**o/1193/25**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF INTERNATIONAL REGISTRATION NO. WO0000001685319**

**DESIGNATING THE UK**

**BY HANGZHOU TAITONG TRADING CO., LTD**

**IN CLASS 25**

**AND**

**IN THE MATTER OF OPPOSITION THERETO**

**UNDER NO. 447060**

**BY WORTMANN KG INTERNATIONALE**

**SCHUHPRODUKTIONEN**

**BACKGROUND AND PLEADINGS**

1. International trade mark 1685319 ("the IR") consists of the sign shown on the cover page of this decision. The holder is Hangzhou Taitong Trading Co., Ltd. The IR is registered with effect from 25 July 2022. With effect from the same date, the holder designated the UK as a territory in which it seeks to protect the IR under the terms of the Protocol to the Madrid Agreement. The holder seeks protection for the IR in relation to the following goods:

Class 25 Ready-made clothing; layettes; bathing suits; shoes; girdles; outerclothing; hats; hosiery; gloves (clothing); scarfs.

2. The request to protect the IR was published on 19 January 2024. On 19 April 2024, Wortmann KG Internationale Schuhproducktionen ("the opponent") fully opposed the protection of the IR in the UK based upon sections 5(2)(b) and 5(3) of the Trade Marks Act 1994 ("the Act").

3. Under both sections, the opponent relies upon the following marks:

**TAMARIS**

UK trade mark registration no. UK00001496910
Filing date 7 April 1992; Registration date 7 July 1995.
**("The First Earlier Mark")**

**TAMARIS**

International registration no. WO00000896489
International registration and designation date 13 July 2006.
Date of protection granted in UK 23 March 2007.
**("The Second Earlier IR")**

# TAMARIS

Comparable UK trade mark (EU) registration no. UK00906570204
Filing date 17 December 2007; Registration date 14 October 2008.
**("The Third Earlier Mark")**


Comparable UK trade mark (EU) registration no. UK00911869377
Filing date 17 May 2013; Registration date 11 October 2013.
**("The Fourth Earlier Mark")**

4. I bear in mind that the opponent's Third and Fourth Earlier Marks are comparable EU marks. Following the end of the transition period of the UK's withdrawal from the EU, all EU trade marks ("EUTM") registered before 1 January 2021 were recorded as comparable trade marks in the UK trade mark register (and as a consequence, have the same legal status as if they had been applied for and registered under UK law). A 'comparable trade mark (EU)' retains the same filing date, priority date (if applicable) and registration date of the EUTM from which it derives.

5. Under section 5(2)(b), the opponent relies upon all of the goods in the First, Second and Third Earlier Marks specification's, as contained in Annex 1 to this decision. The opponent also relies upon some of the goods and services contained in the Fourth Earlier Mark's specification, also contained in Annex 1 to this decision. The opponent claims that there is a likelihood of confusion because the marks are highly similar and the goods are identical or highly similar.

6. Under section 5(3), the opponent relies upon all of the goods and services contained in all four of its earlier marks specification's, contained in Annex 2 to this decision. The opponent claims to have established an "extensive reputation" in relation to its marks in the UK due to substantial use and promotion over a significant period of time. The opponent claims that use of the holder's IR would ride on the coat tails of the

opponent's mark, benefitting from the power of attraction, reputation and prestige of the opponent and its marks. The opponent also claims that use of the application could "tarnish or otherwise cause detriment to this reputation", particularly if they are purchased in the belief they are related to the opponent, or the opponent's goods, and they are dissatisfied.

7. The holder filed a counterstatement, admitting that "the goods of the subject application are identical or similar to the goods and services of the opponent's earlier trade marks". However, the holder denies that the marks are identical or similar. The holder also "denies the opponent's claims under section 5(3)".

8. The opponent is represented by Dummett Copp LLP and the holder is represented by Mei-Leng Fong. Neither party requested a hearing, however, the opponent filed written submissions during the evidence rounds. I make this decision having taken full account of all the papers.

**RELEVANCE OF EU LAW**

9. The provisions of the Act relied upon in these proceedings are assimilated law, as they are derived from EU law. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 (as amended by Schedule 2 of the Retained EU Law (Revocation and Reform) Act 2023) requires tribunals applying assimilated law to follow assimilated EU case law. That is why this decision refers to decisions of the EU courts which predate the UK's withdrawal from the EU.

**DECISION**

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

10. Section 5(2)(b) reads as follows:

> "5(2) A trade mark shall not be registered if because –
>
> (a)…

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

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

11. The opponent's trade marks qualify as earlier marks pursuant to section 6 of the Act. The earlier marks had completed their registration process more than five years before the relevant date (the designation date of the IR in issue). Accordingly, the use provisions at section 6A of the Act do apply. However, as the holder did not request that the opponent prove use of its marks, the opponent is entitled to rely upon all of its goods without demonstrating that it has used its marks.

**Section 5(2)(b) case law**

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

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

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

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

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

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

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

(g) a lesser degree of similarity between the goods or services may be offset by a 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**

13. As noted in paragraph 7 above, in its counterstatement, the holder admitted that "the goods of the subject application are identical or similar to the goods and services of the opponent's earlier trade marks".

14. Whilst I note that the parties have agreed to the goods being "similar" without specifying the level of similarity, I find that all of the holder's class 25 goods contained in paragraph 1 to this decision clearly fall within the broader category of "clothing" in class 25 of the Second Earlier IR's and the Fourth Earlier Mark's specifications. Therefore, the parties goods are identical on the principle outlined in *Meric.*[1]

15. As I have found the parties goods to be identical based upon the opponent's Second Earlier IR and Fourth Earlier Mark, I find that they are the opponent's best case.[2] I will therefore continue my assessments based on those registrations only. I will come back to the First and Third Earlier Marks if necessary later in my decision.

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

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

[1] See paragraph 29, *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T- 133/05, the General Court.
[2] I also note that the First and Third Earlier Marks are identical to the Second Earlier Mark and therefore these marks are would not have put the opponent in any better position in regard to similarity either.

by the court from the point of view of that constructed person. The word "average" denotes that the person is typical. The term "average" does not denote some form of numerical mean, mode or median."

17. The average consumer for the goods will be members of the general public. The cost of purchase is likely to vary, and the goods will be purchased relatively frequently. However, various factors are still likely to be taken into consideration during the purchasing process, such as materials used, cut, aesthetic appearance and durability. Consequently, I consider that a medium degree of attention will be paid by the average consumer when selecting the goods.

18. The goods are likely to be obtained by self-selection from the shelves of a clothing retail outlet, online or catalogue equivalent. This means that visual considerations will be the most significant.[3] Visual considerations are, therefore, likely to dominate the selection process. However, I do not discount that there will also be an aural component to the purchase, as advice may be sought from a sales assistant or representative.

**Comparison of the trade marks**

19. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a trade mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the trade marks must be assessed by reference to the overall impressions created by the trade marks, bearing in mind their distinctive and dominant components. The CJEU stated, at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

"… it is necessary to ascertain, in each individual case, the overall impression made on the target public by the sign for which registration is sought, by means of, inter alia, an analysis of the components of a sign and of their relative weight in the perception of the target public, and then, in the light of that overall

[3] *New Look Limited v OHIM*, Joined cases T-117/03 to T-119/03 and T-171/03, paragraph 50.

impression and all factors relevant to the circumstances of the case, to assess the likelihood of confusion."

20. It would be wrong, therefore, to artificially dissect the trade marks, although it is necessary to take into account the distinctive and dominant components of the marks and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the marks.

21. Therefore, the respective trade marks are shown below:

| Opponent's marks | Holder's IR |
|---|---|
| **TAMARIS**<br>**("The Second Earlier IR")**<br>tamaris<br>**("The Fourth Earlier Mark")** | TARANIS |

Overall impression

22. The Second Earlier IR consists of the word "TAMARIS". There are no other elements to contribute to the overall impression which lies in the word itself.

23. The Fourth Earlier Mark consists of the word "tamaris" written in a slightly stylised typeface. I find that the word "tamaris" plays a greater role in the overall impression of the mark, with the stylisation playing a lesser role.

24. The holder's IR consists of the word "TARANIS" presented in a capitalised typeface, placed alongside a device which the opponent describes as a "circular logo"

in its written submissions. I find that the "circular logo" consists of an abstract depiction of a face, which is surrounded by a circle of triangles, which are all encompassed by a black circular outline. I bear in mind that the eye is naturally drawn to the element of the mark that can be read and therefore I find that the word "TARANIS" plays a greater role in the overall impression of the IR, with the "circular logo" playing a lesser role.

Visual Comparison

*The Second Earlier IR and the holder's IR*

25. Both of the parties IR's consist of a 7 letter word, the first and second letters being T and A, the fourth letter being A and the sixth and seventh letters being I and S. These clearly all act as visual points of similarity. However, the third letter of the Second Earlier IR is M and the fifth letter is R. The third letter of the holder's mark is R and the fifth letter is N. Therefore, while the letters M and N differ between the marks (albeit these letters are visually similar, differing only in one vertical line between them), both marks clearly contain the letter R, but in different placements. I also bear in mind that the holder's IR consists of the "circular logo", and this clearly acts as a visual point of difference. Therefore, taking all of the above into account, I find that the marks are visually similar to between a medium and high degree.

*The Fourth Earlier Mark and the holder's IR*

26. I find that the same comparison applies in paragraph 25 above, however, I bear in mind that the Fourth Earlier Mark is presented in a slightly stylised typeface (which I note is not remarkable). Nevertheless, I find that the marks are still visually similar to between a medium and high degree.

Aural Comparison

*The Second Earlier IR and the holder's IR*

27. In its submissions in lieu, the opponent states that both marks consist of three syllables and that "the most important and impactful syllable will be the first, which is

identical across the marks. Further, the other syllables are highly similar to one another- ‘Mah’ vs ‘Rah’ and ‘Ris’ vs ‘Nis’. […] we therefore submit that the marks are highly similar aurally”.

28. While I agree that the holder’s IR is likely to be pronounced TA-RAH-NIS, I consider it is more likely that the Second Earlier IR will be pronounced as TAH-MAR-ISS by a significant proportion of consumers. Nevertheless, the first syllables overlap in the “TA” element, the second syllables overlap in the “AH” element and the last syllables overlap in the “IS” element. I also bear in mind that the “circular logo” device in the holder’s IR will not be articulated. On this basis, I find that the parties IR’s are aurally similar to between a medium and high degree.

*The Fourth Earlier Mark and the holder’s IR*

29. The stylisation in both the holder’s IR and the Fourth Earlier Mark will not affect the pronunciation of the words. On this basis, the same comparison applies in paragraph 28 above. The marks are aurally similar to between a medium and high degree.

Conceptual Comparison

*The Second Earlier IR and the holder’s IR*

30. At paragraph 18 of its submissions in lieu, the opponent states that “none of the marks have a clear and obvious conceptual meaning”. I agree. I find that the average consumer will perceive the words “TAMARIS” and “TARANIS” as invented, which evoke no meaning. On this basis, I find that the invented words TAMARIS” and “TARANIS” within the parties IR’s are conceptually neutral.

31. I find that the “circular logo” in the holder’s IR will be seen by the average consumer as consisting of an abstract depiction of a face, which is surrounded by a circle of triangles, which are all encompassed by a black circular outline. As such, it will evoke this concept, which acts as a point of conceptual difference.

*The Fourth Earlier Mark and the holder's IR*

32. The stylisation of the invented word "TAMARIS" in the Fourth Earlier Mark does not contribute to its conceptual message. Therefore, the same comparison and conclusion applies in paragraphs 30 and 31 above.

**Distinctive character of the earlier trade mark**

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

> "22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C108/97 and C-109/97 Windsurfing Chiemsee v Huber and Attenberger [1999] ECR 1-2779, paragraph 49).
>
> 23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promotion of 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)."

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

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

35. As the opponent has not filed any evidence to show that the distinctiveness of its marks have been enhanced through use, I only have the inherent position to consider.

36. As highlighted above, the average consumer will see the word “TAMARIS” as an invented word with no conceptual meaning. I do not consider that the stylisation of this word enhances the distinctiveness of the Fourth Earlier Mark. Therefore, I find that the Second Earlier IR and the Fourth Earlier Mark are inherently distinctive to a high degree.

**Likelihood of confusion**

37. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods down to the responsible undertakings being the same or related. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods and vice versa. It is necessary for me to keep in mind the distinctive character of the earlier marks, the average consumer for the goods and the nature of the purchasing process. In doing so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

38. The following factors must be considered to determine if a likelihood of confusion can be established:

- I have found all of the marks to be visually and aurally similar to between a medium and high degree.

- I have found the invented words “TAMARIS” and “TARANIS” in all of the parties marks to be conceptually neutral, with the “circular logo” device in the holder’s IR acting as a point of conceptual difference.
- I have found the opponent’s earlier marks to be inherently distinctive to a high degree.
- I have identified the average consumer as members of the general public who will select the goods primarily by visual means, although I do not discount an aural component.
- I have concluded that a medium degree of attention will be paid during the purchasing process for the clothing goods.
- I have found the parties’ goods to be identical.

39. Taking all of the above factors into account, bearing in mind that the average consumer rarely has a chance to make direct comparisons between trade marks and, instead, will encounter them in different settings at different times, and therefore must rely upon the imperfect picture of them retained in its mind, I consider that all of the marks are likely to be mistakenly recalled or misremembered as each other. This is particularly the case given the between a medium and high degree of visual similarity between all of the marks and the predominantly visual purchasing process. Even where aural considerations play a greater role, the between a medium and high degree of aural similarity between all of the marks will have the same result.

40. I find that the stylisation of the invented words in the Fourth Earlier Mark and the holder’s IR would be easily overlooked by the average consumer. I also consider that the “circular logo” in the holder’s IR would be easily overlooked, especially as it plays a lesser role in the overall impression of the mark. I also consider that because the 7 letter words within the parties marks share the first, second, fourth, sixth and seventh letters (T, A, A, I and S), with the difference between the marks being the letters in the middle of the words (the third and fifth letters; albeit they both contain the letter R but in different placements and the letters M and N are visually similar), these will be easily overlooked or misremembered as each other. Furthermore, all of the parties’ marks will be perceived as consisting of invented words with no conceptual meaning. This results in the Second Earlier IR and the Fourth Earlier Mark being inherently distinctive

to a high degree, and, in the absence of a conceptual hook between the invented words, consumers will not have a strong conceptual message to assist in differentiating between them. This results in a likelihood of direct confusion on all of the parties' identical clothing goods.

41. It now falls to me to consider the likelihood of indirect confusion. Indirect confusion was described in the following terms by Iain Purvis Q.C. sitting as the Appointed Person, in *L.A. Sugar Limited v By Back Beat Inc*, Case BL O/375/10:

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

42. In *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207, Arnold LJ referred to the comments of James Mellor Q.C. (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 "proper basis" for concluding that there is a likelihood of indirect confusion where there is no likelihood of direct confusion.

43. I am of the view that if the average consumer was to recognise and remember the "circular logo" in the holder's IR, they are still likely to imperfectly recall the differences in spelling between the words "TAMARIS" and "TARANIS" in all of the parties marks for the same reasons contained in paragraphs 39 and 40 above.

44. Therefore, it is my view that the average consumer will view the holder's IR as an alternative mark being used on identical goods, by the same or economically linked undertakings, perhaps being an updated version of the same mark and therefore indicative of re-branding. I consider that it is not uncommon for undertakings to re-brand themselves from time to time to accommodate changes in marketing considerations. Consequently, I also consider there to be a likelihood of indirect confusion.

45. The opposition based upon section 5(2)(b) of the Act succeeds in its entirety.

**Section 5(3)**

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

> "5(3) A trade mark which –
>
> > (a) is identical with or similar to an **earlier trade mark**, shall not be registered if, or to the extent that, the earlier trade mark has a reputation in the United Kingdom (or, in the case of a European Union trade mark or international trade mark (EC), in the European Union) and the use of the later mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or repute of the earlier trade mark."

47. Section 5(3) relies on the opponent having earlier trade marks which have established a reputation. However, in these proceedings, the opponent has not filed any evidence to support this.

48. In paragraph 9 of its written submissions, the opponent states that in the holder's Form TM8 and counterstatement, they have "not denied the reputation of the earlier registrations. Therefore, [they] submit that the earlier registrations are accepted as being in genuine use, and [they] also submit that the reputation claimed in respect of the earlier marks should be treated as having been accepted". However, in the holder's counterstatement, they clearly state that they deny the opponent's claims under

section 5(3). This is therefore a blanket denial of all the opponent's claims under section 5(3), including their claim of having an "extensive reputation" in relation to its marks in the UK due to substantial use and promotion over a significant period of time. Consequently, on the basis that the opponent has failed to file any evidence to establish use of its earlier marks, let alone that they have a reputation in the UK, the opponent is unable to rely upon all four of its earlier marks under section 5(3).

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

**CONCLUSION**

50. The opposition is fully successful under section 5(2)(b) and the application is refused in its entirety.

**COSTS**

51. The opponent has been successful and is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 1/2023. In the circumstances, I award the opponent the sum of £700 as a contribution towards the costs of the proceedings.

52. The sum is calculated as follows:

| | |
|---|---|
| Filing a Notice of opposition and considering the holder's counterstatement | £250 |
| Filing written submissions | £350 |
| Official Fee | £100[4] |
| **Total** | **£700** |

[4] On the basis the opponent did not file any evidence for its section 5(3) ground, and bearing in mind that only the section 5(2)(b) ground was successful, I shall only be awarding £100 which would have been the official fee if the opponent filed an opposition reliant on section 5(2)(b) only.

53. I therefore order Hangzhou Taitong Trading Co., Ltd to pay Wortmann KG Internationale Schuhproducktionen the sum of £700. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

**Dated this 22nd day of December 2025**

**L FAYTER**
**For the Registrar**

## ANNEX 1

**The First Earlier Mark**

Class 25

Boots and shoes; all included in Class 25.

**The Second Earlier IR**

Class 25

Clothing, headgear.

**The Third Earlier Mark**

Class 3

Shoe care products, namely boot cream, shoe wax.

Class 21

Shoe horns, brushes for footwear, non-electric wax-polishing appliances for shoes, shoe trees (stretchers).

Class 25

Belts, stockings, inner soles.

**The Fourth Earlier Mark**

Class 3

Boot polish, Namely shoe creams, shoe wax.

Class 18

Leather and imitations of leather, and goods made of these materials and not included in other classes; Trunks and travelling bags; Umbrellas and parasols; Walking sticks.

Class 21

Shoe brushes, shoe trees, shoe horns, shoe polishers (non-electric).

Class 25

Clothing, Footwear, Headgear for wear, Belts, Stockings, Shoe insoles.

Class 35

Retailing and online services, in each case for the goods: shoe care products, namely shoe creams, shoe wax, leather and imitations of leather, and goods made of these materials, trunks and travelling bags, umbrellas and parasols, walking sticks, shoe horns, shoe brushes, wax-polishing appliances, non-electric, for shoes, shoe trees,

## ANNEX 2

**The First Earlier Mark**

Class 25

Boots and shoes; all included in Class 25.

**The Second Earlier IR**

Class 25

Clothing, headgear.

**The Third Earlier Mark**

Class 3

Shoe care products, namely boot cream, shoe wax.

Class 21

Shoe horns, brushes for footwear, non-electric wax-polishing appliances for shoes, shoe trees (stretchers).

Class 25

Belts, stockings, inner soles.

**The Fourth Earlier Mark**

Class 3

Boot polish, Namely shoe creams, shoe wax.

Class 14

Precious metals and their alloys and goods in precious metals or coated therewith not included in other classes; Jewellery, precious stones; Horological and chronometric instruments.

Class 18

Leather and imitations of leather, and goods made of these materials and not included in other classes; Trunks and travelling bags; Umbrellas and parasols; Walking sticks.

Class 21

Shoe brushes, shoe trees, shoe horns, shoe polishers (non-electric).

Class 25

Clothing, Footwear, Headgear for wear, Belts, Stockings, Shoe insoles.

Class 35

Retailing and online services, in each case for the goods: shoe care products, namely shoe creams, shoe wax, precious metals and their alloys and goods in precious metals or coated therewith, jewellery, precious stones, horological and chronometric instruments, leather and imitations of leather, and goods made of these materials, trunks and travelling bags, umbrellas and parasols, walking sticks, shoe horns, shoe brushes, wax-polishing appliances, non-electric, for shoes, shoe trees, clothing, footwear, headgear, belts, stockings, shoe insoles.