

TRADE MARKS ORDINANCE (CAP. 559)

OPPOSITION TO TRADE MARK APPLICATION NO. 302227301

MARK :



CLASSES :

25, 35

APPLICANT :

APPLE & PIE LIMITED

OPPONENT :

TEXWOOD LIMITED

STATEMENT OF REASONS FOR DECISION

Background

1. On 19 April 2012 (“Application Date”), Apple & Pie Limited (“Applicant”) filed an application (“subject application”) under the Trade Marks Ordinance (Cap. 559) (“Ordinance”) for registration of the following mark (“subject mark”):



Registration is sought in respect of the following goods in Class 25 (“subject goods”) and the following services in Class 35 (“subject services”):

Class 25

Footwear; children's shoes; shoes; boots; sandals; slippers; house shoes; rain boots; sneakers; insoles; socks; clothing; headgear.

Class 35

On-line shopping services; online retail services; retail store services; mail order, catalogue and distributorship services; all relating to footwear, headgear and clothing and accessories thereof; bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods from a general merchandise Internet website or by means of telecommunications; online retail services (e-commerce); wholesaling, retailing, distributorship in relation to footwear, headgear and clothing and accessories thereof; bringing together, for the benefit of others, of footwear, headgear and clothing and accessories thereof, enabling customers to conveniently view and purchase goods in department and retail stores; advertising; business management; business administration; office functions.

2. Particulars of the subject application were published on 7 September 2012. Texwood Limited (“Opponent”) filed a notice of opposition on 5 December 2012 (“Notice of Opposition”) with grounds of opposition (“Grounds of Opposition”). The Applicant filed a counter-statement on 28 February 2013 (“Counter-statement”) in response to the Notice of Opposition.

3. The Opponent’s evidence consists of a statutory declaration of Teresa Tam made on 28 August 2013 (“Tam's Declaration”). The Applicant did not file any evidence in these proceedings.

4. The substantive opposition hearing took place before me on 14 May 2015. Ms. Peggy Cheung of Messrs. Jones Day appeared for the Opponent. The Applicant did not appear at the hearing.

Grounds

5. Although a number of grounds were pleaded in the Grounds of Opposition, at the hearing, Ms Cheung for the Opponent relied only on the strongest ground of opposition for the Opponent in this case, namely that under section 12(5)(a) of the Ordinance.

Relevant date

6. The relevant date for considering this opposition is the Application Date, i.e. 19 April 2012.

The Opponent

7. The Opponent is a manufacturer and supplier of clothing, in particular jeans and sportswear. The earliest of the Opponent's catalogues included in the evidence filed in these proceedings is a catalogue in 1977 for jeans and sportswear.¹ The Opponent is also involved in wholesale and retail services in respect of its goods. The Opponent's jeans have been ranked Top Five on the Forbes Jeans Global Sales Chart in 2010.²

8. The Opponent has adopted and used in Hong Kong a number of trade marks consisting of, *inter alia*, the word "Apple", an apple device and/or the Chinese



characters "苹果", including " ", "洋果牌", "THE APPLE JEANS",

"  " and " **APPLE SHOP** " (collectively, the "Texwood Apple Marks"), in relation to a range of articles of clothing and accessories thereof including jeans, skirts, jackets, shirts, shorts, pants, vests, socks, suits, trousers, underwear, knitwear, belts and ties ("Opponent's Goods") as well as retail and wholesale services in respect of these goods. The Opponent is the owner of the Hong Kong registered trade marks listed in the Schedule.

9. The Texwood Apple Marks have been used in relation to the Opponent's Goods by various means including (i) printing or embroidering onto the Opponent's Goods; (ii) labels or hang-tags attached to the Opponent's Goods; (iii) appearing on packages in which the Opponent's Goods are wrapped for sale, and (iv) appearing on invoices.

10. Sales figures in respect of the retail and wholesale of the Opponent's Goods under the Texwood Apple Marks for the years 2003/2004 to 2011/2012 are set out in paragraph 12 of Tam's Declaration. During those years, the average retail sales volume was around HK\$57 million per annum, whilst the average wholesale volume was

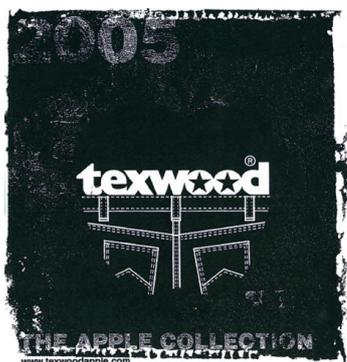
¹ "Exhibit TT-4" to Tam's Declaration.

² "Exhibit TT-1" to Tam's Declaration.

around HK\$3.8 million per annum.

11. "Exhibit TT-6" to Tam's Declaration include invoices in respect of the retail and wholesale of the Opponent's Goods from the year 2000. Marks used on the invoices include "APPLE", "**APPLE**  **SHOP**" and "APPLE SHOP". The invoices indicate that the Opponent's products were available in stores in various districts in Hong Kong including Causeway Bay, North Point, Mongkok, Plaza Hollywood at Diamond Hill, Tsuen Wan, Yuen Long, Shatin, Tai Po, Sheung Wan and Tseung Kwan O.

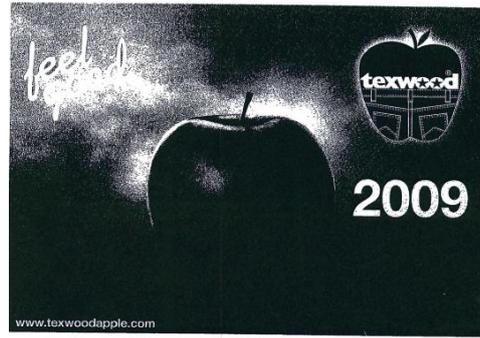
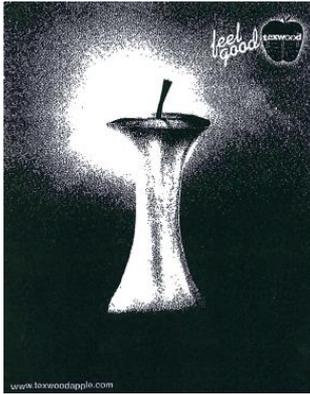
12. The Opponent has advertised and promoted the Opponent's Goods bearing the Texwood Apple Marks in Hong Kong by various means including (i) advertisements in newspapers and magazines; (ii) Internet advertisements, (iii) outdoor advertisements (e.g. advertisements on buses, at bus stops and in MTR stations), (iv) promotional activities, (v) display of posters and (vi) gift items, such as calendars and discount coupons. The word "APPLE", the device or image of an apple and/or the Chinese characters "萍果" often feature in the Opponent's advertisements and promotional materials. The following are some examples:³



It all goes back to apple



³ "Exhibit TT-8" to Tam's Declaration.



THERE'S ONLY ONE APPLE



APPLE SHOP
Specialised Outlet for Texwood Apple Products



Antiques. A New Collection. From Apple.

13. Set out in paragraph 15 of Tam's Declaration are the amounts expended from the year 2004/2005 to the year 2011/2012 in advertising and promoting the retail and wholesale of goods under the Texwood Apple Marks. The Opponent expended an average of almost HK\$1.8 million per annum in such promotion and advertising during those years.

The Applicant

14. The Applicant claimed in the Counter-statement that the subject mark was first adopted by the Applicant in February 2012, and the business operated under the "apple & pie" name was mainly the retail of children's shoes and accessories. The Applicant did not, however, file any evidence in these proceedings.

Opposition under section 12(5)(a) of the Ordinance

15. Section 12(5) of the Ordinance provides, *inter alia*, as follows:

“(5) ... a trade mark shall not be registered if, or to the extent that, its use in Hong Kong is liable to be prevented –

(a) by virtue of any rule of law protecting an unregistered trade mark or other sign used in the course of trade or business (in particular, by virtue of the law of passing off); ...

and a person thus entitled to prevent the use of a trade mark is referred to in this Ordinance as the owner of an “earlier right” in relation to the trade mark.”

16. The Opponent's case under section 12(5)(a) of the Ordinance is that:

*"Registration of the [subject mark] is contrary to Section 12(5) because use of the [subject mark] in Hong Kong is liable to be prevented by virtue of rules of law protecting unregistered trade marks or other signs used in the course of trade or business (in particular, by virtue of law of passing off) and the Opponent is the owner of the earlier rights entitling it to prevent such uses, namely rights through the prior use of its trade marks, particularly the Texwood Apple Marks, in relation to goods and services that are identical or similar to those for which the Applicant seeks registration."*⁴

17. The relevant question is whether normal and fair use of the subject mark for the purpose of distinguishing the subject goods and the subject services from those of other undertakings was liable to be prevented at the Application Date by an action of passing off.⁵

18. Ms Ng for the Opponent referred me to the following principles set out in Halsbury's Laws of Hong Kong, which were not in dispute:

*"The House of Lords has succinctly summarized and restated the necessary elements which a plaintiff has to establish in an action for passing off:"*⁶

*'First, the plaintiff must establish a **goodwill** or reputation attached to the goods or services which he supplies in the mind of the purchasing public by association with the identifying "get-up" (whether it consists simply of a brand name or a trade description, or the individual features of labelling or packaging) under which his particular goods or services are offered to the public, such that the get-up is recognised by the public as distinctive specifically of the plaintiff's goods or services.*

*Secondly, he must demonstrate a **misrepresentation** by the defendant to the public (whether or not intentional) leading or likely to lead the public to believe that goods or services offered by him are the goods or services of the plaintiff....*

*Thirdly, he must demonstrate that he suffers or, in a quia timet action, that he is likely to suffer, **damage** by reason of the erroneous belief engendered by the defendant's*

⁴ Grounds of Opposition, para.18.

⁵ *WILD CHILD Trade Mark* [1998] R.P.C. 455.

⁶ *Reckitt & Colman v Borden* [1990] R.P.C. 341; *Re Ping An Securities Ltd* (2009) 12 HKCFAR 808.

misrepresentation that the source of the defendant's goods or services is the same as the source of those offered by the plaintiff.'

*The restatement of the elements of passing off in the form of this classical trinity (ie goodwill/reputation, misrepresentation and damage) has been preferred as providing greater assistance in analysis and decision than the formulation of the elements of the action previously expressed by the House of Lords. However, like the previous statement of the House of Lords, this ... statement should not be treated as akin to a statutory definition or as if the words used by the House of Lords constitute an exhaustive, literal definition of 'passing off', and in particular should not be used to exclude from the ambit of the tort recognised forms of the action for passing off which were not under consideration on the facts before the House of Lords.'*⁷ (**emphasis added**)

19. Deception is the gist of the tort of passing off, but it is not necessary for a plaintiff to establish that the defendant consciously intended to deceive the public if that is the probable result of his conduct.⁸ The point to be decided is whether, having regard to all the circumstances of the case, the use by the defendant in connection with the goods of the mark, name or get-up in question impliedly represents such goods to be the goods of the plaintiff, or the goods of the plaintiff of a particular class or quality, or, as it is sometimes put, whether the defendant's use of such mark, name, or get-up is calculated to deceive.⁹

20. To establish a likelihood of deception or confusion in an action for passing off where there has been no direct misrepresentation¹⁰ generally requires the presence of two factual elements:

- (1) that a name, mark or other distinctive feature used by the plaintiff has acquired a reputation among a relevant class of persons; and
- (2) that members of that class will mistakenly infer from the defendant's use of a name, mark or other feature which is the same or sufficiently similar that the defendant's goods or business are from the same source or are connected.

⁷ *Halsbury's Laws of Hong Kong* (2nd Edn) Vol. 33, para. [225.001].

⁸ *Harrods Limited v. Harrodian School Limited* [1996] R.P.C. 697 at 706.

⁹ *Spalding v Gamage* (1915) 32 R.P.C. 273

¹⁰ E.g. an express statement that the defendant's goods or services are goods or services of the plaintiff.

21. In arriving at the conclusion of fact as to whether deception or confusion is likely, the court will have regard to:

- (a) the nature and extent of the reputation relied upon;
- (b) the closeness or otherwise of the respective fields of activity in which the plaintiff and the defendant carry on business;
- (c) the similarity of the mark, name etc. used by the defendant to that of the plaintiff;
- (d) the manner in which the defendant makes use of the name, mark etc. complained of and collateral factors; and
- (e) the manner in which the particular trade is carried on, the class of persons who it is alleged is likely to be deceived and all other surrounding circumstances.¹¹

Goodwill

22. The relevant date for determining whether the Opponent has established the necessary goodwill is the date of the application for the mark in question or the date of the commencement of the conduct complained of,¹² whichever is earlier. As there is no evidence of the Applicant having used the subject mark before the Application Date, I only need to consider the position as at the Application Date.

23. I have already considered the Opponent's evidence (paragraphs 7 to 13 above). I am satisfied that the Opponent's Goods and the retail and wholesale services in respect thereof have acquired goodwill and reputation in the market in Hong Kong by the Application Date and are known by the Opponent's Texwood Apple Marks.

Misrepresentation

24. The plaintiff in a passing-off action has to show that the defendant's conduct has been such as to mislead members of the public into a mistaken belief that the goods

¹¹ *Halsbury's Laws of Hong Kong* (2nd Edition) Vol. 33, para. [225.021].

¹² *Cadbury-Schweppes Pty Ltd v The Pub Squash Co Ltd* [1981] R.P.C. 429 and *Inter Lotto (UK) Ltd v Camelot Group Plc* [2004] R.P.C. 8 and 9.

or services of the defendant or the defendant's business are or is either (a) the goods or services or business of the plaintiff or (b) connected with the plaintiff's business in some way which is likely to damage the plaintiff's goodwill in that business.¹³

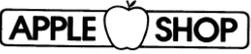
25. I refer to the principles set out in paragraphs 20 to 21 above.

26. The Opponent has since the 1970's used the Texwood Apple Marks, initially in relation to jeans and sportswear, and subsequently in relation also to the other items of the Opponent's Goods. The Opponent has also been involved in the retail and wholesale of those goods. The Opponent's Goods and the retail and wholesale services in respect thereof provided under the Texwood Apple Marks have acquired considerable goodwill and reputation in the market in Hong Kong by the Application Date.

27. The subject goods include "*clothing*", and the subject services include "*wholesaling, retailing in relation to clothing and accessories thereof*". The Applicant's field of activity by reference to the subject goods and the subject services overlaps with the Opponent's field of activity.

28. Next, I consider the degree of similarity between the subject mark and the Opponent's Texwood Apple Marks.

29. The subject mark consists of the device of a tilted apple divided vertically into two halves, and the words "**apple & pie**".

30. The Opponent's Texwood Apple Marks include "", "**洋果牌**", "THE APPLE JEANS", , and " **APPLE SHOP** ".

31. Visually, the tilted apple device in the subject mark is divided into two halves vertically. At the right half of the apple are strips weaved into a crisscross pattern which resembles the lattice top of an apple pie. Below the apple device in the subject mark are the words "**apple & pie**".

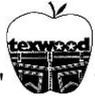
32. The Opponent's " " mark consists of an apple divided horizontally, with the word "texwood" appearing prominently at the centre of the apple. The lower part of the apple resembles the back of a pair of jeans. The mark as a whole looks like an

¹³ *H. P. Bulmer Ltd. v J. Bollinger* [1978] R.P.C. 79 at 99.

apple dressed in jeans.

33. As the word "牌" is indistinctive, the Chinese characters "苹果" is the most distinctive part of the mark "苹果牌". Similarly, the word "APPLE" is the most prominent and distinctive part of the marks "THE APPLE JEANS", "APPLE  SHOP" and "APPLE SHOP". The outline of an apple at the centre of the mark "APPLE  SHOP" also reinforces the word "APPLE".

34. Although the subject mark and the Opponent's "" mark each includes an apple device, the visual impression of an apple in jeans created by the Opponent's

 mark is very different from that of an apple with half of it resembling an apple pie in the subject mark. The textual elements in the two marks are also completely different. Although the word "APPLE" appears in each of the Opponent's "THE APPLE JEANS", "APPLE  SHOP" and "APPLE SHOP" marks, the word "pie" and the device with half of it resembling an apple pie do not feature in any of those marks. The

degree of visual similarity between the subject mark and the Opponent's "", "THE APPLE JEANS", "APPLE  SHOP", and "APPLE SHOP" marks is only slight.

The Opponent's "苹果牌" mark consists only of Chinese characters and there is no visual similarity between that mark and the subject mark.

35. Aurally, the subject mark would be referred to as "apple and pie". The Opponent's Texwood Apple Marks would be referred to as "Texwood Apple" or "Apple", "苹果牌", "The Apple Jeans" and "Apple Shop".

36. Although phonetically, the subject mark and the Opponent's "", "THE

APPLE JEANS", , and " **APPLE SHOP** " marks have the word "apple" in common, the subject mark would be pronounced as "apple and pie", and not just "apple". The phonetic similarity between the subject mark and those of the Opponent's Texwood Apple Marks is therefore only slight.

37. Although the pronunciation of the word "pie" is similar to the Chinese character "牌", and the Chinese characters "苹果" means "apple", consumers would not translate the Chinese characters "苹果" into "apple" and pronounce the mark "苹果牌" as "apple牌". The Opponent's "苹果牌" mark is phonetically very different from the subject mark.

38. Conceptually, the Opponent's Texwood Apple Marks have "apple" as its main theme. The Opponent sometimes also uses the device or image of an apple in advertising and promoting the Opponent's Goods. On the other hand, the concept of the subject mark is not just an apple, but "apple and pie". The textual element "apple & pie" is illustrated and reinforced by the device of an apple divided vertically into two halves, with strips weaved into a crisscross pattern resembling the lattice top of an apple pie in the right half to illustrate the concept of "pie". Although the device of an apple occupies considerable space in the subject mark and the words are relatively smaller in size, generally speaking, words "speak louder" than devices in a composite mark.¹⁴ Moreover, the words are illustrated and reinforced by the device. The subject mark would be viewed as a whole as an "apple and pie" mark, rather than an "apple" mark.

39. Having regard to the visual, aural and conceptual similarities and differences between the subject mark and the Opponent's Texwood Apple Marks, I find that the overall impression created by the subject mark is very different from that created by the Opponent's Texwood Apple Marks.

40. As the Applicant has filed no evidence in these proceedings, there is no information on the manner in which the Applicant would make use of the subject mark. In any event, I have to consider normal and fair use of the subject mark in relation to the subject goods and the subject services.

41. At the hearing, Ms Ng submitted that the Opponent's Goods were not particularly expensive, and consisted mainly of clothing items in the price range of around a few hundred Hong Kong dollars; customers from Mainland China constituted

¹⁴ *Oasis Stores Ltd's Application* [1999] E.T.M.R. 531.

a significant proportion of shoppers in Hong Kong and they may have limited time and may make purchases in a hurry; in view of their level of proficiency in English, the word "pie" may not mean anything to many of them. Taking into account the imperfect recollection consumers would have of marks, and the fact that it is common for the same clothing manufacturer to use sub-brands to distinguish its various lines from those of others, Ms Ng submitted that consumers would be confused into thinking that the Applicant's subject goods or subject services offered under the subject mark were those of the Opponent or were associated with the Opponent. Ms Ng also submitted that nowadays purchases may be made online by using mobile phones; marks appearing on the screens of phones would be rather small which would contribute to an increased likelihood of confusion.

42. The subject goods include items of clothing, footwear and headgear. The subject services include retail, wholesale and on-line shopping services in respect of the subject goods. The subject goods may be sold in shops or online, and in either case, consumers would evaluate the goods visually and would take reasonable care in examining either the actual goods or pictures of them online. The price of the subject goods may vary widely. Consumers may pay more attention when selecting those of the subject goods that are more expensive.

43. The words "apple" and "pie" in the subject mark are simple English words. Moreover, the words are illustrated and reinforced by the device of an apple divided into two halves, with the right half resembling an apple pie. The words and the device together in the subject mark leave no doubt in the mind of the average consumer that the right half of the apple device denotes "pie". The average consumer would view the subject mark as a whole, would perceive the concept of "apple and pie" in the subject mark as an integral whole, which is very different from the concept of just an "apple" in the Opponent's Texwood Apple Marks.

44. I have reviewed the more than 700 pages of the Opponent's advertising and promotional materials from the 1980's to the Application Date at "Exhibit TT-8" to Tam's Declaration. None of these materials feature a "pie" or "apple pie", or indeed any other food product made from apple. The theme of the Opponent's Texwood Apple Marks and the Opponent's advertising is simply "apple". I consider that the average consumer would not perceive the subject mark as a sub-brand of the Opponent's Texwood Apple brand.

45. Taking into account all of the above considerations, I consider that when the

subject mark is used in relation to the subject goods or the subject services, the average consumer would unlikely be misled into believing that those goods or services offered by the Applicant are the goods or services of the Opponent or are connected with the Opponent's business. The element of misrepresentation is therefore not made out.

Damage

46. It follows that there is nothing from which it could be inferred that the Opponent is likely to suffer damage by reason of any erroneous belief engendered by the Applicant's misrepresentation.

47. I find that the ground of opposition under section 12(5)(a) of the Ordinance is not made out.

Conclusion and Costs

48. As the only ground of opposition relied on by the Opponent is not made out, the opposition against the subject application fails.

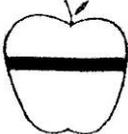
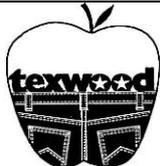
49. As the opposition has failed, I award the Applicant costs. Subject to any representations, as to the amount of costs or calling for special treatment, which either party may make within one month from the date of this decision, costs will be calculated with reference to the usual scale in Part I of the First Schedule to Order 62 of the Rules of the High Court (Cap.4A) as applied to trade mark matters, unless otherwise agreed between the parties.

(Finnie Quek)
for Registrar of Trade Marks
13 July 2015

Schedule

Opponent's Hong Kong registered trade marks

<i>Trade Mark No.</i>	<i>Trade Mark/</i>	<i>Class</i>	<i>Specification</i>
19721678		25	articles of clothing
19730790		25	articles of clothing, excluding hosiery, socks and stockings
19750413		16	paper and paper articles, cardboard and cardboard articles; printed matter, newspapers and periodicals, books; book-binding material; photographs; stationery, adhesive materials (stationery); artists' material and playing cards
19750747		18	leather and imitations of leather, and articles made from these materials, and not included in other classes; skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery
19751159	蘋果牌	25	articles of clothing excluding hosiery, socks and stockings
19751160	THE APPLE JEANS	25	jeans
19751450		25	boots, shoes and slippers
19800141		14	watches, clocks, and parts and fittings therefor, and other chronometric instruments
19891646		24	woven labels

<i>Trade Mark No.</i>	<i>Trade Mark/</i>	<i>Class</i>	<i>Specification</i>
199300281	YOUNG APPLE	25	clothing, boots, shoes and slippers
199600081		42	retail services in connection with clothing, footwear and headgear; all included in Class 42
300535590		25	Articles of clothing, footwear and headgear
300535608	<p>^A 洋果牌</p> <p>^B 萍果牌</p>	16, 25	<p><u>Class 16</u> Paper and paper articles, cardboard and cardboard articles; printed matter, newspapers and periodicals, books; book-binding material; photographs; stationery; adhesive materials (stationery); artists' material</p> <p><u>Class 25</u> Articles of clothing, footwear and headgear</p>
301261458		14, 18, 25, 35	<p><u>Class 14</u> Horological and chronometric instruments; watches, wristwatches, pendant watches, pocket watches, jewellery watches, clocks; watch bands, bracelets, chains and straps; faces for watches; dials for watches; clock hands [clock and watch-making]; cases for watches, cases for clocks; precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; jewellery cases, jewellery boxes not of metal; parts and fittings for the aforesaid goods</p> <p><u>Class 18</u> Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; handbags, trunks and travelling bags; carrying cases; garment bags; shoe bags; backpacks; sports bags; gym bags; knapsacks; rucksacks; shoulder bags; duffel bags; tote bags; shopping bags; bags for campers and climbers; school bags; belt bags; beach bags; luggage; luggage tags; valises; attaché cases; billfolds; pouches, wallets, purses; briefcases; lunch bags; fanny packs; waist bags; cosmetic bags and cases; toiletry bags and cases; key cases; clothing for pets; collars for animals; umbrellas, parasols and walking sticks; whips, harness and saddlery; all included in Class 18</p> <p><u>Class 25</u> Clothing, footwear, headgear; jeans, riveted heavy weight denim jeans, trousers, bib overalls, shorts, dresses, pants, overalls, overcoats, shirts, T-shirts,</p>

<i>Trade Mark No.</i>	<i>Trade Mark/</i>	<i>Class</i>	<i>Specification</i>
			<p>vests, skirts, jackets, coats, sport coats, sports wear, sweaters, sweatshirts, sweatpants, outer shirts, slacks, underwear, undershirts, undervests, blazers, pullovers, suits, blouses, blouson, windbreakers, brassieres, briefs, gloves, scarves, scarfs, waistcoats, chemises, golf shirts, tank tops, jerseys, turtle-necks, warm-up suits, parkas, ponchos, swimwear, bikinis, swim trunks, rainwear, raincoats, wind resistant jackets, sleepwear, pyjamas, robes, lingerie, hats, caps, wool hats, visors, headbands, ear muffs, wristbands, bathrobes, boxer shorts, cloth bibs, ties, belts, stockings, socks, hosiery, sneakers, shoes, boots, beach shoes, slippers, sandals, suspenders</p> <p><u>Class 35</u> Retail services, department store retailing services, supermarket retailing services, telephone, Internet and computerized online sales ordering services, ordering services provided at booth and commercial or advertising events in payable areas, at fairs, exhibitions, professional or public trade fairs for commercial or advertising purposes, ordering services provided at department stores, showrooms and retail stores, wholesaling services, retailing distributorship and on-line retailing in respect of eyewear, optical goods, goods in precious metals or coated therewith, jewellery, horological and chronometric instruments, precious stones, stationery, writing instruments, paper and paper products, printed matter, gift wrapping materials and ribbons, goods made of leather and imitations of leather, animal skins, hides, bags, trunks and travelling bags, wallets, clothing for pets, collars for animals, umbrellas, parasols and walking sticks, textile and textile goods, clothing and fashion accessories, footwear, headgear; advertising and marketing services; advertising agencies services; dissemination of advertising matter; direct mail advertising; on-line sales, advertising and marketing services; demonstration of goods; distribution of sample; shop window dressing; organising displays; promotions and exhibitions for advertising purposes; business inquiries; business research and marketing studies; business and market statistical information; arranging of publication of publicity texts; arranging of newspaper subscription for others; business appraisal, business management assistance; business management and organisation consulting; import-export agencies; industrial management assistance; personnel management consulting; public relations; production, preparation and presentation of advertising matter; rental of advertising space; telephone answering services and message handling</p>

<i>Trade Mark No.</i>	<i>Trade Mark/</i>	<i>Class</i>	<i>Specification</i>
			services; consultancy services relating to franchising; auctioneering; cost price analysis; compilation and rental of mailing lists; business investigation; provision of information, consultancy and advisory services for the aforesaid services
301261476	THE APPLE JEANS	25, 35	<p><u>Class 25</u> Clothing, footwear, headgear; jeans, riveted heavy weight denim jeans, trousers, bib overalls, shorts, dresses, pants, overalls, overcoats, shirts, T-shirts, vests, skirts, jackets, coats, sport coats, sports wear, sweaters, sweatshirts, sweatpants, outer shirts, slacks, underwear, undershirts, undervests, blazers, pullovers, suits, blouses, blouson, windbreakers, brassieres, briefs, gloves, scarves, scarfs, waistcoats, chemises, golf shirts, tank tops, jerseys, turtle-necks, warm-up suits, parkas, ponchos, swimwear, bikinis, swim trunks, rainwear, raincoats, wind resistant jackets, sleepwear, pyjamas, robes, lingerie, hats, caps, wool hats, visors, headbands, ear muffs, wristbands, bathrobes, boxer shorts, cloth bibs, ties, belts, stockings, socks, hosiery, sneakers, shoes, boots, beach shoes, slippers, sandals, suspenders</p> <p><u>Class 35</u> Retail services, department store retailing services, supermarket retailing services, telephone, Internet and computerized online sales ordering services, ordering services provided at booth and commercial or advertising events in payable areas, at fairs, exhibitions, professional or public trade fairs for commercial or advertising purposes, ordering services provided at department stores, showrooms and retail stores, wholesaling services, retailing distributorship and on-line retailing in respect of eyewear, optical goods, goods in precious metals or coated therewith, jewellery, horological and chronometric instruments, precious stones, stationery, writing instruments, paper and paper products, printed matter, gift wrapping materials and ribbons, goods made of leather and imitations of leather, animal skins, hides, bags, trunks and travelling bags, wallets, clothing for pets, collars for animals, umbrellas, parasols and walking sticks, textile and textile goods, clothing and fashion accessories, footwear, headgear; advertising and marketing services; advertising agencies services; dissemination of advertising matter; direct mail advertising; on-line sales, advertising and marketing services; demonstration of goods; distribution of sample; shop window dressing; organising displays; promotions and exhibitions for advertising purposes; business inquiries; business research and marketing</p>

<i>Trade Mark No.</i>	<i>Trade Mark/</i>	<i>Class</i>	<i>Specification</i>
			studies; business and market statistical information; arranging of publication of publicity texts; arranging of newspaper subscription for others; business appraisal, business management assistance; business management and organisation consulting; import-export agencies; industrial management assistance; personnel management consulting; public relations; production, preparation and presentation of advertising matter; rental of advertising space; telephone answering services and message handling services; consultancy services relating to franchising; auctioneering; cost price analysis; compilation and rental of mailing lists; business investigation; provision of information, consultancy and advisory services for the aforesaid services
301262529	APPLE SHOP	35	Retail services, department store retailing services, supermarket retailing services, telephone, Internet and computerized online sales ordering services, ordering services provided at booth and commercial or advertising events in payable areas, at fairs, exhibitions, professional or public trade fairs for commercial or advertising purposes, ordering services provided at department stores, showrooms and retail stores, wholesaling services, retailing distributorship and on-line retailing in respect of eyewear, optical goods, goods in precious metals or coated therewith, jewellery, horological and chronometric instruments, precious stones, stationery, writing instruments, paper and paper products, printed matter, gift wrapping materials and ribbons, goods made of leather and imitations of leather, animal skins, hides, bags, trunks and travelling bags, wallets, clothing for pets, collars for animals, umbrellas, parasols and walking sticks, textile and textile goods, clothing and fashion accessories, footwear, headgear; advertising and marketing services; advertising agencies services; dissemination of advertising matter; direct mail advertising; on-line sales, advertising and marketing services; demonstration of goods; distribution of sample; shop window dressing; organising displays; promotions and exhibitions for advertising purposes; business inquiries; business research and marketing studies; business and market statistical information; arranging of publication of publicity texts; arranging of newspaper subscription for others; business appraisal, business management assistance; business management and organisation consulting; import-export agencies; industrial management assistance; personnel management consulting; public relations; production, preparation and presentation of advertising matter; rental of advertising space;

<i>Trade Mark No.</i>	<i>Trade Mark/</i>	<i>Class</i>	<i>Specification</i>
			telephone answering services and message handling services; consultancy services relating to franchising; auctioneering; cost price analysis; compilation and rental of mailing lists; business investigation; provision of information, consultancy and advisory services for the aforesaid services