

**O/700/21**

TRADE MARKS ACT 1994

IN THE MATTER OF TRADE MARK APPLICATION NUMBER 3535171

BY

JIANWEI CHEN

TO REGISTER THE FOLLOWING TRADE MARK IN CLASS 25



**PUREY**

AND OPPOSITION THERETO UNDER NUMBER 422483

BY

JAMES PURDEY & SONS LIMITED

## Background and Pleadings

1. On 20 September 2020, Jianwei Chen applied to register in the UK the figurative trade mark numbered 3535171 as shown on the front cover page, for goods in class 25 as set out in full in the appendix accompanying this decision. It was accepted and published in the Trade Marks Journal on 30 October 2020.

2. James Purdey & Sons Limited (“the Opponent”) filed an opposition to the application on 18 December 2020 under sections 5(2)(b), 5(3) and 5(4)(a) of the Trade Marks Act 1994 (“the Act”).

3. Under section 5(2)(b) and 5(3) the Opponent relies upon the following two trade marks:

(i) UKTM no 1562026

PURDEY

Filed: 9 February 1994

Registered: 1 March 1996

Whilst registered for goods and services in classes 3, 8, 13, 14, 16, 18, 21, 25, 30 and 41 for the purposes of this opposition it only relies upon its goods in class 25 namely:

Class 25: Jackets, coats, vests, waistcoats, hats, overtrousers, overskirts, shirts, ties, scarves, culottes, capes, breeks, trousers, boots, shoes, gloves, scarves, sweaters, cardigans, boxer shorts, cuissards, muffs, stockings, socks, garters, hats, caps, hoods, earmuffs; all included in Class 25.

(ii) EUTM no. 5394697<sup>1</sup>

PURDEY

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<sup>1</sup> Although the UK has left the EU and the EUTM relied upon by the Opponent now enjoys protection in the UK as a comparable trade mark, the EUTM remains the relevant right in these proceedings. That is because the application was filed before the end of the Implementation Period and, under the transitional provisions of the Trade Marks (Amendment etc.) (EU Exit) Regulations 2019, I am obliged to decide the opposition on the basis of the law as it stood at the date of application.

Filed: 17 October 2006

Registered: 7 December 2007

Whilst registered for goods and services in classes 13, 25 and 35 for the purposes of this opposition it only relies upon the following goods and services in classes 25 and 35:

Class 25: Clothing, footwear and headgear.

Class 35: Retail store services, mail order retail services, electronic shopping retail services, in the field of clothing, personal accessories.

4. Under section 5(2)(b), the Opponent claims that as a result of the similarity between the respective marks and the identity/close similarity between the respective goods and services there exists a likelihood of confusion on the part of the relevant public.

5. Under section 5(3), the Opponent claims that as a result of the similarity between the marks and the identity/close similarity between the goods and services there is a likelihood that the public will believe that the goods and services offered under the contested mark originate from the Opponent or an economically linked undertaking. It is contended that the Applicant will benefit from the Opponent's investment in advertising and promotion of its trade mark, leading to an unfair advantage being taken. It contends that the Applicant is likely to gain sales goodwill and enhance its status with its customers as a result of the association with the Opponent's mark, making it easier for it to sell its goods. This, it is submitted, will cause detriment to the Opponent's reputation and business particularly if the Applicant's goods are of poor quality, because the power of attraction of the Opponent's mark will be reduced resulting in it losing its exclusive cache. The Opponent also pleads that use of the Applicant's mark will lead to detriment to the distinctive character of the earlier marks affecting the economic behaviour of the relevant public resulting in damage to the Opponent's reputation.

6. Under section 5(4)(a), the Opponent relies upon the unregistered sign PURDEY which is said to have been used throughout the UK since at least 1994 for *clothing, footwear and headgear; retail of clothing, footwear and headgear*. It claims that as a result of the goodwill it enjoys in the UK, use of the Applicant's mark will misrepresent

that the goods originate from the Opponent damaging the Opponent's goodwill in the mark and its business.

7. The Applicant filed a defence and counterstatement denying the grounds of opposition. Other than filing his TM8 form, the Applicant played no further part in the proceedings, I have therefore set out his pleadings in full. The Applicant submits that:

“The spelling of the two logos are different. PUREY is the founder's doberman who has companied [sic] with him for many years. PUREY is one of the typical [sic] image of the brand. And we have designed a unique visual appearance for the letters which customers would definately [sic] not mix up with PURDEY.”

8. Given their filing dates, the Opponent's trade marks qualify as earlier marks in accordance with section 6 of the Act. The Opponent claimed that it has used its trade marks in relation to all the goods/services of its registrations as relied upon. This statement was made because the earlier marks completed their registration procedure more than five years before the date on which the application was filed. Whilst ordinarily each of the Opponent's trade marks are subject to the proof of use provisions under section 6A of the Act, the Applicant in his counterstatement indicated that he did not require the Opponent to provide proof of use. On this basis, the Opponent may rely upon those goods and services of its registrations as relied upon, without having to show that its trade marks have been used.

9. The Opponent is represented by HGF solicitors and the Applicant is unrepresented. Only the Opponent filed evidence during the evidence rounds. Neither party requested to be heard on the matter, however, the Opponent filed submissions in lieu of hearing. Whilst I have read and noted the contents of the Opponent's evidence in its entirety, I do not propose to provide a full summary but have outlined the pertinent points below. In addition, having read the Opponent's submissions, I do not propose to summarise this document but will refer to any relevant submissions, where necessary, later in my decision. This decision is taken following a careful perusal of the papers.

## **Evidence**

10. The Opponent's evidence consists of the witness statement of Elizabeth May dated 4 March 2021, accompanied by 11 exhibits marked EM1-EM11.

11. Elizabeth May is an Attorney-in-Fact, authorised to represent the Opponent in relation to intellectual property matters. She has been authorised to act in this capacity since June 2017. The information contained within her witness statement is from her own knowledge and taken from records of the Opponent (to which she has full access) and publicly available information and materials.

12. The Opponent company was established in 1814 by James Purdey initially as a gun and rifle making business in London. In 1868 it was granted its first royal warrant appointment by King Edward VII. Thereafter it has held further royal warrant appointments which have been bestowed by Queen Elizabeth II, the Duke of Edinburgh and the Prince of Wales.

13. The Opponent expanded its business into apparel in 1974 selling its goods from its PURDEY flagship store in South Audley Street, London. Its apparel is not only offered for sale from its store but also online via its website “www.purdey.com” and both online and in-store from the luxury UK department store Harrods.

14. It is said that the PURDEY trademark has been used on apparel in the UK and internationally for many decades. The range includes *outwear, trousers and breeks, shirts and polos, knitwear, hats and caps, underwear, footwear, gloves, scarves and belts*.

15. Ms May states that turnover under the PURDEY mark for clothing, footwear and headgear was in excess of £4.6 million for the period 20 September 2015 to 19 September 2020. A table of the annual UK turnover figures is outlined as follows:

Year	Gross Turnover (GBP)
2015	In excess £250,000
2016	In excess £700,000
2017	In excess £800,000
2018	In excess £1,000,000
2019	In excess £1,100,000

16. It is said that the PURDEY website attracts millions of visitors which includes those from the UK. For the period 1 April 2017 to 19 January 2021, the website attracted

over 1.2 million visitors, carrying out over 1.9 million sessions and resulting in over 9 million page views.

17. The Opponent's UK advertising expenditure is set out in the following table amounting to over £2.3 million between 2015 and 2019.

Year	UK Advertising Expenditure
2015	More than £180,000
2016	More than £600,000
2017	More than £550,000
2018	More than £550,000
2019	More than £400,000

18. The PURDEY brand is said to be promoted in the UK via various media to include online, social media via its Facebook and Instagram accounts, in the press, by direct mail and during events.

19. A summary of the contents of the exhibits produced are as follows:

- EM 1 consists of extracts taken from the PURDEY website outlining the history of the brand and the expansion of the business into apparel.
- EM2 are excerpts taken from the PURDEY website consisting of photographs showing a selection of PURDEY branded apparel being offered for sale to include a jumper, Blouson (jacket), tweed vest/gilet, ladies shirt, ladies jacket, jeans, baseball cap, shoes all displaying the PURDEY mark clearly visible on the sewn-in labels.
- EM3 consists of archived webpages showing images of a range of PURDEY branded apparel. The extracts dated 7 Oct 2015 include images of jackets, trousers, coats, capes and boots. The screenshots dated 3 Feb 2016 include images of a fur cape, stole, gilet and scarf, overtrousers, vest, caps and a range of coats.
- EM4 consists of archive webpages, dated June 2020 taken from "www.harrods.com" showing a range of PURDEY branded apparel of a similar nature to those as produced in exhibit EM3 but also includes images of shirts, sweaters and hats being offered for sale. .

- EM5 consists of example invoices dated in 2017, 2018, 2019 and 2020 showing a range of PURDEY clothing sold to UK customers. The invoices are for a range of goods which include polo shirts, sweaters, shirts, ties, socks, boots, baseball caps, trousers and breeks, vests and gilets,
- EM6 consists of a visitor data information screengrab, collated and taken from the Google Analytics platform. It is said that the graph produced provides an overview of the continuous and consistent flow of visitors to the website between 2017 and 2021.
- EM7 consists of example posts taken from the Opponent's official Facebook and Instagram accounts which are said to promote the PURDEY fashion label. All posts are dated between 30 July 2018 and 12 September 2020. No details are provided regarding the number of followers.
- EM8 consists of example advertisements for PURDEY clothing and accessories placed in print publications available in the UK taken from The Gentleman's Journal (dated February 2017); Town and Country ( dated January 2018), Tatler (dated April 2019) and The Rake (dated August 2020).
- EM9 consists of screengrabs taken from the website "www.steve-edge.com" relating to the Opponent's 2015 advertising campaign.
- EM10 consists of excerpts taken from the PURDEY website referring to events sponsored or organised by the Opponent in the UK over the years.
- EM11 consists of examples of UK editorials making reference to clothing and accessories bearing the PURDEY brand.

## **Decision**

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

20. Section 5(2)(b) of the Act states as follows:

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

(a) ....

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

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

21. Section 5A of the Act is as follows:

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

22. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 requires tribunals to apply EU-derived national law in accordance with EU law as it stood at the end of the transition period. The provisions of the Trade Marks Act relied on in these proceedings are derived from an EU Directive. That is why this decision continues to refer to the case law of the EU courts on trade mark matters.

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

The principles:

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

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



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

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

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

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

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

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

24. When conducting a goods and services comparison, all relevant factors should be considered as per the judgment of the Court of Justice of the European Union (“CJEU”) in *Canon Kabushiki Kaisha v Metro Goldwyn Mayer Inc* Case C-39/97, where the court stated at paragraph 23 of its judgment that:

“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”.

25. I am also guided by the relevant factors for assessing similarity identified by Jacob J in *Treat*, [1996] R.P.C. 281 namely:

- (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.

26. In *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T-133/05, the General Court (“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 Applicant relies on those goods as listed in paragraph where the goods designated by the trade mark application are included in a more general category designated by the earlier mark”.

27. The Applicant’s goods, as applied for, cover the full alphabetical list of goods in class 25 (as set out in full in the appendix). Those goods relied upon as covered by the Opponent’s UKTM are identical to the goods included within the application. Furthermore, the Opponent’s EUTM covers the broad terms clothing, footwear and headgear, which encompasses all of the Applicant’s goods. Consequently, the contested goods are either identical because the same wording is used or are identical according to *Meric* as they are all included in the Opponent’s broader category of goods. On this basis I need not consider further the comparison between the Applicant’s goods in class 25 and the Opponent’s services in class 35, as this will not place it in any stronger position. I will proceed with the assessment on the basis that the goods are identical, only returning to the Opponent’s services in class 35 should it become necessary to do so.

### **Average consumer**

28. When considering the opposing marks, I must determine first of all who the average consumer is for the goods and the purchasing process. The average consumer is deemed reasonably well informed and reasonably observant and circumspect.

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

“60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively 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.”

30. The Opponent submits that the respective goods are “everyday goods widely available via multiple suppliers at variable prices. The average consumer for such goods will be members of the general public. Although the cost of the goods may vary the purchasing act would not be an overly considered thought process as, generally, clothing is a relatively inexpensive purchase ...and at best an average level of care and attention. ..[will be undertaken].” I agree. Overall the respective goods are directed at the general public at large. The respective goods are unlikely to be purchased daily or particularly infrequently, with considerations such as fashion trends, price, quality and suitability taken into account in the purchasing process. For these reasons I consider that at least an average degree of attention will be undertaken in the purchasing process i.e.no higher or lower than the norm for such goods.

31. In relation to the purchasing process itself, in *New Look Limited v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (“OHIM”)*, joined cases T-117/03 to T-119/03 and T-171/03, the GC stated that:

“49. However, it should be noted that in the global assessment of the likelihood of confusion, the visual, aural or conceptual aspects of the opposing signs do not always have the same weight. It is appropriate to examine the objective conditions under which the marks may be present on the market (*BUDMEN*, paragraph 57). The extent of the similarity or difference between the signs may depend, in particular, on the inherent qualities of the signs or the conditions under which the goods or services covered by the opposing signs are marketed. If the goods covered by the mark in question are usually sold in self-service stores where consumer choose the product themselves and must therefore rely primarily on the image of the trade mark applied to the product, the visual similarity between the signs will as a general rule be more important. If on the other hand the product covered is primarily sold orally, greater weight will usually be attributed to any aural similarity between the signs.”

And

“50..... Generally in clothes shops customers can themselves either choose the clothes they wish to buy or be assisted by the sales staff. Whilst oral communication in respect of the product and the trade mark is not excluded, the choice of the item of clothing is generally made visually. Therefore, the visual perception of the marks in question will generally take place prior to purchase. Accordingly the visual aspect plays a greater role in the global assessment of the likelihood of confusion.”

32. Taking this decision into account and the nature of the goods, I accept that the purchasing process will be primarily visual with the goods selected from retail outlets or their online equivalents. I do not discount aural considerations however in the form of advice sought from or requests made to sales assistants or queries over the telephone.

### **Comparison of the marks**

33. 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.”

34. It would be wrong, therefore, to dissect the trade marks artificially, although it is necessary to consider 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 trade marks.

35. Since both the Opponent's UKTM and EUTM are for the identical word only mark PURDEY, I shall refer to them in the singular when undertaking the mark comparison.

36. The respective trade marks are shown below:

Opponent's mark	Applicant's mark
PURDEY	<b>PUREY</b>

### **Overall Impression**

37. The Opponent's mark consists of the six letter word PURDEY presented in capital letters. There are no other elements to contribute to the overall impression which is contained in the word itself.

38. Although the Applicant submits that the letters of his mark possess a unique visual appearance, I do not agree. The overall impression of the mark solely resides in the five letter word PUREY with the stylisation playing a limited role in the trade mark as a whole.

### **Visual comparison**

39. The Opponent submits that visually the marks share a high degree of visual similarity only differing by a single letter located in the middle of the Opponent's mark which it is submitted is likely to go unnoticed by the relevant public. The Applicant is silent on the point other than referring to "the unique visual appearance of its mark" and that they are spelt differently. He does not consider that consumers would mix up the two marks.

40. I do not consider that any great importance will be attributed to the stylisation of the Applicant's mark as it is unremarkable. In any event, caselaw suggests that notional and fair use entitles the Opponent's word only mark to be used in any font or case which would include the font used by the Applicant. Both marks present visually therefore as word marks. The whole of the Applicant's mark is contained within the Opponent's mark coinciding in the identical letters PUR-EY, the only difference being the presence of the letter D following the letter R in the Opponent's mark. Both marks

are roughly of equal length being respectively five and six letters long. Given that both marks begin and end with the identical letters only differing with the presence/absence of the letter D which is contained within the middle of the Opponent's mark, I consider that, visually, the marks are highly similar. The difference with the addition of the letter D, in my view, will be swallowed up by the remaining letters.

### **Aural comparison**

41. Not discounting that there may be variations in how the marks are pronounced I consider that, following normal English paradigms, the Applicant's mark will be pronounced as PEW-REE, whereas the Opponent's mark will be pronounced as PURR-DEE. Given that both marks start and end with the same sounds but differ in so far as the presence of the letter D results in the middle vowel sound being shorter, I consider that the marks are aurally similar to a medium degree.

### **Conceptual comparison**

42. The Applicant submits that PUREY is the name of the founder's doberman to which I understand this to mean that it is the name of the Applicant's dog. In its original pleadings the Opponent submitted that PURDEY is the surname of the founder of the company, however in its submissions in lieu it submitted as its primary position that neither trade mark had an obvious meaning, submitting that:

“Conceptually neither mark has an obvious meaning [such] ...that a conceptual comparison would not be appropriate.

In the event that the Hearing officer disagrees, the Opponent notes that the Applicant has referred to PUREY being the name of a pet. The public may recognise/perceive both marks as names, resulting in a modest degree of conceptual similarity between PURDEY and PUREY.”

43. I accept that the marks could either be regarded as names or as invented words. In the Opponent's case, however, I consider it more likely that a greater proportion of consumers will regard it as a surname, notwithstanding that it will not be a name familiar to many of the UK public. The Applicant's mark however is said to be the name of his pet, but is, in my view, more likely to be regarded as invented with no obvious concept (other than perhaps being based on the word PURE meaning

uncontaminated/ untainted; however, this meaning was not advanced by the Applicant).

44. Even if the Applicant's mark were perceived as a name it will be recognised as a different name and therefore conceptually dissimilar as neither mark is possessed of a clear and immediate recognisable semantic content. Where the Opponent's mark is regarded as a surname and the Applicant's mark is regarded as invented, then they will also be conceptually dissimilar. Where both marks are regarded as invented, they will be conceptually neutral.

### **Distinctive Character**

45. 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. The degree of distinctiveness is an important factor as it directly relates to whether there is a likelihood of confusion; the more distinctive the earlier mark the greater the likelihood of confusion.

46. 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).”

47. The Opponent submits that its mark PURDEY is inherently distinctive for its goods and services in classes 25 and 35 and that it benefits from an enhanced level of distinctive character to a high degree as a result of its longstanding use for clothing, footwear and headgear and the related retail services for such goods.

48. In *Becker v Harman International Industries*, Case C-51/09 P, the distinctive character of a surname was considered and the CJEU stated as follows:

“Although it is possible that, in part of the European Union, surnames have, as a general rule, a more distinctive character than forenames, it is appropriate to take account of factors specific to the case and, in particular, to the fact that the surname concerned is unusual or, on the contrary, very common, which is likely to have an effect on that distinctive character.”

49. I have already outlined that there may be some consumers who will consider the earlier mark to be invented and it will, in those circumstances, enjoy the highest degree of inherent distinctive character. However I consider that a greater proportion of the public will perceive it as a name, and if so it is likely to be seen as a surname, perhaps the name of the founder of the business. Names are commonly used as trade marks and therefore not considered as greatly distinctive. However the name PURDEY is not a particularly common UK name either as a forename or a surname. In my view, I consider that the level of inherent distinctive character of the mark is above average where it is regarded as a name, due to it being an uncommon one.

50. The Opponent has filed evidence and claimed that the brand PURDEY is known for its high quality clothing and accessories and therefore has achieved a high level of enhanced distinctive character. The evidence, however, does not support such a claim. The turnover figures produced are between £250,000 and £1,100,000 per annum, which are relatively modest, given the size of the general clothing market and

are fairly low in the context of the high quality market. In light of the high price tags displayed for the individual items, the figures do not point to intensive or extensive sales. I note that the business has attained a royal patronage which means that the brand is possessed of a certain prestige that is associated with such an appointment, but the royal warrants referred to, appear to be held for gun and rifle making and not for its clothing, headgear and footwear goods. Whilst the website has attracted 1.2 million visitors over a four year period and the advertising expenditure is in excess of £2.3 million between 2015 and 2019, it is unclear whether this is solely for clothing, headgear and footwear or includes the Opponent's other range of goods. Whilst a variety of advertising mediums have been referred to, its social media presence appears to be fairly modest. The evidence from its Facebook account gives no indication as to the number of followers it has and the posts themselves have only generated a fairly low number of likes. The print publications namely Tatler, The Razz and Town and Country magazines are not mainstream publications, which indicates that the advertising is not directed towards the general populous, but rather is aimed towards a niche market; the shooting/country sporting set of high society. I note that the article published in "The Rake" includes the following "For British firm PURDEY, heritage means 200 years of crafting the finest country sports equipment and accessories, a devotion to their original art of gunsmithing."<sup>2</sup> I consider the Opponent's goods are predominantly directed towards a niche section of the public, the shooting and hunting set which does not represent a significant proportion of the wider general public. Taking account my assessment of the evidence, in particular the turnover figures, I do not consider that the Opponent has filed sufficient evidence to demonstrate that the distinctive character of its mark has been enhanced through use for clothing, footwear and headgear.

### **Likelihood of confusion**

51. When considering whether there is a likelihood of confusion between the respective marks I must consider whether there is direct confusion, where one mark is mistaken for the other or whether there is indirect confusion where the similarities between the marks lead the consumer to believe that the respective goods originate from the same or related source.

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<sup>2</sup> Page 30

52. In *L.A. Sugar Limited v By Back Beat Inc*, Case BL O/375/10, Mr Iain Purvis Q.C., as the Appointed Person, explained that:

“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 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, I conclude that it is another brand of the owner of the earlier mark.”

53. A number of factors must also be borne in mind when undertaking the assessment of confusion. 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 also necessary for me to keep in mind a global assessment of all relevant factors when undertaking the comparison and that the purpose of a trade mark is to distinguish the goods and services of one undertaking from another. In doing so, I must consider that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

54. Earlier in my decision I found that the goods were either identical or identical according to *Meric*. I identified the average consumer of the goods as being a member of the general public who would primarily select the goods via visual means, but not discounting aural considerations. I found that, overall, at least an average degree of attention would be undertaken in the purchasing process. I found the marks to be visually similar to a high degree and aurally similar to a medium degree. I found that depending on the consumer’s perception of the contested marks that they would be either conceptually neutral or dissimilar. I found that the Opponent’s mark possessed

an above average degree of inherent distinctive character where it was perceived as a name, however, where it was regarded as an invented word, I considered that it had the highest degree of distinctiveness. I did not find that the Opponent had enjoyed an enhanced degree of distinctive character based on the evidence filed. I bear in mind my assessment regarding the overall impression of each mark and that little significance will be given to the stylisation of the Applicant's mark.

55. In making my assessment of a likelihood of confusion, I note that the purpose of a trade mark is to distinguish the goods and services of one undertaking from another and that the matter must be assessed from the perspective of consumer's immediate and instinctive reaction to the marks upon first encounter. <sup>3</sup>

56. In *Diramode S.A. v Richard and Linda Turnham (Pinkies)*,<sup>4</sup> Mr Geoffrey Hobbs, QC, sitting as the Appointed Person, concluded that there is a greater likelihood of confusion where the earlier mark has a highly distinctive character. Moreover, in *Pinkies*, he found that "the marks were visually and aurally similar to a degree that would easily enable them to become tangled up with one another in the perceptions and recollections of consumers exposed to concurrent use of them."

57. This is the position in the decision in suit. Taking account of the principle of imperfect recollection and the fact that consumers rarely have a chance to compare marks side by side, I conclude that there is a strong likelihood that the marks will be mistaken one for the other. I take particular note of the fact that the entirety of the Applicant's mark is subsumed within the Opponent's mark with only one letter difference, which is presented in the middle of the Opponent's mark.

58. Due to its position, the additional letter D, is in my view, likely to be swallowed up by the identity of the remaining letters in a situation as envisaged by Mr Hobbs, which would lead the respective marks becoming easily tangled up with one another in the recollections of the consumers. The difference between the inclusion/ absence of the letter D is insufficient, for the average consumer to distinguish between the marks, especially where only at least an average level of attention is paid for goods purchased predominantly visually. The dominance of the visual similarity that exists, with no clear conceptual hook to assist (where each is regarded as invented) would lead to the

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<sup>3</sup> *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17

<sup>4</sup> BL O/566/19

marks being misremembered, leading to a likelihood of direct confusion. Even where the marks are regarded as names, they are not common ones, and therefore the high visual similarities between them would result in consumers misremembering or misspelling them and lead to them being imperfectly recalled leading to direct confusion. This one letter difference is in my view insufficient to act as a determining factor to distinguish the marks one from the other.

59. Based on these conclusions, I need not consider the Opponent's services in class 35 as this will not place it any stronger position. The opposition under section 5(2)(b) of the Act succeeds in full.

### **Section 5(3)**

60. Section 5(3) the Act states:

“A trade mark which-

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

(3A) Subsection (3) applies irrespective of whether the goods and services for which the trade mark is to be registered are identical with, similar to or not similar to those for which the earlier trade mark is protected.”

61. The relevant case law can be found in the following judgments of the CJEU: Case C-375/97, *General Motors*, Case 252/07, *Intel*, Case C-408/01, *Addidas-Salomon*, Case C-487/07, *L'Oreal v Bellure* and Case C-323/09, *Marks and Spencer v Interflora*. The law appears to be as follows.

a) The reputation of a trade mark must be established in relation to the relevant section of the public as regards the goods or services for which the mark is registered; *General Motors*, paragraph 24.

(b) The trade mark for which protection is sought must be known by a significant part of that relevant public; *General Motors, paragraph 26*.

(c) It is necessary for the public when confronted with the later mark to make a link with the earlier reputed mark, which is the case where the public calls the earlier mark to mind; *Adidas Saloman, paragraph 29* and *Intel, paragraph 63*.

(d) Whether such a link exists must be assessed globally taking account of all relevant factors, including the degree of similarity between the respective marks and between the goods/services, the extent of the overlap between the relevant consumers for those goods/services, and the strength of the earlier mark's reputation and distinctiveness; *Intel, paragraph 42*

(e) Where a link is established, the owner of the earlier mark must also establish the existence of one or more of the types of injury set out in the section, or there is a serious likelihood that such an injury will occur in the future; *Intel, paragraph 68*; whether this is the case must also be assessed globally, taking account of all relevant factors; *Intel, paragraph 79*.

(f) Detriment to the distinctive character of the earlier mark occurs when the mark's ability to identify the goods/services for which it is registered is weakened as a result of the use of the later mark, and requires evidence of a change in the economic behaviour of the average consumer of the goods/services for which the earlier mark is registered, or a serious risk that this will happen in future; *Intel, paragraphs 76 and 77*.

(g) The more unique the earlier mark appears, the greater the likelihood that the use of a later identical or similar mark will be detrimental to its distinctive character; *Intel, paragraph 74*.

(h) Detriment to the reputation of the earlier mark is caused when goods or services for which the later mark is used may be perceived by the public in such a way that the power of attraction of the earlier mark is reduced, and occurs particularly where the goods or services offered under the later mark have a

characteristic or quality which is liable to have a negative impact of the earlier mark; *L'Oreal v Bellure NV*, paragraph 40.

(i) The advantage arising from the use by a third party of a sign similar to a mark with a reputation is an unfair advantage where it seeks to ride on the coat-tails of the senior mark in order to benefit from the power of attraction, the reputation and the prestige of that mark and to exploit, without paying any financial compensation, the marketing effort expended by the proprietor of the mark in order to create and maintain the mark's image. This covers, in particular, cases where, by reason of a transfer of the image of the mark or of the characteristics which it projects to the goods identified by the identical or similar sign, there is clear exploitation on the coat-tails of the mark with a reputation (*Marks and Spencer v Interflora*, paragraph 74 and the court's answer to question 1 in *L'Oreal v Bellure*).

62. The conditions of section 5(3) are cumulative. Firstly, the Opponent must show that the earlier marks are similar to the Applicant's mark. Secondly, that the earlier marks have achieved a level of knowledge/reputation amongst a significant part of the public. Thirdly, it must be established that the level of reputation and the similarities between the marks will cause the public to make a link between them, in the sense of the earlier marks being brought to mind by the later mark. Fourthly, assuming that the first three conditions have been met, section 5(3) requires that one or more of the three types of damage claimed by the opponent will be suffered. It is unnecessary for the purposes of section 5(3) for the goods and services to be similar, although the relative distance between them is one of the factors which must be assessed in deciding whether the public will make a link between them. For the purposes of section 5(3) the relevant date for the assessment is the date of filing of the application, namely 20 September 2020.

63. The Opponent contends that PURDEY has enjoyed a reputation in the UK at the point of filing of the contested application, submitting that:

“Ms May’s evidence clearly and unequivocally demonstrates that PURDEY has been used extensively prior to the filing of the contested application in relation to clothing footwear and headgear.

The turnover information shows that the PURDEY clothing range has been commercially successful and the evidence collectively shows that the UK public is familiar with the PURDEY brand. The royal warrants of appointment attached to the brand, for guns and rifles, further serve to keep the mark in the forefront of the public’s mind.”

64. The Applicant made no specific submissions in relation to the Opponent’s claim to a reputation.

### **Similarity of the marks**

65. In relation to the similarity between the marks, overall, this first condition is satisfied. For the reasons set out earlier, I found that the marks were visually similar to a high degree and aurally similar to a medium degree. Conceptually I found that the marks were either neutral or dissimilar depending on the consumer’s perception of the contested marks.

### **Reputation**

66. Reputation was defined in *General Motors*, Case C-375/97, in which the CJEU held that:

“25. It cannot be inferred from either the letter or the spirit of Article 5(2) of the Directive that the trade mark must be known by a given percentage of the public so defined.

26. The degree of knowledge required must be considered to be reached when the earlier mark is known by a significant part of the public concerned by the products or services covered by that trade mark.

27. In examining whether this condition is fulfilled, the national court must take into consideration all the relevant facts of the case, in particular the market share held by the trade mark, the intensity, geographical extent and duration of its use, and the size of the investment made by the undertaking in promoting it.



28. Territorially, the condition is fulfilled when, in the terms of Article 5(2) of the Directive, the trade mark has a reputation 'in the Member State'. In the absence of any definition of the Community provision in this respect, a trade mark cannot be required to have a reputation 'throughout' the territory of the Member State. It is sufficient for it to exist in a substantial part of it."

67. The Opponent claims that, based on the evidence filed, its reputation extends across all the goods for which it claims a reputation. In order to succeed in this contention, the Opponent must demonstrate that a significant part of the public associates the earlier marks with the goods and services as outlined. In making this determination I must take into account all the relevant factors to include "the market share held by the trade mark, the intensity geographical extent, and duration of its use and the size of the investment made by the undertaking in promoting it."

68. I note that the assessment of whether the Opponent has a reputation for the goods claimed is a different test to the one undertaken for an enhanced level of distinctive character and that proving reputation is not a particularly onerous task.<sup>5</sup> The UK turnover figures, however, are not significant, amounting to between £250,000 and £1,100,000 per annum. Notwithstanding that I have not been provided with market share figures, since the Opponent's case is that its market is the general clothing market, these figures are minimal and would only represent a small market share. I note that the advertising campaign expenditure is approximately £2.2 million over five years and that the internet traffic data demonstrates that the PURDEY website has attracted over 1.2 million visitors with over 9 million page views. However, it is unclear whether this evidence only relates to those goods/services as relied upon or extends to its business as a whole. For the Opponent to succeed it must demonstrate that it possesses a reputation for the goods and retail services as pleaded. It appears that the Opponent may have a reputation in a very niche area related to its hunting and shooting equipment as evidenced by its Royal warrants, but I am not satisfied that this extends generally to its clothing footwear and headgear goods and retail services. Taking into account and assessing the evidence filed, I do not accept that the

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<sup>5</sup> *Enterprise Holdings Inc. v Europcar Group UK Ltd* [2015] EWHC 17 (Ch), Arnold J.

Opponent has demonstrated a reputation amongst a significant proportion of the relevant public, for its goods and retail services as claimed.

69. In light of my conclusion the Opponent's claim fails at the first hurdle and its opposition based on section 5(3) is unsuccessful.

70. In light of my conclusions under section 5(2) and 5(3) I do not consider it necessary to undertake an assessment of the opposition under section 5(4) as this will not improve the Opponent's position.

### **Conclusion**

71. The opposition succeeds and subject to any successful appeal the application shall be refused.

### **Costs**

72. As the Opponent, overall, has been successful it is entitled to an award of costs. Award of costs are as set out in Tribunal Practice Note 2 of 2016. Despite the Opponent not succeeding under its section 5(3) ground, the Applicant's only input in the process was to file his TM8 Form. Taking these matters into account and applying the guidance, I award costs to the Opponent on the following basis:

Preparing an opposition and statement of grounds:	£200
Preparing evidence	£500
Preparing submissions in lieu of hearing	£300
Official Fee	£200
<b>Total</b>	<b>£1200</b>

73. I order Jianwei Chen to pay James Purdey & Sons Limited the sum of £1200 as a contribution towards its costs. This sum is to be paid within 21 days of the expiry of the appeal period or within 21 days of the final determination of this case, if any appeal against the decision is unsuccessful.

Dated this 23rd day of September 2021

Leisa Davies

For the Registrar

## Appendix

### Applicant's Goods

Class 25: Babies' clothing; Babies' outerclothing; Babies' pants [clothing]; Babies' pants [underwear]; Babies' undergarments; Babushkas; Baby bibs [not of paper]; Baby bodysuits; Baby boots; Baby bottoms; Baby clothes; Baby doll pyjamas; Baby layettes for clothing; Baby pants; Baby sandals; Baby shoes; Baby tops; Balaclavas; Ball gowns; Ballet shoes; Ballet slippers; Ballet suits; Ballroom dancing shoes; Bandanas; Bandanas [neckerchiefs]; Bandannas; Bandeaux [clothing]; Barber smocks; Baseball caps; Baseball caps and hats; Baseball hats; Baseball shoes; Baseball uniforms; Baselayer bottoms; Baselayer tops; Basic upper garment of Korean traditional clothes [Jeogori]; Basketball shoes; Basketball sneakers; Bath robes; Bath sandals; Bath slippers; Bathing caps; Bathing costumes; Bathing costumes for women; Bathing drawers; Bathing suit cover-ups; Bathing suits; Bathing suits for men; Bathing trunks; Bathrobes; Beach clothes; Beach clothing; Beach cover-ups; Beach footwear; Beach hats; Beach robes; Beach shoes; Beach wraps; Beachwear; Beanie hats; Beanies; Bed jackets; Bed socks; Belts [clothing]; Belts for clothing; Belts made from imitation leather; Belts made of leather; Belts made out of cloth; Belts (Money -) [clothing]; Belts of textile; Berets; Bermuda shorts; Bib overalls for hunting; Bib shorts; Bib tights; Bibs, not of paper; Bibs, sleeved, not of paper; Bikinis; Blazers; Bloomers; Blouses; Blouson jackets; Blousons; Blue jeans; Board shorts; Boardshorts; Boas; Boas [clothing]; Boas [necklets]; Boaters; Bobble hats; Bodices; Bodices [lingerie]; Bodies [clothing]; Bodies [underclothing]; Body linen [garments]; Body stockings; Body suits; Body warmers; Bodysuits; Caftans; Cagoules; Camiknickers; Camisoles; Camouflage gloves; Camouflage jackets; Camouflage pants; Camouflage shirts; Camouflage vests; Canvas shoes; Cap peaks; Cap visors; Capelets; Capes; Capes (clothing); Capri pants; Caps; Caps being headwear; Caps [headwear]; Caps (Shower -); Caps with visors; Car coats; Cardigans; Cargo pants; Cashmere clothing; Cashmere scarves; Cassocks; Casual clothing; Casual footwear; Casual jackets; Casual shirts; Casual trousers; Casual wear; Casualwear; Chadors; Chaps; Chaps (clothing); Chasubles; Chefs' hats; Chefs' whites; Chemise tops; Chemises; Chemisettes; Cheongsams (Chinese gowns); Children's clothing; Childrens' clothing; Children's footwear; Children's headwear; Children's outerclothing; Children's wear; Chino pants; Choir robes; Christening gowns; Christening robes; Cleats for attachment to sports shoes;

Climbing boots; Climbing boots [mountaineering boots]; Climbing footwear; Cloaks; Cloche hats; Clogs; Cloth bibs; Cloth bibs for adult diners; Clothes; Clothes for sport; Clothes for sports; Clothing; Clothing containing slimming substances; Clothing for babies; Clothing for children; Clothing for cycling; Clothing for cyclists; Clothing for fishermen; Clothing for gymnastics; Clothing for horse-riding [other than riding hats]; Clothing for infants; Clothing for leisure wear; Clothing for martial arts; Clothing for men, women and children; Clothing for skiing; Clothing for sports; Clothing for wear in judo practices; Clothing for wear in wrestling games; Clothing incorporating LEDs; Clothing layettes; Clothing made of fur; Clothing made of imitation leather; Clothing made of leather; Clothing of imitations of leather; Clothing of leather; Coats; Coats for men; Coats for women; Coats made of cotton; Coats of denim; Coats (Top -); Cocktail dresses; Collar guards for protecting clothing collars; Collar liners for protecting clothing collars; Collar protectors; Dance clothing; Dance costumes; Dance shoes; Dance slippers; Deck shoes; Deck-shoes; Denim coats; Denim jackets; Denim jeans; Denim pants; Denims [clothing]; Desert boots; Detachable collars; Detachable neckpieces for kimonos (haneri); Dinner jackets; Dinner suits; Disposable slippers; Disposable underwear; Donkey jackets; Down jackets; Down suits; Down vests; Drawers as clothing; Drawers [clothing]; Dress pants; Dress shields; Dress shirts; Dress shoes; Dress suits; Dresses; Dresses for evening wear; Dresses for infants and toddlers; Dresses made from skins; Dressing gowns; Driving gloves; Driving shoes; Duffel coats; Duffle coats; Dungarees; Dust coats; Ear muffs; Ear muffs [clothing]; Ear warmers; Ear warmers being clothes; Earbands; Earmuffs; Embossed heels of rubber or of plastic materials; Embossed soles of rubber or of plastic materials; Embroidered clothing; Espadrilles; Esparto shoes or sandals; Esparto shoes or sandals; Evening coats; Evening dresses; Evening gowns; Evening suits; Evening wear; Exercise wear; Eye masks; Fabric belts; Fabric belts [clothing]; Fake fur hats; Fancy dress costumes; Fascinator hats; Fashion hats; Fedoras; Fezzes; Figure skating clothing; Fingerless gloves; Fingerless gloves as clothing; Fishermen's jackets; Fishing boots; Fishing clothing; Fishing footwear; Fishing headwear; Fishing jackets; Fishing shirts; Fishing smocks; Fishing vests; Fishing waders; Fitted swimming costumes with bra cups; Fittings of metal for boots and shoes; Fittings of metal for footwear; Flat caps; Flat shoes; Fleece jackets; Fleece pullovers; Fleece shorts; Fleece tops; Fleece vests; Fleeces; Flip-flops; Flip-flops for use as footwear; Flying suits; Foam pedicure slippers; Folk costumes; Foot volleyball shoes; Football boots; Football boots (Studs for -);

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

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

Long-sleeved shirts; Lounge pants; Loungewear; Lounging robes; Low wooden clogs (hiyori-geta); Low wooden clogs (koma-geta); Low wooden clogs [koma-geta]; Lumberjackets; Mackintoshes; Maillots; Maillots [hosiery]; Maniples; Mankinis; Mantillas; Mantles; Martial arts uniforms; Masks (Sleep -); Masquerade and halloween costumes; Masquerade costumes; Maternity bands; Maternity clothing; Maternity dresses; Maternity leggings; Maternity lingerie; Maternity pants; Maternity shirts; Maternity shorts; Maternity sleepwear; Maternity smocks; Maternity tops; Maternity underwear; Maternity wear; Men's and women's jackets, coats, trousers, vests; Men's clothing; Men's dress socks; Men's sandals; Men's socks; Men's suits; Men's underwear; Menswear; Metal fittings for Japanese style wooden clogs; Military boots; Millinery; Miniskirts; Miters [hats]; Mitres [hats]; Mittens; Mitts [clothing]; Moccasins; Mock turtleneck shirts; Mock turtleneck sweaters; Mock turtlenecks; Moisture-wicking sports bras; Moisture-wicking sports pants; Moisture-wicking sports shirts; Money belts [clothing]; Monokinis; Morning coats; Motorcycle gloves; Motorcycle jackets; Motorcycle rain suits; Motorcycle riding suits; Motorcyclist boots; Motorcyclists' clothing; Motorcyclists' clothing of leather; Motorists' clothing; Mountaineering boots; Mountaineering shoes; Mufflers; Mufflers as neck scarves; Mufflers [clothing]; Mufflers [neck scarves]; Muffs; Muffs [clothing]; Mukluks; Mules; Muumuus; Nappy pants [clothing]; Neck gaiters; Neck scarfs [mufflers]; Neck scarves; Neck scarves [mufflers]; Neck tube scarves; Neck tubes; Neck warmers; Neckbands; Neckerchiefs; Neckerchieves; Neckties; Neckwear; Negligees; Night gowns; Night shirts; Nightcaps; Nightdresses; Nightgowns; Nighties; Nightshirts; Nightwear; Nipple pasties; Niqabs; Non-slip socks; Non-slipping devices for boots; Non-slipping devices for footwear; Nurse dresses; Nurse overalls; Nurse pants; Nurses' uniforms; Nursing bras; Nursing shoes; Oilskins [clothing]; One-piece clothing for infants and toddlers; One-piece playsuits; One-piece suits; Open-necked shirts; Outer clothing; Outer soles; Outercloding; Outercloding for boys; Outercloding for girls; Outercloding for men; Outerwear; Overalls; Overalls for infants and toddlers; Overcoats; Overshirts; Overshoes; Overtrousers; Over-trousers; Padded jackets; Padded pants for athletic use; Padded shirts for athletic use; Padded shorts for athletic use; Pajama bottoms; Pajamas; Pajamas (Am.); Pantaloons; Pantie-girdles; Panties; Pants; Pants (Am.); Pantsuits; Panty hose; Pantyhose; Paper aprons; Paper clothing; Paper hats [clothing]; Paper hats for use as clothing items; Paper hats for wear by chefs; Paper hats for wear by nurses; Pareos; Pareus; Parkas; Parts of clothing, footwear and



headgear; Party hats [clothing]; Pea coats; Peaked caps; Peaked headwear; Peaks (Cap -); Pedal pushers; Pedicure sandals; Pedicure slippers; Peignoirs; Pelerines; Pelisses; Petticoats; Petti-pants; Pinafore dresses; Pinafores; Pique shirts; Pirate pants; Plastic aprons; Plastic baby bibs; Plastic slippers; Platform shoes; Play suits; Playsuits [clothing]; Pleated skirts; Pleated skirts for formal kimonos (hakama); Plimsolls; Plus fours; Plush clothing; Pocket kerchiefs; Pocket squares; Pocket squares [clothing]; Pockets for clothing; Polar fleece jackets; Polo boots; Polo knit tops; Polo neck jumpers; Polo shirts; Polo sweaters; Ponchos; Pop socks; Pram suits; Printed t-shirts; Protective metal members for shoes and boots; Pullovers; Pullstraps for shoes and boots; Pumps [footwear]; Puttees; Puttees; Pyjamas; Pyjamas [from tricot only]; Quilted jackets [clothing]; Quilted vests; Rain boots; Rain coats; Rain hats; Rain jackets; Rain ponchos; Rain shoes; Rain slickers; Rain suits; Rain trousers; Rain wear; Raincoats; Rainproof clothing; Rainproof jackets; Rainshoes; Rainwear; Ramie shirts; Rash guards; Ready-made clothing; Ready-made linings [parts of clothing]; Ready-to-wear clothing; Referees uniforms; Religious garments; Removable collars; Replica football kits; Reversible jackets; Riding boots; Riding gloves; Riding Gloves; Riding jackets; Riding shoes; Riding trousers; Robes; Robes (Bath -); Roll necks [clothing]; Roller shoes; Romper suits; Rompers; Ruanas; Rubber fishing boots; Rubber shoes; Rubber soles for jikatabi; Rubbers [footwear]; Rugby boots; Rugby jerseys; Rugby shirts; Rugby shoes; Rugby shorts; Rugby tops; Running shoes; Running Suits; Running vests; Russian felted boots (Valenki); Sabots; Safari jackets; Sailing wet weather clothing; Sailor suits; Salopettes; Sandal-clogs; Sandals; Sandals and beach shoes; Sarees; Saris; Sarongs; Sash bands for kimono (obi); Sashes for wear; Scarfs; Scarves; School uniforms; Scrimmage vests; Sedge hats (suge-gasa); Serapes; Shampoo capes; Shapewear; Shawls; Shawls and headscarves; Shawls and stoles; Shawls [from tricot only]; Sheepskin coats; Sheepskin jackets; Shell jackets; Shell suits; Shields (Dress -); Shift dresses; Shirt fronts; Shirt yokes; Shirt-jacs; Shirts; Shirts and slips; Shirts for suits; Shoe covers, other than for medical purposes; Shoe inserts for non-orthopedic purposes; Shoe soles; Shoe soles for repair; Shoe straps; Shoe uppers; Shoes; Shoes for casual wear; Shoes for foot volleyball; Shoes for infants; Shoes for leisurewear; Shoes soles for repair; Shoes with hook and pile fastening tapes; Short overcoat for kimono (haori); Short petticoats; Short sets [clothing]; Short trousers; Shortalls; Shorts; Shorts [clothing]; Short-sleeve shirts; Short-sleeved shirts; Short-sleeved T-shirts; Shoulder scarves; Shoulder straps

for clothing; Shoulder wraps; Shoulder wraps [clothing]; Shoulder wraps for clothing; Shower caps; Shrugs; Silk clothing; Silk scarves; Silk ties; Singlets; Skating outfits; Ski and snowboard shoes and parts thereof; Ski balaclavas; Ski boot bags; Ski boots; Ski gloves; Ski hats; Ski jackets; Ski pants; Ski suits; Ski suits for competition; Ski trousers; Ski wear; Skiing shoes; Skirt suits; Skirts; Skorts; Skull caps; Slacks; Sleep masks; Sleep pants; Sleep shirts; Sleeping garments; Sleepsuits; Sleepwear; Sleeved jackets; Sleeveless jackets; Sleeveless jerseys; Sleeveless pullovers; Tabards; Taekwondo suits; Taekwondo uniforms; Tail coats; Tailleurs; Tam o'shanter; Tams; Tank tops; Tankinis; Tank-tops; Tap pants; Tap shoes; Tartan kilts; Teddies; Teddies [underclothing]; Teddies [undergarments]; Tee-shirts; Tennis dresses; Tennis pullovers; Tennis shirts; Tennis shoes; Tennis shorts; Tennis skirts; Tennis socks; Tennis sweatbands; Tennis wear; Theatrical costumes; Thermal clothing; Thermal headgear; Thermal socks; Thermal underwear; Thermally insulated clothing; Thobes; Thong sandals; Thongs; Three piece suits [clothing]; Ties; Ties [clothing]; Tightening-up strings for kimonos (datejime); Tights; Tips for footwear; Toe boxes; Toe socks; Toe straps for Japanese style sandals [zori]; Toe straps for Japanese style wooden clogs; Toe straps for zori [Japanese style sandals]; Togas; Tongues for shoes and boots; Top coats; Top hats; Topcoats; Tops; Tops [clothing]; Toques [hats]; Track and field shoes; Track jackets; Track pants; Track suits; Tracksuit bottoms; Tracksuit tops; Tracksuits; Traction attachments for footwear; Trainers; Trainers [footwear]; Training shoes; Training suits; Trekking boots; Trench coats; Trenchcoats; Trews; Triathlon clothing; Trouser socks; Trouser straps; Trousers; Trousers for children; Trousers for sweating; Trousers of leather; Trousers shorts; Trunks; Trunks (Bathing -); Trunks being clothing; Trunks [underwear]; T-shirts; Tube tops; Tunics; Turbans; Turtleneck pullovers; Turtleneck shirts; Turtleneck sweaters; Turtleneck tops; Turtlenecks; Tutus; Tuxedo belts; Tuxedos; Twin sets; Umpires uniforms; Under garments; Under shirts; Underarm gussets [parts of clothing]; Underclothes; Underclothing; Underclothing (Anti-sweat -); Underclothing for women; Undergarments; Underpants; Underpants for babies; Undershirts; Undershirts for kimonos (juban); Undershirts for kimonos (koshimaki); Undershirts for kimonos [koshimaki]; Underskirts; Underwear; Underwear (Anti-sweat -); Underwear for women; Uniforms; Uniforms for commercial use; Uniforms for nurses; Union suits; Unitards; Uppers (Footwear -); Uppers for Japanese style sandals; Uppers of woven rattan for Japanese style sandals; Ushankas [fur hats]; Valenki [felted boots]; Veils; Veils [clothing]; Vest tops; Vests; Vests (Fishing -); Vests

for use in barber shops and salons; Visors; Visors being headwear; Visors [clothing]; Visors [hatmaking]; Visors [headwear]; V-neck sweaters; Volleyball jerseys; Volleyball shoes; Yashmaghs; Yashmaks; Yoga bottoms; Yoga pants; Yoga shirts; Yoga shoes; Yoga socks; Yoga tops; Yokes (Shirt -); Zoot suits; Zori.