

O/0869/25

TRADE MARKS ACT 1994

CONSOLIDATED PROCEEDINGS

IN THE MATTER OF APPLICATION NO. UK00003907676

TO REGISTER THE TRADE MARK:

BUY ALL HERE

IN CLASSES 10, 21 and 24

BY ZAYGHAM HUSSAIN

AND THE OPPOSITION THERETO UNDER NO. OP600003097

BY SARFRAZ MUNEER

AND

IN THE MATTER OF APPLICATION NO. UK00004012218

TO REGISTER THE TRADE MARK:

BUY ALL HERE

IN CLASS 10

BY SARFRAZ MUNEER

AND THE OPPOSITION THERETO UNDER NO. OP000447701

BY ZAYGHAM HUSSAIN

Background and pleadings

1. These consolidated proceedings concern cross opposition actions between Zaygham Hussain (“Mr Hussain”) and Sarfraz Muneer (“Mr Muneer”). I will summarise the different proceedings below.

OP600003097

2. Mr Hussain applied to register the trade mark shown below, No. UK00003907676 (“the ‘676 mark”) on 04 May 2023.

BUY ALL HERE

It was accepted and published in the Trade Marks Journal on 08 September 2023 in respect of the goods shown at Annex 1.

3. Mr Muneer opposed the above trade mark having filed a notice of fast track opposition, Form TM7F, dated 03 November 2023 on the basis of section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The full applied for specification is shown in Annex 1 of this decision. The opposed goods are outlined in paragraph 21 of this decision.
4. Mr Muneer relies upon his following earlier mark:



UK00003737396 (“the 396 mark”), filed on 28 December 2021. It was accepted and published in the Trade Marks Journal on 25 March 2022. It was

subsequently registered on 03 June 2022. Mr Muneer relies upon all of his registered goods as shown in paragraph 21.

5. In the Form TM7F, Mr Muneer argues that Mr Hussain's application is similar to his earlier mark, and that the contested goods are identical or similar.
6. Mr Hussain filed a Form TM8 and counterstatement denying the claims made.

OP000447701

7. Mr Muneer applied to register the trade mark shown below, No. UK00004012218 ("the '218 mark") filed on 07 February 2024.

BUY ALL HERE

It was accepted and published in the Trade Marks Journal on 23 February 2024 in respect of in respect of the goods shown at paragraph 61 of this decision.

8. Mr Hussain opposed the above trade mark having filed a notice of opposition, Form TM7, dated 23 May 2024 on the basis of section 5(1) of the Act. Mr Hussain claims that the respective marks and goods are identical. The opposition is directed against all of the applied for goods. The opponent relies upon the '676 mark, the details of which are set out in paragraph 2 above.
9. Mr Muneer filed a Form TM8 and counterstatement wherein he admitted that the marks at issue were identical and that the respective goods were identical. However, Mr Muneer also highlighted that the earlier mark was subject to opposition under OP600003097, and that the outcome of the opposition against the earlier mark would directly affect these proceedings.
10. The oppositions were consolidated on 11 October 2024 in accordance with Rule 62(1)(g) of the Trade Marks Rules 2008 ("the Rules").

11. Neither party filed evidence in these proceedings. Mr Muneer filed written submissions. Neither party requested a hearing, nor filed submissions in lieu. Mr Muneer is represented by Wilson Gunn. Mr Hussain is not legally represented.

12. This decision is taken after careful consideration of the papers.

Relevance of EU law

13. 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.

My approach

14. As the earlier right relied upon in OP000447701 is subject to opposition no OP600003097, I will deal with opposition OP600003097 first. I will then return to opposition no OP000447701 once the status of the earlier right has been determined.

DECISION

Opposition OP600003097

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

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

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected, there exists a likelihood of confusion on the part of the

public, which includes the likelihood of association with the earlier trade mark”.

16. Section 5A of the Act stipulates that “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.”

17. Due to its earlier filing date, the relied upon mark constitutes an earlier mark within the meaning of section 6 of the Act. As the earlier mark had not completed its registration process more than five years before the filing date of the opposed application, it is not subject to proof of use pursuant to section 6A of the Act. Mr Muneer can, therefore, rely upon all of the goods without having to demonstrate use.

Relevant case law

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

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

(b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and

must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;

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

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

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

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

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

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

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

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

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

Comparison of goods

19. 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, as the French and United Kingdom Governments and the Commission have pointed out, 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.”

20. Guidance on this issue has also come from Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, where he identified the factors for assessing similarity as:

(a) The respective uses of the respective goods or services;

(b) The respective users of the respective goods or services;

(c) The physical nature of the goods or acts of service;

- (d) The respective trade channels through which the goods or services reach the market;
- (e) In the case of self-serve consumer items, where in practice they are respectively found or likely to be found in supermarkets and, in particular, whether they are or are likely to be found on the same or different shelves;
- (f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance, whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.

21. The goods to be compared are as follows:

The earlier goods ('396 mark)	The opposed goods ('676 mark)
<p>Class 20: Bed Mattresses, Toppers; Beds (Hospital -); Feather beds; Dog beds; Wooden beds; Cat beds ;Water beds; Hospital beds; Beach beds; Infant beds; Portable beds; Bed slats; Bed mattresses; 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; Bedding for cots [other than bed linen]; Beds, bedding, mattresses, pillows and cushions; 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; Beds incorporating divan bases; Bed frames of metal; Bedding for nursery</p>	<p>Class 10: Pillows and cushions for leg, back, body support, namely postsurgery and during recovery; Cushions for medical use, adapted to support the face; Cushions for medical use for supporting infants being examined; Contoured cushions for patients' use on beds [adapted for medical purposes]; Contoured cushions for patients' use on chairs [adapted for medical purposes]; Support mattresses for medical use; Alternating pressure mattresses for medical use; Beds specially made for medical purposes; Hydrostatic beds for medical purposes; Heat beds for medical treatment; Water beds for medical purposes; Medical furniture and bedding; wedge pillows for medical purposes; support pillows in wedge shape or other shapes for medical purposes; Pillows and support cushions</p>

cots [other than bed linen]; Portable beds for pets; Beds made of wood; Beds for household pets; Frames for bed canopies; Non-metal bed fittings; Animal housing and beds; Slatted bases for beds; Bed casters, not of metal; Furniture being convertible into beds; Beach beds incorporating wind shields; Bed fittings, not of metal; Fittings, not of metal (Bed -).	for treatment of GERD, acid reflux and similar ailments; Pillows for therapeutic use; Cushions for medical purposes; Padded cushions for medical purposes; Air beds for medical purposes. Class 24: Disposable Bedding of textile; Disposable Bedding of paper; Quilt Bedding mats;
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22. The earlier specification includes the terms *pillows; cushions; beds; bedding* and *mattresses* in class 20 which, as broad terms, I consider through their ordinary and natural meanings could encompass several goods covered in the opposed specification in class 10 such as: *Beds specially made for medical purposes; Support mattresses for medical use; Cushions for medical purposes* and *Padded cushions for medical purposes*. I note, however, that Mr Muneer, in his statement of grounds and submissions in lieu, has pleaded that the respective goods in classes 20 and 10 are similar, rather than identical.

23. In *Altecnic Ltd's Trade Mark Application*¹ the Court of Appeal 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.*”

24. In addition, in *Pathway IP Sarl (formerly Regus No. 2 Sarl) v Easygroup Ltd (formerly Easygroup IP Licensing Limited)*, [2018] EWHC 3608 (Ch), the late Mr Justice Carr considered whether it was appropriate to take the class(es) in which the trade mark was registered into account in revocation or invalidation proceedings when deciding whether a description covered the goods/services shown in the evidence. After considering the judgments of the High Court in *Omega 1* [2010] EWHC 1211 (Ch) and *Omega 2* [2012] EWHC 3440 (Ch), the judge stated that in his (provisional) view, the class number should be taken into account where the meaning of the disputed term is not otherwise

¹ *Altecnic Ltd's Trade Mark Application* [2002] RPC 34 (CA)

sufficiently clear and precise. In particular the judge stated that where “*the words chosen may be vague or could refer to goods or services in numerous classes [of the Nice classification system], the class may be used as an aid to interpret what the words mean with the overall objective of legal certainty of the specification of goods and services.*”

25. Whilst the comments made by the late Mr Justice Carr above concerned different circumstances to those that I am considering in these proceedings, it is my view that the terms *pillows; cushions; beds; bedding* and *mattresses* in class 20 may cover goods falling into more than one class. I consider that I may therefore use the class numbers to aid my interpretation of the respective goods, and to assist in determining the scope of these terms as included in class 20. It appears that Mr Muneer is in agreement with this approach, based on his pleading that the goods are similar, not identical. This is how I intend to proceed.

Class 10

Pillows and cushions for leg, back, body support, namely postsurgery and during recovery; Cushions for medical use, adapted to support the face; Cushions for medical use for supporting infants being examined; Contoured cushions for patients' use on beds [adapted for medical purposes]; Contoured cushions for patients' use on chairs [adapted for medical purposes]; wedge pillows for medical purposes; support pillows in wedge shape or other shapes for medical purposes; Pillows and support cushions for treatment of GERD, acid reflux and similar ailments; Pillows for therapeutic use; Cushions for medical purposes; Padded cushions for medical purposes.

26. The goods set out above will have a similar nature, purpose and method of use as *pillows* and *cushions*. However, I note that the opposed goods are all cushions and pillows that have been adapted in some way for a medical use. Due to their medical use, I consider that the pillows and cushions in class 10 would be used not only by medical professionals but also members of the general public who may require a pillow or cushion when recovering at home

from an illness, injury or operation. There would be some overlap in trade channels because it is not uncommon for retail outlets that sell various cushions and pillows to also sell cushions and pillows that have been adapted in some way for a medical need. As the opposed goods are pillows and cushions that have been adapted for a specific medical need, I do not consider there to be any competition between the competing goods. Further, I do not consider the respective goods to be important or indispensable to one another to the extent that consumers would believe that they are derived from the same undertaking. As such, they are not complementary. On balance, I consider the goods to be similar to a medium degree.

Beds specially made for medical purposes; Hydrostatic beds for medical purposes; Heat beds for medical treatment; Water beds for medical purposes; Medical furniture and bedding; Air beds for medical purposes.

27. I compare these goods to *hospital beds*. The competing terms have a similar nature, purpose and method of use. Users would overlap insofar as they would comprise medical professionals and there would be an overlap in trade channels. I do not consider the goods to be in any competition, nor are they complementary. Overall, there is a medium degree of similarity.

Support mattresses for medical use; Support mattresses for medical use; Alternating pressure mattresses for medical use.

28. The earlier specification includes the term *mattresses*. I find that my reasoning in paragraph 26 also applies here. There is a general overlap between the respective goods in terms of nature, purpose and method of use. Users and trade channels would also overlap. I do not consider the goods to be in any competition, nor are they complementary. I find these goods share a medium degree of similarity.

Class 24

Disposable Bedding of textile; Disposable Bedding of paper

29. I compare these terms to *bedding*. There is an overlap in nature and purpose. To my mind, hospitals and medical centres would require both standard bedding and disposable bedding for their patients, as such, there would be an overlap in user and trade channels. I do not consider the goods to have a complementary relationship, however, there may be some degree of competition. Overall, I find there to be a medium degree of similarity.

Quilt Bedding mats

30. I consider the closest comparator to this term to be *Bedding, except linen*. The respective goods have a similar nature, purpose and method of use. Users and trade channels would also overlap. I do not consider the goods to have a complementary relationship although, there may be a degree of competition between them. I find these goods to be similar to a high degree.


Comparison of the trade marks

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

“.....it is necessary to ascertain, in each individual case, the overall impression made on the target public by the sign for which registration is sought, by means of, inter alia, an analysis of the components of a sign and of their relative weight in the perception of the target public, and then, in the light of that overall impression and all factors relevant to the circumstances of the case, to assess the likelihood of confusion.”

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

33. The marks to be compared are as follows:

Earlier mark ('396 mark)	Opposed mark ('676 mark)
	<p data-bbox="979 824 1219 860" style="text-align: center;">BUY ALL HERE</p>

34. The earlier mark comprises several elements. The wording “Buy All Here” is displayed in a standard white font. Beneath that, the wording “Quality With Value” is presented in a smaller standard white font. The wording is presented on a black diamond shape which is laid over two white diamond shapes. There are two figurative shopping trolley devices each to the left and right of the black diamond. The overall impression resides in these elements combined. In my view, the words “Buy All Here” play the greater role in the overall impression due to their size and position in the mark. Further, it is well-established case-law that in the case of a mark consisting of both word and figurative elements, the word elements must generally be regarded as more distinctive than the figurative elements, or even as dominant, since the relevant public will keep in mind the word elements to identify the mark concerned, the figurative elements being perceived more as decorative elements.² The smaller wording below plays a lesser role due to its size and laudatory nature. The figurative elements are not particularly remarkable and play an even smaller role in the overall impression.

² *MigrosGenossenschafts-Bund v EUIPO*, Case T-189/16, paragraph 52

35. The opposed mark consists of the words "BUY ALL HERE". The overall impression resides in the mark as a whole.
36. Visually, the marks overlap through use of the words "Buy All Here". This is the entirety of the opposed mark and it is fully replicated in the earlier mark. The additional wording and figurative elements present in the earlier mark have no counterpart in the opposed mark. I find the marks to hold a medium degree of similarity.
37. Both marks include the wording "Buy All Here" and this will be pronounced identically in both marks. I note that the earlier mark also includes the wording "Quality With Value" which has no counterpart in the opposed mark. This wording appears to be a laudatory slogan and therefore may not be voiced by the average consumer. If the additional words in the earlier mark were to be voiced, the competing marks would be aurally similar to a medium degree. If the additional words were not voiced, the marks would be aurally identical.
38. Conceptually, I consider that "Buy All Here", in both marks, could convey an instructional message to the consumer telling them to purchase everything from that undertaking. I also consider that it may be regarded as a phrase indicating that the undertaking sells a wide range of goods. The earlier mark also contains the wording "Quality With Value" this would be perceived as a laudatory strapline which indicates that the goods sold are of a high quality and good value. The figurative shopping trolley devices convey the idea of shopping. I do not consider that the diamond devices convey any meaning as they are merely decorative. Due to the shared messages conveyed by the wording "Buy All Here", I find the marks to have a high level of conceptual similarity.

The average consumer and the nature of the purchasing act

39. As the case law above indicates, it is necessary for me to determine who the average consumer is for the respective parties' goods and services. I must then determine the manner in which the goods and services are likely to be

selected by the average consumer. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch), Birss J (as he was then) described the average consumer in these terms:

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

40. The average consumer of the goods in classes 20 and 24 will comprise members of the general public. Due to the medical nature of the goods in class 10, I consider the average consumer of these goods will comprise both members of the general public and medical professionals.

41. The goods at issue will be available at physical retail outlets or their online equivalents. I consider that the goods that have been adapted for medical use would be sold both in standard retail outlets such as department stores and retail outlets that specialise in furniture that has been adapted for medical purposes. Considerations such as price, quality, functionality and aesthetic will come into play. Visual considerations will play a dominant role, although aural considerations should not be discounted as advice may be sought from retail advisors, and particularly in the case of medical professionals, orders may be placed over the phone. Considered overall, I find the level of attention paid by the general public will be to a medium degree whereas medical professionals will pay a medium to high degree of attention.

Distinctive character of the earlier mark

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

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

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

43. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods or services, to those with high inherent distinctive character, such as invented words which have no allusive qualities.

44. As Mr Muneer has not filed any evidence, I only have the inherent position to consider.

45. As discussed in the conceptual comparison, “BUY ALL HERE” will be seen as either an instructional message to the consumer or as a self-promotional message to the consumer indicating that the seller provides a wide range of goods. The wording “Quality With Value” is laudatory in nature and self-explanatory. While the word elements of the mark are not directly descriptive of the goods, they are laudatory in nature. I am of the view that the figurative elements are merely decorative and do not add anything further to the level of distinctiveness. Taking everything into consideration, I find the earlier mark holds a low to medium degree of inherent distinctive character.

Likelihood of confusion

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

47. Earlier in this decision, I concluded that:

- The competing goods range in similarity from a medium to high degree.
- The average consumer comprises members of the general public who will pay a medium degree of attention during the purchasing process

and, in the case of goods in class 10, also medical professionals who will pay a medium to high degree of attention.

- For both consumer groups, the purchasing process will be predominantly visual, although aural considerations have not been excluded.
- The competing marks are visually similar to a medium degree and conceptually similar to a high degree. If the wording “Quality With Value” in the earlier mark is articulated, the marks are aurally similar to a medium degree, if the additional wording is not articulated, the marks are aurally identical.
- The earlier mark possesses a low to medium degree of inherent distinctive character.

48. Taking all the relevant factors into account and even bearing in mind the principle of imperfect recollection, I am satisfied that the marks are unlikely to be mistakenly recalled or misremembered as each other, even when paying a medium degree of attention for goods that are highly similar. This is on the basis that I do not consider the average consumer would overlook the figurative elements and additional wording in the earlier mark notwithstanding the lesser roles they play in the marks overall impression. As such, there is no likelihood of direct confusion.

49. It now falls for me to consider indirect confusion. Indirect confusion was described in the following terms by Iain Purvis QC (as he then was), sitting as the Appointed Person, in *L.A. Sugar Limited v By Back Beat Inc*:³

“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 recognised that the later mark is different from

³ BL O/375/10

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)."

50. I recognise that the Court of Appeal has emphasised that, where there is no direct confusion, there must be a "proper basis" for finding indirect confusion.⁴

⁴ *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207

In this connection, it is not sufficient that a mark merely calls to mind another mark: this is mere association not indirect confusion.⁵

51. I also bear in mind the decision of the CJEU in *L'Oréal SA v OHIM*,⁶ in which the court confirmed that weak distinctive character of the earlier trade mark does not preclude a likelihood of confusion.

52. In the present case, the marks both share the identical wording "BUY ALL HERE" which is the dominant element in the earlier mark and the sole element of the later mark. It is my view that if consumers had previously come across the "BUY ALL HERE" word mark and subsequently came across the mark (or vice versa) and noticed the differences between these marks by way of the additional wording and figurative elements, they will regard these differences as a logical brand extension or indicative of rebranding. Further, I consider that it is not uncommon for undertakings to re-brand themselves from time to time to accommodate changes in marketing considerations. Consequently, I consider there to be a likelihood of indirect confusion.

CONCLUSION

53. The opposition under 5(2)(b) succeeds in its entirety. The application for the '676 mark will therefore be refused in respect of the opposed goods outlined in paragraph 21 of this decision.

54. In respect of the unopposed goods outlined in Annex 1 of this decision, the application for the '676 mark will proceed to registration.

⁵ *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17

⁶ Case C-235/05

Opposition OP000447701

55. The details of this opposition are outlined above in paragraphs 7-9. Whilst I note Mr Muneer's admission that the competing marks and goods are identical, this admission appears to be on the basis that the earlier '676 mark had been opposed. However, as opposition OP600003097 was aimed at only some of the goods in application, Mr Hussain has retained some of his goods in class 10 which form the basis of this opposition. I shall, therefore, turn to consider opposition 447701.

Section 5(1)

56. Section 5(1) of the Act states:

“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.”

57. By virtue of its earlier filing date, the '676 mark qualifies as an earlier trade mark pursuant to section 6 of the Act. As this mark has not completed its registration process more than 5 years before the filing date of the '218 mark, it is not subject to the use provisions contained in section 6A of the Act.

Identity of the marks

58. In *S.A. Société LTJ Diffusion v. Sadas Vertbaudet SA*, Case C-291/00, the CJEU held that:

“54... a sign is identical with the trade mark where it reproduces, without any modification or addition, all the elements constituting the trade mark or where, viewed as a whole, it contains differences so insignificant that they may go unnoticed by an average consumer.

59. The competing marks each comprise the same three words “BUY ALL HERE”, presented in a standard typeface in capital letters. The respective marks are clearly identical.

Comparison of goods

60. In *Gérard Meric v OHIM*, Case T- 133/05, the GC stated that:

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

61. Following the outcome of opposition OP600003097. The goods to be compared are as follows:

The earlier goods ('676 mark)	The opposed goods ('218 mark)
<p>Class 10: Medical supports for the body; Cervical pillows for medical use; Ankle supports for medical use; Knee supports for medical use; Shoulder supports for medical use; Orthopaedic supports; Air pillows for medical purposes; 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</p>	<p>Class 10: 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; Orthopaedic support bandages; Back supports for medical purposes; Support</p>

[medical purposes]; Water pillows for medical purposes; Medical support tights; Inflatable cushions for medical use; 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; 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; Cushions [pads] (heating -), for medical purposes; Heel supports for orthopaedic use; Air mattresses for infants [for medical purposes]; Support bandages; Cushioning devices for medical use; Medical aids for use in stoma care;

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

Belts for attaching medical monitors to patients; Medical stretchers; 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; Armchairs for medical or dental 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; Compression socks for medical or therapeutic use; Chairs especially made for medical use; Medical devices; Furniture adapted for medical treatment use.

blankets [bed] for medical use; Splints for medical use; Medical furniture and bedding, equipment for moving patients; Air 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; wedge pillows for medical purposes; support pillows in wedge shape or other shapes for medical purposes; Pillows and support cushions for treatment of GERD, acid reflux and similar ailments; Pillows and cushions for leg, back, body support, namely post surgery and during recovery; Arch supports for orthopaedic boots; 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; Orthopaedic cushions; Special furniture for medical use; Medical prostheses; Abdominal pads for medical use; Pads (Abdominal -) for medical use; Pressure bandages for

	<p>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.</p>
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Cervical pillows for medical use; Ankle supports for medical use; Knee supports for medical use; Shoulder supports for medical use; Orthopaedic supports; Air pillows for medical purposes; Padded neck supports [cushions] for surgical use; Wrist supports for medical use; Medical support hosiery; Orthopaedic 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; Medical support tights; Inflatable cushions for medical use; 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; 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; Cushions [pads] (heating -), for medical purposes; Heel supports for orthopaedic use; Air mattresses for infants [for medical purposes];

Support bandages; Cushioning devices for medical use; Medical aids for use in stoma care; Belts for attaching medical monitors to patients; Medical stretchers; 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; Armchairs for medical or dental purposes; Bandages [supportive] for veterinary use; Examination chairs specially made for medical use; Orthopaedic 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; Compression socks for medical or therapeutic use; Chairs especially made for medical use; Medical devices; Furniture adapted for medical treatment use.

62. The terms above appear in both specifications and are self-evidently identical.

Cushions for medical use for supporting infants being examined; Cushions for medical use, adapted to support the face; Cushions for medical purposes; Padded cushions for medical purposes; Contoured cushions for patients' use on beds [adapted for medical purposes]; Contoured cushions for patients' use on chairs [adapted for medical purposes].

63. The earlier specification includes the term *Cushioning devices for medical use* which encompasses the above terms. They are therefore identical based on the principle outlined in *Meric*.

Wedge pillows for medical purposes; support pillows in wedge shape or other shapes for medical purposes; Pillows and cushions for leg, back, body support, namely post surgery and during recovery; Pillows for therapeutic use; Pillows and support cushions for treatment of GERD, acid reflux and similar ailments.

64. The earlier specification includes the term *Pillows for orthopedic use*. To my mind, orthopedic pillows are pillows that have been specifically adapted to help alleviate pain and help improve musculoskeletal conditions and other ailments. As such, I consider the above terms would be encompassed by the earlier term *Pillows for orthopedic use*. They are therefore identical based on the principle outlined in *Meric*.

Mattresses for medical use; Mattresses for medical use; Alternating pressure mattresses for medical use; Support mattresses for medical use.

65. I find that these terms would all encompass the earlier term *Inflatable mattresses for medical purposes*. These goods are therefore identical based on the principle outlined in *Meric*.

Medical furniture; Air beds for medical purposes; Heat beds for medical treatment; Beds, specially made for medical purposes; Beds specially made for medical purposes.

66. The earlier specification includes the term *Special furniture for medical use*, and I find that this would encompass the above terms. They are therefore identical based on the principle outlined in *Meric*.

Water beds for medical purposes; Hydrostatic beds for medical purposes.

67. These terms would encompass the earlier term *Hybrid beds being soft sided waterbeds [for medical use]*. They are therefore identical based on the principle outlined in *Meric*.

Medical [...] equipment for moving patients

68. This term is self-evidently identical to the earlier term *equipment for moving patients*.

Medical [...] bedding

69. I consider this term would encompass items such as blankets and as such, this term is identical to *blankets for medical purposes* in the earlier specification based on the *Meric* principle.

CONCLUSION

70. As the marks and the goods are identical, the opposition based upon section 5(1) succeeds in its entirety.

71. The application for the '218 mark shall be refused in its entirety.

COSTS

72. Both oppositions were successful and both parties have therefore enjoyed an equal measure of success. As such, I order that both parties should bear their own costs.

Dated this 22nd day of September 2025

Catrin Williams
For the Registrar

Annex 1- UK00003907676- Applied for goods

(Opposed goods appear in bold)

Class 10: **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 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; **wedge pillows for medical purposes**; **support pillows in wedge shape or other shapes for medical purposes**; **Pillows and support cushions for treatment of GERD, acid reflux and similar ailments**; **Pillows and cushions for leg, back, body support, namely postsurgery and during recovery**; Arch supports for orthopaedic boots; **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.

Class 21: Dish cloths; disposable wash cloths; wash cloths.

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; Chenile 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 of textile for drying; Dish towels for drying; **Disposable bedding of paper; Disposable bedding of textile**; Disposable cloths; Disposable tablecloths of textile; 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]; Valance 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 gloves; 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.