



LE REGISTRAIRE DES MARQUES DE COMMERCE  
THE REGISTRAR OF TRADE-MARKS

**Citation: 2013 TMOB 171**  
**Date of Decision: 2013-10-07**

**IN THE MATTER OF AN OPPOSITION by  
Zainab Ansell and Roger Ansell, a  
partnership to application No. 1,191,134 for  
the trade-mark ZARA HOME in the name of  
Industria De Diseno Textil, S.A.**

[1] Zainab Ansell and Roger Ansell, a partnership (the Opponent) opposes registration of the trade-mark ZARA HOME (the Mark) that is the subject of application No. 1,191,134 by Industria De Diseno Textil, S.A. (the Applicant).

[2] The application was filed on September 17, 2003 and is based on two basis, namely (i) proposed use of the Mark in Canada in association with a wide variety of wares and services, as revised by the Applicant on March 29, 2012, set out in Schedule “A” to my decision; and (ii) use and registration of the Mark in Spain in association with the same wares and services. The application further claims priority of a corresponding trade-mark application filed in Spain on March 17, 2003.

[3] The Opponent alleges that the Applicant is not the person entitled to registration of the Mark and that the Mark is not distinctive under section 2 of the *Trade-marks Act*, RSC 1985, c T-13 (the Act) because the Mark is confusing with the Opponent’s word and/or design marks ZARA TANZANIA ADVENTURES, ZARA TANZANIA ADVENTURES LOGO, ZARA TOURS, ZARA TRAVEL, and ZARA INTERNATIONAL that have allegedly been previously used or made known in Canada by the Opponent in association with travel agency services and

the operation of a wildlife campsite. The Opponent further alleges technical grounds of opposition based on non-compliance of the application under section 30 of the Act.

[4] For the reasons that follow, the Opponent's opposition ought to be rejected.

### The Record

[5] The statement of opposition was filed by the Opponent on January 23, 2012. By way of letter dated March 27, 2012, the Applicant filed and served its counter statement and also requested an interlocutory ruling with respect to some paragraphs of the statement of opposition. By way of Office letter dated April 18, 2012, the Opponent was invited to make its submissions in respect of the Applicant's request for an interlocutory ruling. No response to the Office letter was received. However, on July 27, 2012, the Opponent filed and served its evidence under section 41 of the *Trade-marks Regulations*, SOR/96-195. As the opposition had progressed to the evidence stage, the Registrar advised the Applicant, by way of Office letter dated August 28, 2012, that any consideration of the pleadings would occur at the final stage decision, together with a consideration of the evidence filed.

[6] The evidence filed by the Opponent consists of the affidavit of Shantelle Garrick, a secretary employed by the Opponent's agent, sworn July 27, 2012. By way of letter dated September 24, 2012, the Applicant advised the Registrar that it did not wish to submit evidence and that it objected to the admissibility of the Garrick affidavit. I will address that objection in more detail below in my analysis of the non-conformity ground of opposition based on section 30(d) of the Act.

[7] Both parties filed written arguments. Only the Applicant was represented by counsel at a hearing.

[8] At the hearing, the Applicant reiterated its request that some of the grounds of opposition in the statement of opposition be struck on the basis that they are vague and ambiguous, and illegally or insufficiently pleaded. I shall therefore first address the Applicant's request.

The Applicant's request that some of the grounds of opposition be struck

[9] As indicated by the Federal Court of Appeal in *Novopharm Limited v AstraZeneca AB* (2002), 21 CPR (4th) 289 at 294, the principles that apply in respect of the adequacy of pleadings are the following:

1. A Statement of Opposition must be in conformity with para. 38(3)( a ) of the Act. In particular, the grounds of opposition must be set out in sufficient detail to enable the trade-mark applicant to reply to it. [...]
2. The sufficiency of pleadings should be determined on an interlocutory basis. If sufficiency is determined at an interlocutory stage, only the pleadings need be considered in making the determination.
3. In determining the sufficiency of a Statement of Opposition after evidence is filed, regard must be had to the evidence, as well as the Statement of Opposition, to see if the applicant has been provided with sufficient detail to make an adequate reply.

[10] As indicated by the Court, once evidence is filed, it is too late to go back and assess the pleadings as if the evidence was not filed:

Once evidence is filed, the Registrar must take the evidence into consideration when deciding whether the parties know the case they have to meet and whether they are able to respond. The filed evidence may cure whatever inadequacy may be in the pleadings.

[11] In the present case, I agree with the Applicant that the grounds of opposition pleaded in paragraphs 1(a) and 1(d) of the statement of opposition of record should be struck.

[12] Paragraph 1(a) of the statement of opposition alleges that the application for the Mark “does not contain a statement in ordinary commercial terms of the specific wares and services in association with which the [Mark] is proposed to be used”. However, the Opponent has not specified which of the wares and services from the list of wares and services claimed in the application which it alleged are not in compliance with section 30(a) of the Act. Even if I were to find the Opponent's evidence introduced through the Garrick affidavit (discussed below under the section 30(d) ground of opposition) admissible, it does not cure the inadequacy in the pleading so as to enable the Applicant to properly respond to the section 30(a) ground of

opposition. Besides, the Opponent did not make any submissions with respect to this particular ground of opposition in its written argument.

[13] Accordingly, paragraph 1(a) of the statement of opposition is hereby struck.

[14] Paragraph 1(d) of the statement of opposition alleges that the application for the Mark does not conform to the requirements of section 30(i) of the Act because “the Applicant could not have been satisfied that it was entitled to use the [Mark] in Canada in association with the wares and services described in the application in view of the prior use of the trade-marks of the Opponent set forth in [the statement of opposition].” However, section 30(i) of the Act requires an applicant to include a statement in the application that the applicant is satisfied to use the trade-marks in Canada. It is not a “catch all clause” but it can be used as a ground of opposition for example if fraud is alleged on the part of the applicant or if specific federal statutory provisions prevent the registration of the mark applied for [see *Sapodilla Co Ltd v Bristol-Myers Co* (1974), 15 CPR (2d) 152 (TMOB) at 155 and *Canada Post Corporation v Registrar of Trade-marks* (1991), 40 CPR (3d) 221 (FCTD)]. Again, even if I were to find the Opponent’s evidence introduced through the Garrick affidavit admissible, the section 30(i) ground of opposition remains insufficiently pleaded in that it does not contain any material facts in support thereto. Besides, the Opponent did not make any submissions with respect to this particular ground of opposition in its written argument.

[15] Accordingly, paragraph 1(d) of the statement of opposition is hereby struck.

#### The parties’ respective burden or onus

[16] The legal onus is on the Applicant to show that its application does not contravene the provisions of the Act as alleged in the statement of opposition. This means that if a determinate conclusion cannot be reached once all the evidence is in, then the issue must be decided against the Applicant. However, there is also an evidential burden on the Opponent to prove the facts inherent to its pleadings. The presence of an evidential burden on the Opponent means that in order for a ground of opposition to be considered at all, there must be sufficient evidence from which it could reasonably be concluded that the facts alleged to support that ground of opposition exist [see *John Labatt Ltd v Molson Companies Ltd* (1990), 30 CPR (3d) 293

(FCTD); *Dion Neckwear Ltd v Christian Dior, SA et al* (2002), 20 CPR (4th) 155 (FCA); and *Wrangler Apparel Corp v The Timberland Company* (2005), 41 CPR (4th) 223 (FC)].

[17] Applying these principles, many of the grounds of opposition can be summarily dismissed for the reasons that follow.

#### Grounds of opposition summarily dismissed

##### The non-entitlement grounds of opposition

[18] The non-entitlement grounds of opposition can be summarily dismissed because the Opponent has failed to show that as of the filing date of the Applicant's application (in this case the priority date of March 17, 2003) one or more of the Opponent's word and/or design marks ZARA TANZANIA ADVENTURES, ZARA TANZANIA ADVENTURES LOGO, ZARA TOURS, ZARA TRAVEL, and ZARA INTERNATIONAL had been previously used or made known in Canada and had not been abandoned as of the date of advertisement of the application [section 16(5) of the Act]. In fact, the Opponent did not file any supporting evidence of make any submissions with respect to this ground of opposition.

##### The non-distinctiveness ground of opposition

[19] The non-distinctiveness ground of opposition can be summarily dismissed because the Opponent has failed to show that as of the filing date of the statement of opposition, one or more of its word and/or design marks ZARA TANZANIA ADVENTURES, ZARA TANZANIA ADVENTURES LOGO, ZARA TOURS, ZARA TRAVEL, and ZARA INTERNATIONAL had a substantial, significant or sufficient reputation in Canada so as to negate the distinctiveness of the Mark [see *Bojangles' International LLC v Bojangles Café Ltd* (2006), 48 CPR (4th) 427 (FC)]. In fact, the Opponent did not file any supporting evidence of make any submissions with respect to this ground of opposition.

##### The non-conformity ground of opposition based on section 30(e) of the Act

[20] The section 30(e) ground of opposition can be summarily dismissed on the basis that the Opponent has not met its initial evidentiary burden in respect thereof. In fact, the Opponent did

not file any supporting evidence or make any submissions with respect to this ground of opposition.

[21] This leaves us with the non-conformity ground of opposition based on section 30(d) of the Act.

#### Remaining ground of opposition

##### The non-conformity ground of opposition based on section 30(d) of the Act

[22] The Opponent has pleaded that the Applicant has not used the Mark in Spain in association with each of the wares and services as alleged in its application.

[23] The material date to consider this ground of opposition is the filing date of the application [see *Austin Nichols & Co, Inc v Cinnabon, Inc* (2000), 5 CPR (4th) 565 (TMOB)]. To the extent that the relevant facts pertaining to a ground of opposition based on section 30 (d) of the Act are more readily available to the Applicant, the evidential burden on the Opponent with respect to such a ground of opposition is less onerous [see *Tune Master v Mr P's Mastertune Ignition Services Ltd* (1986), 10 CPR (3d) 84 (TMOB)].

[24] To support its factual allegations, the Opponent relies on the Garrick affidavit that purports to introduce into evidence the results of various searches conducted on the website *www.zara.com*.

[25] As indicated above, the Applicant objects to the admissibility of the Garrick affidavit. I shall thus determine first whether the Garrick affidavit is admissible or not.

##### The admissibility of the Garrick affidavit

[26] Relying primarily on the decision in *Cross-Canada Auto Body Supply (Windsor) Ltd v Hyundai Auto Canada* (2006), 53 CPR (4th) 286 (FCA), the Applicant submits that the Garrick affidavit is inadmissible in its entirety as it comes from an employee of the Opponent's agent, and relates to the one and only point of substance and controversy remaining in this proceeding. In the alternative, the Applicant submits that little weight, if any, should be given to

the affidavit since there is so little in it which is admissible or reliable.

[27] By contrast, the Opponent submits that the Garrick affidavit is admissible as it does not comprise any contentious opinion evidence whatsoever. In support, the Opponent relies on the decisions of the Registrar in *Mr Lube Canada Inc v Denny's Lube Centre Inc* (2008), 73 CPR (4th) 308; *Canadian Council of Professional Engineers v Alberta Institute of Power Engineers* (2008), 71 CPR (4th) 37; and *Canadian Jewellers Assn v American Gem Society* (2010), 86 CPR (4th) 131.

[28] The Federal Court of Appeal makes it clear that “it is not good practice for a law firm to cause its employees to act as investigators for the purpose of having them later give opinion evidence on the most crucial issues in the case” [*Cross-Canada, supra*, at para 4]. While the Court is less clear on how solely non-opinion evidence furnished by a firm’s employee should be treated, it does states that “it is improper for a solicitor to compromise his independence by acting in a proceeding in which a member of his firm has given affidavit evidence on a point of substance” [*Cross-Canada, supra*, at para 7].

[29] For the purpose of determining the admissibility or weight to be given to the Garrick affidavit, I will first briefly go over that affidavit.

[30] Ms. Garrick states that she is a secretary employed by the agent of record for the Opponent. She has held this position since April, 2008 [para 1 of her affidavit].

[31] Ms. Garrick states that as part of her secretarial duties, she has occasions to access various online databases and to conduct online searches through various search engines [para 3 of her affidavit].

[32] Ms. Garrick states that on July 24, 2012, she “received instructions to access the Applicant’s website at [www.zara.com](http://www.zara.com) and to choose ‘España’ as [her] market from the countries listed.” She attaches to her affidavit as Exhibit “A” the printout of “the Applicant’s homepage at <https://www.zarahome.com/webapp/wcs/stores/servlet/home/zarahomees/es/zarahomees> [paras 4 and 5 of her affidavit].

[33] Ms. Garrick states that “the Applicant’s homepage contained the following links: CAMA,

BAÑO, MESA, SALÓN, ACCESORIOS, BÁSICOS, PLAYA, PICNIC, NUEVA COLECCIÓN, LOOKBOOK, ZARA HOME KIDS and INFO” and that she “clicked on each of [these] links and printed each webpage attaching to each link.” She attaches as Exhibits “B1” to “B12” the printouts of each of these webpages [paras 6 to 8 of her affidavit].

[34] In the present case, I agree with the Applicant that the Garrick affidavit relates to a contested issue, that is whether or not the Applicant has used the Mark in Spain as alleged in its application. On the other hand, I agree with the Opponent that a parallel can be made between the present case and the decisions of the Registrar relied upon by it, wherein the decision to consider affidavit evidence given by an employee turned on whether or not contentious *opinion* evidence of the type adduced in *Cross-Canada* was given.

[35] That said, I do not find it necessary to discuss those decisions further. Nor do I consider it necessary to rule on the admissibility of the Garrick affidavit because, even if I were to find it admissible, I would still find that no weight ought to be given to it since it provides little, if any, relevant or reliable evidence.

[36] As stressed by the Applicant, there is no evidence that the website *www.zarahome.com* belongs to the Applicant. The mere fact that Ms. Garrick baldly states that she was instructed “to access the Applicant’s website at *www.zarahome.com*” does not establish that this website belongs to the Applicant. None of the exhibits attached to the Garrick affidavit provide any indication as to the ownership of the domain name *zarahome.com* or the entity operating the website *www.zarahome.com*. As a result, I agree with the Applicant that the Opponent has failed to establish a connection between the website *www.zara.com* and the Applicant [see *Quiksilver International Pty Ltd v Equinox Entertainment Limited* 2010 TMOB 59 CanLII].

[37] Other deficiencies with the Garrick affidavit include the following facts:

- all of the exhibits attached to her affidavit postdate the material date to assess the present ground of opposition;
- all of the exhibits attached to her affidavit are in Spanish. They should have been translated in either one of the two official languages, namely English or French; and



- except for the services described as “retail sales [...] through the Web of clothing, clothing accessories, footwear, leather wares, underwear, home wear, [etc.]” and “computerized online retail [...] services in the fields of house wares, furniture, home furnishings, glassware, tableware, [etc.]”, the Applicant’s application does not claim that the Mark has been used on the Internet.

[38] To sum up, the Garrick affidavit is of no assistance to the Opponent.

Conclusion regarding the non-conformity ground of opposition

[39] In view of my findings made above as to the weight to be given to the Garrick affidavit, I find that the Opponent has failed to satisfy its evidential burden in respect of the non-conformity ground of opposition based on section 30(d) of the Act. Accordingly, this ground is dismissed.

Disposition

[40] In view of the foregoing and pursuant to the authority delegated to me under section 63(3) of the Act, I reject the opposition pursuant to section 38(8) of the Act.

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Annie Robitaille  
Member  
Trade-marks Opposition Board  
Canadian Intellectual Property Office

## Schedule "A"

### WARES:

(1) Bleaching preparations and other substances for laundry use, namely: bleach, soap, softener, anti-static agents, starch, detergents; cleaning, polishing, scouring and abrasive preparations in powder, crystal, or liquid form for the cleaning of textile and cloth, denim and canvas-based fabric. Soaps, namely: toilet soaps, perfumed soaps and antibacterial soaps for personal use. Perfumery, namely: perfumes, concentrated perfumes, eau de Cologne, lavender water, perfume water, scented water, toilet water, extracts of flowers for perfumery, perfumed oils, bases for flower perfumes, salts, gels, creams, crystal and foam for the bath and shower; essential oils for personal use. Cosmetics, namely: adhesives for affixing false eyelashes and false hair; almond milk for skin care; creams, gels, sprays to protect from the sun; anti-wrinkle cream; beard dye; beauty skin masks; creams, lotions and gels to bleach the skin, hair, eyebrows and eye-lashes; brilliantine; bronzing lotions; cleansing skin creams, cleansing skin milks; cosmetic skin creams; cosmetic hair dye; cosmetic lotions, milks, gels, creams, oils, balms for skin care; creams, gels, oils, milks for slimming purposes; hydrating, energising, relaxing bath salts, crystals, foam and gels; cotton swabs for cosmetic purposes; day time skin creams; ephemeral decorative tattoos; depilatory creams, sheets, strips, wax; eyeliner, blush; lip, eye, eyebrow and eyelashes pencils; eye shadow; facial skin masks; firming eye cream; greases for skin and hair care; hand cream; hydrogen peroxide for hair care; lipsticks, lip gloss; liquid foundation; make-up powder; make-up removing milk, gels and lotions; mascara; moisturising skin cream; moustache wax; nail polish, enamels; oils for skin and hair care; paper guides for eye make-up; petroleum jelly for skin and hair care; protective creams for the lips; eyebrow, eyelashes and eye pencil sharpeners; shaving creams, foams, gels and balms; hair sprays; sun-tanning creams, gels, oils and lotions; tinted skin creams; tissues impregnated with cosmetic lotions for cleaning, peeling and hydrating the skin; nail-varnish remover; hair lotions; dentifrices, oils for toilet purposes, blueing for laundry, cotton(-tipped) sticks for cosmetic purposes, shoe cream, shoe polish, shoemaker's wax and pitch, hair shampoos, hair dyes; hair, eyebrow and eyelashes decolorants, deodorants for personal use (perfumery); extracts of flowers (perfumes); paper guides for painting eyes, incense, scented wood, hair spray and nail polish, pencils for cosmetic use and for eyelashes, lipsticks; after-shave lotions; lotions for cosmetic purposes; beauty masks; decorative transfers for cosmetic purposes; kits of cosmetics for hair and skin care, composed of shampoo, conditioner, skin cream, lotion and mask sold as a whole; kits of cosmetics for make-up composed of mascara, lip gloss, lipstick, blush-powder sold as a whole; false eyelashes, false fingernails, pumice stone, potpourris; fragrances; pomades for cosmetic use, cosmetic preparations for slimming purposes; cosmetic preparations for baths, cosmetic preparations for skin care, sun-tanning preparations [cosmetics]; hair waving preparations, namely: gels, balms, creams, shampoos, masks, foam, sprays and lotions; laundry preparations, namely: antibacterial soaps; depilatory preparations; sanitary preparations for toiletry; namely: mouthwash, dental floss, toothbrush, toothpaste; non-medical preparations for facial treatment, for hair treatment and hair care, namely: lotions, gels, masks, balms, shampoos, conditioners, creams for the beauty and the health of the skin and hair; make-up removing preparations, shaving preparations, fingernail care preparations. Preparations for perfuming linen, namely: satchels and scented water for linen, scented water for ironing; varnish removing preparations, colour brightening chemicals for household purposes

(laundry); stain removers. Tissues impregnated with cosmetic skin lotions, namely: paper handkerchief and wipes. Glass cloth. Industrial oils and greases; lubricants, namely: automobile lubricants, industrial lubricants; dust absorbing lubricants; wetting and binding compositions; fuels and illuminants, namely: motor spirits, diesel, methanol and ethanol; candles and wicks for lighting; grease for boots; grease for leather. Pharmaceutical and veterinary preparations, namely: vaccines for both human and veterinary use, medicines under solid and liquid form for both human and veterinary use against flees, ticks, acne, headache; dietetic substances adapted for medical use, namely: vitamins, minerals, lecithin; baby food; plasters; medical and surgical dressings; material for stopping teeth, dental wax; all purpose disinfectants; preparations for destroying vermin; fungicides, herbicides; bath salts for medical purposes; compresses; cotton for medical purposes; deodorants, other than for personal use, namely: deodorant sprays for the house, perfumed stones, scented woods, potpourris, perfumed candles; hygienic bandages; lotions for pharmaceutical purposes, namely: anti-acne lotions, insect repellent lotions; medicine portable filled cases; menstruation pads, menstruation tampons; mineral water for medical purposes; mouthwashes for medical purposes; napkins for incontinents; chemical preparations for the diagnosis of pregnancy; salts for mineral water baths; sanitary panties; sanitary pants; pharmaceutical preparations for skin care, namely: anti-inflammatory, anti-infective, decongestants, astringents, anti-allergy solutions; smelling salts; solutions for use with contact lenses; sunburn ointments; surgical cloth [tissues]; surgical tissues. Common metals and their alloys; metal building materials, namely: construction elements of metal used for the constructions of short-term buildings for expositions, conferences, shows, cultural, sport events, namely: aluminum profiles, girders; transportable buildings of metal; materials of metal for railway tracks, namely: rails; non-electric cables and wires of common metal; ironmongery; small items of metal hardware, namely: clamps, screws, crampons, nails, pins, grates, hoods, grills, drainage grills, manholes and manholes covers; pipes and tubes of metal; safes; goods of common metal, namely: metal boxes, mugs, cutlery bowls, bolts and nuts, dishes, glasses, cutlery; bells; bins of metal; buckles of common metal; chests of metal; non-electric door bells; hooks [metal hardware]; ice moulds of metal; identity plates of metal; knobs of metal; money boxes of metal; padlocks; poles of metal; pot hooks of metal; preserve tins; preserving boxes of metal; rings of common metal for keys; signboards of metal; steps [ladders] of metal; tins; tool boxes of metal sold empty; burial vaults of metal; wire cloth; wire gauze; works of art of common metal, namely: statues, sculptures; ores of metal. Hand-operated hand tools and implements, namely hammers, drills, measuring tapes, saws; cutlery; side arms, namely: swords, bayonets; razors; non-electric can openers; hand implements for hair curling, namely: curling irons, curling pins; electric and non-electric depilation appliances, namely: shavers and razors, electrolysis depilatory kits and electric hair shavers; nutcrackers not of precious metals, electric and non-electric nail clippers, manicure sets; shaving cases, namely: boxes to range shaving products and razors; razor cases, razor blades; shoemaker's hand tools, namely: shoe lasts; fingernail files, electric and non-electric hair clippers, beard clippers, shaving sets, hair removing tweezers, fingernail nippers, rasps [hand tools], scissors. Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, namely: anti-glare glasses, pince-nez chains, contact lenses, pince-nez cords, eyeglass lenses, eyeglass cases for pince-nez and contact lenses; frames for eyeglasses and pince-nez; spectacles, sunglasses, pince-nez, supplementary lenses; lens hoods, magnetic encoded cards,

electronic diaries, decimal weighbridges, sliding-weight weighbridges; directional compasses, electronic calculators, kaleidoscopes, measuring spoons, pedometers, optical mirrors, binoculars, computer printers, thermometers, barometers, automatic coin-operated amusement machines, electric and galvanic batteries, electric irons, electronic pocket translators, transistors, electronic amusement apparatus adapted for use with television receivers only. Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely: electricity meters, voltmeters, electric batteries and accumulators, electric batteries chargers, electric transformers, voltage regulators, flashlights, battery powered wall lights and Christmas lights; apparatus for recording, transmission or reproduction of sound or images, namely: receivers, integrated amplifiers, tuners, control amplifiers, power amplifiers, compact disc players, headphones, televisions, video cassette recorders, video disc players, camera, video cameras, movie cameras, memory sticks; blank magnetic data carriers, namely: computer disks, memory sticks, audio cassettes, tapes and cards, magnetic identification card, magnetically encoded credit and debit cards; recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishers; accounting machines; electronic agendas; anti-glare glasses; protective suits of aviators; bar code readers; electric batteries, binoculars, bullet-proof vests; magnetic encoded cards; eyeglass cases; cassette players; chronographs; fire protective clothing, radiation protective clothing, motorcyclist protective clothing; recorded audio-video compact discs containing films, songs, news, documentaries, video games, music; read-only memory compact discs; directional compasses; recorded computer operating programs; recorded computer software, namely: computer game programs, computer operating programs, computer programs for use in data base management, accountancy, for use as a spread sheet, for word processing, for stock control; computer printers; contact lenses; container for contact lenses; mechanism for coin-operated dispensing machines; dictating machines; diving suits; patterns for dressmaking; electronic pocket translators; eyeglass chains; eyeglass cords; eyeglass frames; eyeglasses; instruments containing eyepieces, namely: telescopes, microscopes; electric flat irons; floats for bathing and swimming; galvanic batteries; apparatus for games adapted for use with television receivers only; garments for protection against fire; gloves for divers; gloves for protection against accidents; invoicing machines; magic lanterns; optical lanterns; optical lenses; life jackets; optic magnifying glasses; measuring spoons; mirrors (optics); computer mouse ; pedometers; protective helmets; egg timers (sandglasses); shoes for protection against accidents, irradiation and fire; signal lanterns; spectacle cases; spectacle frames; spectacle glasses; spectacles (optics); sunglasses, swimming jackets; telephone apparatus, namely: telephone answering machines, intercoms, telephone automatic diallers, telephones cellular phone; temperature indicators; thermometers, not for medical purposes; electronic transistors; weighbridges; weights. Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes, namely: florescent lighting tubes, electric track lighting units; solar heating panels, electric heaters for baby bottles, hot water heater, portable electric heaters; steam generators; refrigerators, freezers, fans, water dispensers; bath tubs; bidets; electric blankets; burners; coffee machines, electric; electric and gas cookers; electric heating cushions [pads] not for medical purposes; drying apparatus, namely: electric hand dryers, dress dryers, garment dryers and hair dryers; tumble dryers; electric heaters for feeding bottles; flares; flashlights (torches); griddles; hair dryers;

lamps; lamp globes; lamp shades; lanterns; electric laundry dryers; light bulbs; electric light bulbs; lighters; pocket searchlights; showers; sinks; taps [faucets]; toasters; toilet bowls; wash-hand basins. Apparatus for locomotion by land, air or water, namely: automobiles, off-road all terrain motor vehicles, trucks, motor vehicles for the transport of passengers and goods, motor lorries, vans, buses, motorboats, airplanes, helicopters, seaplanes, gliders, hang gliders; sun-blinds adapted for automobiles; bicycles; cleaning trolleys; golf carts; pushchairs, saddle covers for bicycles or motorcycles; safety belts for vehicle seats; safety seats for children for vehicles; seat covers for vehicles; shopping trolleys carts; sleighs [vehicles]; tricycles; shaped vehicle covers; baby carriages. Precious metals and their alloys and goods in precious metals or coated therewith, namely: rings, necklace, chains, earrings, bracelets, pins, hairpins; jewellery, precious stones; horological and chronometric instruments, namely: watches, chronometers, clocks; ashtrays, of precious metal for smokers; badges of precious metal; boxes of precious metal; coins; cuff links. Gold and silver ware, other than cutlery, forks and spoons, namely: vases, glasses plates, chains, key chains; hat ornaments of precious metal; key rings [trinkets or fobs]; medals; napkin rings of precious metal; needle cases of precious metal; ornamental pins; shoe ornament of precious metal; tie pins; works of art of precious metal, namely: statues, sculptures, bibelots; costume jewellery. Paper, cardboard and goods made from these materials, namely: fax paper, gift wrapping paper, wrapping paper, grocery paper, illustration paper, note paper, opaque paper, parchment paper, photosensitive paper, printing paper, recycled paper, reproduction paper, typewriter paper, writing paper; printed matter, namely: calendars, almanacs, posters, lithographs, greeting cards, note cards, blank cards; bookbinding material, namely: bookbinding adhesive, loose-leaf binders, cloth for bookbinding, cords for bookbinding; photographs; stationery, namely: wrapping paper for books, adhesive tape dispenser, envelopes, diaries, scrapbooks, address books; adhesives for stationery or household purposes; artists' materials, namely: oil paint, paint brushes, pigments, oil pastels, pastels, palettes for painters, canvas for painting; typewriters; office requisites (except furniture), namely: rulers, rubber-bands; instructional and teaching material (except apparatus), namely: printed forms and printed guides for conducting classes, seminars, workshops in the field of fashion, dressmaking, improving business habits and business skills, information material in the form of manuals, video tapes in the field of marketing, fashion, dressmaking, management and administration; plastic materials for packaging, namely: tubing, casings, bags, envelopes, pouches and sheets made of plastic for use as packaging material; printers' type; printing blocks; albums; almanacs; disposable babies' diapers of paper and cellulose; disposable babies' napkin-pants [diaper-pants] of paper and cellulose; bags [envelopes, pouches] of paper or plastics for packaging; loose-leaf binders; bookends; bookmarkers; books; boxes for pens; boxes of cardboard or paper; calendars; cheque book holders; chromolithographs [chromos]; decalcomanias; drawing sets; engravings; fabrics for bookbinding; face towels of paper; folders for papers; hand labelling appliances, namely: label printing machines; handkerchiefs of paper; hat boxes of cardboard; passport holders, hygienic paper; ink; inking sheets for document reproducing machines; inkwells; labels, not of textile; lithographs; mats for beer glasses; table napkins of paper; napkins of paper for removing make-up; packing paper; paperweights; patterns for dressmaking; patterns for making clothes; periodicals; posters; printed publications, namely: magazines, newspapers, books, catalogues; sealing wax; stencil cases; table linen of paper, namely: napkins, table-cloths, tray-cloths; tailors' chalk; towels of paper; tracing cloth. Writing cases [sets]; writing

instruments, namely: ball-point pens, pencils for writing, pens, markers; writing materials, namely: blotting paper, blotting pads. Leather and imitations of leather, and goods made of these materials, namely: animal skins, hides, trunks and travelling bags, umbrellas, parasols, walking sticks, whips, harness and saddlery, bags for climbers and campers, handbag frames, umbrella frames, purses, handbags, linings of leather for boots and shoes, key cases, attaché-cases, school bags, garments bags for travel, hat boxes of leather, sling bags for carrying infants, wheeled shopping bags, boxes of leather or of leather board, wallets, briefcases, vanity cases (not fitted), collars for animals, leather lashes, leather laces, umbrella covers, covers for horse saddles, rucksacks, haversacks, music cases, bags (envelopes, pouches) of leather for packaging; backpacks; boxes of vulcanised fibre; cases of leather or of leatherboard; frames for parasols; garment bags for travel; handbags; key cases [leatherware]; pocket wallets; purses; purses, not of precious metal; school satchels; sling bags for carrying infants; suitcases; travelling sets [leatherware]; vanity cases [not fitted]. Furniture, namely: sofa, chairs, recliners, tables, desks, lamps, mirrors, buffets, pictures, bookshelves; picture frames; goods of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics, namely: decorative boxes and pills boxes, cutlery handles not made of metal, tops, lids and stoppers not made of metal, coasters made of plastics or cork, napkin rings not made of metal, jewellery and eyeglass frames; photo-frames; mirror frames; combs; comb handles; babies' pacifiers; fans, pillows, curtain rings, chests not of metal, cupboards, benches (furniture), table trays/tops), folding screens (furniture), frames, wooden or plastic boxes/cases, chests for toys, beds, head-rests (furniture), trolleys (furniture), bottle racks; brushes, namely: clothes brushes, nail brushes; baskets not of metal, cushions, mattresses, drawer chests, bamboo curtains, cradles, divans, shelves, mirrors, display racks, filing cabinets, garment covers [storage]; bed and furniture covers, hammocks, flower-stands [furniture], jewellery cases [caskets] not of precious metals, dressmaker's dummies, tables; works of art, of wood, wax plaster or plastic, namely: sculptures, statues, bibelots, paints, boxes, vases; umbrella stands, playpens for babies, dress and hat hangers, coat hangers, sleeping bags for camping, chairs (seats), sofas, footstools for children, embroidery frames, high chairs for babies/children, deck chairs. Household or kitchen utensils and containers (not of precious metal nor coated therewith); combs and sponges, namely: bath sponges, sponges for applying body powder, scouring sponges, combs and sponges for the toilet and grooming of pets and horses; brushes (except paint brushes), namely: toilet brushes, hair brushes, shaving brushes, brushes for pets, brushes for footwear, toothbrushes, powder brushes for makeup; brush-making materials, namely : brush shafts and bristle, natural wild oar hair, plastic fibre and filaments for use in tooth brushes; articles for cleaning purposes, namely: cleaning rags, packing-cloth, cleaning cotton, cleaning pads; steelwool; unworked or semi-worked glass (except glass used in building); beverage, crockery, china and decorative glassware, porcelain and earthenware; bottle openers, oil cruets, cocktail stirrers, candle extinguishers, non-electric make-up removing appliances, namely: wipes, napkins and cloths; cotton swabs; sugar bowls, trays, portable baby baths, cloth for washing floors and kitchen, glass bowls, tea balls, boxes for sweetmeats; bottles, namely: baby bottles, hot water bottles, ink bottles, oil bottles, perfume bottles, vacuum bottles, water bottles: shaving brushes, pottery, coffeepots; boxes, namely: metal boxes, music boxes, metal tool boxes, glass boxes, lunch boxes, metal cash boxes, mail boxes, pill boxes, decorative boxes, jewellery boxes; non-electric heaters for feeding bottles, shoe horns, candle sticks/candelabras, wine-tasters'

pipettes, fly catchers, epergnes/table center pieces, brushes for footwear; baskets, namely: flower baskets, picnic baskets, sewing baskets, wastepaper basket; water and air strainers, trouser hangers (stretchers), ice buckets, tie presses, door handles of porcelain, comb cases, ironing board covers, gardening gloves, gloves for household purposes, polishing gloves, shoe trees (stretchers), piggy banks not of metal, soap boxes, decanters, bird cages, butter dishes; toilet kits, namely: sets containing toilet utensils and articles namely hair brushes, combs and sponges, soaps, Cologne water, mirror, nail-file, nail-scissors sold as a whole; works of art of porcelain, terracotta or glass, namely: vases, decorative plates, statues, sculptures, boxes, bibelots, decorative frames; toothpick holders, carpet beaters, bread bins, dusting cloths (rags), pepper pots, clothes-pegs and drying racks for washing, plates, dusters, powder boxes (compacts), shaving brush stands, sponge holders, toilet paper holders, trouser presses, perfume sprayers and vaporizers, graters, crumb trays, bottle coasters, plate coasters/trivets, boot jacks, salt cellars, clothes racks for drying, coffee and tea services, napkin rings, washing boards, ironing boards, bread boards, cutting boards for the kitchen, cups, shirt stretchers, shoe stretchers, teapots, flower pots; toilet utensils, namely: combs and sponges, nail-file, nail-scissors, pumice stones; tableware other than knives, forks and spoons, namely: plates, glasses, dishes, trays; drinking glasses, cruets (vinegar). Ropes, string, nets, tents, awnings, sails, sacks; bags, namely: bags for washing hosiery, laundry bags, multi-purpose bags, cloth bags, garbage bags, plastic food storage bags, vacuum cleaner bags; padding and stuffing materials (except of rubber or plastics), namely: feathers, polyester fibres; raw fibrous textile materials, namely: silk, wool, cotton and linen; bottle envelopes of straw; eiderdown; hammocks; tarpaulins. Textiles and textile goods, namely: table covers, pocket and handkerchiefs, kerchiefs, textile fabric and towels; bed and table linen; curtain holders of textile material, banners, flags (not of paper), table runners, bedspreads, textile or plastic curtains, eiderdown coverlets [down coverlets], cloth labels, textile linings, mattress covers, loose covers for furniture, covers for cushions, mitts [washing], oilcloth for use as tablecloths, bed blankets, travelling rugs [lap robes], table cloths not of paper, mosquito nets, handkerchiefs of textile, blinds of textile, bath linen (except clothing); household linen, namely: dish cloths, dusters; sheets [textile], sleeping bags [sheeting], coasters [table linen], paper and textile napkins, billiard cloth, wall hangings of textile, traced cloth for embroidery; cloth towels, glass cloth, polishing cloth, furniture cloths, towels of textile, face towels of textile, napkins for removing make-up (cloth), net curtains. Clothing for women, men and children, namely: athletic clothing, baby clothing, belts, bullet-proof clothing, business clothing, casual clothing, children's clothing, dress clothing, fire retardant clothing, infant clothing, jackets, outdoor winter clothing, sports clothing, sun protective clothing, underwear, lingerie; footwear (except orthopaedic), namely: athletic footwear, beach footwear, bridal footwear, casual footwear, children's footwear, evening footwear, exercise footwear, fire protective footwear, footwear cushioning, golf footwear, infant footwear, medical personnel footwear, outdoor winter footwear, rain footwear, ski footwear, sports footwear; headgear, namely: headbands, beret, bonnets, caps, bathing caps, hoods, hats, ear muffs, bandanas; bathrobes, bibs not made of paper, hair bands (clothing), boas (to be worn around the neck), scarves, socks, layettes [clothing], hoods (clothing), collar protectors, belts (clothing), wet suits for water-skiing; clothing kits, namely: lady's suit and top sold as a whole, suit and shirt sold as a whole; ties, corsets, short capes, stoles (clothing), shawl, bathing hats and bath sandals, hats, gloves (clothing); body linen lingerie, namely: bras, briefs, panties, suspender belts; singlets, mantillas, stockings, mittens,

earmuffs (clothing); bowties; diapers; panty diapers, neckerchiefs, tie ups/pareos, furs (clothing); pyjamas, underclothing, soles for footwear, heels, suspenders, bathing suits, clothing for gymnastics and sports; veils (clothing), paper dresses; cyclist's and driver's clothing, namely: pants, shorts, tee-shirts, mittens, jackets and hats, driving gloves, clothing patches, driving suits, fire-resistant clothing for automotive racing purposes; protective helmets. Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers; ornamental novelty badges [buttons]; badges for wear, not of precious metal; barrettes [hair-slides]; belt clasps; bodkins; bows for the hair; braids; brassards; brooches [clothing accessories]; buckles [clothing accessories]; embroidery; eyelets for clothing; shoe fasteners; feathers [clothing accessories]; haberdashery, except thread, namely: buttons, zippers, lace and embroidery, ribbons and braid; hair bands, hair ornaments; hair pins; hat ornaments not of precious metal; hooks (embroidering crochet -); hooks [haberdashery]; lace trimming; letters for marking linen; needle cases, not of precious metal; numerals for marking linen, orsedew [trimmings for clothing]; passementerie; pin cushions; reins for guiding children; ribbons [haberdashery]; sewing boxes; sewing thimbles; shoe laces; shoe ornaments not of precious metal; shoulder pads for clothing; slide fasteners [zippers]; spangles for clothing; tea cosies; tinsels [trimmings for clothing]; top-knots [pompoms]; wreaths of artificial flowers. Carpets, rugs, mats and matting, linoleum for covering existing floors; non-textile wall hangings; bath mats; carpet underlay; floor coverings, namely: floor planks, pavement, tiles; wallpaper. Games and playthings, namely: role playing games, pinball games, table tennis games, video games, paddle ball games, parlour games; gymnastic and sporting articles, namely: exercise mats, training stools, sports helmets, balls, free weights for weightlifting; decorations for Christmas trees; baseball gloves; bladders of balls for games; boxing gloves; Christmas trees of synthetic material; automatic and coin operated amusement machines; climbers' harness; cups for dice; dolls' clothes; dolls' houses; elbow guards [sports articles]; fencing gauntlets; fishing tackle; automatic games other than those adapted for use with television receivers only; gloves for games; golf gloves; kites; knee guards [sports articles]; toy masks; novelties for parties, namely: garlands, confetti, serpentines, flags, balloons, novelty hats; party favours; machines for physical exercises; puppets; tennis, ping-pong, squash, paddle and badminton rackets; rattles [playthings]; rods for fishing; tables for table tennis; theatrical masks

(2) Bleaching preparations and other substances for laundry use, namely: bleach, soap, softener, anti-static agents, starch, detergents; cleaning, polishing, scouring and abrasive preparations in powder, crystal, or liquid form for the cleaning of textile and cloth, denim and canvas-based fabric. Soaps, namely: toilet soaps, perfumed soaps and antibacterial soaps for personal use; perfumery, namely: perfumes, concentrated perfumes, eau de Cologne, lavender water, perfume water, scented water, toilet water, extracts of flowers for perfumery, perfumed oils, bases for flower perfumes, salts, gels, creams, crystal and foam for the bath and shower; essential oils for personal use; cosmetics, namely: adhesives for affixing false eyelashes and false hair; almond milk for skin care ; creams, gels, sprays to protect from the sun; anti-wrinkle cream; beard dye; beauty skin masks; creams, lotions and gels to bleach the skin, hair, eyebrows and eye-lashes; brilliantine; bronzing lotions; cleansing skin creams, cleansing skin milks; cosmetic skin creams; cosmetic hair dye; cosmetic lotions, milks, gels, creams, oils, balms for skin care; creams, gels, oils, milks for slimming purposes; hydrating, energising, relaxing bath salts, crystals, foam and gels; cotton swabs for cosmetic purposes; day time skin creams; ephemeral decorative tattoos; depilatory creams, sheets, strips, wax;



eyeliner, blush; lip, eye, eyebrow and eyelashes pencils; eye shadow; facial skin masks; firming eye cream; greases for skin and hair care; hand cream; hydrogen peroxide for hair care; lipsticks, lip gloss; liquid foundation; make-up powder; make-up removing milk, gels and lotions; mascara; moisturising skin cream; moustache wax; nail polish, enamels; oils for skin and hair care; paper guides for eye make-up; petroleum jelly for skin and hair care; protective creams for the lips; eyebrow, eyelashes and eye pencil sharpeners; shaving creams, foams, gels and balms; hair sprays; sun-tanning creams, gels, oils and lotions; tinted skin creams; tissues impregnated with cosmetic lotions for cleaning, peeling and hydrating the skin; nail-varnish remover; hair lotions; dentifrices, oils for toilet purposes, blueing for laundry, cotton(-tipped) sticks for cosmetic purposes, shoe cream, shoe polish, shoemaker's wax and pitch, hair shampoos, hair dyes; hair, eyebrow and eyelashes decolorants, deodorants for personal use (perfumery); extracts of flowers (perfumes); paper guides for painting eyes, incense, scented wood, hair spray and nail polish; pencils for cosmetic use and for eyelashes, lipsticks; after-shave lotions; lotions for cosmetic purposes; beauty masks; decorative transfers for cosmetic purposes; kits of cosmetics for hair and skin care, composed of shampoo, conditioner, skin cream, lotion and mask sold as a whole; kits of cosmetics for make-up composed of mascara, lip gloss, lipstick, blush-powder sold as a whole; false eyelashes, false fingernails, pumice stone, potpourris; fragrances; pomades for cosmetic use, cosmetic preparations for slimming purposes; cosmetic preparations for baths, cosmetic preparations for skin care, sun-tanning preparations [cosmetics]; hair waving preparations, namely: gels, balms, creams, shampoos, masks, foam, sprays and lotions; laundry preparations, namely: antibacterial soaps; depilatory preparations; sanitary preparations for toiletry; namely: mouthwash, dental floss, toothbrush, toothpaste; non-medical preparations for facial treatment, for hair treatment and hair care, namely: lotions, gels, masks, balms, shampoos, conditioners, creams for the beauty and the health of the skin and hair; make-up removing preparations, shaving preparations, fingernail care preparations. Preparations for perfuming linen, namely: satchels and scented water for linen, scented water for ironing; varnish removing preparations, colour brightening chemicals for household purposes (laundry); stain removers. Tissues impregnated with cosmetic skin lotions. namely: paper handkerchief and wipes. Glass cloth. Industrial oils and greases; lubricants, namely: automobile lubricants, industrial lubricants; dust absorbing lubricants; wetting and binding compositions; fuels and illuminants, namely: motor spirits, diesel, methanol and ethanol; candles and wicks for lighting; grease for boots; grease for leather; moistening oil for industrial purposes; briquettes. Pharmaceutical and veterinary preparations, namely: vaccines for both human and veterinary use, medicines under solid and liquid form for both human and veterinary use against fleas, ticks, acne, headache; dietetic substances adapted for medical use, namely: vitamins, minerals, lecithin; baby food; plasters; medical and surgical dressings; material for stopping teeth, dental wax; all purpose disinfectants; preparations for destroying vermin; fungicides, herbicides; bath salts for medical purposes; compresses; cotton for medical purposes; deodorants, other than for personal use, namely: deodorant sprays for the house, perfumed stones, scented woods, potpourris, perfumed candles; hygienic bandages; lotions for pharmaceutical purposes, namely: anti-acne lotions, insect repellent lotions; portable filled medicine cases; menstruation pads, menstruation tampons; mineral water for medical purposes; mouthwashes for medical purposes; napkins for incontinents; chemical preparations for the diagnosis of pregnancy; salts for mineral water baths; sanitary panties; sanitary pants; pharmaceutical preparations for skin care, namely:

anti-inflammatory, anti-infective, decongestants, astringents, anti-allergy solutions; smelling salts; solutions for use with contact lenses; sunburn ointments; surgical cloth [tissues]; surgical tissues; tissues impregnated with pharmaceutical lotions; Common metals and their alloys; metal building materials, namely: construction elements of metal used for the constructions of short-term buildings for expositions, conferences, shows, cultural, sport events, namely: aluminum profiles, girders; transportable buildings of metal; materials of metal for railway tracks, namely: rails; non-electric cables and wires of common metal; ironmongery, small items of metal hardware, namely: clamps, screws, crampons, nails, pins, grates, hoods, grills, drainage grills, manholes and manholes covers; pipes and tubes of metal; safes; goods of common metal, namely: metal boxes, mugs, cutlery bowls, bolts and nuts, dishes, glasses, cutlery; bells; bins of metal; buckles of common metal; chests of metal; non-electric door bells; hooks [metal hardware]; ice moulds of metal; identity plates of metal; knobs of metal; money boxes of metal; padlocks; poles of metal; pot hooks of metal; preserve tins; preserving boxes of metal; rings of common metal for keys; signboards of metal; steps [ladders] of metal; tins; tool boxes of metal sold empty; burial vaults of metal; wire cloth; wire gauze; works of art of common metal, namely: statues, sculptures; ores of metal. Hand-operated hand tools and implements, namely hammers, drills, measuring tapes, saws; cutlery; side arms, namely: swords, bayonets; razors; non-electric can openers; hand implements for hair curling, namely: curling irons, curling pins; electric and non-electric depilation appliances, namely: shavers and razors, electrolysis depilatory kits and electric hair shavers; nutcrackers not of precious metals, electric and non-electric nail clippers, cutlery (knives, forks and spoons), manicure sets; shaving cases, namely: boxes to range shaving products and razors; razor blade cases, razor blades; shoemaker's hand tools, namely: shoe lasts; fingernail files, electric and non-electric hair clippers, beard clippers, shaving sets, hair removing tweezers, fingernail nippers, rasps [hand tools], scissors. Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, namely: anti-glare glasses, pince-nez chains, contact lenses, pince-nez cords, eyeglass lenses, eyeglass cases for pince-nez and contact lenses; frames for eyeglasses and pince-nez; spectacles, sunglasses, pince-nez, supplementary lenses; lens hoods, magnetic encoded cards, electronic diaries, decimal weighbridges, sliding-weight weighbridges; directional compasses, electronic calculators, kaleidoscopes, measuring spoons, pedometers, optical mirrors, binoculars, computer printers, thermometers, barometers, automatic coin-operated amusement machines, electric and galvanic batteries, electric irons, electronic pocket translators, transistors, electronic amusement apparatus adapted for use with television receivers only; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely: electricity meters, voltmeters, electric batteries and accumulators, electric batteries chargers, electric transformers, voltage regulators, flashlights, battery powered wall lights and Christmas lights; apparatus for recording, transmission or reproduction of sound or images, namely: receivers, integrated amplifiers, tuners, control amplifiers, power amplifiers, compact disc players, headphones, televisions, video cassette recorders, video disc players, camera, video cameras, movie cameras, memory sticks; blank magnetic data carriers, namely: computer disks, memory sticks, audio cassettes, tapes and cards, magnetic identification card, magnetically encoded credit and debit cards; recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and

computers; fire-extinguishers; accounting machines; electronic agendas; anti-glare glasses protective suits for aviators; bar code readers; batteries, electric; binoculars; bullet-proof vests; encoded magnetic cards; eyeglass cases; cassette players; chronographs; fire protective clothing, radiation protective clothing, motorcyclist protective clothing; recorded audio-video compact discs containing films, songs, news, documentaries, video games, music; read-only memory compact discs; directional compasses; recorded computer operating programs; recorded computer software, namely: computer game programs, computer operating programs, computer programs for use in data base management, accountancy, for use as a spread sheet, for word processing, for stock control; computer printers; contact lenses; container for contact lenses; mechanism for coin-operated dispensing machines; dictating machines; diving suits; patterns for dressmaking; electronic pocket translators; eyeglass chains; eyeglass cords; eyeglass frames; eyeglasses; instruments containing eyepieces, namely: telescopes, microscopes; electric flat irons; floats for bathing and swimming; galvanic batteries; apparatus for games adapted for use with television receivers only; garments for protection against fire; gloves for divers; gloves for protection against accidents; invoicing machines; magic lanterns; optical lanterns; optical lenses; life jackets; magnifying glasses [optics]; measuring spoons; mirrors [optics]; computer mouse; pedometers; protective helmets; egg timers (sandglasses); shoes for protection against accidents, irradiation and fire; signal lanterns; spectacle cases; spectacle frames; spectacle glasses; spectacles [optics]; sunglasses, swimming jackets; telephone apparatus, namely: telephone answering machines, intercoms, telephone automatic diallers, telephones cellular phone; temperature indicators; thermometers, not for medical purposes; electronic transistors; weighbridges; weights. Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes, namely: florescent lighting tubes, electric track lighting units; solar heating panels, electric heaters for baby bottles, hot water heater, portable electric heaters; steam generators; refrigerators, freezers, fans, water dispensers; bath tubs; bidets; electric blankets; burners; electric coffee machines; electric and gas cookers; electric heating cushions [pads] not for medical purposes; drying apparatus, namely: electric hand dryers, dress dryers, garment dryers and hair dryers; tumble dryers; electric heaters for feeding bottles; flares; flashlights (torches); griddles; hair dryers; lamps; lamp globes; lamp shades; lanterns; electric laundry dryers; light bulbs; electric light bulbs; lighters; pocket searchlights; showers; sinks; taps [faucets] ; toasters; toilet bowls; wash-hand basins. Apparatus for locomotion by land, air or water, namely: automobiles, off-road all terrain motor vehicles, trucks, motor vehicles for the transport of passengers and goods, motor lorries, vans, buses, motorboats, airplanes, helicopters, seaplanes, gliders, hang gliders; sun-blinds adapted for automobiles; bicycles; cleaning trolleys; golf carts; pushchairs, saddle covers for bicycles or motorcycles; safety belts for vehicle seats; safety seats for children for vehicles; seat covers for vehicles; shopping trolleys carts; sleighs [vehicles]; tricycles; shaped vehicle covers; baby carriages. Precious metals and their alloys and goods in precious metals or coated therewith, namely: rings, necklace, chains, earrings, bracelets, pins, hairpins; jewellery, precious stones; horological and chronometric instruments, namely: watches, chronometers, clocks; ashtrays of precious metal for smokers; badges of precious metal; boxes of precious metal; coins; cuff links. Gold and silver ware, other than cutlery, forks and spoons, namely: vases, glasses plates, chains, key chains; hat ornaments of precious metal; key rings [trinkets or fobs]; medals; napkin rings of precious metal; needle cases of precious metal; ornamental pins; shoe ornament of precious metal; tie

pins; works of art of precious metal, namely: statues, sculptures, bibelots; costume jewellery. Paper, cardboard and goods made from these materials, namely: fax paper, gift wrapping paper, wrapping paper, grocery paper, illustration paper, note paper, opaque paper, parchment paper, photosensitive paper, printing paper, recycled paper, reproduction paper, typewriter paper, writing paper; printed matter, namely: calendars, almanacs, posters, lithographs, greeting cards, note cards, blank cards; bookbinding material, namely: bookbinding adhesive, loose-leaf binders, cloth for bookbinding, cords for bookbinding; photographs; stationery, namely: wrapping paper for books, adhesive tape dispenser, envelopes, diaries, scrapbooks, address books; adhesives for stationery or household purposes; artists' materials, namely: oil paint, paint brushes, pigments, oil pastels, pastels, palettes for painters, canvas for painting; typewriters; office requisites (except furniture), namely: rulers, rubber-bands; instructional and teaching material (except apparatus), namely: printed forms and printed guides for conducting classes, seminars, workshops in the field of fashion, dressmaking, improving business habits and business skills, information material in the form of manuals, video tapes in the field of marketing, fashion, dressmaking, management and administration; plastic materials for packaging, namely: tubing, casings, bags, envelopes, pouches and sheets made of plastic for use as packaging material; Printers' type; printing blocks; albums; almanacs; disposable babies' diapers of paper and cellulose; disposable babies' napkin-pants [diaper-pants] of paper and cellulose; bags [envelopes, pouches] of paper or plastics, for packaging; loose-leaf binders; bookends; bookmarkers; books; boxes for pens; boxes of cardboard or paper; calendars; cheque book holders; chromolithographs [chromos]; decalcomanias; drawing sets; engravings; fabrics for bookbinding; face towels of paper; folders for papers; hand labelling appliances, namely: label printing machines; handkerchiefs of paper; hat boxes of cardboard; passport holders; hygienic paper; ink; inking sheets for document reproducing machines; inkwells; labels not of textile; lithographs; mats for beer glasses; table napkins of paper; napkins of paper for removing make-up; packing paper; paperweights; patterns for dressmaking; patterns for making clothes; periodicals; posters; printed publications, namely: magazines, newspapers, books, catalogues; sealing wax; stencil cases; table linen of paper, namely: napkins, table-cloths, tray-cloths; tailors' chalk; towels of paper; tracing cloth. Writing cases [sets]; writing instruments, namely: ball-point pens, pencils for writing, pens, markers; writing materials, namely: blotting paper, blotting pads. Leather and imitations of leather, and goods made of these materials, namely: animal skins, hides, trunks and travelling bags, umbrellas, parasols, walking sticks, whips, harness and saddlery, bags for climbers and campers, handbag frames, umbrella frames, purses, handbags, linings of leather for boots and shoes, key cases, attaché-cases, school bags, garments bags for travel, hat boxes of leather, sling bags for carrying infants, wheeled shopping bags, boxes of leather or of leather board, wallets, briefcases, vanity cases (not fitted), collars for animals, leather lashes, leather laces, umbrella covers, covers for horse saddles, rucksacks, haversacks, music cases, bags (envelopes, pouches) of leather for packaging; backpacks; boxes of vulcanised fibre; cases of leather or of leatherboard; frames for parasols; garment bags for travel; handbags; key cases [leatherware]; pocket wallets; purses; purses not of precious metal; school satchels; sling bags for carrying infants; suitcases; travelling sets [leatherware]; vanity cases [not fitted]. Furniture, namely: sofa, chairs, recliners, tables, desks, lamps, mirrors, buffets, pictures, bookshelves; picture frames; goods of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials,

or of plastics, namely: decorative boxes and pills boxes, cutlery handles not made of metal, tops, lids and stoppers not made of metal, coasters made of plastics or cork, napkin rings not made of metal, jewellery and eyeglass frames; photo-frames; mirror frames; combs; comb handles; babies' pacifiers; fans, pillows, curtain rings, chests not of metal, cupboards, benches (furniture), table trays/tops), folding screens (furniture), frames, wooden or plastic boxes/cases, chests for toys, beds, head-rests (furniture), trolleys (furniture), bottle racks: brushes, namely clothes brushes, nail brushes; baskets not of metal, cushions, mattresses, drawer chests, bamboo curtains, cradles, divans, shelves, mirrors, display racks, filing cabinets, garment covers [storage]; bed and furniture covers, hammocks, flower-stands [furniture], jewellery cases [caskets] not of precious metals, dressmaker's dummies, tables; works of art, of wood, wax plaster or plastic, namely: sculptures, statues, bibelots, paints, boxes, vases; umbrella stands, playpens for babies, dress and hat hangers, coat hangers, sleeping bags for camping, chairs (seats), sofas, footstools for children, embroidery frames, high chairs for babies/children, deck chairs. Household or kitchen utensils and containers (not of precious metal nor coated therewith); combs and sponges, namely: bath sponges, sponges for applying body powder, scouring sponges, combs and sponges for the toilet and grooming of pets and horses; brushes (except paint brushes), namely: toilet brushes, hair brushes, shaving brushes, brushes for pets, brushes for footwear, toothbrushes, powder brushes for makeup; brush-making materials, namely : brush shafts and bristle, natural wild oar hair, plastic fibre and filaments for use in tooth brushes; articles for cleaning purposes, namely: cleaning rags, packing-cloth, cleaning cotton, cleaning pads; steelwool; unworked or semi-worked glass (except glass used in building); beverage, crockery, china and decorative glassware, porcelain and earthenware; bottle openers, oil cruets, cocktail stirrers, candle extinguishers, non-electric make-up removing appliances, namely: wipes, napkins and cloths; cotton swabs; sugar bowls, trays, baby baths (portable), cloth for washing floors and kitchen, glass bowls, tea balls, boxes for sweetmeats; bottles, namely: baby bottles, hot water bottles, ink bottles, oil bottles, perfume bottles, vacuum bottles, water bottles: shaving brushes, pottery, coffeepots; boxes, namely: metal boxes, music boxes, metal tool boxes, glass boxes, lunch boxes, metal cash boxes, mail boxes, pill boxes, decorative boxes, jewellery boxes; non-electric heaters for feeding bottles, shoe horns, candle sticks/candelabras, wine-tasters' pipettes, fly catchers, epergnes/table center pieces, brushes for footwear; baskets, namely: flower baskets, picnic baskets, sewing baskets, wastepaper basket; water and air strainers, trouser hangers (stretchers), ice buckets, tie presses, door handles of porcelain, comb cases, ironing board covers, gardening gloves, gloves for household purposes, polishing gloves, shoe trees (stretchers), piggy banks not of metal, soap boxes, decanters, bird cages, butter dishes; toilet kits, namely: sets containing toilet utensils and articles, namely : hair brushes, combs and sponges, soaps, Cologne water, mirror, nail-file, nail-scissors sold as a whole; works of art of porcelain, terracotta or glass, namely: vases, decorative plates, statues, sculptures, boxes, bibelots, decorative frames; toothpick holders, carpet beaters, bread bins, dusting cloths (rags), pepper pots, clothes-pegs and drying racks for washing, plates, dusters, powder boxes (compacts), shaving brush stands, sponge holders, toilet paper holders, trouser presses, perfume sprayers and vaporizers, graters, crumb trays, bottle coasters, plate coasters/trivets, boot jacks, salt cellars, clothes racks for drying, coffee and tea services, napkin rings, washing boards, ironing boards, bread boards, cutting boards for the kitchen, cups, shirt stretchers, shoe stretchers, teapots, flower pots; toilet utensils, namely: combs and sponges, nail-file, nail-scissors, pumice stones; tableware other than knives, forks and

spoons, namely: plates, glasses, dishes, trays; drinking glasses, cruets (vinegar). Ropes, string, nets, tents, awnings, sails, sacks; bags, namely: bags for washing hosiery, laundry bags, multi-purpose bags, cloth bags, garbage bags, plastic good storage bags, vacuum cleaner bags; padding and stuffing materials (except of rubber or plastics), namely: feathers, polyester fibres; raw fibrous textile materials, namely: silk, wool, cotton and linen; bottle envelopes of straw; eiderdown; hammocks; tarpaulins. Textiles and textile goods, namely: table covers, pocket and handkerchiefs, kerchiefs, fabrics for textile use and towels; bed and table linen; curtain holders of textile material, banners, flags (not of paper), table runners, bedspreads, textile or plastic curtains, eiderdown coverlets [down coverlets], cloth labels, linings (textile), mattress covers, loose covers for furniture, covers for cushions, washing mitts, oilcloth for use as tablecloths, bed blankets, travelling rugs [lap robes], table cloths not of paper, mosquito nets, handkerchiefs of textile, blinds of textile, bath linen (except clothing); household linen, namely: dish cloths, dusters; textile sheets, sleeping bags [sheeting], coasters [table linen], textile napkins, billiard cloth, wall hangings of textile, traced cloth for embroidery, cloth towel, polishing cloth, glass cloth, furniture cloths, towels of textile, face towels of textile, napkin for removing make-up [cloth], net curtains. Clothing for women, men and children, namely: athletic clothing, baby clothing, belts, bullet-proof clothing, business clothing, casual clothing, children's clothing, dress clothing, fire retardant clothing, infant clothing, jackets, outdoor winter clothing, sports clothing, sun protective clothing, underwear, lingerie; footwear (except orthopaedic), namely: athletic footwear, beach footwear, bridal footwear, casual footwear, children's footwear, evening footwear, exercise footwear, fire protective footwear, footwear cushioning, golf footwear, infant footwear, medical personnel footwear, outdoor winter footwear, rain footwear, ski footwear, sports footwear; headgear, namely: headbands, beret, bonnets, caps, bathing caps, hoods, hats, ear muffs, bandanas; bathrobes, bibs not made of paper, hair bands (clothing), boas (to be worn around the neck), scarves, socks, layettes [clothing], hoods (clothing), collar protectors, belts (clothing), wet suits for water-skiing; clothing kits, namely: lady's suit and top sold as a whole, suit and shirt sold as a whole; ties, corsets, short capes, stoles (clothing), shawl, bathing hats and bath sandals, hats, gloves (clothing); body linen lingerie, namely: bras, briefs, panties, suspender belts; singlets, mantillas, stockings, mittens, earmuffs (clothing); bowties; diapers; panty diapers, neckerchiefs, tie ups/pareos, furs (clothing); pyjamas, underclothing, soles for footwear, heels, suspenders, bathing suits, clothing for gymnastics and sports; veils (clothing), paper dresses; cyclist's and driver's clothing, namely: pants, shorts, tee-shirts, mittens, jackets and hats, driving gloves, clothing patches, driving suits, fire-resistant clothing for automotive racing purposes; protective helmets. Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers; ornamental novelty badges [buttons]; badges for wear not of precious metal; barrettes [hair-slides]; belt clasps; bodkins; bows for the hair; braids; brassards; brooches [clothing accessories]; buckles [clothing accessories]; embroidery; eyelets for clothing; shoe fasteners; feathers [clothing accessories]; haberdashery, except thread, namely: buttons, zippers, lace and embroidery, ribbons and braid; hair bands; hair ornaments; hair pins; hat ornaments not of precious metal; hooks (embroidering crochet -); hooks [haberdashery]; lace trimming; letters for marking linen; needle cases not of precious metal; numerals for marking linen, orsedew [trimmings for clothing]; passementerie; pin cushions; reins for guiding children; ribbons [haberdashery]; sewing boxes; sewing thimbles; shoe laces; shoe ornaments not of precious metal; shoulder pads for clothing; slide fasteners [zippers]; spangles for clothing; tea

cosies; tinsels [trimmings for clothing]; top-knots [pompoms]; wreaths of artificial flowers. Carpets, rugs, mats and matting, linoleum for covering existing floors; non-textile wall hangings; bath mats; carpet underlay; floor coverings, namely: floor planks, pavement, tiles; wallpaper. Games and playthings, namely: role playing games, pinball games, table tennis games, video games, paddle ball games, parlour games; gymnastic and sporting articles, namely: exercise mats, training stools, sports helmets, balls, free weights for weightlifting; decorations for Christmas trees; baseball gloves; bladders of balls for games; boxing gloves; Christmas trees of synthetic material; automatic and coin operated amusement machines; climbers' harness; cups for dice; dolls' clothes; dolls' houses; elbow guards [sports articles]; fencing gauntlets; fishing tackle; automatic games other than those adapted for use with television receivers only; gloves for games; golf gloves; kites; Knee guards [sports articles]; masks (toy -); novelties for parties, namely: garlands, confetti, serpentine, flags, balloons, novelty hats; party favours; machines for physical exercises; puppets; tennis, ping-pong, squash, paddle and badminton rackets; rattles; [playthings]; rods for fishing; tables for table tennis; theatrical masks.

## SERVICES

(1) Advertising services namely: distribution of advertising and commercial brochures and leaflets, directly or by mail; database marketing services, in the form of compiling customer specific databases for marketing purposes and consulting, designing, printing, and collecting marketing information; promoting the sale of goods through the issuance, distribution and sale of gift cards and fidelity cards; advertising agency services; licensing of advertising slogans; distribution of samples; business management services; business administration services; office functions, namely: secretarial and clerical services, business planning, business relocation and preparation of business reports, provision of business information, computerised business information storage and retrieval, computerised data processing and data base management and organisation of art exhibitions, automobile trade show exhibitions, craft trade show exhibitions, fashion trade show exhibitions, clothing trade show exhibitions, and jewellery trade show exhibition for commercial and advertising purposes; shop-window dressing; demonstration of goods for others at trade shows, in-store demonstrations and exhibitions by showing and displaying the goods and their uses and benefits; publication of publicity texts, organization of trade fairs for commercial and advertising purposes, namely: automobile trade fairs, craft trade fairs, fashion trade fairs, clothing trade fairs, and jewellery trade fairs, for commercial and advertising purposes; sales promotions for others, namely: promoting goods and services by arranging for sponsors to affiliate goods and services with film premieres, charity shows, horse riding, sailing, golf, by organising charity shows, and organising learning programs to promote the quality of education of an university or a high school, by preparing and placing advertising in an electronic magazine accessed through a global computer network, and through the distribution of discount cards; franchising business management assistance; management assistance to a business handling orders through global communication networks, credit and shopping card business management assistance, modelling services for advertising or sale promotion purposes, promoting shopping centres for others through the distribution of printed material and promotional contests; retail sales in stores, by mail-order selling, and through the Web of clothing, clothing accessories, footwear, leather wares, underwear, home wear, perfumery, furniture, cds, dvds, stationery, household linen, carpets, home accessories,

household utensils; public auctioneering ; retail store, computerized online retail, and catalogue services in the fields of house wares, furniture, home furnishings, glassware, tableware, gifts, household linens, dinnerware, cookware, clothing, clothing accessories, beauty and personal care products, leather goods, luggage and bags.

(2) Advertising services namely: distribution of advertising and commercial brochures and leaflets, directly or by mail; database marketing services, in the form of compiling customer specific databases for marketing purposes and consulting, designing, printing, and collecting marketing information; promoting the sale of goods through the issuance, distribution and sale of gift cards and fidelity cards; advertising agency services; licensing of advertising slogans; distribution of samples; business management services; business administration services; office functions, namely: secretarial and clerical services, business planning, business relocation and preparation of business reports, provision of business information, computerised business information storage and retrieval, computerised data processing and data base management and organisation of art exhibitions, automobile trade show exhibitions, craft trade show exhibitions, fashion trade show exhibitions, clothing trade show exhibitions, and jewellery trade show exhibition for commercial and advertising purposes; shop-window dressing; demonstration of goods for others at trade shows, in-store demonstrations and exhibitions by showing and displaying the goods and their uses and benefits; publication of publicity texts, organization of trade fairs for commercial and advertising purposes, namely: automobile trade fairs, craft trade fairs, fashion trade fairs, clothing trade fairs, and jewellery trade fairs; sales promotions for others, namely: promoting goods and services by arranging for sponsors to affiliate goods and services with film premieres, charity shows, horse riding, sailing, golf, by organising charity shows, and organising learning programs to promote the quality of education of an university or a high school, by preparing and placing advertising in an electronic magazine accessed through a global computer network, and through the distribution of discount cards; franchising business management assistance; management assistance to a business handling orders through global communication networks, credit and shopping card business management assistance, modelling services for advertising or sale promotion purposes, promoting shopping centres for others through the distribution of printed material and promotional contests; retail sales in stores, by mail-order selling, and through the Web of clothing, clothing accessories, footwear, leather wares, underwear, home wear, perfumery, furniture, cds, dvds, stationery, household linen, carpets, home accessories, household utensils; public auctioneering ; retail store, computerized online retail, and catalogue services in the fields of house wares, furniture, home furnishings, glassware, tableware, gifts, household linens, dinnerware, cookware, clothing, clothing accessories, beauty and personal care products, leather goods, luggage and bags.

Priority Filing Date: March 17, 2003, Country: SPAIN, Application No: 2531471 M8 in association with the same kind of wares (1) and in association with the same kind of services (1).

Used in SPAIN on wares (1) and on services (1).

Registered in or for SPAIN on September 03, 2003 under No. 2531471 on wares (1) and on services (1).

Proposed Use in CANADA on wares (2) and on services (2).