



World Intellectual Property
Organisation (WIPO)
International Bureau
34, Chemin des Colombettes
1211 Geneva 20
Switzerland

Your Reference:
International Registration No:
WO0000001196024
Examiner: Janeve Morgan
Direct Telephone: +44(0)1633814443
Date: 14 December 2020

Intl Reg No: WO0000001196024
Mark: Bossa (Figurative)
Holder: BOSSA TİCARET VE SANAYİ
İŞLETMELERİ TÜRK ANONİM ŞİRKETİ
Class(es): 23, 24

**Notification Of A Provisional Total Refusal Of Protection Based On An
Opposition By The United Kingdom Intellectual Property Office In
Accordance With Article 5 Of The Madrid Protocol**

Dear Sirs,

I am writing to inform you that following receipt of an opposition to the above trade mark, it is necessary to issue this formal provisional refusal letter. This provisional refusal covers all of the goods and services of the International Registration.

Please find attached a copy of the TM7 'Notice of Opposition', which includes details of any marks referred to in the statement of case, which was received by the United Kingdom Trade Mark Registry. Copies of these documents have been sent to the holder informing them of this provisional refusal.

If the holder of the International Registration wishes to file a counterstatement, they must complete the form TM8 'Notice of defence and counterstatement', which is available at ipo.gov.uk/tmforms and **return it to this office** within **two months** of the date of this letter ie on or before **15 February 2021**. This period cannot be extended, except in the circumstances described below. The holder should note that failure to file a TM8 will result in the provisional refusal being upheld.

If both parties to this dispute wish to negotiate and want to enter a 'cooling off period' then the time for filing the TM8 can be extended for a further seven months by the filing the form TM9c 'Request for a cooling off period, which is available at ipo.gov.uk/tmforms

The TM8 should be received on or before the date requested above unless a cooling off period is entered into by the parties.

The holder of the International Registration must provide us with an address for correspondence in the United Kingdom, another EEA state or the Channel Islands on a form TM33 'Appointment or change of agent or contact address', which is available at ipo.gov.uk/tmforms within this two month period.

If one is not provided within this time the refusal will be made final.

Yours faithfully,

Janeve Morgan

Trade Marks Registry

[Skip to main content](#)

Intellectual Property Office

Trade mark number

EU000049221

Status

Registered

Overview

Trade mark

BOSS

Dates

Filing date

01 April 1996

Date of entry in register

29 January 2009

Renewal date

01 April 2026

Goods and services

Classes and terms

Class 3

Class 9

Class 10

Class 12

Class 14

Class 16

Class 18

Class 20

Class 24

Woven fabrics and textile goods, included in class 24, in particular handkerchiefs and hand towels; Bed and table linen, wall hangings of textile.

Class 25

Clothing for men, women and children; stockings; headgear; underwear; nightwear; swimwear; bathrobes; belts; belts of leather; shawls; accessories, namely headscarves, neck scarves, shawls, dress handkerchiefs; ties; gloves; shoes.

Class 27

Class 28

Class 29

Class 30

Class 31

Class 32

Class 35

Class 42

Names and addresses

Holder's name

HUGO BOSS Trade Mark Management GmbH & Co. KG
Dieselstr. 12, Metzingen, 72555, Germany

Representative

DENNEMEYER & ASSOCIATES
55, rue des Bruyères, Howald, 1274, Luxembourg

Publications

First advert

Journal

1998/015

Date of publication

02 March 1998

The information displayed is our version of the details supplied by EUIPO. For the official register of the case please refer to the [EUIPO website](#).

Intellectual Property Office is an operating name of the Patent Office

[Skip to main content](#)

Intellectual Property Office

Trade mark number

EU001764612

Status

Registered

Overview

Trade mark

BOSS WOMAN

Dates

Filing date

19 July 2000

Date of entry in register

03 September 2001

Renewal date

19 July 2020

Goods and services

Classes and terms

Class 3

Class 9

Class 18

Class 25

Names and addresses

Holder's name

HUGO BOSS Trade Mark Management GmbH & Co. KG
Dieselstr. 12, Metzingen, 72555, Germany

Representative

DENNEMEYER & ASSOCIATES
Landaubogen 1-3, München, 81373, Germany

Publications

First advert

Journal
2001/014

Date of publication
05 February 2001

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Intellectual Property Office is an operating name of the Patent Office

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Intellectual Property Office

Trade mark number

EU003405149

Status

Registered

Overview

Trade mark

BOSS Black

Dates

Filing date

13 October 2003

Date of entry in register

03 March 2005

Renewal date

13 October 2023

Goods and services

Classes and terms

Class 3

Class 18

Class 24

Class 25

Class 28

Names and addresses

Holder's name

HUGO BOSS Trade Mark Management GmbH & Co. KG
Dieselstr. 12, Metzingen, 72555, Germany

Representative

DENNEMEYER & ASSOCIATES
Landaubogen 1-3, München, 81373, Germany

Publications

First advert

Journal
2004/032

Date of publication
09 August 2004

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Intellectual Property Office is an operating name of the Patent Office

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Intellectual Property Office

Trade mark number

EU003400281

StatusRegistered

Overview

Trade mark

BOSS Green

Dates

Filing date

13 October 2003

Date of entry in register

22 April 2005

Renewal date13 October 2023

Goods and services

Classes and terms

Class 3

Class 18

Class 24

Class 25

Class 28

Names and addresses

Holder's name

HUGO BOSS Trade Mark Management GmbH & Co. KG
Dieselstr. 12, Metzingen, 72555, Germany

Representative

DENNEMEYER & ASSOCIATES
Landaubogen 1-3, München, 81373, Germany

Publications

First advert

Journal
2004/039

Date of publication
27 September 2004

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Intellectual Property Office is an operating name of the Patent Office

[Skip to main content](#)

Intellectual Property Office

Trade mark number

EU003400306

Status

Registered

Overview

Trade mark

BOSS Orange

Dates

Filing date

13 October 2003

Date of entry in register

03 May 2007

Renewal date

13 October 2023

Goods and services

Classes and terms

Class 3

Class 18

Class 24

Class 25

Class 28

Names and addresses

Holder's name

HUGO BOSS Trade Mark Management GmbH & Co. KG
Dieselstr. 12, Metzingen, 72555, Germany

Representative

DENNEMEYER & ASSOCIATES
55, rue des Bruyères, Howald, 1274, Luxembourg

Publications

First advert

Journal
2004/037

Date of publication
13 September 2004

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Intellectual Property Office is an operating name of the Patent Office

[Skip to main content](#)

Intellectual Property Office

Trade mark number

EU000049262

Status

Registered

Overview

Trade mark

The logo for BOSS HUGO BOSS. The word "BOSS" is in a large, bold, serif font. Below it, the words "HUGO BOSS" are written in a smaller, spaced-out, sans-serif font.

Dates

Filing date

01 April 1996

Date of entry in register

06 July 2007

Renewal date

01 April 2026

Seniority details

Seniority number

1276174

Seniority country

United Kingdom

Seniority date

26 August 1986

Seniority number

1538615

Seniority country

United Kingdom

Seniority date

14 June 1993

Seniority number

1538616

Seniority country

United Kingdom

Seniority date

14 June 1993

Goods and services**Classes and terms**

Class 9

Class 14

Class 18

Class 24

Class 25

Class 28

Class 29

Class 30

Class 31

Class 32

Class 33

Class 35

Class 42

Names and addresses

Holder's name

HUGO BOSS Trade Mark Management GmbH & Co. KG
Dieselstr. 12, Metzingen, 72555, Germany

Representative

DENNEMEYER & ASSOCIATES
Landaubogen 1-3, München, 81373, Germany

Publications

First advert

Journal
1998/027

Date of publication
14 April 1998

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Intellectual Property Office is an operating name of the Patent Office

[Skip to main content](#)

Intellectual Property Office

Trade mark number

UK00001276175

StatusRegistered

Overview

Trade mark

HUGO BOSS

Dates

Filing date

26 August 1986

Date of entry in register

02 March 1990

Renewal date26 August 2027

Goods and services

Classes and terms

Class 25

Names and addresses

Owner(s) name**HUGO BOSS Trade Mark Management GmbH & Co. KG**

Dieselstrasse 12, 72555 Metzingen, Germany

Country of IncorporationGermany

IPO representative name

D. Young & Co. LLP

120 Holborn, London, EC1N 2DY, United Kingdom

Publications

First advert

Journal

5797

Date of publication

01 November 1989

Intellectual Property Office is an operating name of the Patent Office

[Skip to main content](#)

Intellectual Property Office

Trade mark number

EU000049254

StatusRegistered

Overview

Trade mark

HUGO BOSS

Dates

Filing date

01 April 1996

Date of entry in register

26 March 2008

Renewal date01 April 2026

Goods and services

Classes and terms

Class 3

Class 9

Class 14

Class 18

Class 24

Hand towels; bed linen.

Class 25

Clothing for men, women and children; stockings; headgear; underwear; swimwear, nightwear; bathrobes; belts; shawls; accessories, namely headscarves, neck scarves, shawls, dress handkerchiefs; ties; gloves; shoes; belts of leather.

Names and addresses

Holder's name

HUGO BOSS Trade Mark Management GmbH & Co. KG
Dieselstr. 12, Metzingen, 72555, Germany

Representative

DENNEMEYER & ASSOCIATES
55, rue des Bruyères, Howald, 1274, Luxembourg

Publications

First advert

Journal
1998/024

Date of publication
06 April 1998

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Intellectual Property Office is an operating name of the Patent Office

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Intellectual Property Office

Trade mark number

UK00001198781

StatusRegistered

Overview

Trade mark

BOSS

Dates**Filing date**

01 July 1983

Date of entry in register

26 September 1988

Renewal date01 July 2024

Goods and services

Classes and terms

Class 25Articles of clothing for men; but not including gloves or any goods of the same description as gloves.

Names and addresses

Owner(s) name**HUGO BOSS Trade Mark Management GmbH & Co. KG**

Dieselstrasse 12, 72555 Metzingen, Germany

Country of Incorporation

Germany

IPO representative name

D. Young & Co. LLP

120 Holborn, London, EC1N 2DY, United Kingdom

Publications

First advert

Journal

5719

Date of publication

20 April 1988

Intellectual Property Office is an operating name of the Patent Office



Form TM7

Notice of opposition and statement of grounds

Fee ☐ £100 Opposition based on Section 5(1) and/or 5(2) ONLY



£200

Opposition based on, or including, any other grounds

Note: If you wish to oppose under Section 5(1) and/or 5(2) and one or more other grounds, the fee will be £200

Use this form to notify of an opposition to a trade mark application or international registration and to set out the grounds on which you are basing this opposition.

Do not use this form if you wish to file a Fast Track opposition under Section 5(1) and/or 5(2): use Form TM7F.

1. Trade mark number

Number of the trade mark you are opposing. If the opposition concerns an International Registration, help us identify the correct trade mark by adding "IR"

1196024 (IR)

2. Full name of applicant/holder

Whose trade mark you are opposing

BOSSA TİCARET VE SANAYİ İŞLETMELERİ TÜRK ANONİM ŞİRKETİ

3. Full name of opponent

Person opposing the trade mark

HUGO BOSS Trade Mark Management GmbH & Co. KG

Address

If the address is not within the United Kingdom, European Economic Area (EEA – which includes the European Union) or the Channel Islands you must have a representative in one of these regions and complete section 4 below

NOTE: It will no longer be possible for two (or more) parties to jointly oppose a trade mark based on earlier marks/rights that they each own, unless the parties jointly own the relevant earlier marks/rights. Separate oppositions will now be required. See section 38(2A) of the Act.

Dieselstr. 12

D-72555 Metzingen

Germany

Postcode

Email address

Complete if you have no representative and would like us to correspond with you by email

4. Representative name

If you have no representative, go to section 5.

Simmons & Simmons LLP

Address

The address provided in this section must be in the UK, European Economic Area (EEA) or the Channel Islands.

NOTE: We will communicate with the representative if this section has been completed.

CityPoint

One Ropemaker Street

London

Postcode EC2Y 9SS

Email address

Complete if you would like us to correspond with you by email

londoniptrademarks@simmons-simmons.com

5. Related proceedings

If applicable, select location of any related proceedings and enter the case number allocated to the proceedings.

6. Opposition notification date

If you have informed the applicant/holder of an intention to oppose the trade mark application, designation – enter the date you notified them.
[**See Note]

20 October 2020

****Note:** An opposition launched without giving the applicant or holder a reasonable opportunity to withdraw the application, international designation or amendment may result in the opponent being ineligible for an award of costs.

7. Declaration

I believe that the facts stated in this form and the attached statement of grounds are true.

Signature

Name

(BLOCK CAPITALS)

SIMMONS & SIMMONS LLP

Date

23 November 2020

8. Your reference

Complete if you would like us to quote this in communications with you, otherwise leave blank.

IP/010321-00144/AHS/GMAT

Contact details

Name, daytime telephone number of the person to contact in case of query.

George Matthey

07872 409 685

Number of sheets attached to this form

Checklist

Please make sure you have remembered to:

Sign and date the form

Complete fee sheet (Form FS2)

Enclose the fee and fee sheet. Make cheques payable to Intellectual Property Office

Where to send

Intellectual Property Office
Trade Marks Registry
Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

Please tick on what grounds you are opposing the trade mark and continue to the relevant section(s)



Opposition is based on Sections 5(1) or 5(2): The trade mark is either identical or similar to an earlier trade mark and is to be registered for identical and/or similar goods and services.

Note: Opposition on these grounds must be made by the 'proprietor' (owner) of the earlier trade mark.

> **COMPLETE SECTION A**



Opposition is based on Section 5(3): The trade mark is either identical or similar to an earlier trade mark which has a reputation. Using the later mark would take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier mark.

Note: Opposition on these grounds must be made by the 'proprietor' (owner) of the earlier trade mark. Ticking this box means that the total fee for this form is £200.

> **COMPLETE SECTION B**



Opposition is based on Section 5(4)(a): Where the use of the applicant's trade mark would be contrary to law, in particular, the law of passing off.

Note: Opposition on these grounds must be made by the 'proprietor' (owner) of the earlier right. Ticking this box means that the total fee for this form is £200.

> **COMPLETE SECTION C**



Opposition is based on Section 3: The trade mark is excluded from registration because it describes the goods/services, or is not distinctive, or consists of signs that are customary within the trade, or the application was made in bad faith.

Note: Ticking this box means that the total fee for this form is £200.

> **COMPLETE SECTION D**



Opposition is based on other grounds.

Note: Ticking this box means that the total fee for this form is £200.

> **COMPLETE SECTION E**

SECTION A: Opposition is based on sections 5(1) or 5(2) of the Trade Marks Act on the basis of an earlier registered or pending mark.

Please tick the relevant section(s) that apply.

<input type="checkbox"/>	5(1) It is identical with an earlier mark and for identical goods or services as the earlier mark
<input type="checkbox"/>	5(2)(a) It is identical with an earlier mark and for similar goods or services as the earlier mark.
<input checked="" type="checkbox"/>	5(2)(b) It is similar to an earlier mark and for identical or similar goods or services as the earlier mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER TRADE MARK

Trade mark number
Your trade mark

49221

Type of mark
Please tick

<input type="checkbox"/>	UK	<input checked="" type="checkbox"/>	EUTM	<input type="checkbox"/>	International
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Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

BOSS

Q1. Which goods or services covered by the earlier trade mark are relied upon for the opposition?

<input type="checkbox"/>	All goods and services
<input checked="" type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>
<p>All goods in Classes 24 and 25.</p>	

Q2. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?



Yes



No > GO TO Q4

Q3. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?



Yes



No > GO TO Q3b

Q3a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

> GO TO Q4.

N/A	
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Q4. Which goods or services in the application that you are opposing do you claim are identical or similar to those covered by the earlier mark which you have listed at Q1?

✓	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

See Section 2 Statement of Grounds.

SECTION A: Opposition is based on sections 5(1) or 5(2) of the Trade Marks Act on the basis of an earlier registered or pending mark.

Please tick the relevant section(s) that apply.

<input type="checkbox"/>	5(1) It is identical with an earlier mark and for identical goods or services as the earlier mark
<input type="checkbox"/>	5(2)(a) It is identical with an earlier mark and for similar goods or services as the earlier mark.
<input checked="" type="checkbox"/>	5(2)(b) It is similar to an earlier mark and for identical or similar goods or services as the earlier mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER TRADE MARK

Trade mark number
Your trade mark

1198781

Type of mark
Please tick

☒

UK

☐

EUTM

☐

International

Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

BOSS

Q1. Which goods or services covered by the earlier trade mark are relied upon for the opposition?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q2. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?



Yes



No > GO TO Q4

Q3. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?



Yes



No > GO TO Q3b

Q3a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

> GO TO Q4.

N/A	
-----	--

Q4. Which goods or services in the application that you are opposing do you claim are identical or similar to those covered by the earlier mark which you have listed at Q1?

✓	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

See Section 2 Statement of Grounds.

SECTION A: Opposition is based on sections 5(1) or 5(2) of the Trade Marks Act on the basis of an earlier registered or pending mark.

Please tick the relevant section(s) that apply.

<input type="checkbox"/>	5(1) It is identical with an earlier mark and for identical goods or services as the earlier mark
<input type="checkbox"/>	5(2)(a) It is identical with an earlier mark and for similar goods or services as the earlier mark.
<input checked="" type="checkbox"/>	5(2)(b) It is similar to an earlier mark and for identical or similar goods or services as the earlier mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER TRADE MARK

Trade mark number
Your trade mark

49254

Type of mark
Please tick

<input type="checkbox"/>	UK	<input checked="" type="checkbox"/>	EUTM	<input type="checkbox"/>	International
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Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

HUGO BOSS

Q1. Which goods or services covered by the earlier trade mark are relied upon for the opposition?

<input type="checkbox"/>	All goods and services
<input checked="" type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>
All goods in Classes 24 and 25.	

Q2. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?



Yes



No > GO TO Q4

Q3. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?



Yes



No > GO TO Q3b

Q3a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

> GO TO Q4.

N/A	
-----	--

Q4. Which goods or services in the application that you are opposing do you claim are identical or similar to those covered by the earlier mark which you have listed at Q1?

✓	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

See Section 2 Statement of Grounds.

SECTION A: Opposition is based on sections 5(1) or 5(2) of the Trade Marks Act on the basis of an earlier registered or pending mark.

Please tick the relevant section(s) that apply.

<input type="checkbox"/>	5(1) It is identical with an earlier mark and for identical goods or services as the earlier mark
<input type="checkbox"/>	5(2)(a) It is identical with an earlier mark and for similar goods or services as the earlier mark.
<input checked="" type="checkbox"/>	5(2)(b) It is similar to an earlier mark and for identical or similar goods or services as the earlier mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER TRADE MARK

Trade mark number

Your trade mark

1276175

Type of mark

Please tick

<input checked="" type="checkbox"/>	UK	<input type="checkbox"/>	EUTM	<input type="checkbox"/>	International
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Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

HUGO BOSS

Q1. Which goods or services covered by the earlier trade mark are relied upon for the opposition?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q2. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?

☒

Yes

☐

No > GO TO Q4

Q3. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?

☒

Yes

☐

No > GO TO Q3b

Q3a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

> GO TO Q4.

N/A	
-----	--

Q4. Which goods or services in the application that you are opposing do you claim are identical or similar to those covered by the earlier mark which you have listed at Q1?

✓	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

See Section 2 Statement of Grounds.

SECTION A: Opposition is based on sections 5(1) or 5(2) of the Trade Marks Act on the basis of an earlier registered or pending mark.

Please tick the relevant section(s) that apply.

<input type="checkbox"/>	5(1) It is identical with an earlier mark and for identical goods or services as the earlier mark
<input type="checkbox"/>	5(2)(a) It is identical with an earlier mark and for similar goods or services as the earlier mark.
<input checked="" type="checkbox"/>	5(2)(b) It is similar to an earlier mark and for identical or similar goods or services as the earlier mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER TRADE MARK

Trade mark number

Your trade mark

49262

Type of mark

Please tick

<input type="checkbox"/>	UK	<input checked="" type="checkbox"/>	EUTM	<input type="checkbox"/>	International
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Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

BOSS
H U G O B O S S

Q1. Which goods or services covered by the earlier trade mark are relied upon for the opposition?

<input type="checkbox"/>	All goods and services
<input checked="" type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>
All goods in Classes 24 and 25.	

Q2. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?



Yes



No > GO TO Q4

Q3. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?



Yes



No > GO TO Q3b

Q3a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

> GO TO Q4.

Not applicable	
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Q4. Which goods or services in the application that you are opposing do you claim are identical or similar to those covered by the earlier mark which you have listed at Q1?

✓	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

See section 2 Statement of Grounds

SECTION A: Opposition is based on sections 5(1) or 5(2) of the Trade Marks Act on the basis of an earlier registered or pending mark.

Please tick the relevant section(s) that apply.

<input type="checkbox"/>	5(1) It is identical with an earlier mark and for identical goods or services as the earlier mark
<input type="checkbox"/>	5(2)(a) It is identical with an earlier mark and for similar goods or services as the earlier mark.
<input checked="" type="checkbox"/>	5(2)(b) It is similar to an earlier mark and for identical or similar goods or services as the earlier mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER TRADE MARK

Trade mark number
Your trade mark

3400306

Type of mark
Please tick

<input type="checkbox"/>	UK	<input checked="" type="checkbox"/>	EUTM	<input type="checkbox"/>	International
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Representation of your trade mark
Enter your trade mark in the space provided - use a continuation sheet if necessary.

BOSS Orange

Q1. Which goods or services covered by the earlier trade mark are relied upon for the opposition?

<input type="checkbox"/>	All goods and services
<input checked="" type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>
All goods in Classes 24 and 25.	

Q2. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?



Yes



No > GO TO Q4

Q3. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?



Yes



No > GO TO Q3b

Q3a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

> GO TO Q4.

N/A	
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Q4. Which goods or services in the application that you are opposing do you claim are identical or similar to those covered by the earlier mark which you have listed at Q1?

✓	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

See Section 2 Statement of Grounds.

SECTION A: Opposition is based on sections 5(1) or 5(2) of the Trade Marks Act on the basis of an earlier registered or pending mark.

Please tick the relevant section(s) that apply.

<input type="checkbox"/>	5(1) It is identical with an earlier mark and for identical goods or services as the earlier mark
<input type="checkbox"/>	5(2)(a) It is identical with an earlier mark and for similar goods or services as the earlier mark.
<input checked="" type="checkbox"/>	5(2)(b) It is similar to an earlier mark and for identical or similar goods or services as the earlier mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER TRADE MARK

Trade mark number

Your trade mark

3400281

Type of mark

Please tick

<input type="checkbox"/>	UK	<input checked="" type="checkbox"/>	EUTM	<input type="checkbox"/>	International
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Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

BOSS Green

Q1. Which goods or services covered by the earlier trade mark are relied upon for the opposition?

<input type="checkbox"/>	All goods and services
<input checked="" type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>
<p>All goods in Classes 24 and 25.</p>	

Q2. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?



Yes



No > GO TO Q4

Q3. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?



Yes



No > GO TO Q3b

Q3a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

> GO TO Q4.

N/A	
-----	--

Q4. Which goods or services in the application that you are opposing do you claim are identical or similar to those covered by the earlier mark which you have listed at Q1?

✓	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

See Section 2 Statement of Grounds.

SECTION A: Opposition is based on sections 5(1) or 5(2) of the Trade Marks Act on the basis of an earlier registered or pending mark.

Please tick the relevant section(s) that apply.

<input type="checkbox"/>	5(1) It is identical with an earlier mark and for identical goods or services as the earlier mark
<input type="checkbox"/>	5(2)(a) It is identical with an earlier mark and for similar goods or services as the earlier mark.
<input checked="" type="checkbox"/>	5(2)(b) It is similar to an earlier mark and for identical or similar goods or services as the earlier mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER TRADE MARK

Trade mark number

Your trade mark

3405149

Type of mark

Please tick

<input type="checkbox"/>	UK	<input checked="" type="checkbox"/>	EUTM	<input type="checkbox"/>	International
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Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

BOSS Black

Q1. Which goods or services covered by the earlier trade mark are relied upon for the opposition?

<input type="checkbox"/>	All goods and services
<input checked="" type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>
<p>All goods in Classes 24 and 25.</p>	

Q2. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?



Yes



No > GO TO Q4

Q3. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?



Yes



No > GO TO Q3b

Q3a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

> GO TO Q4.

N/A	
-----	--

Q4. Which goods or services in the application that you are opposing do you claim are identical or similar to those covered by the earlier mark which you have listed at Q1?

✓	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

See Section 2 Statement of Grounds.

SECTION A: Opposition is based on sections 5(1) or 5(2) of the Trade Marks Act on the basis of an earlier registered or pending mark.

Please tick the relevant section(s) that apply.

<input type="checkbox"/>	5(1) It is identical with an earlier mark and for identical goods or services as the earlier mark
<input type="checkbox"/>	5(2)(a) It is identical with an earlier mark and for similar goods or services as the earlier mark.
<input checked="" type="checkbox"/>	5(2)(b) It is similar to an earlier mark and for identical or similar goods or services as the earlier mark.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER TRADE MARK

Trade mark number
Your trade mark

1764612

Type of mark
Please tick

<input type="checkbox"/>	UK	<input checked="" type="checkbox"/>	EUTM	<input type="checkbox"/>	International
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Representation of your trade mark
Enter your trade mark in the space provided - use a continuation sheet if necessary.

BOSS WOMAN

Q1. Which goods or services covered by the earlier trade mark are relied upon for the opposition?

<input type="checkbox"/>	All goods and services
<input checked="" type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>
<p>All goods in Class 25.</p>	

Q2. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?



Yes



No > GO TO Q4

Q3. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?



Yes



No > GO TO Q3b

Q3a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

> GO TO Q4.

N/A	
-----	--

Q4. Which goods or services in the application that you are opposing do you claim are identical or similar to those covered by the earlier mark which you have listed at Q1?

✓	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

See Section 2 Statement of Grounds.

SECTION B: Opposition is based on section 5(3) of the Trade Marks Act on the basis of an earlier registered or pending trade mark, that is identical with or similar to an earlier mark which has a reputation.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER TRADE MARK

Trade mark number Your trade mark	49221
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Type of mark Please tick	<input type="checkbox"/>	UK	<input checked="" type="checkbox"/>	EUTM	<input type="checkbox"/>	International
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Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

BOSS

Q1. For which goods or services covered by your earlier trade mark does it have a reputation?

<input type="checkbox"/>	All goods and services
<input checked="" type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Class 3 - Essential oils, bleaching preparations and other substances for laundry use; fragrant sprays; Perfumery, deodorising preparations for personal use; soaps; cosmetics; hair care preparations including hair lotions; dentifrices; oral hygiene preparations, not for medical purposes.

Class 18 - Leather and imitations of leather, and goods made of these materials (included in class 18), in particular small leather goods; trunks and travelling bags; bags; umbrellas and parasols.

Class 25 - Clothing for men, women and children; stockings; headgear; underwear; nightwear; swimwear; bathrobes; belts; belts of leather; shawls; accessories, namely headscarves, neck scarves, shawls, dress handkerchiefs; ties; gloves; shoes.

Q2. For which goods or services in the application (you are opposing) would use of the applicant's mark take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier trade mark?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q3. Is it claimed that the similarity between the reputed earlier trade mark and the later trade mark is such that the relevant public will believe that they are used by the same undertaking or think that there is an economic connection between the users of the trade marks?



Yes



No

Use this space to supply any further information

See Section 3 Statement of Grounds.

QUESTIONS 4 TO 6 SHOULD BE ANSWERED IF THERE IS ANY OTHER BASIS FOR YOUR CLAIM OTHER THAN FOR YOUR ANSWER TO Q.3

Q4. Is there any other basis for your claim of unfair advantage? If so, please explain what the advantage would be to the holder of the later mark, and why it is unfair.

See Section 3 Statement of Grounds.

Q5. Is there any other basis for your claim of detriment to the reputation of the earlier mark? If so, please explain what the detriment would be and how it would occur.

See Section 3 Statement of Grounds.

Q6. Is there any other basis for your claim of detriment to the distinctive character of the earlier mark? If so, please explain what the detriment would be and how it would affect the economic behaviour of the relevant public.

See Section 3 Statement of Grounds.

Q7. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?



Yes



No > GO TO Q10

Q8. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?



Yes



No > GO TO Q9b

Q9a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services (<i>please specify below, use a continuation sheet if necessary</i>)

> GO TO Q10

Q9b. Please state any proper reasons for non-use.

--

Q10. Use this space to give any further information to explain why you are opposing the application on this ground.

See Section 3 Statement of Grounds.

SECTION B: Opposition is based on section 5(3) of the Trade Marks Act on the basis of an earlier registered or pending trade mark, that is identical with or similar to an earlier mark which has a reputation.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER TRADE MARK

Trade mark number Your trade mark	1198781					
Type of mark Please tick	<input checked="" type="checkbox"/>	UK	<input type="checkbox"/>	EUTM	<input type="checkbox"/>	International

Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

BOSS

Q1. For which goods or services covered by your earlier trade mark does it have a reputation?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q2. For which goods or services in the application (you are opposing) would use of the applicant's mark take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier trade mark?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q3. Is it claimed that the similarity between the reputed earlier trade mark and the later trade mark is such that the relevant public will believe that they are used by the same undertaking or think that there is an economic connection between the users of the trade marks?



Yes



No

Use this space to supply any further information

See Section 3 Statement of Grounds.

QUESTIONS 4 TO 6 SHOULD BE ANSWERED IF THERE IS ANY OTHER BASIS FOR YOUR CLAIM OTHER THAN FOR YOUR ANSWER TO Q.3

Q4. Is there any other basis for your claim of unfair advantage? If so, please explain what the advantage would be to the holder of the later mark, and why it is unfair.

See Section 3 Statement of Grounds.

Q5. Is there any other basis for your claim of detriment to the reputation of the earlier mark? If so, please explain what the detriment would be and how it would occur.

See Section 3 Statement of Grounds.

Q6. Is there any other basis for your claim of detriment to the distinctive character of the earlier mark? If so, please explain what the detriment would be and how it would affect the economic behaviour of the relevant public.

See Section 3 Statement of Grounds.

Q7. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?



Yes



No > GO TO Q10

Q8. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?



Yes



No > GO TO Q9b

Q9a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services (<i>please specify below, use a continuation sheet if necessary</i>)

> GO TO Q10

Q9b. Please state any proper reasons for non-use.

--

Q10. Use this space to give any further information to explain why you are opposing the application on this ground.

See Section 3 Statement of Grounds.

SECTION B: Opposition is based on section 5(3) of the Trade Marks Act on the basis of an earlier registered or pending trade mark, that is identical with or similar to an earlier mark which has a reputation.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER TRADE MARK

Trade mark number Your trade mark	49254					
Type of mark Please tick	<input type="checkbox"/>	UK	<input checked="" type="checkbox"/>	EUTM	<input type="checkbox"/>	International

Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

HUGO BOSS

Q1. For which goods or services covered by your earlier trade mark does it have a reputation?

<input type="checkbox"/>	All goods and services
<input checked="" type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Class 3 - Essential oils, bleaching preparations and other substances for laundry use; fragrant sprays; Perfumery, deodorising preparations for personal use; soaps; cosmetics; hair care preparations including hair lotions; dentifrices; oral hygiene preparations, not for medical purposes.

Class 18 - Leather and imitations of leather, and goods made of these materials (included in class 18), in particular small leather goods; trunks and travelling bags; bags; umbrellas and parasols.

Class 25 - Clothing for men, women and children; stockings; headgear; underwear; nightwear; swimwear; bathrobes; belts; belts of leather; shawls; accessories, namely headscarves, neck scarves, shawls, dress handkerchiefs; ties; gloves; shoes.

Q2. For which goods or services in the application (you are opposing) would use of the applicant's mark take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier trade mark?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q3. Is it claimed that the similarity between the reputed earlier trade mark and the later trade mark is such that the relevant public will believe that they are used by the same undertaking or think that there is an economic connection between the users of the trade marks?



Yes



No

Use this space to supply any further information

See Section 3 Statement of Grounds.

QUESTIONS 4 TO 6 SHOULD BE ANSWERED IF THERE IS ANY OTHER BASIS FOR YOUR CLAIM OTHER THAN FOR YOUR ANSWER TO Q.3

Q4. Is there any other basis for your claim of unfair advantage? If so, please explain what the advantage would be to the holder of the later mark, and why it is unfair.

See Section 3 Statement of Grounds.

Q5. Is there any other basis for your claim of detriment to the reputation of the earlier mark? If so, please explain what the detriment would be and how it would occur.

See Section 3 Statement of Grounds.

Q6. Is there any other basis for your claim of detriment to the distinctive character of the earlier mark? If so, please explain what the detriment would be and how it would affect the economic behaviour of the relevant public.

See Section 3 Statement of Grounds.

Q7. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?



Yes



No > GO TO Q10

Q8. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?



Yes



No > GO TO Q9b

Q9a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services (<i>please specify below, use a continuation sheet if necessary</i>)

> GO TO Q10

Q9b. Please state any proper reasons for non-use.

--

Q10. Use this space to give any further information to explain why you are opposing the application on this ground.

See Section 3 Statement of Grounds.

SECTION B: Opposition is based on section 5(3) of the Trade Marks Act on the basis of an earlier registered or pending trade mark, that is identical with or similar to an earlier mark which has a reputation.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER TRADE MARK

Trade mark number Your trade mark	1276175
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Type of mark Please tick	<input checked="" type="checkbox"/>	UK	<input type="checkbox"/>	EUTM	<input type="checkbox"/>	International
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Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

HUGO BOSS

Q1. For which goods or services covered by your earlier trade mark does it have a reputation?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q2. For which goods or services in the application (you are opposing) would use of the applicant's mark take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier trade mark?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q3. Is it claimed that the similarity between the reputed earlier trade mark and the later trade mark is such that the relevant public will believe that they are used by the same undertaking or think that there is an economic connection between the users of the trade marks?



Yes



No

Use this space to supply any further information

See Section 3 Statement of Grounds.

QUESTIONS 4 TO 6 SHOULD BE ANSWERED IF THERE IS ANY OTHER BASIS FOR YOUR CLAIM OTHER THAN FOR YOUR ANSWER TO Q.3

Q4. Is there any other basis for your claim of unfair advantage? If so, please explain what the advantage would be to the holder of the later mark, and why it is unfair.

See Section 3 Statement of Grounds.

Q5. Is there any other basis for your claim of detriment to the reputation of the earlier mark? If so, please explain what the detriment would be and how it would occur.

See Section 3 Statement of Grounds.

Q6. Is there any other basis for your claim of detriment to the distinctive character of the earlier mark? If so, please explain what the detriment would be and how it would affect the economic behaviour of the relevant public.

See Section 3 Statement of Grounds.

Q7. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?



Yes



No > GO TO Q10

Q8. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?



Yes



No > GO TO Q9b

Q9a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services (<i>please specify below, use a continuation sheet if necessary</i>)

> GO TO Q10

Q9b. Please state any proper reasons for non-use.

--

Q10. Use this space to give any further information to explain why you are opposing the application on this ground.

See Section 3 Statement of Grounds.

SECTION B: Opposition is based on section 5(3) of the Trade Marks Act on the basis of an earlier registered or pending trade mark, that is identical with or similar to an earlier mark which has a reputation.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER TRADE MARK

Trade mark number

Your trade mark

49262

Type of mark

Please tick

<input type="checkbox"/>	UK	<input checked="" type="checkbox"/>	EUTM	<input type="checkbox"/>	International
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Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

BOSS
H U G O B O S S

Q1. For which goods or services covered by your earlier trade mark does it have a reputation?

<input type="checkbox"/>	All goods and services
<input checked="" type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Class 3 - Essential oils, bleaching preparations and other substances for laundry use; fragrant sprays; Perfumery, deodorising preparations for personal use; soaps; cosmetics; hair care preparations including hair lotions; dentifrices; oral hygiene preparations, not for medical purposes.

Class 18 - Leather and imitations of leather, and goods made of these materials (included in class 18), in particular small leather goods; trunks and travelling bags; bags; umbrellas and parasols.

Class 25 - Clothing for men, women and children; stockings; headgear; underwear; nightwear; swimwear; bathrobes; belts; belts of leather; shawls; accessories, namely headscarves, neck scarves, shawls, dress handkerchiefs; ties; gloves; shoes.

Q2. For which goods or services in the application (you are opposing) would use of the applicant's mark take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier trade mark?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q3. Is it claimed that the similarity between the reputed earlier trade mark and the later trade mark is such that the relevant public will believe that they are used by the same undertaking or think that there is an economic connection between the users of the trade marks?



Yes



No

Use this space to supply any further information

See section 3 Statement of Grounds

QUESTIONS 4 TO 6 SHOULD BE ANSWERED IF THERE IS ANY OTHER BASIS FOR YOUR CLAIM OTHER THAN FOR YOUR ANSWER TO Q.3

Q4. Is there any other basis for your claim of unfair advantage? If so, please explain what the advantage would be to the holder of the later mark, and why it is unfair.

See Section 3 Statement of Grounds

Q5. Is there any other basis for your claim of detriment to the reputation of the earlier mark? If so, please explain what the detriment would be and how it would occur.

See Section 3 Statement of Grounds

Q6. Is there any other basis for your claim of detriment to the distinctive character of the earlier mark? If so, please explain what the detriment would be and how it would affect the economic behaviour of the relevant public.

See Section 3 Statement of Grounds

Q7. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?



Yes



No > GO TO Q10

Q8. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?



Yes



No > GO TO Q9b

Q9a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services (<i>please specify below, use a continuation sheet if necessary</i>)

> GO TO Q10

Q9b. Please state any proper reasons for non-use.

Not applicable.

Q10. Use this space to give any further information to explain why you are opposing the application on this ground.

See section 3 Statement of Grounds

SECTION B: Opposition is based on section 5(3) of the Trade Marks Act on the basis of an earlier registered or pending trade mark, that is identical with or similar to an earlier mark which has a reputation.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER TRADE MARK

Trade mark number Your trade mark	3400306					
Type of mark Please tick	<input type="checkbox"/>	UK	<input checked="" type="checkbox"/>	EUTM	<input type="checkbox"/>	International

Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

BOSS Orange

Q1. For which goods or services covered by your earlier trade mark does it have a reputation?

<input type="checkbox"/>	All goods and services
<input checked="" type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Class 3 - Essential oils, bleaching preparations and other substances for laundry use; fragrant sprays; Perfumery, deodorising preparations for personal use; soaps; cosmetics; hair care preparations including hair lotions; dentifrices; oral hygiene preparations, not for medical purposes.

Class 18 - Leather and imitations of leather, and goods made of these materials (included in class 18), in particular small leather goods; trunks and travelling bags; bags; umbrellas and parasols.

Class 25 - Clothing for men, women and children; stockings; headgear; underwear; nightwear; swimwear; bathrobes; belts; belts of leather; shawls; accessories, namely headscarves, neck scarves, shawls, dress handkerchiefs; ties; gloves; shoes.

Q2. For which goods or services in the application (you are opposing) would use of the applicant's mark take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier trade mark?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q3. Is it claimed that the similarity between the reputed earlier trade mark and the later trade mark is such that the relevant public will believe that they are used by the same undertaking or think that there is an economic connection between the users of the trade marks?



Yes



No

Use this space to supply any further information

See section 3 Statement of Grounds.

QUESTIONS 4 TO 6 SHOULD BE ANSWERED IF THERE IS ANY OTHER BASIS FOR YOUR CLAIM OTHER THAN FOR YOUR ANSWER TO Q.3

Q4. Is there any other basis for your claim of unfair advantage? If so, please explain what the advantage would be to the holder of the later mark, and why it is unfair.

See section 3 Statement of Grounds.

Q5. Is there any other basis for your claim of detriment to the reputation of the earlier mark? If so, please explain what the detriment would be and how it would occur.

See section 3 Statement of Grounds.

Q6. Is there any other basis for your claim of detriment to the distinctive character of the earlier mark? If so, please explain what the detriment would be and how it would affect the economic behaviour of the relevant public.

See section 3 Statement of Grounds.

Q7. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?



Yes



No > GO TO Q10

Q8. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?



Yes



No > GO TO Q9b

Q9a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services (<i>please specify below, use a continuation sheet if necessary</i>)

> GO TO Q10

Q9b. Please state any proper reasons for non-use.

--

Q10. Use this space to give any further information to explain why you are opposing the application on this ground.

See section 3 Statement of Grounds.

SECTION B: Opposition is based on section 5(3) of the Trade Marks Act on the basis of an earlier registered or pending trade mark, that is identical with or similar to an earlier mark which has a reputation.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER TRADE MARK

Trade mark number Your trade mark	3400281					
Type of mark Please tick	<input type="checkbox"/>	UK	<input checked="" type="checkbox"/>	EUTM	<input type="checkbox"/>	International

Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

BOSS Green

Q1. For which goods or services covered by your earlier trade mark does it have a reputation?

<input type="checkbox"/>	All goods and services
<input checked="" type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Class 3 - Essential oils, bleaching preparations and other substances for laundry use; fragrant sprays; Perfumery, deodorising preparations for personal use; soaps; cosmetics; hair care preparations including hair lotions; dentifrices; oral hygiene preparations, not for medical purposes.

Class 18 - Leather and imitations of leather, and goods made of these materials (included in class 18), in particular small leather goods; trunks and travelling bags; bags; umbrellas and parasols.

Class 25 - Clothing for men, women and children; stockings; headgear; underwear; nightwear; swimwear; bathrobes; belts; belts of leather; shawls; accessories, namely headscarves, neck scarves, shawls, dress handkerchiefs; ties; gloves; shoes.

Q2. For which goods or services in the application (you are opposing) would use of the applicant's mark take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier trade mark?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q3. Is it claimed that the similarity between the reputed earlier trade mark and the later trade mark is such that the relevant public will believe that they are used by the same undertaking or think that there is an economic connection between the users of the trade marks?



Yes



No

Use this space to supply any further information

See Section 3 Statement of Grounds.

QUESTIONS 4 TO 6 SHOULD BE ANSWERED IF THERE IS ANY OTHER BASIS FOR YOUR CLAIM OTHER THAN FOR YOUR ANSWER TO Q.3

Q4. Is there any other basis for your claim of unfair advantage? If so, please explain what the advantage would be to the holder of the later mark, and why it is unfair.

See Section 3 Statement of Grounds.

Q5. Is there any other basis for your claim of detriment to the reputation of the earlier mark? If so, please explain what the detriment would be and how it would occur.

See Section 3 Statement of Grounds.

Q6. Is there any other basis for your claim of detriment to the distinctive character of the earlier mark? If so, please explain what the detriment would be and how it would affect the economic behaviour of the relevant public.

See Section 3 Statement of Grounds.

Q7. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?



Yes



No > GO TO Q10

Q8. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?



Yes



No > GO TO Q9b

Q9a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services (<i>please specify below, use a continuation sheet if necessary</i>)

> GO TO Q10

Q9b. Please state any proper reasons for non-use.

--

Q10. Use this space to give any further information to explain why you are opposing the application on this ground.

See Section 3 Statement of Grounds.

SECTION B: Opposition is based on section 5(3) of the Trade Marks Act on the basis of an earlier registered or pending trade mark, that is identical with or similar to an earlier mark which has a reputation.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER TRADE MARK

Trade mark number Your trade mark	3405149					
Type of mark Please tick	<input type="checkbox"/>	UK	<input checked="" type="checkbox"/>	EUTM	<input type="checkbox"/>	International

Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

BOSS Black

Q1. For which goods or services covered by your earlier trade mark does it have a reputation?

<input type="checkbox"/>	All goods and services
<input checked="" type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Class 3 - Essential oils, bleaching preparations and other substances for laundry use; fragrant sprays; Perfumery, deodorising preparations for personal use; soaps; cosmetics; hair care preparations including hair lotions; dentifrices; oral hygiene preparations, not for medical purposes.

Class 18 - Leather and imitations of leather, and goods made of these materials (included in class 18), in particular small leather goods; trunks and travelling bags; bags; umbrellas and parasols.

Class 25 - Clothing for men, women and children; stockings; headgear; underwear; nightwear; swimwear; bathrobes; belts; belts of leather; shawls; accessories, namely headscarves, neck scarves, shawls, dress handkerchiefs; ties; gloves; shoes.

Q2. For which goods or services in the application (you are opposing) would use of the applicant's mark take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier trade mark?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q3. Is it claimed that the similarity between the reputed earlier trade mark and the later trade mark is such that the relevant public will believe that they are used by the same undertaking or think that there is an economic connection between the users of the trade marks?



Yes



No

Use this space to supply any further information

See Section 3 Statement of Grounds.

QUESTIONS 4 TO 6 SHOULD BE ANSWERED IF THERE IS ANY OTHER BASIS FOR YOUR CLAIM OTHER THAN FOR YOUR ANSWER TO Q.3

Q4. Is there any other basis for your claim of unfair advantage? If so, please explain what the advantage would be to the holder of the later mark, and why it is unfair.

See Section 3 Statement of Grounds.

Q5. Is there any other basis for your claim of detriment to the reputation of the earlier mark? If so, please explain what the detriment would be and how it would occur.

See Section 3 Statement of Grounds.

Q6. Is there any other basis for your claim of detriment to the distinctive character of the earlier mark? If so, please explain what the detriment would be and how it would affect the economic behaviour of the relevant public.

See Section 3 Statement of Grounds.

Q7. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?



Yes



No > GO TO Q10

Q8. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?



Yes



No > GO TO Q9b

Q9a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services (<i>please specify below, use a continuation sheet if necessary</i>)

> GO TO Q10

Q9b. Please state any proper reasons for non-use.

--

Q10. Use this space to give any further information to explain why you are opposing the application on this ground.

See Section 3 Statement of Grounds.

SECTION B: Opposition is based on section 5(3) of the Trade Marks Act on the basis of an earlier registered or pending trade mark, that is identical with or similar to an earlier mark which has a reputation.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER TRADE MARK

Trade mark number Your trade mark	1764612					
Type of mark Please tick	<input type="checkbox"/>	UK	<input checked="" type="checkbox"/>	EUTM	<input type="checkbox"/>	International

Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

BOSS WOMAN

Q1. For which goods or services covered by your earlier trade mark does it have a reputation?

<input type="checkbox"/>	All goods and services
<input checked="" type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>
<p>Class 3 - Essential oils, bleaching preparations and other substances for laundry use; fragrant sprays; Perfumery, deodorising preparations for personal use; soaps; cosmetics; hair care preparations including hair lotions; dentifrices; oral hygiene preparations, not for medical purposes.</p> <p>Class 18 - Leather and imitations of leather, and goods made of these materials (included in class 18), in particular small leather goods; trunks and travelling bags; bags; umbrellas and parasols.</p> <p>Class 25 - Clothing for men, women and children; stockings; headgear; underwear; nightwear; swimwear; bathrobes; belts; belts of leather; shawls; accessories, namely headscarves, neck scarves, shawls, dress handkerchiefs; ties; gloves; shoes.</p>	

Q2. For which goods or services in the application (you are opposing) would use of the applicant's mark take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier trade mark?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q3. Is it claimed that the similarity between the reputed earlier trade mark and the later trade mark is such that the relevant public will believe that they are used by the same undertaking or think that there is an economic connection between the users of the trade marks?



Yes



No

Use this space to supply any further information

See Section 3 Statement of Grounds.

QUESTIONS 4 TO 6 SHOULD BE ANSWERED IF THERE IS ANY OTHER BASIS FOR YOUR CLAIM OTHER THAN FOR YOUR ANSWER TO Q.3

Q4. Is there any other basis for your claim of unfair advantage? If so, please explain what the advantage would be to the holder of the later mark, and why it is unfair.

See Section 3 Statement of Grounds.

Q5. Is there any other basis for your claim of detriment to the reputation of the earlier mark? If so, please explain what the detriment would be and how it would occur.

See Section 3 Statement of Grounds.

Q6. Is there any other basis for your claim of detriment to the distinctive character of the earlier mark? If so, please explain what the detriment would be and how it would affect the economic behaviour of the relevant public.

See Section 3 Statement of Grounds.

Q7. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?



Yes



No > GO TO Q10

Q8. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?



Yes



No > GO TO Q9b

Q9a. For which of the goods and services listed at Q1 is trade mark use being claimed?

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services (<i>please specify below, use a continuation sheet if necessary</i>)

> GO TO Q10

Q9b. Please state any proper reasons for non-use.

--

Q10. Use this space to give any further information to explain why you are opposing the application on this ground.

See Section 3 Statement of Grounds.

SECTION C: Opposition is based on Section 5(4)(a) of the Trade Marks Act, where the use of the applicant's trade mark would be contrary to law, in particular, the law of passing off.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER UNREGISTERED TRADE MARK

Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

BOSS

Q1. When and where was the earlier right first used in the UK?

Date used:

Enter date of first use

January 1996

Where used:

Enter name of city/region or specify
'throughout UK' if used nationally

Throughout UK

Q2. On which goods or services has the earlier right been used for?

Clothing, footwear, headgear, accessories and fragrances.

DETAILS OF THE TRADE MARK YOU ARE OPPOSING

Q3. For which goods or services (of the application that you are opposing) do you consider that use of the applicant's mark would amount to passing off?

✓	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q4. Why would use of the applicant's trade mark be contrary to law, particularly the law of passing off?

See Section 4 Statement of Grounds.

SECTION C: Opposition is based on Section 5(4)(a) of the Trade Marks Act, where the use of the applicant's trade mark would be contrary to law, in particular, the law of passing off.

You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.

ABOUT THE EARLIER UNREGISTERED TRADE MARK

Representation of your trade mark

Enter your trade mark in the space provided - use a continuation sheet if necessary.

HUGO BOSS

Q1. When and where was the earlier right first used in the UK?

Date used:

Enter date of first use

January 1996

Where used:

Enter name of city/region or specify
'throughout UK' if used nationally

Throughout UK

Q2. On which goods or services has the earlier right been used for?

Clothing, footwear, headgear, accessories and fragrances.

DETAILS OF THE TRADE MARK YOU ARE OPPOSING

Q3. For which goods or services (of the application that you are opposing) do you consider that use of the applicant's mark would amount to passing off?

<input checked="checked" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

Q4. Why would use of the applicant's trade mark be contrary to law, particularly the law of passing off?

See Section 4 Statement of Grounds.

**Opposition by HUGO BOSS Trade Mark Management GmbH & Co. KG to International
Registration 1196024 (designating the UK)**

Continuation sheet: Explanation of grounds and other remarks

Application:	International Registration (IR) 1196024 (designating the UK)
Applicant's Mark:	
Applicant:	BOSSA TİCARET VE SANAYİ İŞLETMELERİ TÜRK ANONİM ŞİRKETİ
Opponent:	HUGO BOSS Trade Mark Management GmbH & Co. KG

1. Background

- 1.1 The Applicant filed for the UK designation of International trade mark no. 1196024 (the "**Application**") on 27 September 2013 and the Application was published in the Trade Marks Journal 2020/034 on 21 August 2020.
- 1.2 The Application seeks protection in the UK for the following goods:

Class 23 –

Yarns and threads for textile use, sewing threads, embroidery threads, knitting threads, cotton threads and elastic threads for textile use.

Class 24 –

Woven textiles, namely, fabrics for use in the manufacture of clothing, towels, table linen, bed linen, household linen; non-woven textiles, namely, fabrics for use in the manufacture of clothing, towels, table linen, bed linen, household linen; fiberglass fabrics for textile use; fabric impervious to gases for aeronautical balloons; waterproof fabrics, namely, waterproof fabric for manufacturing clothing, furniture, luggage and automobile upholstery; gummed waterproof cloth; fabric of imitation animal skins; textile linings, namely, linen lining fabric for shoes, unfinished textile for the manufacture of linings for garments, textile used as lining for clothing; buckram; filtering materials of textile, namely, chemical fiber fabrics, synthetic fiber fabrics, inorganic fiber mixed fabrics all for use in filtering liquids and powders; quilts of textile, blankets; washing mitts, bath linen, hand towels, face towels of textile, bathing towels; tapestries of textile, traveling rugs, namely, lap rugs; curtains of textile, shower curtains of textile, shower curtains of plastics;

oilcloth for use as table cloths; bed blankets, bed sheets, bedspreads, bed linen, diapered linen, pillowcases, quilt covers; furniture coverings of textile, namely, unfitted fabric furniture covers; upholstery fabrics; table napkins of textile; bed covers of paper; banners of textile, namely, cloth banners; flags not of paper, namely, cloth flags, fabric flags; cloth labels.

(the “**Applicant’s Goods**”).

- 1.3 The Opponent filed a Notice of Threatened Opposition on 20 October 2020.
- 1.4 The Opponent is the owner of the following family of registered trade marks (the “**Earlier Marks**”):

Mark	Registration details	Opponent’s mark	Filing date	Registration date	Class(es)
1.	EUTM 49221	BOSS	1 April 1996	29 January 2009	3, 9, 10, 12, 14, 16, 18, 20, 24, 25, 27, 28, 29, 30, 31, 32, 35 and 42
2.	UK 1198781	BOSS	1 July 1983	26 September 1988	25
3.	EUTM 49254	HUGO BOSS	1 April 1996	26 March 2008	3, 9, 10, 12, 14, 16, 18, 20, 24, 25, 27, 28, 29, 30, 31, 32, 35 and 42
4.	UK 1276175	HUGO BOSS	26 August 1986	2 March 1990	25
5.	EUTM 49262	BOSS HUGO BOSS	1 April 1996	6 July 2007	9, 14, 18, 24, 25, 28, 29, 30, 31, 32, 33, 35, 42
6.	EUTM 3400306	BOSS Orange	13 October 2003	3 May 2007	3, 18, 24, 25 and 28

Mark	Registration details	Opponent's mark	Filing date	Registration date	Class(es)
7.	EUTM 3400281	BOSS Green	13 October 2003	22 April 2005	3, 18, 24, 25 and 28
8.	EUTM 3405149	BOSS Black	13 October 2003	3 March 2005	3, 18, 24, 25 and 28
9.	EUTM 1764612	BOSS WOMAN	19 July 2000	3 September 2001	3, 9, 18 and 25

1.5 The Earlier Marks have filing dates earlier than the filing date of the Application and are therefore “earlier trade marks” for the purposes of Section 6(1)(a) of the UK Trade Marks Act 1994 (the “Act”).



2. **Section 5(2)(b) – Likelihood of confusion (similar mark, identical or similar goods)**

2.1 The Opponent opposes the Application on the basis of Section 5(2)(b) in respect of the all of the Class 23 and 24 goods applied for as set out at paragraph 1.2 above.

2.2 The Opponent relies upon the Class 24 specifications of the Earlier Marks 1, 3, 5, 6, 7 and 8, as well as the Class 25 specifications of the Earlier Marks 1-9 (inclusive), under this ground.

Comparison of marks

2.3 The marks to be compared are as shown in the table below.

Earlier Marks	Applicant's Mark
BOSS	
	
BOSS Orange	
BOSS Green	
BOSS Black	

BOSS WOMAN	
HUGO BOSS	

- 2.4 The Applicant's Mark is similar to the Earlier Marks. A distinctive element of the Applicant's Mark is the word "**BOSS**" (being the first 4 out of 5 letters of the Applicant's Mark), which is the sole or the / a dominant element of each of the Earlier Marks which, accordingly, constitute a family of 'BOSS' formative marks. The element "**BOSS**" has a significant impact in forming and determining the public's visual, aural and conceptual impression of the Applicant's Mark. Visually, 'BOSS' stands out clearly as an element of the mark.
- 2.5 Aurally, the Applicant's Mark cannot be pronounced without saying the word BOSS, and the remaining "a" at the end of the Applicant's mark is a soft, unstressed sound which does not stand out and is likely to be unnoticed. Conceptually, as regards the BOSS element of the Applicant's Mark, to the extent that consumers encountering the mark ascribe any meaning to that element, that would be the same meaning which is perceived in relation to the Earlier Marks / the 'BOSS' element of the same.
- 2.6 Due to the visual, aural and conceptual similarities between the Applicant's Mark and the Earlier Marks, the public are likely to consider that the Applicant's mark represents a mark within the Opponent's family of '**BOSS**' formative marks.
- 2.7 Accordingly, based on an assessment of the visual, aural and conceptual aspects of the marks, the Applicant's Mark is similar to each of the Earlier Marks.

Comparison of goods

- 2.8 The Applicant's Goods are goods in Classes 23 and 24 as shown above under para 1.2.
- 2.9 Earlier Marks 1-9 are registered, inter alia, in respect of goods in Classes 24 and/or 25.
- 2.10 The Applicant's Goods in Class 24 are identical (or, at the very least, highly similar) to those in Class 24 in respect of which Earlier Marks 1, 3, 5, 6, 7 and 8 are protected.
- 2.11 Equally, the Applicant's Goods in Classes 23 and 24 are all similar to the Class 25 Goods in respect of which Earlier Marks 1-9 are protected, bearing in mind their nature, intended purpose and use, as well as the fact that such goods may both complement or compete with one another.

Likelihood of Confusion

- 2.12 A global assessment of the likelihood of confusion implies some interdependence between the relevant factors, and in particular the similarity between the trade marks and between the goods. A lesser degree of similarity between the goods may be offset by a greater degree of similarity between the marks, and vice versa.

- 2.13 There exists a likelihood of confusion on the part of the public, which includes a likelihood of association, between the Applicant's Mark and each of Earlier Marks 1-9, having regard to, amongst other things:
- (a) the visual, aural and conceptual similarity of the Applicant's Mark to each of the Earlier Marks;
 - (b) the fact that the Applicant's Goods in Class 24 are identical (or, at least, highly similar) to Class 24 goods in respect of which Earlier Marks 1, 3, 5, 6, 7 and 8 are registered; and
 - (c) the fact that the Applicant's Goods in Classes 23 and 24 are similar to Class 25 goods in respect of which Earlier Marks 1-9 are registered
- 2.14 The fact that the Applicant's Goods in Class 24 are identical to Class 24 goods in respect of which Earlier Marks 1, 3, 5, 6, 7 and 8 are registered clearly increases the likelihood of confusion between the marks in the mind of the average consumer in relation to those goods, especially when taking into account imperfect recollection.
- 2.15 As set out above, the Opponent owns a family of marks which consist of **"BOSS"** on its own or combined with another element, e.g. BOSS Green, BOSS Orange, BOSS Black and BOSS WOMAN. As **"BOSS"** is a dominant and distinctive component of the Applicant's Mark, it is likely that the public would consider the Applicant's Mark to represent a mark within this family of marks owned by the Opponent.
- 2.16 Given the similarity of the Applicant's Mark to the Earlier Marks and the similarity (if not identity) of the Applicant's Goods to the Class 24 and 25 goods in respect of which Earlier Marks 1-9 are protected, there is a high likelihood of confusion, including a likelihood of association, in the minds of the public between the Applicant's Mark and the Earlier Marks. The likelihood of confusion increases in view of the reputation which the Opponent has in the Earlier Marks, as referred to below.
- 2.17 Therefore, the Application should be refused under Section 5(2)(b) of the TMA.

3. **Section 5(3) – Detriment and unfair advantage**

- 3.1 The Opponent opposes the Applicant's Mark in respect of all of the Applicant's Goods under this ground.
- 3.2 The Opponent has used the Earlier Marks extensively throughout the United Kingdom and the EU in relation respectively (insofar as applicable to the Earlier Mark concerned), to clothing, footwear, headgear, leather goods, bags, accessories and fragrances (among other goods), such that the Opponent has a reputation in the Earlier Marks. As one of the world's leading fashion houses, the Opponent is particularly well-known (under its Earlier Marks) for high quality clothing, footwear and headgear, leather goods, bags, accessories and fragrances.
- 3.3 The Opponent reserves the right to file evidence of a reputation arising through use of the Earlier Marks at the appropriate time in the proceedings. As will be shown by the evidence, the Earlier Marks have a reputation through their extensive use. Therefore, the Opponent enjoys an enhanced and very broad penumbra of protection in the Earlier Marks.

- 3.4 In these circumstances, use of the Applicant's Mark will create a "link" in the mind of the public between the Applicant's Mark and each of the Earlier Marks.
- 3.5 Also, in these circumstances, use of the Application is without due cause.
- 3.6 Use of the Applicant's Mark will cause each of the Earlier Marks to suffer one or more of the following injuries:
- (1) it will take unfair advantage of the distinctive character or the repute of the Earlier Marks. The Applicant has intentionally embarked on an effort to exploit, without paying financial compensation, the efforts to which the Opponent has gone to generate its reputation. The Applicant seeks to associate itself with the Opponent and "ride on the coat tails" of that reputation;
 - (2) it will be detrimental to the distinctive character of the Earlier Marks. The distinctiveness of the Earlier Marks will be eroded and blurred as the Earlier Marks will no longer be immediately and exclusively associated with the Opponent. This will diminish the capacity of the Earlier Marks to stimulate the desire of the public to buy the goods for which they are registered and enjoy a reputation; and/or
 - (3) it will be detrimental to the repute of the Earlier Marks. The Opponent would have no control over the Applicant's use of the Applicant's Mark for the Applicant's Goods. Therefore, the use of the Applicant's Mark, whether in respect of goods of a low quality or otherwise, may generate negative associations, or an image which runs counter to the image cultivated by the Opponent for the Earlier Marks, and so damage their reputation.
- 3.7 There is a serious likelihood that use of the Applicant's Mark would cause a change in the economic behaviour of the average consumer of the goods for which the Earlier Marks are registered, including in the ways outlined above. Accordingly, use of the Applicant's Mark would be without due cause and would take unfair advantage of, and/or be detrimental to, the distinctive character and repute of the Earlier Marks. The Application should therefore be refused under Section 5(3) of the Act.


4. **Section 5(4)(a) - Unregistered Rights (passing off)**

- 4.1 The Opponent is the owner of extensive and valuable goodwill arising from its use of the marks BOSS and HUGO BOSS (among others) for, inter alia, clothing, footwear, headgear, leather goods, bags, accessories and fragrances in the course of trade in the United Kingdom (the "**Earlier Unregistered Marks**"). Rights to the Earlier Unregistered Marks were acquired prior to the date of the Application.
- 4.2 Unauthorised use by the Applicant of the Applicant's Mark would amount to a misrepresentation, in that it is likely to cause consumer deception (in particular, it is likely to induce the mistaken belief that the Applicant is one and the same as and/or that its goods are those of the Opponent, or that there is a connection between the Applicant and/or its goods and the Opponent and/or its goods). Such deception will cause damage to the Opponent's goodwill associated with the Earlier Unregistered Marks.
- 4.3 Use of the Applicant's Mark in the United Kingdom is therefore liable to be prevented by the law of passing-off.
- 4.4 Accordingly, the Application should be refused under Section 5(4)(a) of the Act.

5. **Concluding comments**

- 5.1 The Opponent reserves the right to file further submissions and/or evidence in the Opposition as appropriate.
- 5.2 The Opponent submits that:
- (1) the Opposition should be allowed in its entirety and the Application wholly refused under Sections 5(2)(b), 5(3) and/or 5(4)(a) of the Act; and
 - (2) the Opponent should be awarded its costs in the Opposition.

For and on behalf of the Opponent:



Simmons & Simmons LLP, 23 November 2020

Anna McIlroy

From: Forms
Sent: 24 November 2020 14:28
To: Trademark.Examination
Cc: ProcessedFeeBearingForms
Subject: Filing date: 24.11.2020 TM7
Attachments: 2020-11-23 - Form TM7 - re IR 1196024 for BOSSA - on behalf of HUGO BOSS Trade Mark Management GmbH & Co. KG.pdf; 2020-11-23 - Supporting Grounds - re IR 1196024 for BOSSA - on behalf of HUGO BOSS Trade Mark Management GmbH & Co. KG.pdf

Categories: Anna

From: Tribunalsection <Tribunalsection@ipo.gov.uk>
Sent: 24 November 2020 10:12
To: Forms <Forms@ipo.gov.uk>
Subject: FW: UK Opposition to IR 1196024 for BOSSA brought by HUGO BOSS Trade Mark Management GmbH & Co. KG [IWOV-L_LIVE_EMEA1.FID2383022]

From: George Matthey <George.Matthey@simmons-simmons.com>
Sent: 23 November 2020 15:30
To: Tribunalsection <Tribunalsection@ipo.gov.uk>
Cc: Adrian Smith <Adrian.Smith@simmons-simmons.com>; London IP Trademarks <LondonIPTrademarks@simmons-simmons.com>; Amy Palmer <Amy.Palmer@Simmons-Simmons.com>
Subject: UK Opposition to IR 1196024 for BOSSA brought by HUGO BOSS Trade Mark Management GmbH & Co. KG [IWOV-L_LIVE_EMEA1.FID2383022]

Ref. 10321-144

Dear UKIPO,

Please find enclosed form TM7 (and fee sheet), as well as a supporting statement of grounds.

Yours faithfully,

George Matthey
Associate (Trade Mark Attorney)

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M +44 7872 409 685
George.Matthey@Simmons-Simmons.com

Secretary: Paige Jordan
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