

O/0795/24

TRADE MARKS ACT 1994

**IN THE MATTER OF
TRADE MARK APPLICATION NO. 3907679
IN THE NAME OF ZAYGHAM HUSSAIN
TO REGISTER AS A TRADE MARK**

AllSett Health

IN CLASSES 10 AND 24

AND

**IN THE MATTER OF OPPOSITION THERETO
UNDER NUMBER 600003018
BY M&A STYLES LTD**

BACKGROUND AND PLEADINGS

1. On 4 May 2023, Zaygham Hussain (“the applicant”) applied to register the trade mark “**AllSett Health**” in the United Kingdom. The application was accepted and published for opposition purposes on 14 July 2023, in respect of goods in classes 10 and 24, as listed in the table under paragraph 14 of this decision.

2. The application is opposed by M&A Styles Ltd (“the opponent”). The opposition was filed on 8 September 2023 under the fast-track procedure and is based upon section 5(1), section 5(2)(a) and section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The opposition is directed against all of the goods in the application. The opponent relies upon the following mark:

AllSett Health

UK trade mark registration number 3866784

Filing date: 11 January 2023

Registration date: 07 April 2023

Registered in Class 20

Relying on all goods as listed in the table under paragraph 14 of this decision.

3. The above mark qualifies as an earlier mark under section 6(1) of the Act. As it had not completed its registration procedure more than five years before the application date for the contested mark, it is not subject to the use provisions contained in section 6A of the Act.

4. The opponent submits that the marks are identical, leading to a risk of confusion.

5. The applicant filed a counterstatement denying the claims and submits that the goods of the application are distinctly different from the goods covered by the opponent’s mark, and as such, there is a negligible risk of market confusion.

6. Neither party requested leave to file evidence or for an oral hearing in this fast-track opposition. Nor did either party file written submissions. Therefore, this decision is taken following careful consideration of the papers on file.

7. In these proceedings, neither party is legally represented.

DECISION

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

Sections 5(1), 5(2)(a) and 5(2)(b)

9. Section 5(1), section 5(2)(a) and section 5(2)(b) are relied on and read as follows:

“5(1) A trade mark shall not be registered if it is identical with an earlier trade mark and the goods or services for which the trade mark is applied for are identical with the goods or services for which the earlier trade mark is protected.

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

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

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

10. Section 5A states:

“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.”

11. 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 (Trade Marks and Designs) (“OHIM”)*, Case C-3/03, *Medion AG v Thomson Multimedia Sales Germany & Austria GmbH*, Case C-120/04, *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P:

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

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

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

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

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

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

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

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

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

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

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

Identity of the marks

12. It is a prerequisite of section 5(1) and section 5(2)(a) that the respective trade marks are identical, while the marks must be considered similar under 5(2)(b).

13. The competing marks each comprise the same words “**AllSett Health**”, with identical spelling, presented in an identical manner in a standard typeface. The

respective trade marks are self-evidently identical. As such, the first requirement of sections 5(1) and 5(2)(a) is formally met.

Comparison of goods

14. The goods to be compared are:

Applicant's goods

<u>Class 10</u>

<p><i>Support mattresses for medical use; Medical supports for the body; Cervical pillows for medical use; Cushions for medical use for supporting infants being examined; Ankle supports for medical use; Knee supports for medical use; Cushions for medical use, adapted to support the face; Shoulder supports for medical use; Orthopaedic supports; Air pillows for medical purposes; Mattresses for medical use; Padded neck supports [cushions] for surgical use; Wrist supports for medical use; Medical support hosiery; Orthopedic support bandages; Back supports for medical purposes; Support bandages for medical purposes; Support garments for medical use; Air pillows for babies [medical purposes]; Pillows for orthopedic use; Air pillows for infants [medical purposes]; Water pillows for medical purposes; Cushions for medical purposes; Medical support tights; Inflatable cushions for medical use; Padded cushions for medical purposes; Cushions for medical use for supporting infants while being bathed; Massage beds for medical purposes; Inflatable cushions for medical purposes; Orthopaedic supports for feet; Alternating pressure supports for medical use; Padded neck supports for surgical use; Inflatable mattresses for medical purposes; Orthopaedic compression supports; Medical bags designed to hold medical instruments; Medical blankets for the cooling of patients; Clothing, headgear and footwear, braces and supports, for medical purposes; Air cushions for medical purposes; Maternity support belts for medical purposes; Arch supports [orthopaedic]; Dental foundation supports; Blankets for medical purposes; Contoured cushions for patients' use on beds [adapted for medical purposes]; Medical blankets for the warming of patients; Sheets [drapes] for medical use; Ice bag pillows for medical purposes; Splinting (Supportive -) for medical use; Therapeutic support bandages; Air mattresses, for medical purposes; Air mattresses for medical purposes; Medical patient treatment chairs; Bed bases for beds especially made for medical purposes; Air mattresses for babies [for medical purposes]; Orthopaedic supports for heels; Electric blankets [bed] for medical use; Splints for medical use; Medical furniture and bedding, equipment for moving patients; Air</i></p>

beds for medical purposes; Cushions [pads] (heating -), for medical purposes; Heel supports for orthopaedic use; Air mattresses for infants [for medical purposes]; Alternating pressure mattresses for medical use; Support bandages; Cushioning devices for medical use; Medical aids for use in stoma care; Belts for attaching medical monitors to patients; Medical stretchers; Contoured cushions for patients' use on chairs [adapted for medical purposes]; Hydrostatic beds for medical purposes; Shaped padding for supporting parts of the body [medical use]; Medical trays; Slings for medical use; Arch supports for orthopaedic shoes; Support stockings for surgical use; Splints [for medical purposes]; Medical procedure chairs; Arch supports for orthopaedic boots; Support Pillows and Support Cushions for treatment of GERD, acid reflux and similar ailments; Support Pillows and Support Cushions for body, leg, arm, shoulder alignment, namely post surgery and during recovery; Heat beds for medical treatment; Armchairs for medical or dental purposes; Pillows for therapeutic use; Beds, specially made for medical purposes; Beds specially made for medical purposes; Bandages [supportive] for veterinary use; Examination chairs specially made for medical use; Orthopedic cushions; Special furniture for medical use; Medical prostheses; Abdominal pads for medical use; Pads (Abdominal -) for medical use; Pressure bandages for anatomical support purposes; Hybrid beds being soft sided waterbeds [for medical use]; Examination couches specially made for medical use; Prostheses for medical treatment; Water beds for medical purposes; Compression socks for medical or therapeutic use; Chairs especially made for medical use; Medical devices; Furniture adapted for medical treatment use; Cushions [other than for medical use]; wedge pillows for medical purposes; support pillows in wedge shape or other shapes for medical purposes.

Class 24

Adhesive fabric; Adhesive fabric for application by heat; Adhesive fabrics for application by heat; Adhesive labels (Textile -); Adhesive materials in the form of stickers [textile]; Aeronautical balloons (Fabric impervious to gases for -); Afghans; Afghans [knitted covers]; Apparel fabrics; Artificial silk; Baby buntings; Badges made of fabric material; Bags for sleeping bags [specifically adapted]; Ballistic resistant fabrics; Balloons (Fabric impervious to gases for aeronautical -); Banners; Banners of textile; Banners of textile or plastic; Banners textile; Bar cloths; Bath linen; Bath linen, except clothing; Bath mitts; Bath sheets; Bath sheets (towels); Bath towels; Bathroom towels; Beach towels; Bean bag covers; Bed blankets; Bed blankets made of cotton; Bed blankets made of man-made fibres; Bed canopies; Bed clothes; Bed clothes and blankets; Bed coverings; Bed covers; Bed covers of paper; Bed linen; Bed linen and blankets; Bed linen and table linen; Bed linen made of

non-woven textile material; Bed linen of paper; Bed pads; Bed quilts; Bed sheets; Bed sheets of paper; Bed sheets of plastic [not being incontinence sheets]; Bed sheets of plastic, not being incontinence sheets; Bed skirts; Bed spreads; Bed throws; Bed valances; Bed warmer covers; Bedroom textile fabrics; Bedsheets; Bedspreads; Billiard cloth; Billiard cloth [baize]; Billiard table baize; Blanket throws; Blankets (Bed -); Blankets for household pets; Blankets for outdoor use; Bolting cloth; Borders (textile wall hangings); Breathable piece goods made of textile materials bonded with plastics; Breathable piece goods made of textile materials bonded with rubber; Breathable waterproof fabrics; Broad woven industrial fabrics; Brocade; Brocade flags; Brocades; Buckram; Bunting; Bunting flags; Bunting of textile or plastic; Calico; Calico cloth (Printed -); Canopies (bed linen); Canopies [covers for beds]; Canopy covers; Canvas; Canvas for embroidery; Canvas for tapestry; Canvas for tapestry or embroidery; Chair backs [textile articles]; Chair covers; Cheese cloth; Chemical fiber base mixed fabrics; Chemical fiber fabrics; Chemical fibre loop knit fabrics; Chemical fibre mixed fabrics; Chenille fabric; Chenille fabric; Cheviot fabric; Cheviots [cloth]; Children's blankets; Children's towels; Cloth; Cloth banners; Cloth bunting; Cloth coasters; Cloth doilies; Cloth flags; Cloth for tatami mat edging ribbons; Cloth handkerchiefs; Cloth labels; Cloth napkins; Cloth napkins for removing makeup; Cloth napkins for removing make-up; Cloth pennants; Cloth with a raised nap; Cloths; Cloths for removing make-up; Cloths for washing the body [other than for medical use]; Cloths of non-woven textile material for washing the body [other than for medical use]; Cloths of woven textile material for washing the body [other than for medical use]; Coasters of textile; Coasters [table linen]; Coated fabrics; Coated fabrics for use in the manufacture of leather goods; Coated fabrics for use in the manufacture of luggage; Coated fabrics for use in the manufacture of rainwear; Coated textiles; Coated woven textile materials; Coating fabric; Comforters; Comforters (bedding); Comforters [covers]; Comforters for beds; Composite textile materials; Contour sheets; Contoured mattress covers; Corduroy fabrics; Cot blankets; Cot covers; Cot sheets; Cotton base mixed fabrics; Cotton cloths; Cotton fabric; Cotton fabrics; Cotton knitted fabric; Counterpanes; Covered rubber yarn fabrics [for textile use]; Coverings for furniture; Coverings for windows; Coverings (Furniture -) of textile; Coverings (Loose -) for furniture; Coverings of plastic for furniture; Coverings of plastics for furniture; Coverings of textile and of plastic for furniture (not fitted); Coverings of textile and of plastic for furniture (unfitted); Coverlets; Coverlets [bedspreads]; Covers (fitted toilet lid -)[fabric]; Covers (Fitted toilet lid -) of fabric; Covers for cushions; Covers for duvets; Covers for eiderdown and duvets; Covers for mattresses; Covers for pillows; Covers for toilet lids of fabric; Covers [loose] for furniture; Covers of textile for toilet seats; Covers of textile for water closets; Crepe cloth; Crepe [fabric]; Crepe fabrics; Crepon; Crib canopies; Crib

sheets; Curtain fabric; Curtain fabrics; Curtain holders of cloth; Curtain holders of textile material; Curtain holders of textile materials; Curtain holders or tiebacks of textile; Curtain holders (Textile -); Curtain linings; Curtain loops made of textile materials; Curtain loops of textile material; Curtain material; Curtain tie-backs of textile; Curtain valences; Curtaining material being textile piece goods; Curtaining materials; Curtains; Curtains and lace curtains of textiles or plastic; Curtains for showers; Curtains for windows; Curtains made from textile materials; Curtains made of plastics; Curtains made of plastics for use in shower baths; Curtains made of textile fabrics; Curtains made of textile materials; Curtains [made up or in the piece]; Curtains of plastic; Curtains of textile; Curtains of textile material; Curtains of textile or plastic; Curtains of textiles or plastic; Cushion covering materials; Cushion covers; Cushions (Covers for -); Damask; Denim [cloth]; Denim fabric; Diaper changing cloths for babies; Diapered linen; Dimity; Dish cloths; Dish cloths of textile for drying; Dish towels for drying; Disposable bedding of paper; Disposable bedding of textile; Disposable cloths; Disposable tablecloths of textile; Disposable wash cloths; Doilies of textile; Door curtains; Down quilts; Draperies; Draperies [thick drop curtains]; Drapery; Drapes; Drapes in the nature of curtains; Drapes in the nature of curtains made of textile materials; Drink coasters of table linen; Drugget; Dryer fabrics all for use in the paper making industry; Dryer felts all for use in the paper making industry; Duvet covers; Duvets; Duvets filled with goose down; Duvets filled with goose feathers; Eiderdown covers; Eiderdowns; Eiderdowns [down coverlets]; Eiderdowns [quilts]; Elastic fabrics for clothing; Elastic woven material; Elastic woven materials; Elastic yarn mixed fabrics; Elasticated woven textile materials; Embroidery fabric; Embroidery (Traced cloth for -); Esparto fabric; Fabric; Fabric bed valances; Fabric cascades; Fabric coated with rubber or plastics; Fabric curtains; Fabric flags; Fabric for footwear; Fabric for manufacturing men's outerwear; Fabric for manufacturing women's outerwear; Fabric for use in the manufacture of bags; Fabric for use in the manufacture of cases; Fabric for use in the manufacture of clothing; Fabric for use in the manufacture of purses; Fabric for use in the manufacture of umbrellas; Fabric for use in the manufacture of wallets; Fabric, impervious to gases, for aeronautical balloons; Fabric linings for clothing; Fabric linings for headgear; Fabric of imitation animal skin; Fabric of imitation animal skins; Fabric on the roll; Fabric place mats; Fabric table runners; Fabric table toppers; Fabric used for orthotic devices; Fabric valances; Fabric valences; Fabrics; Fabrics being textile goods in roll form; Fabrics being textile piece goods; Fabrics being textile piece goods for use in embroidery; Fabrics being textile piece goods for use in manufacture; Fabrics being textile piece goods for use in patchwork; Fabrics being textile piece goods for use in tapestry; Fabrics being textile piece goods made of mixtures of fibres; Fabrics covered with motifs to be embroidered; Fabrics for

industrial use; Fabrics for interior decorating; Fabrics for making curtains; Fabrics for manufacturing garden furniture; Fabrics for manufacturing sun protectors; Fabrics for manufacturing swimming pool covers; Fabrics for manufacturing tarpaulins; Fabrics for manufacturing tents; Fabrics for sale in kit form for making toy monsters; Fabrics for shirts; Fabrics for textile use; Fabrics for the manufacture of furnishings; Fabrics for use as linings in clothing; Fabrics for use in covering armchairs; Fabrics for use in making diapers; Fabrics for use in making incontinence pads; Fabrics for use in making jerseys; Fabrics for use in the manufacture of exterior coverings for chairs; Fabrics made from acrylic, other than for insulation; Fabrics made from artificial fibres [for insulation]; Fabrics made from artificial fibres [other than for insulation]; Fabrics made from ceramic fibres, other than for insulation; Fabrics made from cotton, other than for insulation; Fabrics made from linen, other than for insulation; Fabrics made from natural fibres, other than for insulation; Fabrics made from nylon, other than for insulation; Fabrics made from polyester, other than for insulation; Fabrics made from silk, other than for insulation; Fabrics made from synthetic fibres [other than insulation]; Fabrics made from synthetic threads; Fabrics made from synthetic yarns; Fabrics made from wool, other than for insulation; Fabrics made of mixed synthetic and natural fibres, other than for insulation; Fabrics of carbon fibre, other than for insulation; Fabrics of chemically produced fibres, other than for insulation; Fabrics of inorganic fibres, other than for insulation; Fabrics of man-made fibres being textile goods in piece form; Fabrics of organic fibres, other than for insulation; Fabrics [piece goods]; Fabrics [textile piece goods] made of carbon fibre; Fabrics woven from ceramic fibres, other than for insulation; Face cloths; Face cloths of textile; Face cloths of towelling; Face flannels in the form of gloves; Face flannels of textile; Face towels; Face towels [made of textile materials]; Face towels of textile; Face towels of textiles; Felt; Felt cloth; Felt for use by papermakers; Felt pennants; Felt piece goods; Felts; Fiberglass fabric for textile use; Fiberglass fabrics for textile use; Fiberglass fabrics, for textile use; Fibre fabrics for the manufacture of the exterior coverings of furniture; Fibre fabrics for use in the manufacture of articles of clothing; Fibre fabrics for use in the manufacture of linings of bags; Fibre fabrics for use in the manufacture of linings of shoes; Fibreglass fabrics for textile use; Filter fibers [textile]; Filtering cloth; Filtering materials of textile; Filters made of textile materials; Fireproof upholstery fabrics; Fire-retardant textile shower curtains; Fitted toilet covers [fabric]; Fitted toilet lid covers [made of fabric or fabric substitutes]; Fitted toilet lid covers of fabric; Fitted toilet seat covers of textile; Flags and pennants of textile; Flags, not of paper; Flags of textile; Flags of textile or plastic; Flame resistant fabrics; Flame retardant fabrics [other than asbestos]; Flannel; Flannel [fabric]; Flannel (Sanitary -); Flax cloth; Flax fabrics; Fleece made from copolymers; Fleece made from polyester; Fleece made from polypropylene;

Flocked fabrics; Fly netting of plastic; Foils of plastics for the manufacture of disposable capes; Foils of plastics for the manufacture of disposable clothes; Foils of plastics for the manufacture of disposable linen; Footwear (Fabric for -); Forming fabrics all for use in the paper making industry; Forming felts all for use in the paper making industry; Foulard [fabric]; Frieze; Frieze [cloth]; Friezes of textile; Friezes [textile wall hangings]; Furnishing and upholstery fabrics; Furnishing fabrics; Furnishing fabrics being textile piece goods; Furnishing fabrics in the piece; Furniture coverings made of plastic materials; Furniture coverings of plastic; Furniture coverings of textile; Furniture coverings (unfitted); Furniture (Loose covers for -); Fustian; Futon quilts; Gauze [cloth]; Gauze fabric; Gift wrap of fabric; Glass cloths [towels]; Glass-cloth [towels]; Golf towels; Grid-type fabrics; Gummed cloth, other than for stationery; Gummed cloth, other than for stationery purposes; Gummed waterproof cloth; Haircloth [sackcloth]; Hand spun silk fabrics; Hand towels; Hand towels of textile; Handcrafted textile wall hangings; Handkerchiefs of textile; Handkerchiefs of textiles; Hand-towels made of textile fabrics; Hat linings, of textile, in the piece; Heat formable non-woven textile materials; Heat resistant fabrics [other than for insulation]; Heat-activated adhesive fabrics; Hemp base mixed fabrics; Hemp cloth; Hemp fabric; Hemp yarn fabrics; Hemp-cotton mixed fabrics; Hemp-silk mixed fabrics; Hemp-wool mixed fabrics; Hessian; Honeycomb materials [textiles]; Hooded towels; Household cloths for drying dishes; Household cloths for drying glasses; Household linen; Household linen, including face towels; Household linens; Household textile articles; Household textile articles made from non-woven materials; Household textile goods; Household textile piece goods; Household textiles; Individual place mats made of textile; Indoor and outdoor curtains; Industrial fabrics; Infants' bed linen; Inlay materials of non-woven fabrics; Inorganic fiber mixed fabrics; Inorganic fibre mixed fabrics; Insect protection nets; Insecticide-treated mosquito nets; Interfacings; Interior decoration fabrics; Interlining; Interlining materials; Interlinings made of non-woven fabrics; Iron-on cloth labels; Japanese ceremonial wrapping cloth (Fukusa); Japanese cotton towels (tenugui); Japanese general wrapping cloth (Furoshiki); Jersey [fabric]; Jersey fabrics for clothing; Jersey material [fabric]; Jute cloth; Jute fabric; Jute fabrics; Kashmir fabric; Kit comprised of fabrics for making quilts; Kitchen and table linens; Kitchen linen; Kitchen towels; Kitchen towels [textile]; Knit lace fabrics; Knitted elastic fabrics for bodices; Knitted elastic fabrics for gymnastic dresses; Knitted elastic fabrics for ladies underwear; Knitted elastic fabrics for sportswear; Knitted fabric; Knitted fabrics; Knitted fabrics of chemical-fiber yarn; Knitted fabrics of cotton yarn; Knitted fabrics of silk yarn; Knitted fabrics of wool yarn; Labels [cloth]; Labels made of textile materials; Labels of cloth; Labels of textile; Labels of textile for bar codes; Labels of textile for identifying clothing; Labels (textile); Labels (Textile -) for

identifying clothing; Labels (Textile -) for identifying linen; Labels (Textile -) for marking clothing; Labels (Textile -) for marking linen; Lace curtains; Lace fabrics; Lace table mats not made of paper; Laminated fabrics; Laminated textile piece goods having insulating properties; Lap blankets; Lap rugs; Lap-robos; Large bath towels; Linen; Linen (Bed -); Linen cloth; Linen (Diapered -); Linen [fabric]; Linen for household purposes; Linen for the bed; Linen (Household -); Linen lining fabric for shoes; Linens; Lingerie fabric; Lingerie fabrics; Lining fabric for footwear; Lining fabric for shoes; Lining fabrics; Lining fabrics for shoes; Lining fabrics of textile in the piece; Linings (Hat -), of textile, in the piece; Linings [textile]; Loden cloth; Loop knit fabrics; Loose coverings for furniture; Loose covers for furniture; Loose covers for garden furniture; Loose covers made of textile materials for furniture; Loose furniture coverings; Make-up (Napkins for removing -) [cloth]; Make-up pads of textile; Make-up pads of textile for removing make-up; Make-up removal cloths [textile], other than impregnated with cosmetics; Make-up removal cloths [textile], other than impregnated with toilet preparations; Make-up removal towels [textile] other than impregnated with cosmetics; Make-up removal towels [textile] other than impregnated with toilet preparations; Make-up removal wipes [textile] other than impregnated with cosmetics; Make-up removal wipes [textile] other than impregnated with toilet preparations; Marabouts [cloth]; Markers [labels] of cloth for textile fabrics; Material (Textile -); Materials for making into clothing; Materials for soft furnishings; Materials for upholstery; Materials for use in filtration [textile]; Materials for use in making clothes; Materials (Textile -) for use in the manufacture of footwear; Materials (Textile -) for use in the manufacture of insoles; Materials (Textile -) for use in the manufacture of linings for footwear; Materials (Textile -) for use in the manufacture of soles; Mats [coasters] of textile; Mats (Drip -) of textile for glasses; Mats of linen; Mats (Place -), not of paper; Mattress covers; Mattress slips [other than incontinence]; Mesh-woven fabrics; Metal fiber fabrics; Mitts for washing the body; Mitts made of non-woven fabric for washing the body; Mitts (Washing -); Mixed fiber fabrics; Mole skin; Moleskin [fabric]; Moquettes [curtains]; Moquettes [fabric]; Mosquito nets; Multiple-ply antistatic fabrics; Mural hangings [textile]; Muslin; Nap raised cloth; Napery of textile; Napery [textile]; Napkin liners of textile; Napkins of textile (Table -); Narrow woven fabrics; Net curtains; Nets (Mosquito -); Nightdress cases of textile; Non-woven cloth; Non-woven fabric; Non-woven fabrics; Non-woven fabrics for use with linings; Non-woven fabrics for use with paddings; Non-woven fabrics in the form of blanks for use in manufacture; Non-woven fabrics in the form of rolls for use in manufacture; Non-woven fabrics in the form of sheeting for use in manufacture; Non-woven fabrics in the form of sheets for use in manufacture; Non-woven fabrics made substantially of paper; Non-woven fabrics of natural fibres; Non-woven fabrics of synthetic fibres; Non-woven felts; Non-woven

piece goods; Non-woven reinforcing fabrics; Non-woven textile articles; Non-woven textile fabrics; Non-woven textile fabrics for use as interlinings; Non-woven textile piece goods; Non-woven textiles; Nylon fabric; Nylon flags; Oil cloths; Oilcloth; Oilcloth for use as tablecloths; Padded coverings [hangings of textile] for existing walls; Paper pillowcases; Paper yarn fabrics for textile use; Patterned textiles for use in embroidery; Pelmet; Pennants [flags], other than of paper; Pennants of textile; Piece goods made of non-woven plastic material; Piece goods made of textile materials bonded with plastics; Piece goods made of textile materials bonded with rubbers; Piece goods made of woven plastic material; Piece goods (Textile -); Piled fabrics; Pillow cases; Pillow covers; Pillow shams; Pillow slips; Pillowcases; Pillowcases [pillow slips]; Pillowcovers; Place mats, not of paper; Place mats of textile; Place mats of textile material; Plastic banners; Plastic bunting; Plastic flags; Plastic material [substitute for fabrics]; Plastic material substitutes for fabric; Plastic material [substitutes for fabrics]; Plastic pennants; Plastic reinforced fabrics; Plastic substitutes for fabrics; Plastic table cloths; Plastic woven textile materials for use in agriculture; Pleated curtains; Pleated shades; Pocket handkerchiefs of textile; Polyester fabric; Polyester textiles; Polymer coated fabrics; Polypropylene spunbonded non-woven textile fabrics; Prayer cloth; Precut fabrics for needlecraft; Press fabrics all for use in the paper making industry; Press felt; Press felts all for use in the paper making industry; Printed calico cloth; Printed fabrics; Printed textile labels; Printed textile piece goods; Printers' blankets of textile; Printing blankets of textile material; Protective coverings for furniture [loose]; Protective covers for furniture [loose]; Protective loose covers for mattresses and furniture; Quilt bedding mats; Quilt covers; Quilted blankets [bedding]; Quilts; Quilts filled with down; Quilts filled with feathers; Quilts filled with half down; Quilts filled with stuffing materials; Quilts filled with synthetic stuffing materials; Quilts of textile; Quilts of towel; Rags for paper making; Ramie fabric; Ramie fabrics; Rayon fabric; Ready made curtains; Ready made curtains of plastics; Ready made curtains of textiles; Receiving blankets; Regenerated fiber yarn fabrics; Reinforced fabrics [textile]; Removable covers of textile for electronic apparatus [not fitted or shaped]; Replacement seat covers [loose] for furniture; Resin impregnated textile fabrics; Roll felt; Rubber covered yarn fabrics; Rubberised cloth; Rubberised fabrics; Rubberized cloth; Rubberized cloths; Rubberized textile fabrics; Runners (Table -); Runners [textile] for table tops; Sackcloth; Sail cloth; Sanitary flannel; Screen printing fabrics for the glass industry; Seat covers [loose] for furniture; Self-adhesive cloth labels; Semi-synthetic fiber fabrics; Serviettes of textile; Shams; Shams (Pillow -); Sheets of sailcloth for screening; Sheets [textile]; Shirt fabrics; Shirtings; Shower curtains; Shower curtains made of plastic material; Shower curtains of textile or plastic; Shower room curtains; Shrouds; Silk base mixed fabrics; Silk bed

blankets; Silk blankets; Silk cloth; Silk [cloth]; Silk fabric for printing patterns; Silk fabrics; Silk fabrics for furniture; Silk fabrics for printing patterns; Silk-cotton mixed fabrics; Silk-wool mixed fabrics; Sleeping bag liners; Sleeping bag sheet liners; Sleeping bags; Sleeping bags for babies; Sleeping bags [sheeting]; Small curtains made of textile materials; Sofa covers; Soft furnishings; Soft pelmets; Sponge cloths for textile use; Sponge cloths [textile piece goods]; Spun silk fabrics; Streamers of textile; Stretch canvas for embroidery; Suit lengths; Suiting materials [textile]; Swags [curtains]; Swags [window treatments]; Synthetic fiber fabric; Synthetic fiber fabrics; Synthetic textile piece goods; Table cloth of textile; Table cloths; Table cloths made of textile; Table cloths not of paper; Table cloths, not of paper; Table cloths of textile; Table coverings [not of paper]; Table covers; Table covers [not of paper]; Table covers of damask; Table covers of non-woven textile fabrics; Table covers of plastic; Table linen; Table linen, not of paper; Table linen of textile; Table mats made of textile materials; Table mats, not of paper; Table mats (not of paper); Table napkins of textile; Table place setting mats of textile; Table runners; Table runners not of paper; Table runners of plastic; Table runners of textile; Tablecloths, not of paper; Tablecloths of textile; Tablecloths of textiles; Tablemats, not of paper; Tablemats of textile; Taffeta; Taffeta [cloth]; Tags of textile for attachment to clothing; Tags of textile for attachment to linen; Tapestries of textile; Tapestries [wall hangings], of textile; Tapestry [wall hangings], of textile; Tartan bolting cloth; Tartan piece goods; Tartan travelling rugs; Tea cloths; Tea towels; Tensioning fabrics for upholstery; Tensioning webbing for upholstery; Terry; Terry linen; Terry towels; Textile coasters; Textile covers for duvets; Textile covers [loose] for furniture; Textile curtain pelmets; Textile fabric; Textile fabric of animal skins imitations; Textile fabric piece goods for the manufacture of upholstered furniture; Textile fabric piece goods for use in the manufacture of clothing; Textile fabrics; Textile fabrics for lingerie; Textile fabrics for making into blankets; Textile fabrics for making into clothing; Textile fabrics for making into linens; Textile fabrics for making up into household textile articles; Textile fabrics for the manufacture of clothing; Textile fabrics for use in manufacture; Textile fabrics for use in the manufacture of bedding; Textile fabrics for use in the manufacture of beds; Textile fabrics for use in the manufacture of curtains; Textile fabrics for use in the manufacture of furniture; Textile fabrics for use in the manufacture of pillowcases; Textile fabrics for use in the manufacture of sheets; Textile fabrics for use in the manufacture of sportswear; Textile fabrics for use in the manufacture of towels; Textile fabrics for use in the manufacture of wall coverings; Textile fabrics in the piece; Textile face towels; Textile filter materials; Textile flags used for place settings; Textile goods, and substitutes for textile goods; Textile goods for making headshawls and yashmaghs; Textile goods for use as bedding; Textile handkerchiefs; Textile handkerchieves; Textile labels; Textile linings in the

piece; Textile material; Textile materials for use as window coverings; Textile materials for use in the manufacture of blinds; Textile materials to be used in making blinds; Textile napkins; Textile napkins for removing makeup; Textile napkins [table linen]; Textile piece goods; Textile piece goods for clothing; Textile piece goods for furnishing purposes; Textile piece goods for making bedding covers; Textile piece goods for making curtains; Textile piece goods for making cushion covers; Textile piece goods for making into clothing; Textile piece goods for making-up into clothing; Textile piece goods for making-up into towels; Textile piece goods for use in the manufacture of boots; Textile piece goods for use in the manufacture of industrial filters; Textile piece goods for use in the manufacture of protective clothing; Textile piece goods for use in the manufacture of shoes; Textile piece goods made of cotton; Textile piece goods made of plastics materials; Textile piece goods (Polyurethane coated -) for making waterproof clothing; Textile place mats; Textile printers' blankets; Textile serviettes; Textile sheets; Textile smallwares [table linen]; Textile substitute materials made from synthetic materials; Textile tablecloths; Textile tissues; Textile used as lining for clothing; Textiles and substitutes for textiles; Textiles for furnishings; Textiles for interior decorating; Textiles for making up into articles of clothing; Textiles for upholstery; Textiles for use in the manufacture of ships sails; Textiles impervious to water but permeable to moisture; Textiles in the form of window furnishings; Textiles made of cotton; Textiles made of flannel; Textiles made of linen; Textiles made of satin; Textiles made of synthetic materials; Textiles made of velvet; Textiles made of wool; Textiles treated with a fire resistant finish; Textiles treated with a flame resistant finish; Throws; Throws (furniture coverings); Tick [linen]; Ticks (mattress and pillow coverings); Ticks [mattress covers]; Tissues being textile piece goods; Toilet seat covers; Toilet seat covers of textile; Towel sheet; Towelling coverlets; Towelling material; Towelling [textile]; Towelling [textile] adapted for use in dispensers; Towels; Towels made of textile materials; Towels of textile; Towels [of textile]; Towels of textile featuring American football team logos; Towels of textile sold in pack form; Towels of textiles; Towels [textile]; Towels [textile] for kitchen use; Towels [textile] for the beach; Towels [textile] for use in connection with babies; Towels [textile] for use in connection with toddlers; Traced cloth for embroidery; Traced cloths for embroidery; Travelling blankets; Travelling rugs; Travelling rugs [lap robes]; Trellis [cloth]; Tricot quilts; True hemp fabrics; Tulle; Tulle for dressmaking; Tulle for hatmaking; Turkish towel; Turkish towels; Underblankets; Unfitted fabric furniture covers; Unfitted fabric slipcovers for furniture; Upholstery fabrics; Upholstery materials; Valance sheets; Valanced bed covers; Valanced bed sheets; Valances; Valances for beds; Valances [textile draperies]; Valence linen; Vapour permeable fabrics; Vapour permeable plastic textile; Velours for furniture; Velvet; Vinyl cloth; Vinyl curtains; Viscose textiles; Wall

decorations of textile; Wall fabrics; Wall hangings; Wall hangings of silk; Wall hangings of textile; Wall plaques of textile; Wash cloths; Wash gloves; Washcloths; Washing gloves; Washing mitts for toilet use; Waste cotton fabrics; Water breathable fabrics; Water resistant fabrics; Water vapour permeable textiles; Waterproof cloths; Waterproof fabric; Waterproof fabrics; Waterproof fabrics for use in the manufacture of gloves; Waterproof fabrics for use in the manufacture of hats; Waterproof fabrics for use in the manufacture of jackets; Waterproof fabrics for use in the manufacture of trousers; Waterproof textile fabrics; Waterproofed textile piece goods; Window covering products made of textile material; Window curtains; Window furnishing fabrics; Wool base mixed fabrics; Wool loop knit fabrics; Wool yarn fabrics; Wool-cotton mixed fabrics; Woolen blankets; Woolen cloth; Woolen fabric; Woollen blankets; Woollen cloth; Woollen fabric; Woollen fabrics; Woollen fabrics for use in the manufacture of coats; Woollen fabrics for use in the manufacture of jackets; Woollen fabrics for use in the manufacture of suits; Woollen fabrics for use in the manufacture of trousers; Worsted fabrics; Woven cloth with breathable polyurethane coating; Woven cloth with breathable polyurethane coating for water proof garments; Woven cloth with breathable polyurethane coating sold in the piece; Woven fabrics; Woven fabrics for armchairs; Woven fabrics for cushions; Woven fabrics for furniture; Woven fabrics for making up into articles of clothing; Woven fabrics for sofas; Woven fabrics for use in the manufacture of clothing for use in clean rooms; Woven fabrics imitating animal skin; Woven fabrics imitating leather; Woven felt; Woven furnishing fabrics; Woven labels; Woven linen fabrics; Woven silk fabrics; Woven textiles having protective properties against electromagnetic rays; Zephyr [cloth]; Zephyr fabric; bedding and bedding articles; bedding for cots; cot bumpers.

Opponent's goods

Class 20

Cushions; Stadium cushions; Air cushions; Cushions [furniture]; Seat cushions; Chair cushions; Cushions (upholstery); Pet cushions; Cushions (Pet -); Soft furnishings [cushions]; Neck support cushions; Bean bag cushions; Stadium seats (Cushions for -); Cushions filled with hair; Japanese floor cushions (zabuton); Inflatable neck support cushions; Baby head support cushions; Nap mats [cushions or mattresses]; Anti-roll cushions for babies; Head support cushions for babies; Inflatable cushions, not for medical use; Air cushions, not for medical purposes; Inflatable cushions, other than for medical purposes; Beds, bedding, mattresses, pillows and cushions; Back support cushions, not for medical purposes; Plastic mesh cushioning sheets for lining shelves; Spring assemblies (Non-metallic -) for incorporation into cushions; Support cushioning for use in car safety

seats for babies; Cushions adapted to support the face [other than for medical use]; Cushions [other than for medical use] for supporting infants being examined; Air cushions in the nature of furniture [not for medical purposes]; Mattress pads; Chair pads; Padded furniture; Seat pads; Sleeping pads; Sleeping bag pads; Suction pads [fixings]; Pillows; Scented pillows; Inflatable pillows; Maternity pillows; Throw pillows; Travel pillows; Air pillows; Bath pillows; Nursing pillows; Neck pillows; Latex pillows; Bamboo pillows; Stuffed pillows; Accent pillows; Head supporting pillows; Neck-supporting pillows; Bean bag pillows; U-shaped pillows; Memory foam pillows; Storage boxes for pillows [furniture]; Head positioning pillows for babies; Air pillows, not for medical purposes; Water pillows, other than for medical purposes; Support pillows for use in baby seating; Support pillows for use in baby car safety seats; Neck pillows [other than for medical or surgical use]; Inflatable pillows [other than for medical use] for fitting around the neck; Seat pads being parts of furniture; Seats; Foam mattresses; Bench seating; Booster seats; Foam camping mattresses; Bath seats; Office seats; Shower seats; Love seats; Metallic seats; Chairs [seats]; Seats [furniture]; Seating furniture; Floating inflatable seats; Adjustable seat carriers; Floatable [inflatable] seats; Seats for children; Seats of metal; High seats [furniture]; Display cases; Fitted cupboards; Fitted furniture; Curtain fittings; Fittings for curtains; Fitted bedroom furniture; Fitted kitchen furniture; Clothes covers; Covers (Garment -) [storage]; Corner protectors of plastics; Tree protectors, not of metal; Tree protectors [tubes] not of metal; Curtain pins; Curtain rollers; Curtain rings; Rings (Curtain -); Curtain poles; Curtain rods; Rods (Curtain -); Hooks (Curtain -); Curtain tracks; Bamboo curtains; Curtains (Bamboo -); Curtain rails; Rails (Curtain -); Curtain hooks; Curtain runners; Bead curtains; Rollers (Curtain -); Curtain embraces for holding back curtains; Decorative bead curtains; Shower curtain rods; Shower curtain rails; Metal curtain rods; Shower curtain hooks; Curtain tie-backs; Curtain suspension fittings; Shower curtain rings; Rings for curtains; Poles for curtains; Curtain suspending apparatus; Metal curtain rails; Metal curtain rings; Curtain suspension devices; Curtain embraces of plastics for holding back curtains; Curtain embraces of metal for holding back curtains; Support rails for curtains; Non-metal curtain rails; Rods for net curtains; Support rods for curtains; Curtains (Bead -) for decoration; Bead curtains for decoration; Non-metal curtain rings; Non-metal curtain rods; Supports for fixing curtain poles; Supports for fixing curtain rods; Supports for supporting curtain poles; Curtain hooks made of metal; Supports for supporting curtain rods; Curtain hooks made of plastics; Tie back hooks of brass [curtain]; Curtain holders, not of textile material; Tie back hooks made of plastics [curtain]; Expanding rails of plastics for net curtains; Tie back hooks made of wood [curtain]; Curtain drawing devices, other than electrically operated; Indoor blinds, and fittings for curtains and indoor blinds;

Mattresses; Mattresses (Spring -); Straw mattress; Air mattresses; Mattress toppers; Spring mattresses; Mattress bases; Latex mattresses; Camping mattresses; Mattresses [other than child birth mattresses]; Bed mattresses; Mattress (Straw -); Straw mattresses; Futon mattresses [other than childbirth mattresses]; Inner sprung mattresses; Fire resistant mattresses; Portable mattresses for automobiles; Mattresses made of flexible wood; Floating inflatable mattresses [airbeds]; Beds incorporating inner sprung mattresses; Sleeping mats for camping [mattresses]; Air mattresses for use when camping; Inflatable mattresses for use when camping; Inflatable mattresses, other than for medical purposes; Air mattresses, not for medical purposes; Spring assemblies (Non-metallic -) for incorporation into mattresses; Bedding for cots [other than bed linen]; Bedding for nursery cots [other than bed linen]; Cots; Safety cots; Travel cots; Bumper guards for cots, other than bed linen; Cots for babies; Beds; Feather beds; Dog beds; Wooden beds; Cat beds; Water beds; Beach beds; Infant beds; Portable beds; Bed slats; Chair beds; Bed rails; Sofa beds; Camp beds; Foldaway beds; Bed chairs; Divan beds; Bed heads; Bed-settees; Adjustable beds; Bunk beds; Children's beds; Folding beds; Bed bases; Transportable beds; Bed frames; Beds of wood; Air bed lounge; Bedding, except linen; Beds for birds; Portable infant beds; Beds for animals; Bean bag beds; Beds for pets; Rods for beds; Furniture incorporating beds; Inflatable pet beds.

15. Where goods (or services) in the specification of one party are included in a broader term from the other party's specification, those goods (or services) are considered to be identical: See *Gérard Meric v OHIM*, Case T-133/05 at [29].

16. In *Canon*, Case C-39/97, the Court of Justice of the European Union ("CJEU") stated that:

"23. In assessing the similarity of the goods or services concerned, ... all the relevant factors relating to those goods or services themselves should be taken into account. Those factors include, inter alia, their nature, their intended purpose and their method of use and whether they are in competition with each other or are complementary".

17. Additionally, the factors for assessing similarity between goods and services identified in *British Sugar Plc v James Robertson & Sons Limited* ("Treat") [1996]

R.P.C. 281 include an assessment of the users and the channels of trade of the respective goods or services.

18. In *Kurt Hesse v OHIM*, Case C-50/15 P, the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v OHIM*, Case T-325/06, the General Court (“GC”) stated that “complementary” means:

“82. ...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”.

19. For the purposes of considering the issue of similarity of the goods, it is permissible to consider groups of terms collectively where appropriate: *Separode Trade Mark*, BL O-399-10.¹

20. While making my comparison, I bear in mind the comments of Floyd J. (as he then was) in *YouView TV Ltd v Total Ltd* [2012] EWHC 3158 (Ch):

"12. ... Trade mark registrations should not be allowed such a liberal interpretation that their limits become fuzzy and imprecise. ... Nevertheless the principle should not be taken too far. ... Where words or phrases in their ordinary and natural meaning are apt to cover the category of goods in question, there is equally no justification for straining the language unnaturally so as to produce a narrow meaning which does not cover the goods in question."

21. Under section 5(1), the contested goods must be identical to the goods relied upon under the earlier mark, while under section 5(2)(a) and section 5(2)(b), there must be a degree of similarity between the contested goods: see paragraph 49 of *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA.

¹ Paragraph 5

22. In *RALEIGH INTERNATIONAL Trade Mark* [2001] RPC 11, Mr Geoffrey Hobbs QC (as he then was), sitting as the Appointed Person, observed that when goods or services are not identical or self-evidently similar, the opposition should be supported by evidence as to their similarity.²

23. Given that I have already found the marks at issue to be identical, the opposition will succeed under section 5(1) for any goods that are identical. If the goods are similar, the opposition will succeed under section 5(2) if I conclude that there is a likelihood of confusion.

24. The disputed goods in these proceedings are extensive, as are the goods relied upon by the opponent. Further, there are goods within the specifications which do not appear to have any prospect of success under either 5(1) or 5(2)(a) and (b). The opponent made no submissions as to how it considers the goods to be similar or identical. Accordingly, in a letter dated 4 July 2024, the opponent was invited to identify which particular part of its specification it considered to be its best case in relation to each particular part of the applicant's specification. The opponent was informed that should it not provide (or adequately provide) the requested information, then I would proceed on the basis that the goods were dissimilar unless it was obvious to me as to where the similarities lie.

25. As no response has been received by the given deadline, in view of the breadth of the respective specifications, I have taken a pragmatic approach to the comparison of goods, and, as per *Separode*, I have grouped them collectively in as few groups as I consider logical. Further, where the terms listed are particularly wide or vague, I have endeavoured to follow the principle outlined in *YouView* by comparing what I consider to be the core meaning of the goods, without affording them neither a too liberal, nor an artificially narrow, interpretation.

26. Pursuant to section 60A of the Act, I am mindful of the fact that the goods may not be automatically found to be dissimilar simply because they fall in a different class.

² Paragraph 20

The contested goods in class 10

Cushions [other than for medical use].

27. While the above term has been accepted in class 10 at examination stage, I consider this to be an anomaly. Although the Nice Classification is purely administrative,³ goods in this class essentially cover those for medical, dental or veterinary use. The applicant's goods specify *Cushions [other than for medical use]*. Consequently, the term does not belong in class 10 and is proper to class 20. As such, I consider the goods to be identical to the opponent's "cushions" in class 20.

Support mattresses for medical use; Cervical pillows for medical use; Cushions for medical use for supporting infants being examined; Cushions for medical use, adapted to support the face; Air pillows for medical purposes; Mattresses for medical use; Padded neck supports [cushions] for surgical use; Air pillows for babies [medical purposes]; Pillows for orthopedic use; Air pillows for infants [medical purposes]; Water pillows for medical purposes; Cushions for medical purposes; Inflatable cushions for medical use; Padded cushions for medical purposes; Cushions for medical use for supporting infants while being bathed; Massage beds for medical purposes; Inflatable cushions for medical purposes; Inflatable mattresses for medical purposes; Medical blankets for the cooling of patients; Air cushions for medical purposes; Blankets for medical purposes; Contoured cushions for patients' use on beds [adapted for medical purposes]; Medical blankets for the warming of patients; Sheets [drapes] for medical use; Ice bag pillows for medical purposes; Air mattresses, for medical purposes; Air mattresses for medical purposes; Medical patient treatment chairs; Bed bases for beds especially made for medical purposes; Air mattresses for babies [for medical purposes]; Electric blankets [bed] for medical use; Medical furniture and bedding, equipment for moving patients; Air beds for medical purposes; Cushions [pads] (heating -), for medical purposes; Air mattresses for infants [for medical purposes]; Alternating pressure mattresses for medical use; Cushioning devices for medical use; Contoured cushions for patients' use on chairs [adapted for medical purposes];

³ See *Mould Pro* decision Case T-794/21 at {22-28}.

Hydrostatic beds for medical purposes; Shaped padding for supporting parts of the body [medical use]; Medical procedure chairs; Support Pillows and Support Cushions for treatment of GERD, acid reflux and similar ailments; Support Pillows and Support Cushions for body, leg, arm, shoulder alignment, namely post surgery and during recovery; Heat beds for medical treatment; Armchairs for medical or dental purposes; Pillows for therapeutic use; Beds, specially made for medical purposes; Beds specially made for medical purposes; Examination chairs specially made for medical use; Orthopedic cushions; Special furniture for medical use; Hybrid beds being soft sided waterbeds [for medical use]; Examination couches specially made for medical use; Water beds for medical purposes; Chairs especially made for medical use; Furniture adapted for medical treatment use; wedge pillows for medical purposes; support pillows in wedge shape or other shapes for medical purposes.

28. The above goods include the likes of cushions and pillows, bedding and furniture, while the opponent's goods in class 20 also includes various cushions and pillows, bedding and furniture. However, the applicant's aforementioned goods are all specifically for medical purposes. I consider the basic nature of the goods to be similar, although the purpose of the opposing goods is different – the applicant's goods will be selected to address or alleviate a particular medical problem, while the opponent's goods are everyday items used by ordinary members of the general public which are not specifically intended for any such medical use. As such, the channels of trade will be different; the applicant's goods are likely to be sourced from specialist providers, while the opponent's good will be sourced from general retailers of such goods. I do not consider the goods to be in competition, neither are they complementary. In *Unicorn Studio Inc v Veronese* Case CH-2023-000214, Iain Purvis, KC, sitting as deputy High Court judge, stated that any finding of similarity (between goods and services) requires the exercise of common sense.⁴ However, given that both trade marks contain the word "Health" even though the opponent's goods are not specifically for medical use, it would not be unreasonable for the consumer of the respective goods to mistakenly believe that the goods bearing such identical marks have been provided by the same or economically linked undertakings.

⁴ At [24].

Overall, I find the applicant's above goods and the opponent's goods in class 20 to be similar to a low degree.

Medical supports for the body; Ankle supports for medical use; Knee supports for medical use; Shoulder supports for medical use; Orthopaedic supports;; Wrist supports for medical use; Medical support hosiery; Orthopedic support bandages; Back supports for medical purposes; Support bandages for medical purposes; Support garments for medical use; Medical support tights; Orthopaedic supports for feet; Alternating pressure supports for medical use; Padded neck supports for surgical use; Orthopaedic compression supports; Medical bags designed to hold medical instruments; Clothing, headgear and footwear, braces and supports, for medical purposes; Maternity support belts for medical purposes; Arch supports [orthopaedic]; Dental foundation supports; Splinting (Supportive -) for medical use; Therapeutic support bandages; Orthopaedic supports for heels; Splints for medical use; Heel supports for orthopaedic use; Support bandages; Medical aids for use in stoma care; Belts for attaching medical monitors to patients; Medical stretchers; Medical trays; Slings for medical use; Arch supports for orthopaedic shoes; Support stockings for surgical use; Splints [for medical purposes]; Bandages [supportive] for veterinary use; Medical prostheses; Abdominal pads for medical use; Pads (Abdominal -) for medical use; Pressure bandages for anatomical support purposes; Prostheses for medical treatment; Compression socks for medical or therapeutic use; Medical devices.

29. The applicant's remaining goods in class 10 include a variety of medical, dental and veterinary supports and medical devices. I consider the applicant's goods to be different in nature, purpose and method of use to those of the opponent, they do not share channels of trade, and the goods are neither in competition nor complementary. In the absence of evidence to the contrary, I find the applicant's goods and the opponent's goods to be dissimilar.

The contested goods in class 24

Curtain holders of cloth; Curtain holders of textile material; Curtain holders of textile materials; Curtain holders or tiebacks of textile; Curtain holders (Textile -); Curtain

loops made of textile materials; Curtain loops of textile material; Curtain tie-backs of textile.

30. In my view, curtain holders and curtain loops are essentially the same as curtain tiebacks, all serving to hold the curtain in place when drawn open. The opponent has protection for “*Curtain tie-backs*” in class 20 and given that the competing goods fall under different classes, they are unlikely to be identical to the applicant’s “*Curtain tie-backs of textile*” by way of the material of manufacture. However, they share the same purpose and basic method of use, they will have the same users and share channels of trade. They are also likely to be in competition with the consumer electing the style and material of one type over the other. As such, I consider the competing goods to be similar to a very high degree.

Bed blankets; Bed blankets made of cotton; Bed blankets made of man-made fibres; Bed canopies; Bed clothes; Bed clothes and blankets; Bed coverings; Bed covers; Bed covers of paper; Bed linen; Bed linen and blankets; Bed linen ... ; Bed linen made of non-woven textile material; Bed linen of paper; Bed pads; Bed quilts; Bed sheets; Bed sheets of paper; Bed sheets of plastic [not being incontinence sheets]; Bed sheets of plastic, not being incontinence sheets; Bed skirts; Bed spreads; Bed throws; Bed valances; Bed warmer covers; Bedroom textile fabrics; Bedsheets; Bedspreads; Blanket throws; Blankets (Bed -); Blankets for household pets; Blankets for outdoor use; Canopies (bed linen); Canopies [covers for beds]; Canopy covers; Children's blankets; Comforters; Comforters (bedding); Comforters [covers]; Comforters for beds; Contour sheets; Contoured mattress covers; Cot blankets; Cot covers; Cot sheets; Counterpanes; Coverlets; Coverlets [bedspreads]; Covers for cushions; Covers for duvets; Covers for eiderdown and duvets; Covers for mattresses; Covers for pillows; Crib canopies; Crib sheets; Curtain valances; Curtains; Curtains ... of textiles... ; Curtains for windows; Curtains made from textile materials; Curtains made of textile fabrics; Curtains made of textile materials; Curtains [made up or in the piece]; Curtains of textile; Curtains of textile material; Curtains of textile...; Curtains of textiles...; Cushion covers; Cushions (Covers for -); Disposable bedding of paper; Disposable bedding of textile; Down quilts; Draperies; Draperies [thick drop curtains]; Drapery; Drapes; Drapes in the nature of curtains; Drapes in the nature of curtains made of textile materials; Duvet covers; Duvets; Duvets filled with goose down;

Duvets filled with goose feathers; Eiderdown covers; Eiderdowns; Eiderdowns [down coverlets]; Eiderdowns [quilts]; Fabric bed valances; Fabric curtains; Fabric valances; Fabric valences; Futon quilts; Indoor ... curtains; Infants' bed linen; Linen (Bed -); Linen for the bed; Mattress covers; Mattress slips [other than incontinence]; Moquettes [curtains]; Paper pillowcases; Pelmets; Pillow cases; Pillow covers; Pillow shams; Pillow slips; Pillowcases; Pillowcases [pillow slips]; Pillowcovers; Pleated curtains; Protective loose covers for mattresses ... ; Quilt bedding mats; Quilt covers; Quilted blankets [bedding]; Quilts; Quilts filled with down; Quilts filled with feathers; Quilts filled with half down; Quilts filled with stuffing materials; Quilts filled with synthetic stuffing materials; Quilts of textile; Quilts of towel; Ready made curtains; Ready made curtains of textiles; Shams; Shams (Pillow -); Silk bed blankets; Silk blankets; Small curtains made of textile materials; Swags [curtains]; Textile covers for duvets; Textile curtain pelmets; Textile goods for use as bedding; Textile sheets; Tick [linen]; Ticks (mattress and pillow coverings); Ticks [mattress covers]; Underblankets; Valance sheets; Valanced bed covers; Valanced bed sheets; Valances; Valances for beds; Valances [textile draperies]; Valence linen; Window covering products made of textile material; Window curtains; Woolen blankets; Woollen blankets; bedding and bedding articles; bedding for cots; cot bumpers.

31. To my mind, while for the purposes of classification, the term “bedding” is in class 20 and the likes of “bed linen” is proper to class 24, I consider to many consumers they will be seen as one and the same. I note that no submissions specifically in this regard have been made by either party, although the applicant has submitted in its counterstatement that its textile products in class 24 are “distinctly different from those covered by the opponent’s trademark in Class 20”. The applicant’s various bed linen products listed above share the same purpose as the opponent’s broad term “bedding” in class 20, in as much that they are intended to be used on beds, and include, for example, sheets, blankets, pillow cases, duvets and duvet covers. There will be an overlap in users of the above goods and the opponent’s bedding, as well as for its pillows and mattresses. Further, I consider there to be an element of complementarity as without goods such as the opponent’s pillows, there would be no need for the applicant’s pillow cases. I find the same to be true of the applicant’s covers for cushions with the opponent’s cushions, and the two are often sold together as a set, as well as individually. I also consider that it would not be unreasonable for

the consumer of bedding and bed linen to expect the same undertaking to also provide matching (textile) curtains.⁵ The goods at hand will share trade channels and are likely to be found in relatively close proximity in retail outlets. Overall, I find there to be a medium degree of similarity between the goods.

Adhesive fabric; Adhesive fabric for application by heat; Adhesive fabrics for application by heat; Adhesive labels (Textile -); Adhesive materials in the form of stickers [textile]; Aeronautical balloons (Fabric impervious to gases for -); Afghans; Afghans [knitted covers]; Apparel fabrics; Artificial silk; Baby buntings; Badges made of fabric material; Bags for sleeping bags [specifically adapted]; Ballistic resistant fabrics; Balloons (Fabric impervious to gases for aeronautical -); Banners; Banners of textile; Banners of textile or plastic; Banners textile; Bar cloths; Bath linen; Bath linen, except clothing; Bath mitts; Bath sheets; Bath sheets (towels); Bath towels; Bathroom towels; Beach towels; Bean bag covers; ... table linen; Billiard cloth; Billiard cloth [baize]; Billiard table baize; Bolting cloth; Borders (textile wall hangings); Breathable piece goods made of textile materials bonded with plastics; Breathable piece goods made of textile materials bonded with rubber; Breathable waterproof fabrics; Broad woven industrial fabrics; Brocade; Brocade flags; Brocades; Buckram; Bunting; Bunting flags; Bunting of textile or plastic; Calico; Calico cloth (Printed -); Canvas; Canvas for embroidery; Canvas for tapestry; Canvas for tapestry or embroidery; Chair backs [textile articles]; Chair covers; Cheese cloth; Chemical fiber base mixed fabrics; Chemical fiber fabrics; Chemical fibre loop knit fabrics; Chemical fibre mixed fabrics; Chenile fabric; Chenille fabric; Cheviot fabric; Cheviots [cloth]; Children's towels; Cloth; Cloth banners; Cloth bunting; Cloth coasters; Cloth doilies; Cloth flags; Cloth for tatami mat edging ribbons; Cloth handkerchiefs; Cloth labels; Cloth napkins; Cloth napkins for removing makeup; Cloth napkins for removing make-up; Cloth pennants; Cloth with a raised nap; Cloths; Cloths for removing make-up; Cloths for washing the body [other than for medical use]; Cloths of non-woven textile material for washing the body [other than for medical use]; Cloths of woven textile material for washing the body [other than for medical use]; Coasters of textile; Coasters [table linen]; Coated fabrics; Coated fabrics for use in the manufacture of leather goods; Coated fabrics for use in the manufacture of luggage; Coated fabrics

⁵ But not plastic, lace or net curtains.

for use in the manufacture of rainwear; Coated textiles; Coated woven textile materials; Coating fabric; Composite textile materials; Corduroy fabrics; Cotton base mixed fabrics; Cotton cloths; Cotton fabric; Cotton fabrics; Cotton knitted fabric; Covered rubber yarn fabrics [for textile use]; Coverings for furniture; Coverings for windows; Coverings (Furniture -) of textile; Coverings (Loose -) for furniture; Coverings of plastic for furniture; Coverings of plastics for furniture; Coverings of textile and of plastic for furniture (not fitted); Coverings of textile and of plastic for furniture (unfitted); Covers (fitted toilet lid -)[fabric]; Covers (Fitted toilet lid -) of fabric; Covers for toilet lids of fabric; Covers [loose] for furniture; Covers of textile for toilet seats; Covers of textile for water closets; Crepe cloth; Crepe [fabric]; Crepe fabrics; Crepon; Curtain fabric; Curtain fabrics; Curtain linings; Curtain material; Curtaining material being textile piece goods; Curtaining materials; ... lace curtains of textiles or plastic; Curtains for showers; Curtains made of plastics; Curtains made of plastics for use in shower baths; Curtains of plastic; Curtains of ... plastic; Curtains of ... plastic; Cushion covering materials; Damask; Denim [cloth]; Denim fabric; Diaper changing cloths for babies; Diapered linen; Dimity; Dish cloths; Dish cloths of textile for drying; Dish towels for drying; Disposable cloths; Disposable tablecloths of textile; Disposable wash cloths; Doilies of textile; Door curtains; Drink coasters of table linen; Drugget; Dryer fabrics all for use in the paper making industry; Dryer felts all for use in the paper making industry; Elastic fabrics for clothing; Elastic woven material; Elastic woven materials; Elastic yarn mixed fabrics; Elasticated woven textile materials; Embroidery fabric; Embroidery (Traced cloth for -); Esparto fabric; Fabric; Fabric cascades; Fabric coated with rubber or plastics; Fabric flags; Fabric for footwear; Fabric for manufacturing men's outerwear; Fabric for manufacturing women's outerwear; Fabric for use in the manufacture of bags; Fabric for use in the manufacture of cases; Fabric for use in the manufacture of clothing; Fabric for use in the manufacture of purses; Fabric for use in the manufacture of umbrellas; Fabric for use in the manufacture of wallets; Fabric, impervious to gases, for aeronautical balloons; Fabric linings for clothing; Fabric linings for headgear; Fabric of imitation animal skin; Fabric of imitation animal skins; Fabric on the roll; Fabric place mats; Fabric table runners; Fabric table toppers; Fabric used for orthotic devices; Fabrics; Fabrics being textile goods in roll form; Fabrics being textile piece goods; Fabrics being textile piece goods for use in embroidery; Fabrics being textile piece goods for use in manufacture; Fabrics being textile piece goods for use in patchwork; Fabrics

being textile piece goods for use in tapestry; Fabrics being textile piece goods made of mixtures of fibres; Fabrics covered with motifs to be embroidered; Fabrics for industrial use; Fabrics for interior decorating; Fabrics for making curtains; Fabrics for manufacturing garden furniture; Fabrics for manufacturing sun protectors; Fabrics for manufacturing swimming pool covers; Fabrics for manufacturing tarpaulins; Fabrics for manufacturing tents; Fabrics for sale in kit form for making toy monsters; Fabrics for shirts; Fabrics for textile use; Fabrics for the manufacture of furnishings; Fabrics for use as linings in clothing; Fabrics for use in covering armchairs; Fabrics for use in making diapers; Fabrics for use in making incontinence pads; Fabrics for use in making jerseys; Fabrics for use in the manufacture of exterior coverings for chairs; Fabrics made from acrylic, other than for insulation; Fabrics made from artificial fibres [for insulation]; Fabrics made from artificial fibres [other than for insulation]; Fabrics made from ceramic fibres, other than for insulation; Fabrics made from cotton, other than for insulation; Fabrics made from linen, other than for insulation; Fabrics made from natural fibres, other than for insulation; Fabrics made from nylon, other than for insulation; Fabrics made from polyester, other than for insulation; Fabrics made from silk, other than for insulation; Fabrics made from synthetic fibres [other than insulation]; Fabrics made from synthetic threads; Fabrics made from synthetic yarns; Fabrics made from wool, other than for insulation; Fabrics made of mixed synthetic and natural fibres, other than for insulation; Fabrics of carbon fibre, other than for insulation; Fabrics of chemically produced fibres, other than for insulation; Fabrics of inorganic fibres, other than for insulation; Fabrics of man-made fibres being textile goods in piece form; Fabrics of organic fibres, other than for insulation; Fabrics [piece goods]; Fabrics [textile piece goods] made of carbon fibre; Fabrics woven from ceramic fibres, other than for insulation; Face cloths; Face cloths of textile; Face cloths of towelling; Face flannels in the form of gloves; Face flannels of textile; Face towels; Face towels [made of textile materials]; Face towels of textile; Face towels of textiles; Felt; Felt cloth; Felt for use by papermakers; Felt pennants; Felt piece goods; Felts; Fiberglass fabric for textile use; Fiberglass fabrics for textile use; Fiberglass fabrics, for textile use; Fibre fabrics for the manufacture of the exterior coverings of furniture; Fibre fabrics for use in the manufacture of articles of clothing; Fibre fabrics for use in the manufacture of linings of bags; Fibre fabrics for use in the manufacture of linings of shoes; Fibreglass fabrics for textile use; Filter fibers [textile]; Filtering cloth; Filtering materials of textile; Filters made of textile materials; Fireproof

upholstery fabrics; Fire-retardant textile shower curtains; Fitted toilet covers [fabric]; Fitted toilet lid covers [made of fabric or fabric substitutes]; Fitted toilet lid covers of fabric; Fitted toilet seat covers of textile; Flags and pennants of textile; Flags, not of paper; Flags of textile; Flags of textile or plastic; Flame resistant fabrics; Flame retardant fabrics [other than asbestos]; Flannel; Flannel [fabric]; Flannel (Sanitary -); Flax cloth; Flax fabrics; Fleece made from copolymers; Fleece made from polyester; Fleece made from polypropylene; Flocked fabrics; Fly netting of plastic; Foils of plastics for the manufacture of disposable capes; Foils of plastics for the manufacture of disposable clothes; Foils of plastics for the manufacture of disposable linen; Footwear (Fabric for -); Forming fabrics all for use in the paper making industry; Forming felts all for use in the paper making industry; Foulard [fabric]; Frieze; Frieze [cloth]; Friezes of textile; Friezes [textile wall hangings]; Furnishing and upholstery fabrics; Furnishing fabrics; Furnishing fabrics being textile piece goods; Furnishing fabrics in the piece; Furniture coverings made of plastic materials; Furniture coverings of plastic; Furniture coverings of textile; Furniture coverings (unfitted); Furniture (Loose covers for -); Fustian; Gauze [cloth]; Gauze fabric; Gift wrap of fabric; Glass cloths [towels]; Glass-cloth [towels]; Golf towels; Grid-type fabrics; Gummed cloth, other than for stationery; Gummed cloth, other than for stationery purposes; Gummed waterproof cloth; Haircloth [sackcloth]; Hand spun silk fabrics; Hand towels; Hand towels of textile; Handcrafted textile wall hangings; Handkerchiefs of textile; Handkerchiefs of textiles; Hand-towels made of textile fabrics; Hat linings, of textile, in the piece; Heat formable non-woven textile materials; Heat resistant fabrics [other than for insulation]; Heat-activated adhesive fabrics; Hemp base mixed fabrics; Hemp cloth; Hemp fabric; Hemp yarn fabrics; Hemp-cotton mixed fabrics; Hemp-silk mixed fabrics; Hemp-wool mixed fabrics; Hessian; Honeycomb materials [textiles]; Hooded towels; Household cloths for drying dishes; Household cloths for drying glasses; Household linen; Household linen, including face towels; Household linens; Household textile articles; Household textile articles made from non-woven materials; Household textile goods; Household textile piece goods; Household textiles; Individual place mats made of textile; ... outdoor curtains; Industrial fabrics; Inlay materials of non-woven fabrics; Inorganic fiber mixed fabrics; Inorganic fibre mixed fabrics; Insect protection nets; Insecticide-treated mosquito nets; Interfacings; Interior decoration fabrics; Interlining; Interlining materials; Interlinings made of non-woven fabrics; Iron-on cloth labels; Japanese ceremonial wrapping cloth (Fukusa); Japanese

cotton towels (tenugui); Japanese general wrapping cloth (Furoshiki); Jersey [fabric]; Jersey fabrics for clothing; Jersey material [fabric]; Jute cloth; Jute fabric; Jute fabrics; Kashmir fabric; Kit comprised of fabrics for making quilts; Kitchen and table linens; Kitchen linen; Kitchen towels; Kitchen towels [textile]; Knit lace fabrics; Knitted elastic fabrics for bodices; Knitted elastic fabrics for gymnastic dresses; Knitted elastic fabrics for ladies underwear; Knitted elastic fabrics for sportswear; Knitted fabric; Knitted fabrics; Knitted fabrics of chemical-fiber yarn; Knitted fabrics of cotton yarn; Knitted fabrics of silk yarn; Knitted fabrics of wool yarn; Labels [cloth]; Labels made of textile materials; Labels of cloth; Labels of textile; Labels of textile for bar codes; Labels of textile for identifying clothing; Labels (textile); Labels (Textile -) for identifying clothing; Labels (Textile -) for identifying linen; Labels (Textile -) for marking clothing; Labels (Textile -) for marking linen; Lace curtains; Lace fabrics; Lace table mats not made of paper; Laminated fabrics; Laminated textile piece goods having insulating properties; Lap blankets; Lap rugs; Lap-robies; Large bath towels; Linen; Linen cloth; Linen (Diapered -); Linen [fabric]; Linen for household purposes; Linen (Household -); Linen lining fabric for shoes; Linens; Lingerie fabric; Lingerie fabrics; Lining fabric for footwear; Lining fabric for shoes; Lining fabrics; Lining fabrics for shoes; Lining fabrics of textile in the piece; Linings (Hat -), of textile, in the piece; Linings [textile]; Loden cloth; Loop knit fabrics; Loose coverings for furniture; Loose covers for furniture; Loose covers for garden furniture; Loose covers made of textile materials for furniture; Loose furniture coverings; Make-up (Napkins for removing -) [cloth]; Make-up pads of textile; Make-up pads of textile for removing make-up; Make-up removal cloths [textile], other than impregnated with cosmetics; Make-up removal cloths [textile], other than impregnated with toilet preparations; Make-up removal towels [textile] other than impregnated with cosmetics; Make-up removal towels [textile] other than impregnated with toilet preparations; Make-up removal wipes [textile] other than impregnated with cosmetics; Make-up removal wipes [textile] other than impregnated with toilet preparations; Marabouts [cloth]; Markers [labels] of cloth for textile fabrics; Material (Textile -); Materials for making into clothing; Materials for soft furnishings; Materials for upholstery; Materials for use in filtration [textile]; Materials for use in making clothes; Materials (Textile -) for use in the manufacture of footwear; Materials (Textile -) for use in the manufacture of insoles; Materials (Textile -) for use in the manufacture of linings for footwear; Materials (Textile -) for use in the manufacture of soles; Mats [coasters] of textile; Mats (Drip -) of textile for glasses;

Mats of linen; Mats (Place -), not of paper; Mesh-woven fabrics; Metal fiber fabrics; Mitts for washing the body; Mitts made of non-woven fabric for washing the body; Mitts (Washing -); Mixed fiber fabrics; Mole skin; Moleskin [fabric]; Moquettes [fabric]; Mosquito nets; Multiple-ply antistatic fabrics; Mural hangings [textile]; Muslin; Nap raised cloth; Napery of textile; Napery [textile]; Napkin liners of textile; Napkins of textile (Table -); Narrow woven fabrics; Net curtains; Nets (Mosquito -); Nightdress cases of textile; Non-woven cloth; Non-woven fabric; Non-woven fabrics; Non-woven fabrics for use with linings; Non-woven fabrics for use with paddings; Non-woven fabrics in the form of blanks for use in manufacture; Non-woven fabrics in the form of rolls for use in manufacture; Non-woven fabrics in the form of sheeting for use in manufacture; Non-woven fabrics in the form of sheets for use in manufacture; Non-woven fabrics made substantially of paper; Non-woven fabrics of natural fibres; Non-woven fabrics of synthetic fibres; Non-woven felts; Non-woven piece goods; Non-woven reinforcing fabrics; Non-woven textile articles; Non-woven textile fabrics; Non-woven textile fabrics for use as interlinings; Non-woven textile piece goods; Non-woven textiles; Nylon fabric; Nylon flags; Oil cloths; Oilcloth; Oilcloth for use as tablecloths; Padded coverings [hangings of textile] for existing walls; Paper yarn fabrics for textile use; Patterned textiles for use in embroidery; Pennants [flags], other than of paper; Pennants of textile; Piece goods made of non-woven plastic material; Piece goods made of textile materials bonded with plastics; Piece goods made of textile materials bonded with rubbers; Piece goods made of woven plastic material; Piece goods (Textile -); Piled fabrics; Place mats, not of paper; Place mats of textile; Place mats of textile material; Plastic banners; Plastic bunting; Plastic flags; Plastic material [substitute for fabrics]; Plastic material substitutes for fabric; Plastic material [substitutes for fabrics]; Plastic pennants; Plastic reinforced fabrics; Plastic substitutes for fabrics; Plastic table cloths; Plastic woven textile materials for use in agriculture; Pleated shades; Pocket handkerchiefs of textile; Polyester fabric; Polyester textiles; Polymer coated fabrics; Polypropylene spunbonded non-woven textile fabrics; Prayer cloth; Precut fabrics for needlecraft; Press fabrics all for use in the paper making industry; Press felt; Press felts all for use in the paper making industry; Printed calico cloth; Printed fabrics; Printed textile labels; Printed textile piece goods; Printers' blankets of textile; Printing blankets of textile material; Protective coverings for furniture [loose]; Protective covers for furniture [loose]; Protective loose covers ... furniture; Rags for paper making; Ramie fabric; Ramie

fabrics; Rayon fabric; Ready made curtains of plastics; Receiving blankets; Regenerated fiber yarn fabrics; Reinforced fabrics [textile]; Removable covers of textile for electronic apparatus [not fitted or shaped]; Replacement seat covers [loose] for furniture; Resin impregnated textile fabrics; Roll felt; Rubber covered yarn fabrics; Rubberised cloth; Rubberised fabrics; Rubberized cloth; Rubberized cloths; Rubberized textile fabrics; Runners (Table -); Runners [textile] for table tops; Sackcloth; Sail cloth; Sanitary flannel; Screen printing fabrics for the glass industry; Seat covers [loose] for furniture; Self-adhesive cloth labels; Semi-synthetic fiber fabrics; Serviettes of textile; Sheets of sailcloth for screening; Sheets [textile]; Shirt fabrics; Shirtings; Shower curtains; Shower curtains made of plastic material; Shower curtains of textile or plastic; Shower room curtains; Shrouds; Silk base mixed fabrics; Silk cloth; Silk [cloth]; Silk fabric for printing patterns; Silk fabrics; Silk fabrics for furniture; Silk fabrics for printing patterns; Silk-cotton mixed fabrics; Silk-wool mixed fabrics; Sleeping bag liners; Sleeping bag sheet liners; Sleeping bags; Sleeping bags for babies; Sleeping bags [sheeting]; Sofa covers; Soft furnishings; Soft pelmets; Sponge cloths for textile use; Sponge cloths [textile piece goods]; Spun silk fabrics; Streamers of textile; Stretch canvas for embroidery; Suit lengths; Suiting materials [textile]; Swags [window treatments]; Synthetic fiber fabric; Synthetic fiber fabrics; Synthetic textile piece goods; Table cloth of textile; Table cloths; Table cloths made of textile; Table cloths not of paper; Table cloths, not of paper; Table cloths of textile; Table coverings [not of paper]; Table covers; Table covers [not of paper]; Table covers of damask; Table covers of non-woven textile fabrics; Table covers of plastic; Table linen; Table linen, not of paper; Table linen of textile; Table mats made of textile materials; Table mats, not of paper; Table mats (not of paper); Table napkins of textile; Table place setting mats of textile; Table runners; Table runners not of paper; Table runners of plastic; Table runners of textile; Tablecloths, not of paper; Tablecloths of textile; Tablecloths of textiles; Tablemats, not of paper; Tablemats of textile; Taffeta; Taffeta [cloth]; Tags of textile for attachment to clothing; Tags of textile for attachment to linen; Tapestries of textile; Tapestries [wall hangings], of textile; Tapestry [wall hangings], of textile; Tartan bolting cloth; Tartan piece goods; Tartan travelling rugs; Tea cloths; Tea towels; Tensioning fabrics for upholstery; Tensioning webbing for upholstery; Terry; Terry linen; Terry towels; Textile coasters; Textile covers [loose] for furniture; Textile curtain pelmets; Textile fabric; Textile fabric of animal skins imitations; Textile fabric piece goods for the manufacture of upholstered

furniture; Textile fabric piece goods for use in the manufacture of clothing; Textile fabrics; Textile fabrics for lingerie; Textile fabrics for making into blankets; Textile fabrics for making into clothing; Textile fabrics for making into linens; Textile fabrics for making up into household textile articles; Textile fabrics for the manufacture of clothing; Textile fabrics for use in manufacture; Textile fabrics for use in the manufacture of bedding; Textile fabrics for use in the manufacture of beds; Textile fabrics for use in the manufacture of curtains; Textile fabrics for use in the manufacture of furniture; Textile fabrics for use in the manufacture of pillowcases; Textile fabrics for use in the manufacture of sheets; Textile fabrics for use in the manufacture of sportswear; Textile fabrics for use in the manufacture of towels; Textile fabrics for use in the manufacture of wall coverings; Textile fabrics in the piece; Textile face towels; Textile filter materials; Textile flags used for place settings; Textile goods, and substitutes for textile goods; Textile goods for making headshaws and yashmaghs; Textile handkerchiefs; Textile handkerchieves; Textile labels; Textile linings in the piece; Textile material; Textile materials for use as window coverings; Textile materials for use in the manufacture of blinds; Textile materials to be used in making blinds; Textile napkins; Textile napkins for removing makeup; Textile napkins [table linen]; Textile piece goods; Textile piece goods for clothing; Textile piece goods for furnishing purposes; Textile piece goods for making bedding covers; Textile piece goods for making curtains; Textile piece goods for making cushion covers; Textile piece goods for making into clothing; Textile piece goods for making-up into clothing; Textile piece goods for making-up into towels; Textile piece goods for use in the manufacture of boots; Textile piece goods for use in the manufacture of industrial filters; Textile piece goods for use in the manufacture of protective clothing; Textile piece goods for use in the manufacture of shoes; Textile piece goods made of cotton; Textile piece goods made of plastics materials; Textile piece goods (Polyurethane coated -) for making waterproof clothing; Textile place mats; Textile printers' blankets; Textile serviettes; Textile smallwares [table linen]; Textile substitute materials made from synthetic materials; Textile tablecloths; Textile tissues; Textile used as lining for clothing; Textiles and substitutes for textiles; Textiles for furnishings; Textiles for interior decorating; Textiles for making up into articles of clothing; Textiles for upholstery; Textiles for use in the manufacture of ships sails; Textiles impervious to water but permeable to moisture; Textiles in the form of window furnishings; Textiles made of cotton; Textiles made of flannel; Textiles made of linen; Textiles made of

satins; Textiles made of synthetic materials; Textiles made of velvet; Textiles made of wool; Textiles treated with a fire resistant finish; Textiles treated with a flame resistant finish; Throws; Throws (furniture coverings); Tissues being textile piece goods; Toilet seat covers; Toilet seat covers of textile; Towel sheet; Towelling coverlets; Towelling material; Towelling [textile]; Towelling [textile] adapted for use in dispensers; Towels; Towels made of textile materials; Towels of textile; Towels [of textile]; Towels of textile featuring American football team logos; Towels of textile sold in pack form; Towels of textiles; Towels [textile]; Towels [textile] for kitchen use; Towels [textile] for the beach; Towels [textile] for use in connection with babies; Towels [textile] for use in connection with toddlers; Traced cloth for embroidery; Traced cloths for embroidery; Travelling blankets; Travelling rugs; Travelling rugs [lap robes]; Trellis [cloth]; Tricot quilts; True hemp fabrics; Tulle; Tulle for dressmaking; Tulle for hatmaking; Turkish towel; Turkish towels; Unfitted fabric furniture covers; Unfitted fabric slipcovers for furniture; Upholstery fabrics; Upholstery materials; Vapour permeable fabrics; Vapour permeable plastic textile; Velours for furniture; Velvet; Vinyl cloth; Vinyl curtains; Viscose textiles; Wall decorations of textile; Wall fabrics; Wall hangings; Wall hangings of silk; Wall hangings of textile; Wall plaques of textile; Wash cloths; Wash gloves; Washcloths; Washing gloves; Washing mitts for toilet use; Waste cotton fabrics; Water breathable fabrics; Water resistant fabrics; Water vapour permeable textiles; Waterproof cloths; Waterproof fabric; Waterproof fabrics; Waterproof fabrics for use in the manufacture of gloves; Waterproof fabrics for use in the manufacture of hats; Waterproof fabrics for use in the manufacture of jackets; Waterproof fabrics for use in the manufacture of trousers; Waterproof textile fabrics; Waterproofed textile piece goods; Window furnishing fabrics; Wool base mixed fabrics; Wool loop knit fabrics; Wool yarn fabrics; Wool-cotton mixed fabrics; Woolen cloth; Woolen fabric; Woollen cloth; Woollen fabric; Woollen fabrics; Woollen fabrics for use in the manufacture of coats; Woollen fabrics for use in the manufacture of jackets; Woollen fabrics for use in the manufacture of suits; Woollen fabrics for use in the manufacture of trousers; Worsted fabrics; Woven cloth with breathable polyurethane coating; Woven cloth with breathable polyurethane coating for water proof garments; Woven cloth with breathable polyurethane coating sold in the piece; Woven fabrics; Woven fabrics for armchairs; Woven fabrics for cushions; Woven fabrics for furniture; Woven fabrics for making up into articles of clothing; Woven fabrics for sofas; Woven fabrics for use in the manufacture of clothing for use in clean rooms; Woven fabrics imitating

animal skin; Woven fabrics imitating leather; Woven felt; Woven furnishing fabrics; Woven labels; Woven linen fabrics; Woven silk fabrics; Woven textiles having protective properties against electromagnetic rays; Zephyr [cloth]; Zephyr fabric.

32. For the remaining goods in class 24, as listed above, in the absence of evidence to the contrary, I see nothing which strikes me as being obviously similar to the opponent's goods in class 20. By way of example, many of the applicant's goods are *fabrics* and *textiles* which may be used in the manufacture of other goods, including the opponent's bedding and cushions. However, that in itself does not make them similar in nature. In *Les Éditions Albert René v OHIM*, Case T-336/03, the GC found that:

"61... The mere fact that a particular good is used as a part, element or component of another does not suffice in itself to show that the finished goods containing those components are similar since, in particular, their nature, intended purpose and the customers for those goods may be completely different."

While it is possible that for some goods, the same undertaking would provide the component parts and the finished article, I do not consider that the average consumer would automatically expect this to be the case here. The goods are different in nature, purpose and method of use and they are not complementary in a trade mark sense. The same can be said for certain 'finished' items, such as the applicant's "*Furniture coverings (unfitted)*" and the opponent's items of furniture. In *Altecnic Ltd's Trade Mark Application*, the Court of Appeal ("COA") decided that "the registrar is entitled to treat the class number in the application as relevant to the interpretation of the scope of the application, for example, in the case of an ambiguity in the list of the specification of goods."⁶ For the likes of the applicant's broad terms such as "*linen*" and "*household linen*" in class 24, as per *YouView*, I am reminded not to apply a too liberal interpretation. Therefore, unlike my earlier findings for the specific term "*bed linen*", I consider these goods to be fundamentally different to the opponent's "*bedding*" in class 20. I accept that there will be an overlap in trade channels for many

⁶ *Altecnic Ltd's Trade Mark Application* [2002] RPC 34 (COA) at [42].

of the goods at hand, such as for the likes of large departmental stores which offer an extensive range of goods in many different departments. Once again, I am guided by the judgment in *Unicorn Studio Inc v Veronese*. Taking a 'common sense approach', overall, I consider the goods listed above to be dissimilar to the opponent's goods in class 20.

33. The opposition succeeds under section 5(1) for the goods that I have found to be identical, being "*Cushions [other than for medical use]*" in class 10. As I have found no other of the applicant's goods in class 10 nor the goods in class 24 to be identical to the opponent's goods in class 20, for the remaining goods, the opposition fails under section 5(1).

34. As per *eSure*, in relation to the goods which I have found to be dissimilar, as there can be no likelihood of confusion under section 5(2), I will take no further account of such goods, with the opposition failing to that extent.

The average consumer and the nature of the purchasing act

35. The average consumer is a legal construct, deemed to be reasonably well informed and reasonably circumspect: see *Hearst Holdings Inc & Anor v A.V.E.L.A. Inc & Ors*, [2014] EWHC 439 (Ch), paragraph 60. For the purpose of assessing the likelihood of confusion, it must be borne in mind that the average consumer's level of attention is likely to vary according to the category of goods or services in question: *Lloyd Schuhfabrik Meyer*, Case C-342/97, at [26].

36. In my view, the average consumer for the overlapping goods, being goods which are not of a medical nature, will most likely be the general public. The goods are sold through a range of channels including department stores and supermarkets, as well as stores specialising in household goods. In physical premises, the goods will be displayed on shelves where they will be viewed and self-selected by the consumer, and a similar process will apply to websites, where the consumer will select the goods having viewed an image displayed on a web page. The selection process will be a predominantly visual one, although aural considerations will play a part. Considerations such as price, quality, functionality and aesthetic appearance of the

goods will come into play. Considered overall, I find the level of attention paid by the general public when selecting the goods will be to a medium degree

Distinctive character of the earlier mark

37. The distinctive character of a trade mark can be appraised only, first, by reference to the goods in respect of which registration is sought and, secondly, by reference to the way it is perceived by the relevant public – *Rewe Zentral AG v OHIM (LITE)* [2002] ETMR 91. The factors I must take into account in assessing the level of distinctive character were set out by the CJEU in *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97:

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

38. Registered trade marks possess varying degrees of inherent distinctive character, being lower where they are allusive or suggestive of a characteristic of the goods and services, ranging up 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 made of it. The opponent has not claimed that its mark has enhanced distinctiveness and no evidence of use has been filed. Therefore, I only have the inherent characteristics of the mark to consider.

39. The earlier mark comprises the words “AllSett Health”. While I note the conjoining of the words “All” and “Sett”, and the additional letter “t” at the end of the word “Sett”, I consider that the consumer will recognise that this element of the mark refers to the

dictionary defined words “all set”, being a well-known phrase in the English language meaning “to be ready” (for something). The subsequent word “Health” is self-explanatory and would be afforded its obvious and natural meaning. I consider, therefore, that the mark as a whole will be perceived as alluding to goods which prepare you for (good) health, although it does not specify what those goods are. As such, the mark is somewhat allusive of the goods to which it is applied. Overall, I consider the mark to be inherently distinctive to no more than a medium degree.

Likelihood of confusion

40. There is no simple formula for determining whether there is a likelihood of confusion. It is clear that I must make a global assessment of all relevant factors, keeping in mind the interdependency between them, including that a great degree of similarity between the respective trade marks may be offset by a lesser degree of similarity between the respective goods (*Canon* at [17]). I must consider the various factors from the perspective of the average consumer.

41. There are two types of possible confusion: direct, where the average consumer mistakes one mark for the other, or indirect, where the average consumer recognises that the marks are different, but assumes that the goods and/or services are the responsibility of the same or connected undertakings. The distinction between these was explained by Mr Iain Purvis Q.C. (as he then was), sitting as the Appointed Person, in *L.A. Sugar Limited v Back Beat Inc*, Case BL-O/375/10. He said:

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

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

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

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

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

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

42. The above are examples only which are intended to be illustrative of the general approach. These examples are not exhaustive but provide helpful focus.

43. Having already made my comparison of the goods at hand, on 1 August 2024, being after the deadline of 18 July 2024, the opponent responded to my letter of 4 July 2024 in which it was invited to identify its best case. The pertinent part of the response is as follows:

6) In both Class 20 and Class 24, the goods covered under my trademark "AllSett Health" and those proposed by the new applicant are fundamentally similar as they pertain to home furnishings and related products that cater to consumer health and well-being. Class 20 includes Foam, Cushions, Pillows, Mattresses, furniture, mirrors, and goods made from wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, and substitutes for all these materials, or of plastics. These items are essential for creating a healthy living environment. Similarly, Class 24 covers textiles and textile goods, not included in other classes; bed, chairs, Stoll and table cushions and covers, which are also crucial for maintaining a healthy and comfortable living space. The overlap in these classes demonstrates that both our goods are intended to enhance and support a health-centric lifestyle within the home, making the trademarks confusingly similar and likely to cause consumer confusion regarding the source of the goods.

44. I do not consider there to be anything in this response which persuades me to reconsider my findings as given in paragraphs 27 to 32 of this decision.

45. The opposition under section 5(1) succeeds in relation to "*Cushions [other than for medical use]*" only in class 10. As I have found none of the applicant's remaining goods in classes 10 and 24 to be identical to the opponent's goods in class 20, the opposition fails under section 5(1) for those goods.

46. Earlier in this decision, I found the opponent's mark to be inherently distinctive to no more than a medium degree and I considered that the average consumer would pay a medium degree of attention during selection of the overlapping goods. Given that I have found the competing marks to be identical, under the 5(2)(a) and (b) grounds, while taking into account the principle of interdependency, I consider there to be a likelihood of direct confusion between the marks in relation to all the goods for which a degree of similarity was found.

47. The opposition succeeds under sections 5(2)(a) and 5(2)(b) in relation to the following goods only:

Class 10

Support mattresses for medical use; Cervical pillows for medical use; Cushions for medical use for supporting infants being examined; Cushions for medical use, adapted to support the face; Air pillows for medical purposes; Mattresses for medical use; Padded neck supports [cushions] for surgical use; Air pillows for babies [medical

purposes]; Pillows for orthopedic use; Air pillows for infants [medical purposes]; Water pillows for medical purposes; Cushions for medical purposes; Inflatable cushions for medical use; Padded cushions for medical purposes; Cushions for medical use for supporting infants while being bathed; Massage beds for medical purposes; Inflatable cushions for medical purposes; Inflatable mattresses for medical purposes; Medical blankets for the cooling of patients; Air cushions for medical purposes; Blankets for medical purposes; Contoured cushions for patients' use on beds [adapted for medical purposes]; Medical blankets for the warming of patients; Sheets [drapes] for medical use; Ice bag pillows for medical purposes; Air mattresses, for medical purposes; Air mattresses for medical purposes; Medical patient treatment chairs; Bed bases for beds especially made for medical purposes; Air mattresses for babies [for medical purposes]; Electric blankets [bed] for medical use; Medical furniture and bedding, equipment for moving patients; Air beds for medical purposes; Cushions [pads] (heating -), for medical purposes; Air mattresses for infants [for medical purposes]; Alternating pressure mattresses for medical use; Cushioning devices for medical use; Contoured cushions for patients' use on chairs [adapted for medical purposes]; Hydrostatic beds for medical purposes; Shaped padding for supporting parts of the body [medical use]; Medical procedure chairs; Support Pillows and Support Cushions for treatment of GERD, acid reflux and similar ailments; Support Pillows and Support Cushions for body, leg, arm, shoulder alignment, namely post surgery and during recovery; Heat beds for medical treatment; Armchairs for medical or dental purposes; Pillows for therapeutic use; Beds, specially made for medical purposes; Beds specially made for medical purposes; Examination chairs specially made for medical use; Orthopedic cushions; Special furniture for medical use; Hybrid beds being soft sided waterbeds [for medical use]; Examination couches specially made for medical use; Water beds for medical purposes; Chairs especially made for medical use; Furniture adapted for medical treatment use; wedge pillows for medical purposes; support pillows in wedge shape or other shapes for medical purposes; Cushions [other than for medical use];

Class 24

Bed blankets; Bed blankets made of cotton; Bed blankets made of man-made fibres; Bed canopies; Bed clothes; Bed clothes and blankets; Bed coverings; Bed covers; Bed covers of paper; Bed linen; Bed linen and blankets; Bed linen ... ; Bed linen made

of non-woven textile material; Bed linen of paper; Bed pads; Bed quilts; Bed sheets; Bed sheets of paper; Bed sheets of plastic [not being incontinence sheets]; Bed sheets of plastic, not being incontinence sheets; Bed skirts; Bed spreads; Bed throws; Bed valances; Bed warmer covers; Bedroom textile fabrics; Bedsheets; Bedspreads; Blanket throws; Blankets (Bed -); Blankets for household pets; Blankets for outdoor use; Canopies (bed linen); Canopies [covers for beds]; Canopy covers; Children's blankets; Comforters; Comforters (bedding); Comforters [covers]; Comforters for beds; Contour sheets; Contoured mattress covers; Cot blankets; Cot covers; Cot sheets; Counterpanes; Coverlets; Coverlets [bedspreads]; Covers for cushions; Covers for duvets; Covers for eiderdown and duvets; Covers for mattresses; Covers for pillows; Crib canopies; Crib sheets; Curtain valences; Curtains; Curtains ... of textiles... ; Curtains for windows; Curtains made from textile materials; Curtains made of textile fabrics; Curtains made of textile materials; Curtains [made up or in the piece]; Curtains of textile; Curtains of textile material; Curtains of textile... ; Curtains of textiles... ; Cushion covers; Cushions (Covers for -); Disposable bedding of paper; Disposable bedding of textile; Down quilts; Draperies; Draperies [thick drop curtains]; Drapery; Drapes; Drapes in the nature of curtains; Drapes in the nature of curtains made of textile materials; Duvet covers; Duvets; Duvets filled with goose down; Duvets filled with goose feathers; Eiderdown covers; Eiderdowns; Eiderdowns [down coverlets]; Eiderdowns [quilts]; Fabric bed valances; Fabric curtains; Fabric valances; Fabric valences; Futon quilts; Indoor ... curtains; Infants' bed linen; Linen (Bed -); Linen for the bed; Mattress covers; Mattress slips [other than incontinence]; Moquettes [curtains]; Paper pillowcases; Pelmet; Pillow cases; Pillow covers; Pillow shams; Pillow slips; Pillowcases; Pillowcases [pillow slips]; Pillowcovers; Pleated curtains; Protective loose covers for mattresses ... ; Quilt bedding mats; Quilt covers; Quilted blankets [bedding]; Quilts; Quilts filled with down; Quilts filled with feathers; Quilts filled with half down; Quilts filled with stuffing materials; Quilts filled with synthetic stuffing materials; Quilts of textile; Quilts of towel; Ready made curtains; Ready made curtains of textiles; Shams; Shams (Pillow -); Silk bed blankets; Silk blankets; Small curtains made of textile materials; Swags [curtains]; Textile covers for duvets; Textile curtain pelmet; Textile goods for use as bedding; Textile sheets; Tick [linen]; Ticks (mattress and pillow coverings); Ticks [mattress covers]; Underblankets; Valance sheets; Valanced bed covers; Valanced bed sheets; Valances; Valances for beds; Valances [textile draperies]; Valence linen; Window covering products made of

textile material; Window curtains; Woolen blankets; Woollen blankets; bedding and bedding articles; bedding for cots; cot bumpers.

CONCLUSION

48. The applicant has been partially successful. Subject to any successful appeal, the application by Zaygham Hussain may proceed to registration in respect of the following goods only:

Class 10

Medical supports for the body; Ankle supports for medical use; Knee supports for medical use; Shoulder supports for medical use; Orthopaedic supports;; Wrist supports for medical use; Medical support hosiery; Orthopedic support bandages; Back supports for medical purposes; Support bandages for medical purposes; Support garments for medical use; Medical support tights; Orthopaedic supports for feet; Alternating pressure supports for medical use; Padded neck supports for surgical use; Orthopaedic compression supports; Medical bags designed to hold medical instruments; Clothing, headgear and footwear, braces and supports, for medical purposes; Maternity support belts for medical purposes; Arch supports [orthopaedic]; Dental foundation supports; Splinting (Supportive -) for medical use; Therapeutic support bandages; Orthopaedic supports for heels; Splints for medical use; Heel supports for orthopaedic use; Support bandages; Medical aids for use in stoma care; Belts for attaching medical monitors to patients; Medical stretchers; Medical trays; Slings for medical use; Arch supports for orthopaedic shoes; Support stockings for surgical use; Splints [for medical purposes]; Bandages [supportive] for veterinary use; Medical prostheses; Abdominal pads for medical use; Pads (Abdominal -) for medical use; Pressure bandages for anatomical support purposes; Prostheses for medical treatment; Compression socks for medical or therapeutic use; Medical devices.

Class 24

Adhesive fabric; Adhesive fabric for application by heat; Adhesive fabrics for application by heat; Adhesive labels (Textile -); Adhesive materials in the form of stickers [textile]; Aeronautical balloons (Fabric impervious to gases for -); Afghans; Afghans [knitted covers]; Apparel fabrics; Artificial silk; Baby buntings; Badges made

of fabric material; Bags for sleeping bags [specifically adapted]; Ballistic resistant fabrics; Balloons (Fabric impervious to gases for aeronautical -); Banners; Banners of textile; Banners of textile or plastic; Banners textile; Bar cloths; Bath linen; Bath linen, except clothing; Bath mitts; Bath sheets; Bath sheets (towels); Bath towels; Bathroom towels; Beach towels; Bean bag covers; ... table linen; Billiard cloth; Billiard cloth [baize]; Billiard table baize; Bolting cloth; Borders (textile wall hangings); Breathable piece goods made of textile materials bonded with plastics; Breathable piece goods made of textile materials bonded with rubber; Breathable waterproof fabrics; Broad woven industrial fabrics; Brocade; Brocade flags; Brocades; Buckram; Bunting; Bunting flags; Bunting of textile or plastic; Calico; Calico cloth (Printed -); Canvas; Canvas for embroidery; Canvas for tapestry; Canvas for tapestry or embroidery; Chair backs [textile articles]; Chair covers; Cheese cloth; Chemical fiber base mixed fabrics; Chemical fiber fabrics; Chemical fibre loop knit fabrics; Chemical fibre mixed fabrics; Chenile fabric; Chenille fabric; Cheviot fabric; Cheviots [cloth]; Children's towels; Cloth; Cloth banners; Cloth bunting; Cloth coasters; Cloth doilies; Cloth flags; Cloth for tatami mat edging ribbons; Cloth handkerchiefs; Cloth labels; Cloth napkins; Cloth napkins for removing makeup; Cloth napkins for removing make-up; Cloth pennants; Cloth with a raised nap; Cloths; Cloths for removing make-up; Cloths for washing the body [other than for medical use]; Cloths of non-woven textile material for washing the body [other than for medical use]; Cloths of woven textile material for washing the body [other than for medical use]; Coasters of textile; Coasters [table linen]; Coated fabrics; Coated fabrics for use in the manufacture of leather goods; Coated fabrics for use in the manufacture of luggage; Coated fabrics for use in the manufacture of rainwear; Coated textiles; Coated woven textile materials; Coating fabric; Composite textile materials; Corduroy fabrics; Cotton base mixed fabrics; Cotton cloths; Cotton fabric; Cotton fabrics; Cotton knitted fabric; Covered rubber yarn fabrics [for textile use]; Coverings for furniture; Coverings for windows; Coverings (Furniture -) of textile; Coverings (Loose -) for furniture; Coverings of plastic for furniture; Coverings of plastics for furniture; Coverings of textile and of plastic for furniture (not fitted); Coverings of textile and of plastic for furniture (unfitted); Covers (fitted toilet lid -)[fabric]; Covers (Fitted toilet lid -) of fabric; Covers for toilet lids of fabric; Covers [loose] for furniture; Covers of textile for toilet seats; Covers of textile for water closets; Crepe cloth; Crepe [fabric]; Crepe fabrics; Crepon; Curtain fabric; Curtain fabrics; Curtain linings; Curtain material; Curtaining

material being textile piece goods; Curtaining materials; ... lace curtains of textiles or plastic; Curtains for showers; Curtains made of plastics; Curtains made of plastics for use in shower baths; Curtains of plastic; Curtains of ... plastic; Curtains of ... plastic; Cushion covering materials; Damask; Denim [cloth]; Denim fabric; Diaper changing cloths for babies; Diapered linen; Dimity; Dish cloths; Dish cloths of textile for drying; Dish towels for drying; Disposable cloths; Disposable tablecloths of textile; Disposable wash cloths; Doilies of textile; Door curtains; Drink coasters of table linen; Drugget; Dryer fabrics all for use in the paper making industry; Dryer felts all for use in the paper making industry; Elastic fabrics for clothing; Elastic woven material; Elastic woven materials; Elastic yarn mixed fabrics; Elasticated woven textile materials; Embroidery fabric; Embroidery (Traced cloth for -); Esparto fabric; Fabric; Fabric cascades; Fabric coated with rubber or plastics; Fabric flags; Fabric for footwear; Fabric for manufacturing men's outerwear; Fabric for manufacturing women's outerwear; Fabric for use in the manufacture of bags; Fabric for use in the manufacture of cases; Fabric for use in the manufacture of clothing; Fabric for use in the manufacture of purses; Fabric for use in the manufacture of umbrellas; Fabric for use in the manufacture of wallets; Fabric, impervious to gases, for aeronautical balloons; Fabric linings for clothing; Fabric linings for headgear; Fabric of imitation animal skin; Fabric of imitation animal skins; Fabric on the roll; Fabric place mats; Fabric table runners; Fabric table toppers; Fabric used for orthotic devices; Fabrics; Fabrics being textile goods in roll form; Fabrics being textile piece goods; Fabrics being textile piece goods for use in embroidery; Fabrics being textile piece goods for use in manufacture; Fabrics being textile piece goods for use in patchwork; Fabrics being textile piece goods for use in tapestry; Fabrics being textile piece goods made of mixtures of fibres; Fabrics covered with motifs to be embroidered; Fabrics for industrial use; Fabrics for interior decorating; Fabrics for making curtains; Fabrics for manufacturing garden furniture; Fabrics for manufacturing sun protectors; Fabrics for manufacturing swimming pool covers; Fabrics for manufacturing tarpaulins; Fabrics for manufacturing tents; Fabrics for sale in kit form for making toy monsters; Fabrics for shirts; Fabrics for textile use; Fabrics for the manufacture of furnishings; Fabrics for use as linings in clothing; Fabrics for use in covering armchairs; Fabrics for use in making diapers; Fabrics for use in making incontinence pads; Fabrics for use in making jerseys; Fabrics for use in the manufacture of exterior coverings for chairs; Fabrics made from acrylic, other than for insulation; Fabrics made from artificial fibres

[for insulation]; Fabrics made from artificial fibres [other than for insulation]; Fabrics made from ceramic fibres, other than for insulation; Fabrics made from cotton, other than for insulation; Fabrics made from linen, other than for insulation; Fabrics made from natural fibres, other than for insulation; Fabrics made from nylon, other than for insulation; Fabrics made from polyester, other than for insulation; Fabrics made from silk, other than for insulation; Fabrics made from synthetic fibres [other than insulation]; Fabrics made from synthetic threads; Fabrics made from synthetic yarns; Fabrics made from wool, other than for insulation; Fabrics made of mixed synthetic and natural fibres, other than for insulation; Fabrics of carbon fibre, other than for insulation; Fabrics of chemically produced fibres, other than for insulation; Fabrics of inorganic fibres, other than for insulation; Fabrics of man-made fibres being textile goods in piece form; Fabrics of organic fibres, other than for insulation; Fabrics [piece goods]; Fabrics [textile piece goods] made of carbon fibre; Fabrics woven from ceramic fibres, other than for insulation; Face cloths; Face cloths of textile; Face cloths of towelling; Face flannels in the form of gloves; Face flannels of textile; Face towels; Face towels [made of textile materials]; Face towels of textile; Face towels of textiles; Felt; Felt cloth; Felt for use by papermakers; Felt pennants; Felt piece goods; Felts; Fiberglass fabric for textile use; Fiberglass fabrics for textile use; Fiberglass fabrics, for textile use; Fibre fabrics for the manufacture of the exterior coverings of furniture; Fibre fabrics for use in the manufacture of articles of clothing; Fibre fabrics for use in the manufacture of linings of bags; Fibre fabrics for use in the manufacture of linings of shoes; Fibreglass fabrics for textile use; Filter fibers [textile]; Filtering cloth; Filtering materials of textile; Filters made of textile materials; Fireproof upholstery fabrics; Fire-retardant textile shower curtains; Fitted toilet covers [fabric]; Fitted toilet lid covers [made of fabric or fabric substitutes]; Fitted toilet lid covers of fabric; Fitted toilet seat covers of textile; Flags and pennants of textile; Flags, not of paper; Flags of textile; Flags of textile or plastic; Flame resistant fabrics; Flame retardant fabrics [other than asbestos]; Flannel; Flannel [fabric]; Flannel (Sanitary -); Flax cloth; Flax fabrics; Fleece made from copolymers; Fleece made from polyester; Fleece made from polypropylene; Flocked fabrics; Fly netting of plastic; Foils of plastics for the manufacture of disposable capes; Foils of plastics for the manufacture of disposable clothes; Foils of plastics for the manufacture of disposable linen; Footwear (Fabric for -); Forming fabrics all for use in the paper making industry; Forming felts all for use in the paper making industry; Foulard [fabric]; Frieze; Frieze

[cloth]; Friezes of textile; Friezes [textile wall hangings]; Furnishing and upholstery fabrics; Furnishing fabrics; Furnishing fabrics being textile piece goods; Furnishing fabrics in the piece; Furniture coverings made of plastic materials; Furniture coverings of plastic; Furniture coverings of textile; Furniture coverings (unfitted); Furniture (Loose covers for -); Fustian; Gauze [cloth]; Gauze fabric; Gift wrap of fabric; Glass cloths [towels]; Glass-cloth [towels]; Golf towels; Grid-type fabrics; Gummed cloth, other than for stationery; Gummed cloth, other than for stationery purposes; Gummed waterproof cloth; Haircloth [sackcloth]; Hand spun silk fabrics; Hand towels; Hand towels of textile; Handcrafted textile wall hangings; Handkerchiefs of textile; Handkerchiefs of textiles; Hand-towels made of textile fabrics; Hat linings, of textile, in the piece; Heat formable non-woven textile materials; Heat resistant fabrics [other than for insulation]; Heat-activated adhesive fabrics; Hemp base mixed fabrics; Hemp cloth; Hemp fabric; Hemp yarn fabrics; Hemp-cotton mixed fabrics; Hemp-silk mixed fabrics; Hemp-wool mixed fabrics; Hessian; Honeycomb materials [textiles]; Hooded towels; Household cloths for drying dishes; Household cloths for drying glasses; Household linen; Household linen, including face towels; Household linens; Household textile articles; Household textile articles made from non-woven materials; Household textile goods; Household textile piece goods; Household textiles; Individual place mats made of textile; ... outdoor curtains; Industrial fabrics; Inlay materials of non-woven fabrics; Inorganic fiber mixed fabrics; Inorganic fibre mixed fabrics; Insect protection nets; Insecticide-treated mosquito nets; Interfacings; Interior decoration fabrics; Interlining; Interlining materials; Interlinings made of non-woven fabrics; Iron-on cloth labels; Japanese ceremonial wrapping cloth (Fukusa); Japanese cotton towels (tenugui); Japanese general wrapping cloth (Furoshiki); Jersey [fabric]; Jersey fabrics for clothing; Jersey material [fabric]; Jute cloth; Jute fabric; Jute fabrics; Kashmir fabric; Kit comprised of fabrics for making quilts; Kitchen and table linens; Kitchen linen; Kitchen towels; Kitchen towels [textile]; Knit lace fabrics; Knitted elastic fabrics for bodices; Knitted elastic fabrics for gymnastic dresses; Knitted elastic fabrics for ladies underwear; Knitted elastic fabrics for sportswear; Knitted fabric; Knitted fabrics; Knitted fabrics of chemical-fiber yarn; Knitted fabrics of cotton yarn; Knitted fabrics of silk yarn; Knitted fabrics of wool yarn; Labels [cloth]; Labels made of textile materials; Labels of cloth; Labels of textile; Labels of textile for bar codes; Labels of textile for identifying clothing; Labels (textile); Labels (Textile -) for identifying clothing; Labels (Textile -) for identifying linen; Labels (Textile -) for

marking clothing; Labels (Textile -) for marking linen; Lace curtains; Lace fabrics; Lace table mats not made of paper; Laminated fabrics; Laminated textile piece goods having insulating properties; Lap blankets; Lap rugs; Lap-robles; Large bath towels; Linen; Linen cloth; Linen (Diapered -); Linen [fabric]; Linen for household purposes; Linen (Household -); Linen lining fabric for shoes; Linens; Lingerie fabric; Lingerie fabrics; Lining fabric for footwear; Lining fabric for shoes; Lining fabrics; Lining fabrics for shoes; Lining fabrics of textile in the piece; Linings (Hat -), of textile, in the piece; Linings [textile]; Loden cloth; Loop knit fabrics; Loose coverings for furniture; Loose covers for furniture; Loose covers for garden furniture; Loose covers made of textile materials for furniture; Loose furniture coverings; Make-up (Napkins for removing -) [cloth]; Make-up pads of textile; Make-up pads of textile for removing make-up; Make-up removal cloths [textile], other than impregnated with cosmetics; Make-up removal cloths [textile], other than impregnated with toilet preparations; Make-up removal towels [textile] other than impregnated with cosmetics; Make-up removal towels [textile] other than impregnated with toilet preparations; Make-up removal wipes [textile] other than impregnated with cosmetics; Make-up removal wipes [textile] other than impregnated with toilet preparations; Marabouts [cloth]; Markers [labels] of cloth for textile fabrics; Material (Textile -); Materials for making into clothing; Materials for soft furnishings; Materials for upholstery; Materials for use in filtration [textile]; Materials for use in making clothes; Materials (Textile -) for use in the manufacture of footwear; Materials (Textile -) for use in the manufacture of insoles; Materials (Textile -) for use in the manufacture of linings for footwear; Materials (Textile -) for use in the manufacture of soles; Mats [coasters] of textile; Mats (Drip -) of textile for glasses; Mats of linen; Mats (Place -), not of paper; Mesh-woven fabrics; Metal fiber fabrics; Mitts for washing the body; Mitts made of non-woven fabric for washing the body; Mitts (Washing -); Mixed fiber fabrics; Mole skin; Moleskin [fabric]; Moquettes [fabric]; Mosquito nets; Multiple-ply antistatic fabrics; Mural hangings [textile]; Muslin; Nap raised cloth; Napery of textile; Napery [textile]; Napkin liners of textile; Napkins of textile (Table -); Narrow woven fabrics; Net curtains; Nets (Mosquito -); Nightdress cases of textile; Non-woven cloth; Non-woven fabric; Non-woven fabrics; Non-woven fabrics for use with linings; Non-woven fabrics for use with paddings; Non-woven fabrics in the form of blanks for use in manufacture; Non-woven fabrics in the form of rolls for use in manufacture; Non-woven fabrics in the form of sheeting for use in manufacture; Non-woven fabrics in the form of sheets for use in manufacture; Non-

woven fabrics made substantially of paper; Non-woven fabrics of natural fibres; Non-woven fabrics of synthetic fibres; Non-woven felts; Non-woven piece goods; Non-woven reinforcing fabrics; Non-woven textile articles; Non-woven textile fabrics; Non-woven textile fabrics for use as interlinings; Non-woven textile piece goods; Non-woven textiles; Nylon fabric; Nylon flags; Oil cloths; Oilcloth; Oilcloth for use as tablecloths; Padded coverings [hangings of textile] for existing walls; Paper yarn fabrics for textile use; Patterned textiles for use in embroidery; Pennants [flags], other than of paper; Pennants of textile; Piece goods made of non-woven plastic material; Piece goods made of textile materials bonded with plastics; Piece goods made of textile materials bonded with rubbers; Piece goods made of woven plastic material; Piece goods (Textile -); Piled fabrics; Place mats, not of paper; Place mats of textile; Place mats of textile material; Plastic banners; Plastic bunting; Plastic flags; Plastic material [substitute for fabrics]; Plastic material substitutes for fabric; Plastic material [substitutes for fabrics]; Plastic pennants; Plastic reinforced fabrics; Plastic substitutes for fabrics; Plastic table cloths; Plastic woven textile materials for use in agriculture; Pleated shades; Pocket handkerchiefs of textile; Polyester fabric; Polyester textiles; Polymer coated fabrics; Polypropylene spunbonded non-woven textile fabrics; Prayer cloth; Precut fabrics for needlecraft; Press fabrics all for use in the paper making industry; Press felt; Press felts all for use in the paper making industry; Printed calico cloth; Printed fabrics; Printed textile labels; Printed textile piece goods; Printers' blankets of textile; Printing blankets of textile material; Protective coverings for furniture [loose]; Protective covers for furniture [loose]; Protective loose covers ... furniture; Rags for paper making; Ramie fabric; Ramie fabrics; Rayon fabric; Ready made curtains of plastics; Receiving blankets; Regenerated fiber yarn fabrics; Reinforced fabrics [textile]; Removable covers of textile for electronic apparatus [not fitted or shaped]; Replacement seat covers [loose] for furniture; Resin impregnated textile fabrics; Roll felt; Rubber covered yarn fabrics; Rubberised cloth; Rubberised fabrics; Rubberized cloth; Rubberized cloths; Rubberized textile fabrics; Runners (Table -); Runners [textile] for table tops; Sackcloth; Sail cloth; Sanitary flannel; Screen printing fabrics for the glass industry; Seat covers [loose] for furniture; Self-adhesive cloth labels; Semi-synthetic fiber fabrics; Serviettes of textile; Sheets of sailcloth for screening; Sheets [textile]; Shirt fabrics; Shirtings; Shower curtains; Shower curtains made of plastic material; Shower curtains of textile or plastic; Shower room curtains; Shrouds; Silk base mixed fabrics;

Silk cloth; Silk [cloth]; Silk fabric for printing patterns; Silk fabrics; Silk fabrics for furniture; Silk fabrics for printing patterns; Silk-cotton mixed fabrics; Silk-wool mixed fabrics; Sleeping bag liners; Sleeping bag sheet liners; Sleeping bags; Sleeping bags for babies; Sleeping bags [sheeting]; Sofa covers; Soft furnishings; Soft pelmets; Sponge cloths for textile use; Sponge cloths [textile piece goods]; Spun silk fabrics; Streamers of textile; Stretch canvas for embroidery; Suit lengths; Suiting materials [textile]; Swags [window treatments]; Synthetic fiber fabric; Synthetic fiber fabrics; Synthetic textile piece goods; Table cloth of textile; Table cloths; Table cloths made of textile; Table cloths not of paper; Table cloths, not of paper; Table cloths of textile; Table coverings [not of paper]; Table covers; Table covers [not of paper]; Table covers of damask; Table covers of non-woven textile fabrics; Table covers of plastic; Table linen; Table linen, not of paper; Table linen of textile; Table mats made of textile materials; Table mats, not of paper; Table mats (not of paper); Table napkins of textile; Table place setting mats of textile; Table runners; Table runners not of paper; Table runners of plastic; Table runners of textile; Tablecloths, not of paper; Tablecloths of textile; Tablecloths of textiles; Tablemats, not of paper; Tablemats of textile; Taffeta; Taffeta [cloth]; Tags of textile for attachment to clothing; Tags of textile for attachment to linen; Tapestries of textile; Tapestries [wall hangings], of textile; Tapestry [wall hangings], of textile; Tartan bolting cloth; Tartan piece goods; Tartan travelling rugs; Tea cloths; Tea towels; Tensioning fabrics for upholstery; Tensioning webbing for upholstery; Terry; Terry linen; Terry towels; Textile coasters; Textile covers [loose] for furniture; Textile fabric; Textile fabric of animal skins imitations; Textile fabric piece goods for the manufacture of upholstered furniture; Textile fabric piece goods for use in the manufacture of clothing; Textile fabrics; Textile fabrics for lingerie; Textile fabrics for making into blankets; Textile fabrics for making into clothing; Textile fabrics for making into linens; Textile fabrics for making up into household textile articles; Textile fabrics for the manufacture of clothing; Textile fabrics for use in manufacture; Textile fabrics for use in the manufacture of bedding; Textile fabrics for use in the manufacture of beds; Textile fabrics for use in the manufacture of curtains; Textile fabrics for use in the manufacture of furniture; Textile fabrics for use in the manufacture of pillowcases; Textile fabrics for use in the manufacture of sheets; Textile fabrics for use in the manufacture of sportswear; Textile fabrics for use in the manufacture of towels; Textile fabrics for use in the manufacture of wall coverings; Textile fabrics in the piece; Textile face towels; Textile

filter materials; Textile flags used for place settings; Textile goods, and substitutes for textile goods; Textile goods for making headshawls and yashmaghs; Textile handkerchiefs; Textile handkerchieves; Textile labels; Textile linings in the piece; Textile material; Textile materials for use as window coverings; Textile materials for use in the manufacture of blinds; Textile materials to be used in making blinds; Textile napkins; Textile napkins for removing makeup; Textile napkins [table linen]; Textile piece goods; Textile piece goods for clothing; Textile piece goods for furnishing purposes; Textile piece goods for making bedding covers; Textile piece goods for making curtains; Textile piece goods for making cushion covers; Textile piece goods for making into clothing; Textile piece goods for making-up into clothing; Textile piece goods for making-up into towels; Textile piece goods for use in the manufacture of boots; Textile piece goods for use in the manufacture of industrial filters; Textile piece goods for use in the manufacture of protective clothing; Textile piece goods for use in the manufacture of shoes; Textile piece goods made of cotton; Textile piece goods made of plastics materials; Textile piece goods (Polyurethane coated -) for making waterproof clothing; Textile place mats; Textile printers' blankets; Textile serviettes; Textile smallwares [table linen]; Textile substitute materials made from synthetic materials; Textile tablecloths; Textile tissues; Textile used as lining for clothing; Textiles and substitutes for textiles; Textiles for furnishings; Textiles for interior decorating; Textiles for making up into articles of clothing; Textiles for upholstery; Textiles for use in the manufacture of ships sails; Textiles impervious to water but permeable to moisture; Textiles in the form of window furnishings; Textiles made of cotton; Textiles made of flannel; Textiles made of linen; Textiles made of satin; Textiles made of synthetic materials; Textiles made of velvet; Textiles made of wool; Textiles treated with a fire resistant finish; Textiles treated with a flame resistant finish; Throws; Throws (furniture coverings); Tissues being textile piece goods; Toilet seat covers; Toilet seat covers of textile; Towel sheet; Towelling coverlets; Towelling material; Towelling [textile]; Towelling [textile] adapted for use in dispensers; Towels; Towels made of textile materials; Towels of textile; Towels [of textile]; Towels of textile featuring American football team logos; Towels of textile sold in pack form; Towels of textiles; Towels [textile]; Towels [textile] for kitchen use; Towels [textile] for the beach; Towels [textile] for use in connection with babies; Towels [textile] for use in connection with toddlers; Traced cloth for embroidery; Traced cloths for embroidery; Travelling blankets; Travelling rugs; Travelling rugs [lap robes]; Trellis [cloth]; Tricot quilts; True

hemp fabrics; Tulle; Tulle for dressmaking; Tulle for hatmaking; Turkish towel; Turkish towels; Unfitted fabric furniture covers; Unfitted fabric slipcovers for furniture; Upholstery fabrics; Upholstery materials; Vapour permeable fabrics; Vapour permeable plastic textile; Velours for furniture; Velvet; Vinyl cloth; Vinyl curtains; Viscose textiles; Wall decorations of textile; Wall fabrics; Wall hangings; Wall hangings of silk; Wall hangings of textile; Wall plaques of textile; Wash cloths; Wash gloves; Washcloths; Washing gloves; Washing mitts for toilet use; Waste cotton fabrics; Water breathable fabrics; Water resistant fabrics; Water vapour permeable textiles; Waterproof cloths; Waterproof fabric; Waterproof fabrics; Waterproof fabrics for use in the manufacture of gloves; Waterproof fabrics for use in the manufacture of hats; Waterproof fabrics for use in the manufacture of jackets; Waterproof fabrics for use in the manufacture of trousers; Waterproof textile fabrics; Waterproofed textile piece goods; Window furnishing fabrics; Wool base mixed fabrics; Wool loop knit fabrics; Wool yarn fabrics; Wool-cotton mixed fabrics; Woolen cloth; Woolen fabric; Woollen cloth; Woollen fabric; Woollen fabrics; Woollen fabrics for use in the manufacture of coats; Woollen fabrics for use in the manufacture of jackets; Woollen fabrics for use in the manufacture of suits; Woollen fabrics for use in the manufacture of trousers; Worsted fabrics; Woven cloth with breathable polyurethane coating; Woven cloth with breathable polyurethane coating for water proof garments; Woven cloth with breathable polyurethane coating sold in the piece; Woven fabrics; Woven fabrics for armchairs; Woven fabrics for cushions; Woven fabrics for furniture; Woven fabrics for making up into articles of clothing; Woven fabrics for sofas; Woven fabrics for use in the manufacture of clothing for use in clean rooms; Woven fabrics imitating animal skin; Woven fabrics imitating leather; Woven felt; Woven furnishing fabrics; Woven labels; Woven linen fabrics; Woven silk fabrics; Woven textiles having protective properties against electromagnetic rays; Zephyr [cloth]; Zephyr fabric.

COSTS

49. Both parties have enjoyed a share of success, with the greater part going to the applicant, who is, in principle, entitled to a contribution towards its costs. For parties without professional representation, such costs would be based on £19 per hour, reflecting the number of hours spent on the different stages of the opposition. In a

letter to the parties dated 14 February 2024, the Tribunal invited the unrepresented applicant to indicate whether it wished to make a request for an award of costs and, if so, to complete and return the attached costs pro-forma by **14 March 2024**. The letter stated that “If the pro-forma is not completed and returned, costs, other than official fees arising from the action (excluding extensions of time), may not be awarded. You must include a breakdown of the actual costs, including accurate estimates of the number of hours spent on each of the activities listed and any travel costs”. As the pro-forma was not returned, and as no official fees have been incurred in defence of the application, I make no order as to costs in this case.

Dated this 20th day of August 2024

Suzanne Hitchings
For the Registrar,
the Comptroller-General