aurally identical. The conceptual position is neutral with regard to the letters themselves, however both marks share the identical concept of a heraldic-like shield.
- (5) The earlier mark is inherently distinctive to a medium degree and its distinctive character largely rests in its specific graphic representation of the letters 'BA' / 'BR' in the form of a shield.

45. In *Alfa-Beta Vassilopoulos AE v Agro de Bazan*,²¹ the Board of Appeal considered the following two marks (for the same goods), depicting the letters 'AB' in differing

¹⁹ See paragraph 33 of the Appointed Person's decision in Case No. O/049/17, (*Rochester Trade Mark*).

²⁰ *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207, paragraph 10

²¹ Case R0082/2011-4 of the Board of Appeal of OHIM (now the EUIPO), paragraph 16

stylised forms. Whilst the opponent relied on multiple earlier rights, for the most part the 'AB' device contained in its earlier marks was as shown below on the left (the contested mark in that case is shown below on the right):



46. The following points made by the Board of Appeal in *Alfa-Beta* were referred to with approval by Mr Iain Purvis KC sitting as the Appointed Person in *Kunze Folien GmbH v Kartell UK Limited*²² - the Board of Appeal stated as follows (my emphasis):

“16. As to the distinctive character of the letter combination ‘AB’ in the earlier marks and of the contested mark, [...] it should be noted that letters or letter combinations of two or three letters are inherently weak, given the limited number of letters in the alphabet, the great number of meanings that acronyms and abbreviations may have and the fact that consumers frequently encounter abbreviations and letter combinations of all kinds in everyday life and business as generic abbreviations but not as marks. **In view of this, the graphical design in which the letter combinations appear strongly influences the consumer’s perception. The distinctive character of the conflicting marks to a large extent rests in their specific graphic elements.**”

47. The Board of Appeal in *Alfa-Beta* went on to find no likelihood of confusion between the competing marks, stating that (*inter alia*) “*from a visual point of view, the graphic stylisation of the earlier marks [was] very different compared with the contested mark.*” Concluding that “*even if part of consumers will perceive the contested mark as the letter combination ‘AB’, the signs are visually dissimilar*”. In *Kunze Folien*, Purvis KC adopted the Board of Appeal’s rationale and found no likelihood of confusion between two competing (and disparate) depictions of the letter ‘K’ in marks that were applied to identical goods.

²² BL O/085/14, paragraph 29

48. Essentially, the *Alfa-Beta* case confirms that whilst generally two letter combinations are inherently low in distinctive character, the way in which they are depicted greatly influences their distinctive character; thus if competing figurative marks have two letter combinations in common, and the depiction of those two letters is visually very different, then this points to a finding of no likelihood of confusion. Conversely, it follows that if the same two letter combination is represented in competing figurative marks in a visually similar way, such that the shared “*distinctive character of the conflicting marks rests in their specific graphic elements*”, that points towards a potential finding of confusion, because “*the graphical design in which the letter combinations appear strongly influences the consumer’s perception.*”²³

49. I have found that whilst the two letter combination ‘BA’ (or ‘BR’) is inherently low in distinctive character, the shield-formation of the letters in the earlier mark is what elevates the distinctiveness of an otherwise banal two-letter combination. This distinctive feature of the letters ‘BA’ being formed into the shape of a shield is found similarly in the contested mark, and this is particularly relevant.²⁴

50. Furthermore, not only do the two letters combine to form the shape of a shield in both marks, it is the actual form/ font of the letters themselves which is also visually highly similar. Although the ‘BA’ is not reproduced identically in the contested mark, the similarity between the two competing representations outweigh their minor differences (indeed, as I have already found, such differences may even go unnoticed when factoring in imperfect recollection).

51. In other words, the ‘BA’ (or ‘BR’) in the contested mark has been visually presented in such a way that it mimics the distinctive form adopted by the Opponent in its registered mark. On that note, it is important to recall that the goods at hand will be predominantly selected visually, therefore those visual similarities between the marks are significant.

52. Taking my foregoing findings on visual similarity and distinctiveness into account, and combining them with my findings that: the marks also share a similar overall impression; are aurally identical; and have a conceptual overlap with regard to a

²³ *Alfa-Beta*

²⁴ In assessing whether there is a likelihood of confusion, the distinctive character of a component that is similar between the marks is particularly relevant. See *Kurt Geiger v A-List Corporate Limited*, BL O-075-13.

heraldic-like shield; whilst also taking into account that the marks relate to identical Class 25 goods (and such goods would be purchased predominantly visually by a consumer paying no more than a medium degree of attention); and allowing for imperfect recollection – I find that the average consumer (or a significant proportion thereof) would simply misremember one mark for the other and would therefore be directly confused as to the origin of the identical goods at hand.

53. To the extent that the presentational differences between the marks are noted, the average consumer is likely to believe that those differences are attributable to the brand owner using a variant of its registered mark (which is not an uncommon occurrence in trade), as opposed to those differences denoting goods from different undertakings. In which case, direct confusion is still likely, or in the alternative, there would be a likelihood of indirect confusion.

54. Either way, my above findings, when appreciated globally, point to a likelihood of confusion, whether that confusion is direct or indirect depends on the perception of the average consumer of the goods at hand, but there is no scenario in which the consumer would not be confused.

OUTCOME

55. The opposition under section 5(2)(b) of the Act against the goods and services applied for in Classes 25 and 41 has been partially successful.

56. Accordingly, subject to appeal, the application will be refused in respect of Class 25 and allowed to proceed to registration only in respect of Class 41.

COSTS

57. The Opponent has been successful and is entitled to a contribution towards its costs based on the contributory scale set out in Tribunal Practice Notice 1/2023. In the circumstances I award the Opponent the sum of £350, which is calculated as follows:

Official fee for filing Form TM7	£100
Preparing the Statement of Grounds and considering the Counterstatement	£250
<u>TOTAL</u>	<u>£350</u>

58. I therefore order Born Alpha LTD to pay STAMINA FOR SALE LIMITED the sum of **£350**. This 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 26th day of August 2025

Daniela Ferrari

For the Registrar

Annex 1

Opponent's specification

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; Cumberbunds; 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 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; Layettes; Layettes [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; Panty hose; 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 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.