

LE REGISTRAIRE DES MARQUES DE COMMERCE  
THE REGISTRAR OF TRADEMARKS

**Citation: 2022 TMOB 116**

**Date of Decision: 2022-06-08**

**IN THE MATTER OF AN OPPOSITION**

<b>Next Retail Limited</b>	<b>Opponent</b>
<b>and</b>	
<b>Connected Apparel Company, LLC</b>	<b>Applicant</b>
<b>1,837,890 for NEXT UP</b>	<b>Application</b>

INTRODUCTION

[1] Next Retail Limited (the Opponent) opposes registration of the trademark NEXT UP (the Mark), which is the subject of application No. 1,837,890 (the Application) by Connected Apparel Company, LLC (the Applicant).

[2] The Application is based on claims of use and registration in the United States and proposed use in Canada in association with “Clothing, namely, dresses, pants, blouses, skirts, jackets and sweaters” (the Goods).

[3] The opposition is primarily based on an allegation that that Mark is confusing with the Opponent’s use and registration of the trademark NEXT Design, depicted below, in association with a number of goods including various items of clothing, and services including retail services for the sale of clothing:



[4] For the reasons that follow, the Application is refused as the Applicant has not met its burden to demonstrate that there is no likelihood of confusion between the parties' trademarks.

#### THE RECORD

[5] The Application was filed on May 16, 2017, and was advertised for opposition purposes in the *Trademarks Journal* of November 14, 2018.

[6] On April 15, 2019, the Opponent filed a statement of opposition under section 38 of the *Trademarks Act*, RSC 1985, c T-13 (the Act). The grounds of opposition pleaded by the Opponent include sections 12(1)(d), 16(2)(a) and 16(2)(c), 16(3)(a) and 16(3)(c), 2, 30(d), 30(e) and 30(i) of the Act. In accordance with section 70 of the Act, all references to sections of the Act pertaining to the grounds of opposition are to the Act as it read before June 17, 2019.

[7] The Applicant filed and served a counter statement denying the grounds of opposition.

[8] In support of its opposition, the Opponent filed the affidavit of Sarah Louise Waterland, the Deputy General Counsel of the Opponent, sworn October 4, 2019. The Opponent also filed certified copies of registration Nos. TMA997,859 for NEXT Design and TMA458,879 for NX Design.

[9] In support of the Application, the Applicant filed the affidavit of Josée Aubin, a trademark analyst employed at CompuMark, a division of Clarivate Analytics, sworn January 7, 2020.

[10] Both parties filed written representations and were represented at a hearing.

#### LEGAL ONUS AND EVIDENTIAL BURDEN

[11] The Applicant bears the legal onus of establishing, on a balance of probabilities, that the Application complies with the requirements of the Act. This means that if a determinate conclusion cannot be reached in favour of the Applicant after a consideration of all of the

evidence, then the issue must be decided against the Applicant. However, there is an initial evidential burden on the Opponent to adduce sufficient admissible evidence from which it could reasonably be concluded that the facts alleged to support each ground of opposition exist [*John Labatt Limited v The Molson Companies Limited* (1990), 30 CPR (3d) 293 (FCTD) at 298].

#### ANALYSIS OF THE GROUNDS OF OPPOSITION

##### **Section 12(1)(d) ground of opposition**

[12] The Opponent has pleaded that the Mark is not registrable because the Mark is confusing with the Opponent's registration Nos. TMA997,859 and TMA458,879 for the trademarks NEXT Design and NX Design, respectively, the particulars of which are set out in Schedule A of this decision. The material date for this ground of opposition is the date of this decision [*Park Avenue Furniture Corporation v Wickes/Simmons Bedding Ltd* (1991), 37 CPR (3d) 413 (FCA)].

[13] I have exercised my discretion to check the Register and confirm that these registrations remain extant [*Quaker Oats Co Ltd of Canada v Menu Foods Ltd* (1986), 11 CPR (3d) 410 (TMOB)]. In addition, the Opponent filed certified copies of the registrations, as well as evidence of use of its trademarks in Canada by way of the Waterland affidavit. The Opponent has therefore met its initial evidential burden with respect to this ground of opposition. As a result, the Applicant bears the legal burden of demonstrating on a balance of probabilities that there is no likelihood of confusion between the Mark and the Opponent's registered trademarks.

[14] In considering the issue of confusion, my analysis will focus on the Opponent's registration for NEXT Design (shown above in paragraph 3), as in my view this represents the Opponent's best case.

##### Test for confusion

[15] In determining whether two trademarks are confusing, all the surrounding circumstances should be considered, including those listed in section 6(5) of the Act: the inherent distinctiveness of the trademarks and the extent to which they have become known; the length of time the trademarks have been in use; the nature of the goods and services or business; the nature of the trade; and the degree of resemblance between the trademarks in appearance, or sound or in

the ideas suggested by them. These criteria are not exhaustive and different weight will be given to each one in a context specific assessment [*Mattel, Inc v 3894207 Canada Inc*, 2006 SCC 22, [2006] 1 SCR 772 (SCC) at para 54; *Veuve Clicquot Ponsardin v Boutiques Cliquot Ltée*, 49 CPR (4th) 401]. I also refer to *Masterpiece Inc v Alavida Lifestyles Inc*, 2011 SCC 27 at para 49, where the Supreme Court of Canada states that section 6(5)(e), the resemblance between the marks, will often have the greatest effect on the confusion analysis.

[16] The test for confusion is assessed as a matter of first impression in the mind of a casual consumer somewhat in a hurry who sees the applicant's mark, at a time when he or she has no more than an imperfect recollection of the opponent's trademark, and does not pause to give the matter any detailed consideration or scrutiny, nor to examine closely the similarities and differences between the marks [*Veuve Clicquot, supra*, at para 20].

Inherent distinctiveness of the trademarks and the extent to which they have become known

[17] I consider the Opponent's trademark to be inherently distinctive in that it does not describe or suggest the character or quality of the Opponent's associated goods and services. For the same reason, I also consider the Applicant's Mark to be inherently distinctive. While the Opponent's mark features the word "NEXT" in stylized font within a shaded rectangular border, in my view, this stylization adds little to the overall inherent distinctiveness of the Opponent's trademark [*Canadian Jewish Review Ltd v The Registrar of Trade Marks* (1961), 37 CPR 89 (Ex Ct)].

[18] The strength of a trademark may be increased by means of it becoming known through promotion or use. The Opponent has filed evidence by way of the Waterland affidavit which allows me to conclude that the Opponent's NEXT Design mark has become known in Canada to at least some extent, though it is not clear to what extent given that the evidence generally refers to the Opponent's NEXT Design and NX Design collectively. Pertinent portions of Ms. Waterland's evidence are as follows:

- The Opponent sells NX Design and NEXT Design branded products in Canada directly to purchasers through its website *nextdirect.com*, which redirects Canadian customers to its Canadian website at *nextdirect.com/ca* (English) or *nextdirect.com/ca/fr* (French).

Orders are shipped from the Opponent's warehouse in the United Kingdom via courier to the customer in Canada (Exhibit A) (para 6). The Opponent's Canadian website also contains information on the NX Design and NEXT Design branded products, including pictures demonstrating some of the ways in which these marks appear in association with the goods in Canada and throughout the world (para 8) (Exhibit B).

- Exhibit C contains representative samples of redacted dispatch notices pertaining to shipments to Canadian purchasers of NX Design and NEXT Design branded products through the years 2011-2019 (para 9). All NX Design and NEXT Design branded clothing, footwear, and headgear bear these trademarks as stitched in labels. Some gifts and hard goods do not have stitched in labels, but bear trademarked swing tickets (tags that are attached to the products) (para 9).
- The NX Design and NEXT Design marks prominently appear on the Opponent's goods (para 12). I note that Exhibit D includes photographs of jackets, dresses, blouses, and sweaters with an inside label bearing the NEXT Design mark.
- Sales of goods bearing the NX Design and NEXT Design marks in Canada between 2011 and 2018 are provided (para 10). Approximate total revenue (in pounds sterling £) ranged from 328,000 in 2011 to 1,819,000 in 2018.
- Annual Canadian promotional expenditures associated with goods bearing the Opponent's NX Design and NEXT Design marks between 2014 and 2019 are provided. Approximate promotional expenditures (in pounds sterling £) ranged from 1,600 in 2014 to 11,300 in 2019 (para 11).
- The Opponent's NX Design and NEXT Design branded products are advertised to Canadians through a variety of means including email advertisements (para 13). Exhibit E contains representative samples of advertising materials used in Canada between 2015-2019; the approximate volume of email ads sent for each of these years is also provided (para 13). Exhibit F includes samples of advertising materials used in Canada to promote the NX Design and NEXT Design products between 2011-2014, including "Recommend a Friend" mailers (para 14).

[19] The Application for the Mark includes a claim of proposed use in Canada, and the Applicant has not adduced any evidence that use of the Mark has commenced since the date of filing of the Application.

[20] Overall, I find that the first factor, which is a combination of inherent and acquired distinctiveness, favours the Opponent.

#### Length of time the parties' marks have been in use

[21] The second factor also favours the Opponent as it has established prior use of the NEXT Design trademark since at least 2011 (as the Opponent has referenced Canadian sales back to this date) and there is no evidence showing that the Applicant has used the Mark in Canada.

#### Nature of the goods, services or business; and the nature of the trade

[22] It is the Applicant's statement of goods as defined in the Application versus the Opponent's registered goods and services that govern my determination of this factor [*Esprit International v Alcohol Countermeasure Systems Corp* (1997), 84 CPR (3d) 89 (TMOB)].

[23] The applied for Goods directly overlap with various items of clothing listed in the Opponent's registration, namely dresses, pants (excluding pants sold as loungewear, sleepwear or nightwear), blouses, skirts, jackets (excluding jackets sold as loungewear, sleepwear or nightwear), cardigans and sweatshirts. Notwithstanding that various of the Opponent's clothing, in particular pants and jackets, exclude these items sold as loungewear, sleepwear, or nightwear, there are no restrictions on the channels of trade. There are also no restrictions on the channels of trade for the clothing listed in the Application. Consequently, in the absence of evidence to the contrary, and considering the overlap in the parties' goods, I find it reasonable to conclude that the parties' channels of trade could overlap. Accordingly, these factors favour the Opponent.

#### Degree of resemblance

[24] As previously indicated, in *Masterpiece*, the Supreme Court stated that the degree of resemblance between the marks is often likely to have the greatest effect on the confusion analysis [see also *Beverley Bedding & Upholstery Co v Regal Bedding & Upholstery*

*Ltd* (1980), 47 CPR (2d) 145 (FCTD) at 149, affirmed 60 CPR (2d) 70]. While the Supreme Court observed that for the purpose of distinctiveness, the first word of a trademark may be the most important [*Conde Nast Publications Inc v Union des éditions modernes* (1979), 46 CPR (2d) 183 (FCTD)], it opined that the preferable approach when comparing marks is to begin by determining whether there is an aspect of the trademark that is particularly striking or unique. It has also been held that while it is generally accepted that the first component of a mark is the most important for the purposes of distinguishing between the marks, the importance of this factor diminishes if the first component is suggestive or descriptive [*Reno-Dépôt v Homer TLC Inc* (2009), 2010 TMOB 11, 84 CPR (4th) 58 (TMOB) at para 58].

[25] I consider the striking or unique element of the Opponent's trademark to be the word "NEXT".

[26] With respect to the applied for Mark, I consider the prefix NEXT to be a striking element, particularly since it is not suggestive or descriptive in nature. Based on this shared striking element, I find there to be a significant degree of resemblance between the parties' marks in both sound and appearance. At the hearing, counsel for the Applicant submitted that the presence of a design element in the Opponent's mark further assists in distinguishing the parties' marks as the Mark does not include a design element. However, I find the design elements of the Opponent's mark to be fairly simple such that they would not give rise to a meaningful difference in appearance when compared with the Applicant's Mark.

[27] As for the ideas suggested, at the hearing, counsel for the Opponent submitted that the parties' marks basically share the same meaning as the word "NEXT" means "the one that follows", and the Mark "NEXT UP" would be understood to mean the same thing, *i.e.*, that which is next or the next to be up. The Opponent further submitted that both marks in the context of the goods (clothing) could potentially be interpreted as a clever reference to the "next big thing" or trend in fashion. I agree that at the very least, the idea suggested by the Mark would be similar to the Opponent's mark since the word "UP" does not impart any obvious difference in the overall meaning of the Mark, for example, by distinguishing what is next.

[28] Overall, this factor favours the Opponent.

Surrounding circumstance – state of the register and marketplace evidence

[29] The Aubin affidavit includes the results of a search of the Canadian trademarks register Ms. Aubin conducted to “retrieve all occurrences of the term NEXT, or NEX or NXT in active registrations including the elements in the goods description: in class 25, namely clothing, footwear, headgear and baby clothes, and the retail and online sale of these goods in Class 35” (para 4; Exhibit JA-1). The Aubin affidavit also includes the results of a domain name search, common law source and business name register search, and a Dun & Bradstreet® search (paras 5-8; Exhibit JA-1 and JA-2).

[30] The Applicant submits that the state of the register and marketplace in Canada is a key surrounding circumstance in its favour as it shows that the average consumer is accustomed to making distinctions between numerous NEXT formative marks (and its phonetic equivalents). The Applicant takes the position that “it is clear that a significantly large number of NEXT formative marks are in use in Canada in the specific area of clothing, and that the word NEXT is indeed diluted”.

[31] State of the register evidence favours an applicant when it can be shown that the presence of a common element in marks would cause consumers to pay more attention to the other features of the marks, and to distinguish between them by those other features [*McDowell v Laverana GmbH & Co KG*, 2017 FC 327 at para 42]. Inferences regarding the state of the marketplace may be drawn from such evidence in two situations: where a large number of relevant registrations are located; and/or where there is evidence of common use in the marketplace of relevant third party marks [*Kellogg Salada Canada Inc v Maximum Nutrition Ltd* (1992), 43 CPR (3d) 349 (FCA); *McDowell v Laverana GmbH & Co KG*, 2017 FC 327 at paras 41-46; and *Cie Gervais Danone v Astro Dairy Products Ltd*, (1999), 87 CPR (3d) 262 (FC)]. Relevant trademarks include those that (i) are registered or are allowed and based on use; (ii) are for similar goods and services as the marks at issue; and (iii) are those that include the component at issue in a material way [*Sobeys West Inc v Schwan’s IP, LLC*, 2015 TMOB 197].

[32] In *Hawke & Company Outfitters LLC v Retail Royalty Company*, 2012 FC 1539, the Court noted that the exact number of similar marks necessary to establish that an element of a mark was commonly adopted as a component of trademark used in association with the relevant





goods or services at the material date likely depends on the facts of a given case. The Court also noted the difficulty of state of the register evidence as follows: "...a search of the Trade-marks Office Register is not the best way to establish the state of the marketplace or the actual use of a mark. The fact that a mark appears on the register does not show that it is currently in use, was in use as of the relevant material dates, is used in relation to wares or services similar to those of the parties, or the extent of any such use..." [para 40].

[33] In *Canada Bread Company, Limited v Dr Smood ApS*, 2019 FC 306, the Court, in its discussion of state of the register evidence, confirmed the Court’s comments in *Hawke*, above. The Court noted that “it remains very much unclear what inference may legitimately be drawn without evidence of the use made by third parties in the marketplace of a common element.” [para 61].

[34] With this in mind, I will now turn to the search results in the Aubin affidavit. In its written representations, the Applicant identifies 20 trademarks (owned by 19 different parties) which it submits are the “most pertinent results to which the Applicant wishes to draw the Board’s attention...”. After removing those marks that are neither allowed nor registered, the following trademarks remain:

No.	Trademark	Owner	Goods/services
1	NEXT	McGregor Industries Inc.	Legwear, namely hosiery, pantyhose, stockings, tights, leggings;...
2	NXT	World Wrestling Entertainment, Inc.	Clothing, namely tops, jackets, bottoms, underwear, pajamas... all of the foregoing restricted solely to goods associated with wrestlers, wrestling and wrestling entertainment.
3	NEXBELT	NexBelt LLC	Belts and belt buckles
4	Next Captain	Mike Meleca	Sporting apparel, namely soccer jerseys, soccer shorts, soccer socks, soccer shoes...accessories, namely t-shirts...

5	NEXT EXIT	Ground Floor Clothing Company Limited	Clothing, namely pants, t-shirts, skirts, dresses...
6	NEXT ISSUE	Hudson's Bay Company	Women's clothing, namely women's jackets, blouses, pants, sweaters, skirts, blazers...
7	NEXT TO NUDE	Vanity Fair, Inc.	Foundation garments; lingerie
8		Kabushiki Kaisha Renown	Clothing, namely jackets, suits, skirts trousers, coats, cardigans, sweaters...
9	NEXT BY ATHENA	RAJ Manufacturing, LLC	Swimwear
10	NEXTITLE	NexTitle Sports, LLC	Athletic apparel, namely shirts, pants...; athletic uniforms, all of the above bearing the trademarks or other indications associated with a sports team or athlete...
11	THE NEXT ACT	Canadian Improv Games	Clothing, namely jackets, sweaters, pants...
12	THE NEXT STEP	Boat Rocker Rights	Promotional items, namely clothing, namely t-shirts, shirts, tank tops...
13	 (MOTIONEXT & Design)	Motionext Inc.	Athletic and sports clothing, namely ski jackets, motorcycle jackets, jump suits...
14	NXT: ARRIVAL	World Wrestling Entertainment, Inc.	Clothing, namely boots, brassieres, ad caps; clothing, namely tank tops...

[35] Of these results, I consider the MOTIONEXT & Design mark (entry 13) to be very different from both the Mark and the Opponent's mark given the prominence of the design element and positioning of the word NEXT within the mark. I also consider the trademark NEXBELT to be somewhat different in that it does not include a phonetic equivalent for the word "NEXT" but rather the element "NEX".

[36] At the hearing, counsel for the Applicant suggested that the trademarks identified in its written representations were intended to give a high level view of the search results and were not necessarily exhaustive. Counsel then pointed out further examples of trademarks from the search report that it deemed relevant. However, for the most part, I note that many of the additional trademarks in the report are listed as pending (for example, NEXX FOOTWEAR; COMING UP NEXT), and/or are very different from the Mark and the Opponent's trademark (for example: NEXT GENERATION INDIE AWARDS; The Next Music Generation; DADDY NEXT DOOR; and DEGRASSI: THE NEXT GENERATION).

[37] At the hearing, the parties also noted that various of the marks identified in the Aubin search report (and in particular including some of the marks highlighted in the Applicant's written representations) had since matured to registration (for instance, App. No. 1,860,534 for NEXT LEVEL) or become inactive/cancelled (for instance Reg. No. TMA386,148 for NEXT ISSUE). However, I do not consider it appropriate to exercise my discretion to verify the status of any of these third party marks as the Registrar generally declines to exercise discretion to take cognizance of their own records except to verify whether claimed trademark registrations and applications identified in a statement of opposition are extant [see *Quaker Oats of Canada Ltd/Cie Quaker Oats du Canada Ltée v Menu Foods Ltd* (1986), 11 CPR (3d) 410 (TMOB)].

[38] With respect to the common law portion of the search report, the Applicant's written representations are set out in part below:

...Exhibit JA-2 of the Aubin affidavit, which consists of a Dun & Bradstreet report, reveals further evidence of Canadian businesses operating in the area of clothing that include the formative NEXT in their name, including: Boutique Next, NEXT EXIT, ESPRIT AT THE NEXT EXIT, NEXT CLOTHING CO., NEXT CYCLE INC., NEXT FAZE CONSIGNMENT, NEXT GENERATION DISTRIBUTORS INC., NEXT IN LINE, NEXT LEVEL INC., SHE NEXT FASHION INC. It is clear that a significantly large number of NEXT formative marks are in use in Canada in the specific area of clothing, and that the word NEXT is indeed diluted.

[39] In reviewing the common law results, I note that while many of the NEXT results in the NUANS report do not indicate the goods/services associated with these entities, that a number of the results, primarily those listed above by the Applicant, do identify the nature of the goods/services as clothing stores/apparel-retail. Further, at least one of the common law entries

identified in the search (NEXT EXIT) appears to correspond to a listed registration (NEXT EXIT). However, the Applicant has provided no evidence of use outside of the search report results.

[40] In view of the above, I find that this surrounding circumstance favours the Applicant but only to a limited extent. I am not able to infer that consumers would pay more attention to the other features in the parties' trademarks in order to distinguish them because there is not evidence of a large number of relevant registrations, nor is there evidence of common use in the marketplace of relevant third party marks. The references cited in the common law search report results, without more, are not particularly helpful in this regard.

### Conclusion

[41] The question posed by section 6(2) of the Act is whether customers of the Goods provided with the trademark NEXT UP would believe that these goods are provided, authorized, or licensed by the Opponent owing to its trademark NEXT Design. I have assessed this as a matter of first impression in the mind of a casual consumer somewhat in a hurry who sees the Mark, at a time when they have no more than an imperfect recollection of the Opponent's trademark, and do not pause to give the matter any detailed consideration or scrutiny, nor to examine closely the similarities and differences between the marks.

[42] Having considered all of the surrounding circumstances, and in particular the significant degree of resemblance in the parties' marks, the fact that the parties' goods directly overlap, and the extent to which the Opponent's trademark has become known, I find that at best for the Applicant, the probability of confusion between the Mark and the Opponent's trademark NEXT Design is evenly balanced between a finding of confusion and no confusion. As the onus is on the Applicant to demonstrate on a balance of probabilities that there is no reasonable likelihood of confusion between the marks, I must therefore find against the Applicant.

[43] Accordingly, the section 12(1)(d) ground of opposition is successful.

### **Section 16(3)(a) ground of opposition**

[44] The Opponent has pleaded that the Applicant is not the person entitled to registration of the Mark because the Mark as applied to the Goods was confusing with the NX Design and NEXT Design mark, previously used in Canada by the Opponent, and with the various NEXT marks used in Canada at common law. The material date for a ground of opposition under section 16(3)(a) is the filing date of the application, namely May 16, 2017.

[45] As with the above ground, the focus of my analysis is on the Opponent's trademark NEXT Design. I find that the Opponent has met its initial evidential burden by way of its evidence demonstrating use of the NEXT Design mark since prior to the material date for this ground of opposition, namely May 16, 2017.

[46] In my view, the Applicant's position is not stronger as of the earlier date of May 16, 2017 than it is of today's date. Accordingly, I reach the same conclusion regarding the likelihood of confusion as under the section 12(1)(d) ground of opposition and this ground of opposition is successful.

### **Remaining grounds of opposition**

[47] As the Opponent has already succeeded under two grounds of opposition, it is not necessary to address the remaining grounds of opposition.

### DISPOSITION

[48] In view of the above, pursuant to the authority delegated to me under section 63(3) of the Act, I refuse the Application pursuant to section 38(12) of the Act.

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Jennifer Galeano  
Member  
Trademarks Opposition Board  
Canadian Intellectual Property Office

**TRADEMARKS OPPOSITION BOARD  
CANADIAN INTELLECTUAL PROPERTY OFFICE  
APPEARANCES AND AGENTS OF RECORD**

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**HEARING DATE** 2022-04-28

**APPEARANCES**

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FOR THE APPLICANT

**SCHEDULE A**

Particulars of the Opponent's registrations for NEXT Design and NX Design

Trademark	Reg No.	Goods/Services
	<p>TMA997,859</p> <p>Registered on 2018-05-31</p>	<p>Goods:</p> <p>(1) Soaps, namely skin soaps, laundry soap, dish soap; perfumery, essential oils for aromatherapy, cosmetics, hair lotions; computers; televisions; radios; jewellery and imitation jewellery; trunks ; travelling cases; luggage; suitcases; holdalls; valises; handbags; shoulder bags; toilet bags; briefcases; attaché cases; music cases; satchels; beauty cases; carriers for suits, shirts and for dresses; tie cases; note cases; note book holders; document cases and holders; credit card cases and holders; cheque book holders; wallets; purses; umbrellas, parasols; household or kitchen utensils and containers namely cooking utensils, mops, furniture dusters, beverage containers, garbage containers, plastic storage containers; glassware namely beverage glassware, decorative figurine glassware, laboratory glassware, glass bowls, glass coasters, glass ornaments; porcelain namely porcelain vases, cake plates, egg cups, napkin holders, mixing bowls, gravy boats, cups and saucers; earthenware namely plates, saucers, cups and bowls, earthenware storage containers, namely canisters; earthenware servingware, earthenware candle holders; earthenware bakeware; textile and textile goods namely textiles for carpets, clothes, footwear, furniture; textile fabrics, textile ribbons, raw textile fibres, bath towels, bed sheets, table cloths, napkins; belts; articles of clothing, (excluding clothing sold as loungewear, sleepwear or nightwear), namely caps, scarves, gloves, mittens, belts, coats, jackets (excluding jackets sold as loungewear, sleepwear or nightwear), winter jackets, hats, suntops, pants (excluding pants sold as loungewear, sleepwear or nightwear), suits, shirts (excluding shirts sold as loungewear, sleepwear or nightwear), trousers, skirts, dresses, sundresses, shorts (excluding shorts sold as loungewear, sleepwear or nightwear), vests, tops (excluding tops sold as loungewear, sleepwear or nightwear), cardigans, jeans, t-shirts (excluding t-shirts sold as loungewear, sleepwear or nightwear), tunics, sarongs, swimsuits, bikinis, blouses, cycle shorts, jogging pants, gilets, wraps, raincoats, blazers, jumpers and sweatshirts; boots, shoes, and sandals; shirt buttons, clothing</p>

		<p>buttons; zips and fastenings namely zip fasteners, clothing fasteners, snap fasteners, stud fasteners, slide fasteners.</p> <p>(2) Jewellery and imitation jewellery; trunks; travelling cases; luggage; suitcases; holdalls; valises; handbags; shoulder bags; toilet bags; briefcases; attaché cases; satchels; beauty cases; carriers for suits, shirts and for dresses; document cases and holders; credit card cases and holders; wallets; purses; umbrellas, household or kitchen utensils and containers namely cooking utensils, beverage containers, garbage containers, plastic storage containers; glassware namely beverage glassware, decorative figurine glassware, glass bowls, glass ornaments; porcelain namely porcelain vases, cake plates, mixing bowls, cups and saucers; earthenware namely plates, saucers, cups and bowls, earthenware storage containers, namely canisters; earthenware servingware, earthenware candle holders; earthenware bakeware; textile and textile goods namely textiles for clothes, footwear, furniture; bath towels, bed sheets, table cloths; belts; articles of clothing, (excluding clothing sold as loungewear, sleepwear or nightwear), namely caps, scarves, gloves, mittens, belts, coats, jackets (excluding jackets sold as loungewear, sleepwear or nightwear), winter jackets, hats, suntops, pants (excluding pants sold as loungewear, sleepwear or nightwear), suits, shirts (excluding shirts sold as loungewear, sleepwear or nightwear), trousers, skirts, dresses, sundresses, shorts (excluding shorts sold as loungewear, sleepwear or nightwear), vests, tops (excluding tops sold as loungewear, sleepwear or nightwear), cardigans, jeans, t-shirts (excluding t-shirts sold as loungewear, sleepwear or nightwear), tunics, sarongs, swimsuits, bikinis, blouses, cycle shorts, jogging pants, gilets, wraps, raincoats, blazers, jumpers and sweatshirts; boots, shoes, and sandals.</p> <p>Services:</p> <p>(1) Retail department store services, retail, online, mail order, catalogue and direct mail services for the sale of clothing, furniture, consumer electronics.</p> <p>(2) Retail, online, mail order, catalogue and direct mail services for the sale of clothing, furniture.</p>
	TMA458,879	(1) Footwear namely, boots; clothing namely, T-shirts; headgear namely, caps.