

Live conflicting goods and services list

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Class 1

Conflicting classes: 31

Similar (within class)

| | | |
|---------------------------------|-----------------------------------|------------------|
| Chemicals | Everything else in class 1 | |
| Chemicals for use in forestry | Chemicals for use in horticulture | |
| Protective coatings (lubricant) | Fatty acid | 26 IPR 264 (reg) |

Different (within class)

| | | |
|-------------------------------|----------------------------------|--|
| Chemicals for use in forestry | Chemicals for use in photography | |
|-------------------------------|----------------------------------|--|

1 & 31

Similar

| Class 1 | Class 31 | Note |
|-------------|----------|------|
| Fertilisers | Mulches | |

Class 2

Conflicting classes: None

Decisions including this class

| | | | | | | |
|---------|---------------------|--------|----|-------------------------------------|---|---------------------|
| 2, 3, 7 | Paints and lacquers | differ | 37 | Automotive paint touch-up processes | <u>[1999]</u> <u>ATMO 40</u> <u>(29 April</u> <u>1999)</u> | DUCO MAGIC (591509) |
|---------|---------------------|--------|----|-------------------------------------|---|---------------------|

Class 3

Conflicting classes: 5, 21

Similar (within class)

| | | |
|------------------------|----------------------------------|-----------------|
| Pesticides | Herbicides | |
| Cosmetics | Creams and lotions | |
| Hair care preparations | Perfumes, toilet preparations... | 20 IPR660 (reg) |

Different (within class)

| | | |
|---|---------------------|------------------------------|
| Cosmetics | Pharmaceuticals | |
| Perfumery, cosmetics, preparations for the hair and dentifrices | Soap and detergents | (1949) 66 RPC 84 SUNLIGHT |

3 & 5

Similar

| Class 3 | Class 5 | Note |
|--|--|---|
| Bath salts, not for medical purposes | Bath salts for medical purposes | |
| Cosmetic preparations for skin care | Pharmaceutical preparations for skin care | |
| Detergents other than for use in manufacturing operations and for medical purposes | Detergents for medical purposes | |
| Disinfectant soap | Antiseptics, disinfectants for hygiene purposes | Disinfectant soap moved to class 5 with Nice 11 |
| Disinfectant soap | Disinfectants for hygiene purposes | |
| Fumigating preparations | Fumigating pastilles, sticks & preparations for medical purposes | |
| Greases for cosmetic purposes | Greases for medical & veterinary purposes | |
| Hair lotions | Medicinal hair growth preparations | |
| Lotions for cosmetic purposes | Lotions for medical purposes Wipes / Tissues impregnated with pharmaceutical lotions | |
| Petroleum jelly for cosmetic purposes | Petroleum jelly for medical purposes | |
| Sanitary preparations (toiletries) | Sanitary preparations for medical purposes Sanitary preparations for personal hygiene other than toiletries | |
| Shampoos for pets | Veterinary preparations Lotions for veterinary purposes Animal washes | |
| Wipes / tissues impregnated with cosmetic lotions | Wipes / tissues impregnated with medical lotions | |
| Medicated soaps | Pharmaceutical preparations | (1992) RPC 529 BENSYL/BENVIL & BENTASIL |
| Non medicated cosmetics | Medicated cosmetics | 27 IPR 245 ANTIASE |

| Class 3 | Class 5 | Note |
|-----------------------------------|-------------------------------|---------------------------|
| Non medicated toilet preparations | Medicated toilet preparations | (1949) 66 RPC 305 VONO |

3 & 21

Similar

| Class 3 | Class 21 | Note |
|--|---|-----------------------------------|
| Cleaning preparations Wipes [tissues] impregnated with cleaning or polishing preparations | Cloths impregnated with a detergent for cleaning | |
| Abrasives Abrasive cloth (for household cleaning / polishing / kitchen purposes) Abrasive preparations | Abrasive pads for kitchen purposes Scouring pads | |
| Toothpaste | Toothbrushes | |
| Cosmetics Make-up | Cosmetic applicators/brushes Make-up applicators/brushes | Identical or highly similar marks |

Decisions including this class

| | | | | | | |
|------------------|---|--------|----|--|---------------------------------------|--------------------------------|
| 3, 9, 14, 16, 25 | All goods in those classes | differ | 12 | Bicycles, their parts and accessories included in this class | Hearing decision issued 11.2.94 | BENOTTO & EAGLE DEVICE |
| 3 | Toiletries, perfumery, essential oils, soaps, hair lotions & cologne and aftershave for men | differ | 18 | Leather and imitations of leather, and goods in this class made from these materials | <u>(1994) 28 IPR 365</u> | JOVANI : JOVAN |
| 3, 9, 25 | Cosmetics, eyeglasses, clothing | differ | 18 | Leather, imitation leather goods, umbrellas, bags, wallets and travelling goods | <u>[1999] ATMO 127</u> | MOSSIMO (743475) |
| 3 | Shoe polish | differ | 25 | Boots and shoes | (1946) 63 RPC 59 | PANDA (Jellinek's application) |
| 2, 3, 7 | Paints and lacquers | differ | 37 | Automotive paint touch-up processes | <u>[1999] ATMO 40 (29 April 1999)</u> | DUCO MAGIC (591509) |

Class 4

Conflicting classes: 13, 39

Similar (within class)

| | | |
|--|--|---|
| Lubricating oils and lubricating greases | Anti-corrosive oils; oils used in manufacture mineral substances including oils | [1977] RPC 163 OPTIMOL/OPTIMAL |
| Motor spirit | Lubricating oils | (1907) 24 RPC 585 MOTRICINE/MOTORINE |

4 & 13

Similar

| Class 4 | Class 13 | Note |
|---------|----------|------------------------|
| Tinder | Tinder | For claims pre Nice 10 |

4 & 39

Similar

| Class 4 | Class 39 | Note |
|------------------------------|---|------|
| Gas / oil / fuel / petroleum | Gas / oil / fuel / petroleum supplying (natural and synthetic) | |

Class 5

Conflicting classes: 3, 10, 16, 21, 25, 29, 30, 31, 32

Similar (within class)

| | | |
|--|---|---|
| Pharmaceuticals | Veterinary preparations | |
| Dietetic herbal elixirs | Medicated preparations for treatment of teeth, mouth and gums | [1974] RPC 583 FLORADIX |
| Disinfectants for personal use | Disinfectants other than for personal use | [1980] RPC 160 CONSORT |
| Herb based tea | Pharmaceutical preparations and substances | [1991] AIPC 90-764 CHINESE CHARACTERS (397009) |
| Medicated food for human use | Medicinal preparations | (1927) 44 RPC 1 NUVOLA |
| Wound dressings | Analgesic preparations | (1992) RPC 421 INADINE/ANADIN & ANADIN EXTRA |
| Pharmaceutical and veterinary preparations | Fungicides | (1992) RPC 541 INVICTA |

Different (within class)

| | | |
|--|--|---------------------------|
| Pharmaceutical preparations and substances, all for humans | Fungicides for use in agriculture, not being veterinary preparations | (1992) RPC 541 INVICTA |
|--|--|---------------------------|

3 & 5 – See Class 3 similar goods

5 & 10

Similar

| Class 5 | Class 10 | Note |
|---|--|-----------------------------------|
| Bandages (hygienic) Bandages for dressings | Bandages (elastic) (supportive) Bandages for joints (anatomical) Face masks for surgical purposes Knee bandages | |
| Belts for sanitary purposes | Belts for medical purposes | |
| Chemical contraceptives | Contraceptives, non-chemical | Identical or highly similar marks |
| Dental abrasives Dental wax | Floss for dental purposes | |
| Surgical cloth, dressings & tissue | Surgical ligatures (not dressings) Surgical thread / sutures | |
| Surgical implants (living tissues) | Surgical implants (artificial materials) | |

Different

| Class 5 | Class 10 | Note |
|--|-----------------|------------------------------------|
| Pharmaceutical preparations, medicinal drugs | Spinal needles | [2001] ATMO 64 UNIEVER (773325) |

5 & 16**Similar**

| Class 5 | Class 16 | Note |
|-------------------|-------------------|------------------------|
| Nappies / diapers | Cellulose nappies | For claims pre Nice 10 |

5 & 21**Similar**

| Class 5 | Class 21 | Note |
|--------------------------------|-----------------|-------------|
| Dental abrasives Dental wax | Dental floss | |

5 & 25**Similar**

| Class 5 | Class 25 | Note |
|-------------------|-----------------|------------------------|
| Nappies / diapers | Textile nappies | For claims pre Nice 10 |

5 & 29**Similar**

| Class 5 | Class 29 | Note |
|---|--|---|
| Dietary supplements (depending on exact nature, purpose and trade channels) | Food supplements (depending on exact nature, purpose and trade channels) | Pre Nice 10 some supplements were in class 29; now all in 5 |
| Malted milk beverages for medical purposes | Malted milk beverages | |

5 & 30**Similar**

| Class 5 | Class 30 | Note |
|--|--|---|
| Food for babies | Rusks for babies | |
| Herb tea (for medical purposes) Medicinal tea | Herb tea (not for medical purposes) Tea | 19 IPR 140 (Reg) |
| Royal jelly for medical purposes | Propolis (bee glue) for human consumption Royal jelly for human consumption, not for medical purposes | |
| Supplements (human and animal) | Carbohydrate supplements | Pre Nice 10 some supplements were in class 30; now all in 5 |

Different

| Class 5 | Class 30 | Note |
|----------------|-----------------|-------------|
| | | |

| | | |
|---------------------------------------|--|---|
| Dietary food supplements and vitamins | All seasonings and spices in this class | [1997] ATMO 44 DASH (540085) |
| Dietetic foods | Flavourings for making milk beverages | [1995] ATMO 5 QUIX (554344...) |
| Herb based tea | Condiments, sauces, including soy sauces, spices | [1991] AIPC 90-764 CHINESE CHARACTERS (397009) |

5 & 31

Similar

| Class 5 | Class 31 | Note |
|---|---|---|
| Additives to fodder for medical purposes | Additives to fodder, not for medical purposes | |
| Herbs (medicinal) | Herbs (fresh) | |
| Roots (medicinal) | Roots (for food, being ginger or other similar items used medicinally eg in Chinese medicine) | |
| Nutritional additives and supplements for animals | Nutritional additives and supplements for animals for not for medical use | Pre Nice 10 some supplements were in class 31; now all in 5 |

5 & 32

Similar

| Class 5 | Class 32 | Note |
|--|---|------|
| Dietetic beverages adapted for medical purposes | Dietetic beverages not adapted for medical purposes | |
| Electrolyte replacement beverages for medical purposes | Electrolyte replacement beverages for general and sports purposes Isotonic beverages | |
| Malted milk beverages for medical purposes | Malted milk beverages | |

Class 6

Conflicting classes: 9, 17, 19, 20, 22, 37

Similar (within class)

| | | |
|------------------------|---|---------------------------------|
| Alloys containing lead | Cast rolled and extruded alloys of tin and lead | [1958] RPC 425 WELLOY/WALLOY |
|------------------------|---|---------------------------------|

Different (within class)

| | | |
|--|---|---------------------------------|
| Rivets, screws, staples, nails and bolts | Gutters, downpipes, fascias and gutter suspension clips | (1984) AIPC 93-213 CLICKFAST |
|--|---|---------------------------------|

6 & 9

Similar

| Class 6 | Class 9 | Note |
|------------|------------------------|------------------------|
| Turnstiles | Turnstiles (automated) | For claims pre Nice 10 |

6 & 17

Similar

The metallic and non-metallic versions of the same goods are similar.

| Class 6 | Class 17 | Note |
|--|---|----------------------------|
| Fittings of metal for compressed air ducts | Fittings (compressed air pipe), not of metal | |
| Gaskets of metal | Gaskets Pipe gaskets | |
| Horseshoes of metal | Horseshoes not of metal | |
| Hose pipes of metal | Canvas hose pipes | |
| Pipe muffs of metal | Pipe muffs, not of metal | |
| Pipe work of metal | Pipe jackets and junctions, not of metal Connectors not of metal for pipes and hoses | |
| Rings of metal | Rings not of metal | |
| Tubes of metal | Flexible tubes, not of metal | |
| Valves of metal (other than parts of machines) | Valves of India rubber Clack valves of rubber | |
| Metal pipes and pipe fittings | Plastic pipes and pipe joints | (1965) RPC 351 CHEMODAN |

6 & 18

Similar

| Class 6 | Class 18 | Note |
|-----------------------|------------|-----------------------|
| Horseshoes (of metal) | Horseshoes | For claims pre Nice 9 |

6 & 19

Similar

The metallic and non-metallic versions of the same goods are similar.

| Class 6 | Class 19 | Note |
|--|---|------|
| Advertisement columns of metal | Advertisement columns, not of metal | |
| Aluminium awnings | Awnings not of metal or of textile | |
| Building materials of metal | Building materials not of metal | |
| Buildings, transportable, of metal | Buildings, transportable, not of metal | |
| Cages for birds and animals, of metal [structures] | Cages for birds and animals, not of metal [structures] | |
| Crash barriers of metal | Crash barriers not of metal | |
| Diving boards of metal | Diving boards not of metal | |
| Door panels/frames/cases of metal | Door panels/frames/cases not of metal | |
| Drain pipes of metal | Drain pipes not of metal | |
| Drain traps (valves) of metal | Drain traps (valves) not of metal | |
| Floating docks of metal for mooring boats | Floating docks not of metal for mooring boats | |
| Floor tiles of metal Tiles of metal Tiles of metal for building | Floor tiles not of metal Tiles not of metal Tiles not of metal for building Wall tiles not of metal for building | |
| Greenhouse frames of metal | Horticultural frames not of metal | |
| Gutters of metal | Gutters not of metal | |
| Mooring bollards of metal | Mooring bollards not of metal | |
| Monuments of metal | Monuments not of metal | |
| Outdoor blinds of metal Roller blinds of steel | Blinds outdoor not of metal and not of textile | |
| Pilings of metal | Pilings not of metal | |
| Railroad ties of metal | Railroad ties not of metal | |
| Railway sleepers of metal | Railway sleepers not of metal | |
| Roof coverings of metal | Roof coverings not of metal | |
| Signs non-luminous & non mechanical of metal Signs non-luminous & non mechanical of metal for roads | Signs non-luminous & non mechanical not of metal Signs non-luminous & non mechanical not of metal for roads | |
| Swimming pools (structures of metal) | Swimming pools (structures not of metal) | |
| Telephone boxes of metal | Telephone boxes not of metal | |
| Window frames of metal | Window frames not of metal | |

6 & 20

Similar

The metallic and non-metallic versions of the same goods are similar.

| Class 6 | Class 20 | Note |
|--|--|-------------|
| Bottle closures/caps of metal | Bottle closures/caps not of metal Stoppers for bottles not of glass, metal or rubber | |
| Casks of metal | Casks not of metal | |
| Furniture fittings of metal | Furniture fittings, not of metal | |
| House numbers of metal (non-luminous) Letters and numeral of common metal, except type | House numbers, not of metal (non-luminous) | |
| Identification bracelets of metal for hospitals | Identification bracelets not of metal for hospitals | |
| Metal fittings for coffins | Coffins | |
| Mooring buoys of metal | Mooring buoys, not of metal | |
| Number plates of metal | Number plates, not of metal | |
| Outdoor blinds of metal Roller blinds of steel | Indoor window blinds (holland blinds) [furniture] Indoor window blinds (insulating blinds) [furniture] Indoor window blinds (roller blinds) [furniture] Indoor window blinds (shades) [furniture] Indoor window blinds (slatted) [furniture] Indoor window blinds (venetian blinds) [furniture] Indoor window blinds (vertical blinds) [furniture] Woven timber blinds [furniture] Indoor window blinds of textile [furniture] | |
| Registration plates of metal | Registration plates not of metal | |
| Rings of common metal for keys | Key rings & key chains not of metal | |
| Signboards of metal | Signboards of wood or plastic | |
| Tiles of metal | Mirror tiles | |
| Toilet paper dispensers, fixed of metal Towel dispensers, fixed, of metal Towel holders of metal (hooks, rails, rings, rods) | Toilet paper dispensers, fixed not of metal Towel dispensers, fixed, not of metal Towel holders not of metal (hooks, rails, rings, rods) | |
| Wall plugs of metal | Wall plugs not of metal | |
| Window fittings of metal | Window fittings, not of metal | |

Different

| Class 6 | Class 20 | Note |
|--------------------------|--|---|
| Door and window hardware | Furniture, screens, and partitions of wood for furniture | [1999] ATMO 86 INTERLOCK JOINERY (708445) |

6 & 22

Similar

The metallic and non-metallic versions of the same goods are similar.

| Class 6 | Class 22 | Note |
|---|---|------|
| Awnings of metal Blinds of metal Metal canopies | Awnings Awnings of synthetic material Awnings of textile Beach/market/shade awnings not of metal | |
| Cables of metal, non-electric | Cables, not of metal | |
| Harness, belts, slings, braces and straps of metal for handling loads | Harness, belts, slings, braces and straps, not of metal, for handling loads | |
| Ropes of metal | Ropes not of metal | |

6 & 37

Similar

| Class 6 | Class 37 | Note |
|--|--|--|
| Doors of metal Windows of metal | Installation | Identical or highly similar marks, in particular for the installation of doors/windows |
| Roofs of metal | Installation Construction | Identical or highly similar marks, a real chance of confusion |
| Building materials (metallic) Buildings, of metal | Building Construction Housing construction | Identical or highly similar marks, a real chance of confusion |

Different

| | | |
|---------------------------------|---|---|
| Apartments (metallic buildings) | Development of real estate; development and construction of infrastructure in relation to real estate | [2014] ATMO 10 COCKBURN COAST THE JETTY (1511152) |
|---------------------------------|---|---|

Class 7

Conflicting classes: 8, 9, 11, 12, 21

Similar (within class)

| | | |
|---|--|-------------------------------|
| Power operated saws and parts and fittings | Machines and machine tools for the woodworking industry | (1993) 27 IPR 267 JONSERED |
| Precision grinding machines and precision grinding spindles being parts thereof | Machinery for use in the manufacture of boots and shoes, leather skiving and splitting machines, elelamp raising winches and power hack saws | [1957] RPC 84 FORTUNA |

Different (within class)

| | | |
|-----------------------------|-----------------|----------------------------|
| Marine engines over 5000 hp | Outboard motors | [1980] RPC 250 SEAHORSE |
|-----------------------------|-----------------|----------------------------|

7 & 8

The hand tool and its electric version are similar.

Similar

| Class 7 | Class 8 | Note |
|---|--|---------------------------|
| Agricultural implements, other than hand operated | Agricultural implements (hand tools) | |
| Blade sharpening machines | Blade sharpening instruments | |
| Can/tin openers (electric) | Can/tin openers non-electric | |
| Clippers (machines) | Electric clippers (hand instruments) | |
| Cutters [machines] | Cutters | |
| Drill chucks (parts of machines) | Drill holders (hand tools) | |
| Electric hand drills | Hand drills | |
| Electric knives | Knives Paring/pruning/scaling/mincing knives Choppers (knives) | |
| Electric scissors | Scissors | |
| Hacksaw blades (parts of machines) | Hacksaw blades (parts of hand tools) | |
| Hair clipping machines for animals | Hair clippers for animals | |
| Hand-held tools, mechanically operated | Hand tools, hand operated | |
| Saw blades (parts of hand tools) | Saw blades (parts of machines) | |
| Shears electric | Shears Border shears Pruning shears | |
| Percussion drills | Cartridge riveters and pin-firers | (1979) RPC 155 TORNADO |

7 & 9

Similar

| Class 7 | Class 9 | Note |
|---------|---------|------|
|---------|---------|------|

| | | |
|---|---|------------------------|
| Door openers/closers, electric | Door openers/closers, electric | For claims pre Nice 10 |
| Electric apparatus for sealing plastics (packaging) | Electric apparatus for sealing plastics (packaging) | For claims pre Nice 10 |
| Electroplating/galvanising machines | Electroplating/galvanising machines | For claims pre Nice 10 |
| Elevator or lift operating apparatus | Elevator or lift operating apparatus | For claims pre Nice 10 |
| Fuel dispensing pumps for service stations | Fuel dispensing pumps for service stations | For claims pre Nice 10 |
| Vacuum cleaners | Vacuum cleaners | For claims pre Nice 10 |
| Vending machines | Vending machines | For claims pre Nice 10 |
| Welding equipment | Apparatus for electric welding Arc welding apparatus | For claims pre Nice 10 |

Different

| Class 7 | Class 9 | Note |
|--|-----------|--|
| Machines in this class which incorporate or are controlled by software | Software | |
| Computer controlled automatic assembling machines | Computers | [1988] IPD 1011 (BofT) Automatix Ltd's Appn |

7 & 11

Similar

| Class 7 | Class 11 | Note |
|---|--|------------------------|
| Boilers (parts of machines) | Boilers, not parts of machines | |
| Coffee grinders other than hand operated Electric coffee mills | Coffee machines, electric | |
| Drying machines | Drying apparatus and installations | |
| Fans for engines and motors | Fans (air conditioning) | |
| Filters parts of machines or engines | Filters for air conditioning Filters (parts of household or industrial installations) | |
| Fuel economizers for motors & engines | Fuel economizers | |
| Heat exchangers (parts of machines) | Heat exchangers (not parts of machines) | |
| Soldering lamps | Soldering lamps | For claims pre Nice 10 |
| Steam engine boilers | Steam boilers (other than parts of machines) | |
| Valves (parts of machines) | Valves (level controlling) in tanks | |
| Washing machines | Refrigerators | |
| Water heaters (parts of machines) | Water heaters | |

Different

| Class 7 | Class 9 | Note |
|---|---------------|-------------------------------------|
| Well-drilling and boring machinery, milking machines, engines and windmills | Refrigerators | (1953) 91 CLR 592 SOUTHERN CROSS |

7 & 12

Similar

| Class 7 | Class 12 | Note |
|--|--|------|
| Motors, engines, axles, brakes, clutches, other than for land vehicles | Motors, engines, axles, brakes, clutches, for land vehicles | |
| Motors for air vehicles | Vehicles (air) | |
| Motors for water vehicles | Vehicles (water) | |
| Engine and motor parts for land vehicles | Vehicles (land) Engines and motors for land vehicles | |
| Aeronautical engines | Jet engines for land vehicles | |
| Belts for motors and engines | Motors, electric, for land vehicles Motors for cycles | |
| Connecting rods for machines, motors and engines | Connecting rods for land vehicles, other than parts of motors and engines | |
| Crankcases for machines, motors and engines | Jet engines for land vehicles Motors, electric, for land vehicles Motors for cycles | |
| Cylinders for motors and engines Cylinder heads for engines | Motors for cycles | |
| Engines for air cushion vehicles | Jet engines for land vehicles Motors, electric, for land vehicles | |
| Engines for boats | Jet engines for land vehicles Motors, electric, for land vehicles Motors for cycles | |
| Engines for model vehicles (<i>note: not toy model vehicles</i>) | Motors, electric, for land vehicles Motors for cycles | |
| Exhausts for motors and engines | Jet engines for land vehicles Motors for cycles | |
| Filters for cleaning cooling air (for engines) | Motors, electric, for land vehicles Motors for cycles | |
| Hydraulic engines and motors | Motors, electric, for land vehicles Motors for cycles | |
| Jet engines other than for land vehicles | Jet engines for land vehicles | |
| Mufflers for motors and engines | Motors for cycles | |
| Parts of motors and engines of all kinds | Connecting rods for land vehicles, other than parts of motors and engines Jet engines for land vehicles Motors, electric, for land vehicles Motors for cycles | |
| Starters for motors and engines | Motors, electric, for land vehicles Motors for cycles | |

7 & 21

Similar

| Class 7 | Class 21 | Note |
|---|--|------|
| Blenders, electric, for household purposes | Blenders, non-electric, for household purposes | |
| Fruit presses, electric, for household purposes | Fruit presses, non-electric, for household purposes | |
| Grinders, crushers (electric), for household purposes | Domestic grinders, non-electric | |
| Kitchen machines, electric Mixing machines | Mixing machines, domestic, non-electric | |
| Polishing machines, other than for household purposes | Polishing apparatus & machines for household purposes (non-electric) | |

Decisions including this class

| | | | | | | |
|---------|---------------------|--------|----|-------------------------------------|--|---------------------|
| 2, 3, 7 | Paints and lacquers | differ | 37 | Automotive paint touch-up processes | [1999] <u>ATMO 40</u> <u>(29 April 1999)</u> | DUCO MAGIC (591509) |
|---------|---------------------|--------|----|-------------------------------------|--|---------------------|

Class 8

Conflicting classes: 7, 9, 21

7 & 8 – See Class 7 similar goods

8 & 9

Similar

| Class 8 | Class 9 | Note |
|------------|----------------------|------------------------|
| Flat irons | Flat irons, electric | For claims pre Nice 10 |

8 & 21

Similar

| Class 8 | Class 21 | Note |
|---|--|--|
| Can openers, non-electric Cutlery & hand tools | Bottle openers Kitchen utensils | |
| Knives Ladles Tableware [knives, forks, spoons] | Kitchen utensils, not of precious metals | |
| Spoons | Mixing spoons [kitchen utensils] Kitchen utensils, not of precious metals Spoons (basting -), for kitchen use | |
| Vegetable choppers/knives/shredders/slicers Apple/fruit/vegetable corers | Peelers (fruit and vegetable) | |
| Ladles for wine Sugar tongs Nutcrackers | Ladles for wine Sugar tongs Nutcrackers | These goods moved to class 21 with Nice 11 |

Class 9

Conflicting classes: 9, 11, 16, 28, 37, 38, 41, 42, 45

Similar (within class)

| | | |
|--|--|---|
| Optical discs (CDs, DVDs etc) | Optical goods | If there is no further qualification as to what the optical goods are |
| Computer hardware | Apparatus for recording, transmission or reproduction of sound or images | Identical mark |
| Software | Portable media upon which pre-recorded software can be carried (CDs tapes etc) | Unless specifically claimed to be blank |
| Analysis equipment | Electronic apparatus industrially and/or scientifically employed for measuring, metering etc | [2000] ATMO 110 NEWPORT SCIENTIFIC (730886) |
| Cameras, flashguns for photographic purposes | Photographic exposure meters | [1979] RPC 27 REVUE |

Different (within class)

| | | |
|--|--|---|
| Software | Portable media upon which software can be carried (CDs, tapes etc) where the claim specifically states the media are blank | Media (eg USBs) that carry only driver software to make the USB function are also not similar |
| Software | Computer hardware | |
| Software | Apparatus for recording, transmission or reproduction of sound or images | |
| Optical discs (CDs, DVDs etc) | Optical apparatus and instruments | [2001] ATMO 43 DIE HARD (724090) |
| TV installation accessories including external TV antennas | Televisions | [2011] FCA 94 DIGITEK (Hills Industries Limited v Bitek Pty Ltd) |

9 & 10

Similar

| Class 9 | Class 10 | Note |
|-----------|-----------|------------------------|
| Ear plugs | Ear plugs | For claims pre Nice 10 |

9 & 11

Similar

| Class 9 | Class 11 | Note |
|---|--|--|
| Solar panels, collectors and cells for electricity generation | Solar panels or collectors for heating or lighting | |
| Solar energy collectors for electricity generation | Solar energy collectors for heating or lighting | |
| Apparatus for controlling lighting | Electric lighting | |
| Socks, electrically heated | Socks, electrically heated | These goods moved to class 11 with Nice 11 |

9 & 12

Similar

| Class 9 | Class 12 | Note |
|--------------------------------|--------------------------------|------------------------|
| Cigar lighters for automobiles | Cigar lighters for automobiles | For claims pre Nice 10 |

9 & 16

Similar

| Class 9 | Class 16 | Note |
|---|--|------|
| Credit card imprinters (electric) | Credit card imprinters (non-electric) | |
| Copying apparatus & machines (photographic, electrostatic, & thermic) | Duplicators | |
| Franking machines (electronic) | Franking machines (stamping machines) | |
| Kits comprising recorded materials [discs, software, tapes, recordings etc] and manuals sold together as a unit | Manuals (handbooks) Handbooks (manuals) | |
| Label printers, electronic | Hand labelling appliances | |
| Measuring instruments & apparatus | Rulers (drawing -) Rulers (square -) | |
| Electronic books and publications | Printed matter & publications | |
| Stamping mail (apparatus to check -) | Postage cancelling machines Postage stamping machines | |
| Teaching apparatus | Teaching material except apparatus | |

9 & 21

Similar

| Class 9 | Class 21 | Note |
|---|---|------------------------|
| Electric devices for attracting and killing insects | Electric devices for attracting and killing insects | For claims pre Nice 10 |
| Electric make-up removing appliances | Electric make-up removing appliances | For claims pre Nice 10 |

9 & 26

Similar

| Class 9 | Class 26 | Note |
|--|--|------------------------|
| Hair curlers, other than hand implements | Hair curlers, other than hand implements, electric | For claims pre Nice 10 |

9 & 28

Similar

| Class 9 | Class 28 | Note |
|--|---|--|
| Apparatus for games adapted for use with television receivers only Computer game programs Controllers for use with electronic games of all kinds [joy sticks, steering wheels] | Apparatus for electronic games, other than those adapted for use with television receivers only Games (electronic) incorporating their own visual display facilities | Note the Nice 10 move of electronic games etc from class 28 to class 9, and game consoles from class 9 to class 28 |

| | | |
|---|--|-----------------------------|
| Electronic games adapted for use with independent visual display units only Game programmes [programs] and software for use with electronic games of all kinds Memories and memory extensions for use with electronic games of all kinds Recorded software and programmes for use with electronic games of all kinds | Apparatus for games | |
| Helmets (protective) for sports Mouth guards | Sports guards | |
| Protective helmets for sports | Protective padding [parts of sport suits] | |
| Floats for bathing and swimming Swimming belts Swimming jackets Water wings Kickboards | Floats for bathing and swimming Swimming belts Swimming jackets Water wings Swimming webs (flippers) Kickboards | For claims pre Nice 10 |
| Bicycle safety and sporting helmets including motor vehicle helmets | Sporting articles | [1998] ATMO 16 TAG (589991) |

9 & 37

Similar

| Class 9 | Class 37 | Note |
|---|--|-----------------------------------|
| Alarms | Burglar alarm installation and repair | |
| Computer hardware | Computer hardware service/maintenance | |
| Electric appliances | Electric appliance installation and repair | |
| Projection apparatus | Film projector repair and maintenance | Identical or highly similar marks |
| Fire alarms Fire extinguishing apparatus | Fire protection installation | Identical or highly similar marks |
| Television equipment | TV equipment installation | Identical or highly similar marks |

Different

| Class 9 | Class 37 | Note |
|-------------------|---|------|
| Computer software | Installation, maintenance and repair of computer hardware | |

9 & 38

Similar

| Class 9 | Class 38 | Note |
|---|--|------|
| Communications equipment Data communications equipment Telecommunications equipment | Communications services Data communications services Providing telecommunications connections to a global computer network Providing information online about | |

| Class 9 | Class 38 | Note |
|----------------|--|-------------|
| | telecommunications Rental of communications equipment Switching network services (telecommunications) Telecommunications services Telecommunications consultancy Telecommunications advisory services Telecommunications brokerage | |

Different

| Class 9 | Class 38 | Note |
|-------------------|-------------------------|-------------|
| Computer software | Communications services | |

9 & 41

Similar

| Class 9 | Class 41 | Note |
|--|--|-------------|
| Electronic publications (downloadable) Electronic publications including those sold and distributed online Multimedia publications (electronic and recorded) | Providing on-line electronic publications (not downloadable) Publication of electronic books and journals on-line | |

9 & 42

Similar

| Class 9 | Class 42 | Note |
|--|--|-------------|
| Computer programs Computer software Computer software (with a specific purpose or use) | Computer programming Maintenance of computer software Provision of on-line non-downloadable software (for the same/similar specific purpose or use) Software as a service | |

Different

| Class 9 | Class 42 | Note |
|---|---|-------------|
| Computers, computer hardware, data processing equipment | Computer programming Maintenance of computer software Development of computer software | |
| Computers and data processing equipment | Rental of computer hardware | |
| Computer software | Advisory services related to computer hardware Design and development of computer hardware | |

9 & 45

Similar

| Class 9 | Class 45 | Note |
|-----------------|---------------------|------|
| Security alarms | Security monitoring | |

Decisions including this class

| | | | | | | |
|----------|---|--------|----|---|----------------------------------|---------------------|
| 3, 9, 25 | Cosmetics, eyeglasses, clothing | differ | 18 | Leather, imitation leather goods, umbrellas, bags, wallets and travelling goods | <u>[1999]</u> <u>ATMO 127</u> | MOSSIMO (743475) |
| 9 | Bicycle safety and sporting helmets including motor vehicle helmets | differ | 25 | Sporting clothing including sports wear | <u>[1998]</u> <u>ATMO 16</u> | TAG (589991) |
| 9 | Fashion eyewear | differ | 25 | Clothing | <u>[1996]</u> <u>ATMO 44</u> | FACONNABLE (384634) |

Class 10

Conflicting classes: 5, 9, 11

5 & 10 – See Class 5 similar goods

9 & 10 – See Class 9 similar goods

10 & 11

Similar

| Class 10 | Class 11 | Note |
|--|--|------|
| Medical apparatus for heat exposure sterilisation Medical apparatus for sterilisation | Apparatus for sterilisation Sterilisation autoclaves Sterilisation autoclaves for medical use Ultraviolet water sterilisation units | |

Decisions including this class

| | | | | | | |
|----|---|--------|----|---|-----------------------|----------------------------------|
| 10 | Medical appliances and instruments for hydrotherapy, for medical and therapeutic use in hospitals and nursing homes | differ | 11 | Taps, faucets and cocks for water supply and sanitary installations | <u>[1998] ATMO 57</u> | PRESTO (625069) |
| 10 | Surgical, medical, dental and veterinary instruments and apparatus | differ | 25 | Face masks for surgical purposes | (1984) 2 IPR 402 | CARPEX |
| 10 | Baby soothers and teats for feeding bottles | differ | 29 | Milk & milk products and other foodstuffs | 16 AOJP 1013 | Glaxo Laboratories v Lewis Woolf |

Class 11

Conflicting classes: 7, 9, 10, 17, 19, 21, 37

Similar (within class)

| | | |
|-------------------------------|---|-------------------------------|
| Cooking and heating apparatus | Electric coffee brewing machines | [1997] ATMO 6 PIFCO (477179) |
| Sinks | Taps, shower fittings | [2000] ATMO 126 HANS (709696) |
| Taps and faucets | Stainless steel sinks, urinals and shower trays | (1977) 1 NZIPR 132 REGENCY |

Different (within class)

| | | |
|---|---|---------------------------------|
| Hydrotherapy bathtubs, comprising complete units & specifically intended for medical & therapeutic use in hospitals & nursing homes | Taps, faucets and cocks for water supply and sanitary installations | [1998] ATMO 57 PRESTO (625070) |
| Cooking appliances and parts & accessories in this class for such cooking appliances | Gas wall furnaces and gas heaters | [1997] ATMO 68 FINESSE (652160) |

7 & 11 – See Class 7 similar goods

9 & 11 – See Class 9 similar goods

10 & 11 – See Class 10 similar goods

11 & 17

Similar

| Class 11 | Class 17 | Note |
|---|--|------|
| Pipes (parts of sanitary installations) | Pipe gaskets Pipe jackets, not of metal Pipe muffs, not of metal Junctions for pipes (not of metal) | |
| Regulating accessories for water or gas apparatus and pipes Water intake apparatus | Clack valves of rubber Water tight rings | |
| Valves (level controlling -) in tanks | Clack valves of rubber Valves of indian rubber or vulcanized fibre | |

11 & 19

Similar

| Class 11 | Class 19 | Note |
|---|--|------|
| Spa baths | Spa pools, not of metal | |
| Water pipes for sanitary installations Water supply and sanitary installations | Drain pipes, water pipes, drain traps (not of metal) | |

11 & 21

Similar

| Class 11 | Class 21 | Note |
|---|--|--|
| Baby baths and supports (including inflatable baths) | Baby baths (portable) | Prior to Nice 6, baby baths were classified in class 11 in light of an Office Determination. However Nice 6 placed baby baths in class 21. |
| Coffee percolators | Coffee percolators, non-electric | |
| Cooking utensils | Cooking utensils, non-electric | |
| Pressure cookers, electric | Pressure cookers, non-electric | |
| Insulated thermo electric containers intended to keep the contents thereof cool or warm | Insulated containers in this in this class; insulated plastic containers for use in holding beverages or food stuffs; vacuum flasks and bottles; ice boxes and ice buckets | Hearing Decision No. 108/99 KOOL MATE (604408) |

11 & 37

Similar

| Class 11 | Class 37 | Note |
|----------------------------|---|------|
| Air conditioning apparatus | Repair & installation of air conditioners | |
| Heating installations | Heating installation & repair | |

Decisions including this class

| | | | | | | |
|----|---|--------|----|---|---------------------------------|-----------------|
| 11 | Taps, faucets and cocks for water supply and sanitary installations | differ | 10 | Medical appliances and instruments for hydrotherapy, for medical and therapeutic use in hospitals and nursing homes | <u>[1998]</u> <u>ATMO 57</u> | PRESTO (625069) |
|----|---|--------|----|---|---------------------------------|-----------------|

Class 12

Conflicting classes: 7, 9 35, 37, 42

Similar (within class)

| | | |
|------------------------------------|--------------------|------------------------------|
| Parts and accessories for vehicles | Tyres for vehicles | |
| Tyres for motor cars | Tyres for cycles | (1910) 27 RPC 161 WARWICK |

7 & 12 – See Class 7 similar goods

9 & 12 – See Class 9 similar goods

12 & 35

Similar

| Class 12 | Class 35 | Note |
|--------------------------------|--|------|
| Vehicles and parts of vehicles | Retail and wholesale of vehicles and vehicle parts | |

12 & 37

Similar

| Class 12 | Class 37 | Note |
|------------------|--------------------------------------|------|
| Aeroplanes, cars | Aeroplane and car maintenance | |
| Motor vehicles | Motor vehicle maintenance and repair | |
| Ships | Ship building | |

12 & 42

Similar

| Class 12 | Class 42 | Note |
|--------------------------------|--|--|
| Aeroplanes | Aircraft inspections | |
| Vehicles and parts of vehicles | Retail and wholesale of vehicles and vehicle parts | Pre Nice 8, retail and wholesale services were in class 42 |

Class 13

Conflicting classes: 37

13 & 37

Similar

| Class 13 | Class 37 | Note |
|----------|-----------------|------|
| Firearms | Firearm repairs | |

Class 14

Conflicting classes: 21, 34, 35, 37, 40, 42

Similar (within class)

| | | |
|--------------------------------------|------------------------|---|
| Horological and chronometric devices | Watches and clocks | [2001] ATMO 27 ETERNITY (771190) |
| Watches | Clocks with calculator | 1996) 36 IPR 88 CANNON |
| Watches | Jewellery | [2001] ATMO 52 PAUL PEUGEOT (771492) |

14 & 21

Goods for the same purpose are similar regardless of their composition.

Similar

| Class 14 | Class 21 | Note |
|---|---|------|
| Bowls of precious metal | Glass bowls | |
| Boxes of precious metal Boxes of precious metals for household purposes Containers for household or kitchen use of precious metal | Boxes of glass Boxes for sweetmeats Candy boxes not of precious metals Soap boxes | |
| Cabarets (trays of precious metal) Trays of precious metal, for household purposes | Cabarets (trays) not of precious metal Trays for domestic purposes, not of precious metal | |
| Candelabra / candlesticks of precious metal | Candelabra / candlesticks not of precious metal | |
| Cruets of precious metal Cruet stands for oil and vinegar of precious metal | Cruets, not of precious metal Cruet stands for oil and vinegar not of precious metal | |
| Cruets of precious metal (ecclesiastical) Chalices of precious metal Goblets of precious metal | Cruets not of precious metal (ecclesiastical) Chalices not of precious metal Goblets not of precious metal | |
| Cups of precious metal Goblets of precious metal Mugs of precious metal | Cups, not of precious metal Goblets not of precious metal Mugs, not of precious metal | |
| Egg cups of precious metal | Egg cups, not of precious metal | |
| Flasks of precious metal | Drinking flasks for travellers Flasks, not of precious metal | |
| Household containers / utensils of precious metal | Household containers / utensils not of precious metal | |
| Pepper pots of precious metal Salt cellars of precious metal Salt shakers of precious metal | Pepper mills, hand operated Pepper pots, not of precious metal Salt cellars, not of precious metal Salt shakers, not of precious metal | |

| | | |
|--|--|--|
| Pots of precious metal | Pots, not of precious metal | |
| Services (tableware) of precious metal | Services (tableware) not of precious metal Table plates (metal – but not of precious metal) | |
| Strainers of precious metal Tea strainers of precious metal | Strainers for household purposes Strainers, not of precious metal Tea strainers, not of precious metal | |
| Vases of precious metal | Vases, not of precious metal | |

14 & 34

Similar

| Class 14 | Class 34 | Note |
|------------------------------------|------------------------------------|---|
| Smokers articles of precious metal | Smokers articles of precious metal | These goods moved to class 34 with Nice 9 |
| Ashtrays of precious metal | Ashtrays of precious metal | These goods moved to class 34 with Nice 9 |

14 & 35

Similar

| Class 14 | Class 35 | Note |
|-----------|---|-----------------------------------|
| Jewellery | Direct selling of jewellery by party-plan Specialist retail of jewellery | Identical or highly similar marks |

14 & 37

Similar

| Class 14 | Class 37 | Note |
|-----------------|------------------------|------|
| Clocks, watches | Clock and watch repair | |

14 & 40

Similar

| Class 14 | Class 40 | Note |
|-----------|---------------------------------|------|
| Jewellery | Custom manufacture of jewellery | |

14 & 42

Similar

| Class 14 | Class 42 | Note |
|-----------|--|--|
| Jewellery | Specialist retail of jewellery Jewellery design | Pre Nice 8, retail and wholesale services were in class 42 |

Decisions including this class

| | | | | | | |
|----|-------------------------------|--------|------------|--|----------------|---------------|
| 14 | Electronic watches and clocks | differ | 18, 25, 28 | Clothing, footwear, leather goods, sporting articles and games and | [2001] ATMO 85 | REEF (727395) |
|----|-------------------------------|--------|------------|--|----------------|---------------|

| | | | | | | |
|--|--|--|--|------------|--|--|
| | | | | playthings | | |
|--|--|--|--|------------|--|--|

Class 15

Conflicting classes: None

Decisions including this class

| | | | | | | |
|----|---------------------------------|--------|----|--|---------------------|-------------------------|
| 15 | Accordions and mouth organs | differ | 9 | Sound recording and sound reproducing machines | (1922) 17 AOJP 294 | MELBA |
| 15 | Strings for musical instruments | differ | 15 | Pianos | (1915) 10 AOJP 639 | W.H. Paling & Co's Appn |
| 15 | Electronic musical instruments | differ | 41 | Music entertainment | H.D. No. 57 of 1994 | EMU MUSIC |

Class 16

Conflicting classes: 5, 9, 28, 40, 41, 42

5 & 16 – See Class 5 similar goods

9 & 16 – See Class 9 similar goods

16 & 28

Similar

| Class 16 | Class 28 | Note |
|---------------|---------------|-----------------------|
| Playing cards | Playing cards | For claims pre Nice 8 |

16 & 40

Similar

| Class 16 | Class 40 | Note |
|----------------|-----------------------|------|
| Lithographs | Lithographic printing | |
| Printed matter | Offset printing | |

16 & 41

Similar

| Class 16 | Class 41 | Note |
|---------------------------------------|----------------------|------|
| Magazines | Magazine publishing | |
| Printed matter (educational material) | Educational services | |
| Photographs | Photography | |

16 & 42

Similar

| Class 16 | Class 42 | Note |
|---|--|--------------------------------------|
| Graphic representations, prints | Graphic art design | |
| Telephone books, telephone directories & business directories | an interactive computer database in the field of general information such as names, addresses, telephone numbers and advertisement | [1999] ATMO 10 YELLOWNET (663017) |

Decisions including this class

| | | | | | | |
|----|--|------|----|--|--------------------------------|------------------|
| 16 | Display articles and display stands made of cardboard, for desktop or countertop use | same | 20 | Display stands made of recycled materials, cardboard or cardboard composites, or substitutes for wood or plastic | <u>[2010]</u> <u>ATMO 9</u> | ECOPOP (1218890) |
|----|--|------|----|--|--------------------------------|------------------|

Class 17

Conflicting classes: 6, 11, 19, 37

6 & 17 – See Class 6 similar goods

11 & 17 – See Class 11 similar goods

17 & 18

Similar

| Class 17 | Class 18 | Note |
|---------------------------|------------|-----------------------|
| Horseshoes (not of metal) | Horseshoes | For claims pre Nice 9 |

17 & 19

Similar

| Class 17 | Class 19 | Note |
|-------------------------------|--|------|
| Asbestos goods in class 17 | Asbestos cement/mortar | |
| Flexible tubes not of metal | Water pipes, flexible pipes - not of metal | |
| Insulating material | Insulating glass (building) | |
| Insulating paper | Building cardboard | |
| Plastic in the form of sheets | Building glass | |
| Valves of rubber | Valves not of metal or plastic | |

17 & 37

Similar

| Class 17 | Class 37 | Note |
|----------|---|---|
| | Installation / maintenance / repair of class 17 goods | Identical or highly similar marks, a real chance of confusion |

Class 18

Conflicting classes: 6, 17

6 & 18 – See Class 6 similar goods

17 & 18 – See Class 17 similar goods

18 & 29

Similar

| Class 18 | Class 29 | Note |
|-------------------------|---|------------------------|
| Gut for making sausages | Gut for making sausages Sausage casings, natural or artificial | For claims pre Nice 11 |

Decisions including this class

| | | | | | | |
|------------|---|--------|----------|---------------------------------|-----------------|---------------------|
| 18 | Leather, imitation leather goods, umbrellas, bags, wallets and travelling goods | differ | 3, 9, 25 | Cosmetics, eyeglasses, clothing | [1999] ATMO 127 | MOSSIMO (743475) |
| 18, 25, 28 | Clothing, footwear, leather goods, sporting articles and games and playthings | differ | 14 | Electronic watches and clocks | [2001] ATMO 85 | REEF (727395) |
| 18 | Travel goods | differ | 16 | Stationery goods | [1994] ATMO 92 | LE PELICAN (573853) |
| 18 | Leather goods in this class including personal leather goods including luggage, handbags, wallets, key cases and purses | differ | 25 | Clothing, footwear and headwear | [1999] ATMO 56 | MUNDI (630361) |

Class 19

Conflicting classes: 6, 11, 17, 37

Similar (within class)

| | | |
|---|---------------|--|
| Construction materials comprising vinyl or rubber stair nosings | Ceramic tiles | [1999] ATMO 119 JOHNSONITE (610932...) |
|---|---------------|--|

6 & 19 – See Class 6 similar goods

11 & 19 – See Class 11 similar goods

17 & 19 – See Class 17 similar goods

19 & 37

Similar

| Class 19 | Class 37 | Note |
|---|--|---|
| Asphalt Asphalt paving Road coating materials | Asphalting Road paving | Identical or highly similar marks, a real chance of confusion |
| Doors, not of metal Windows, not of metal | Installation | Identical or highly similar marks, a real chance of confusion |
| Roofs, not of metal | Installation Construction | Identical or highly similar marks, a real chance of confusion |
| Buildings, not of metal | Building Construction Housing construction | Identical or highly similar marks, a real chance of confusion |

Class 20

Conflicting classes: 6, 21, 24

Different (within class)

| | | |
|--|--------------------------|---|
| Furniture, screens, and partitions of wood for furniture | Door and window hardware | [1999] ATMO 86 INTERLOCK JOINERY (708445) |
| Venetian blinds | Furniture | [1987] AIPC 90-454 PERMA/PERMACRAFT |

6 & 20 – See Class 6 similar goods

20 & 21

Similar

| Class 20 | Class 21 | Note |
|---|---|------|
| Baskets, not of metal Bread baskets (bakers') | Baskets for domestic use, not of precious metal Bread baskets (domestic) Picnic baskets (fitted – including dishes) | |
| Baskets and bins Bins, not of metal Bins of wood or plastic Composting bins not of metal | Baskets and bins Bread bins Dust bins Refuse bins | |
| Bottle closures not of metal Bottle caps not of metal | Drip preventing rings and collars for bottles | |
| Busts of wood, wax, plaster or plastic Statues of wood, wax, plaster or plastic Statuettes of wood, wax, plaster or plastic Figurines of wood, wax, plaster or plastic | Busts of china, terra-cotta or glass Statues of porcelain, terra-cotta or glass Statuettes of porcelain, terra-cotta or glass Figurines of porcelain, terra-cotta or glass | |
| Dispensers (towel) fixed, not of metal Dispensers (toilet paper) fixed, not of metal | Boxes of metal for dispensing paper towels | |
| Hampers | Picnic baskets (fitted – including dishes) | |
| Packaging containers of plastic Packaging containers of paper, plastic, and metal, predominantly not of metal | Containers for household or kitchen use except in precious metal | |

20 & 24

Similar

| Class 20 | Class 24 | Note |
|--|---|--|
| Indoor window blinds [furniture] | Blinds [outdoor] of textile Curtains | |
| Mattresses (sleeping pads of foam plastic for camping) | Sleeping bags (sheeting) | All sleeping bags moved to class 24 with Nice 11 |

| | | |
|--|-------------------------------------|--|
| Sleeping bags for camping Sleeping pads of foam plastic for use when camping (mattresses) | Sleeping bags | |
| Curtain holders not of textile material Curtain hooks, rings, rods, rollers, tie-backs, rails | Curtain holders of textile material | |

Different

| Class 20 | Class 24 | Note |
|-----------------|--|-------------|
| Mattresses | Bed blankets Bed covers Mattress covers Ticks [mattress covers] | |

Class 21

Conflicting classes: 3, 7, 8, 9, 11, 14, 20, 26

3 & 21 – See Class 3 similar goods

7 & 21 – See Class 7 similar goods

8 & 21 – See Class 8 similar goods

9 & 21 – See Class 9 similar goods

11 & 21 – See Class 11 similar goods

14 & 21 – See Class 14 similar goods

20 & 21 – See Class 20 similar goods

21 & 26

Similar

| Class 21 | Class 26 | Note |
|-----------------|-----------------|------------------------|
| Tea cosies | Tea cosies | For claims pre Nice 10 |

Class 22

Conflicting classes: 6, 26

[6 & 22](#) – See Class 6 similar goods

[22 & 26](#)

Similar

| Class 22 | Class 26 | Note |
|----------------------------------|--------------------|------------------------|
| Hair (broad claim) Human hair | Hair (broad claim) | For claims pre Nice 10 |

Class 23

Conflicting classes: 26

23 & 26

Similar

| Class 23 | Class 26 | Note |
|-------------------|--|------------------------|
| Yarns and threads | Craft kits for needlecraft Fancy goods (embroidery) Thread of metal for embroidery | For claims pre Nice 10 |

Class 24

Conflicting classes: 20, 27, 40

Similar (within class)

| | | |
|--------|--------|---------------------------------------|
| Towels | Sheets | (1993) 26 IPR 246 POLO : POLO CLUB |
|--------|--------|---------------------------------------|

20 & 24 – See Class 20 similar goods

24 & 27

Similar

| Class 24 | Class 27 | Note |
|--|--|------|
| Tapestry (wall hangings), of textile Wall hangings of textile | Tapestry (wall hangings), not of textile Wall hangings not of textile | |

24 & 40

Similar

| Class 24 | Class 40 | Note |
|----------|--------------------------------|------|
| Curtains | Custom manufacture of curtains | |

Class 25

Conflicting classes: 35, 40, 42

Similar (within class)

| | | |
|---|----------------------------------|---|
| Casual clothing and sportswear excluding footwear Men's and boys' clothing | Athletic shoes, shoes | (1992) AIPC 90-931 BALANCE (434527, 483228) |
| Women's underwear | Stockings, knee highs, pantihose | H.D. No. 38 of 1994 INTRIGUE (76405) |

Different (within class)

| | | |
|---------------------------|---------------------|---------------------------|
| Boots, shoes and slippers | Stockings and socks | [1957] RPC 177 EXCELLA |
|---------------------------|---------------------|---------------------------|

25 & 35

Similar

| Class 25 | Class 35 | Note |
|--------------------|---|------|
| Clothing, footwear | Retail and wholesale of clothing / footwear | |

25 & 40

Similar

| Class 25 | Class 40 | Note |
|--------------------|---|------|
| Clothing, footwear | Custom manufacture of clothing / footwear | |

25 & 42

Similar

| Class 25 | Class 42 | Note |
|--------------------|---|--|
| Clothing, footwear | Retail and wholesale of clothing & footwear Apparel (creating, styling and designing) Designing (fashion and clothing) Dress designing Design | Pre Nice 8, retail and wholesale services were in class 42 |

Decisions including this class

| | | | | | | |
|----|---|--------|---|---|---------------------|---------------------|
| 25 | Clothing | differ | 3 | Cosmetics | (1993) AIPC 90-961 | PUMA |
| 25 | Sporting clothing including sports wear | differ | 9 | Bicycle safety and sporting helmets including motor vehicle helmets | H.D. No. 16 of 1998 | TAG (589991) |
| 25 | Clothing | differ | 9 | Fashion eyewear | H.D. No. 44 of 1996 | FACONNABLE (384634) |

| | | | | | | |
|------------|---|--------|----|-------------------------------|---------------------|-----------------------------|
| 18, 25, 28 | Clothing, footwear, leather goods, sporting articles and games and playthings | differ | 14 | Electronic watches and clocks | H.D. No. 85 of 2001 | REEF (727395) |
| 25 | Clothing | differ | 18 | Leathergoods | H.D. No. 99 of 1994 | VITALIANO PANCALDI (493209) |
| 25 | Sports clothing | differ | 28 | Sporting goods | (1993) AIPC 90-967 | SPORTCRAFT : SPORTSCRAFT |

Class 26

Conflicting classes: 9, 22, 23

9 & 26 – See Class 9 similar goods

22 & 26 – See Class 22 similar goods

23 & 26 – See Class 23 similar goods

Class 27

Conflicting classes: 24, 37

Similar (within class)

| | | |
|---|------------------|---|
| Rubber compositions for covering floors | Mats and matting | (1931) 1 AOJP 981 International Rubber Processes Appn |
|---|------------------|---|

24 & 27 – See Class 24 similar goods

27 & 37

Similar

| Class 27 | Class 37 | Note |
|----------|--------------------------------------|------|
| Carpet | Carpet installation Carpet laying | |

Class 28

Conflicting classes: 9, 16

9 & 28 – See Class 9 similar goods

16 & 28 – See Class 16 similar goods

Decisions including this class

| | | | | | | |
|----|-----------------|--------|----|---------------------|------------------------|-----------------------------|
| 28 | Children's toys | differ | 25 | Children's clothing | H.D. No. 12 of 1995 | LITTLE TYKE (512137) |
| 28 | Sporting goods | differ | 25 | Sports clothing | (1993) AIPC 90-967 | SPORTCRAFT : SPORTSCRAFT |

Class 29

Conflicting classes: 5, 30, 31, 32

Similar (within class)

| | | |
|-----------------|--------------------------|-------------------------------------|
| Cocoa | Coffee | (1888) 5 RPC 130 RED, WHITE & BLUE |
| Cocoa | Tea | H.D. No. 5 of 1995 QUIX (554344...) |
| Canned meat | Chilled and frozen meats | (1934) 4 AOJP 229 |
| Egg substitutes | Egg products | EGALL/EGROL (1922) 39 RPC 155 |

5 & 29 – See Class 5 similar goods

29 & 30

Similar

| Class 29 | Class 30 | Note |
|--|--|------|
| Fruit (cooked) Fruit jellies (desserts) Fruit salads Fruit (stewed) | Custard and fruit mixtures fruit tarts | |
| Milk products | Custard | |
| Preserved fruit | Fruit jellies (confectionery) | |
| Meat substitutes prepared from vegetables [textured vegetable protein] | Meat substitutes prepared from cereals | |
| Meat (cooked, dried, packed, tinned, prepared etc) Meat patties (hamburgers), hamburger patties | Combinations of rice and meat (rice predominating) Dim sims Hamburgers (meat patties in sandwich with filling), hamburgers [sandwiches] Meat dumplings Meat in pastry casing Meat pies Pies Sausage rolls Spring rolls | |
| Nuts, prepared | Chocolate-coated nuts | |
| Vegetables (cooked, dried, packed, tinned, prepared etc) | Combinations of rice and vegetables (rice predominating) Combinations of egg/dairy products & vegetables with a pastry base (quiches, | |

| | | |
|--|--|--|
| | flans etc) Dim sims Pies Spring rolls Vegetable dumplings Vegetable pies | |
| Milk and milk products Milk beverages Smoothies (milk beverages) | Cocoa beverages with milk Chocolate beverages with milk Coffee beverages with milk | |
| Sashimi (sliced raw fish) | Sushi (boiled rice + meat/fish/vegetables etc) | |
| Yoghurt Yoghurt for drinking | Frozen yoghurt Yoghurt confections | |

29 & 31

Similar

| Class 29 | Class 31 | Note |
|---|------------------------|------|
| Fish, not live | Fish, live | |
| Fruit (fresh pre-cut, ready to serve) Fruit (frozen) Fruit salads | Fresh fruits | |
| Nuts, prepared | Nuts (fruits) | |
| Pollen prepared as foodstuff | Pollen (raw materials) | |
| Vegetables (fresh pre-cut, ready to serve) Vegetables (frozen) Vegetable salads | Fresh vegetables | |

29 & 32

Similar

| Class 29 | Class 32 | Note |
|--|---|--|
| Milk and milk products | Soya based beverages | |
| Milk products Milk beverages | Beverages (whey) | |
| Vegetable juices for cooking | Vegetable juices (beverages) | |
| Almond milk-based beverages Peanut milk-based beverages | Milk of almonds [beverages] Peanut milk [non-alcoholic beverage] | These goods moved to class 29 with Nice 11 |
| Coconut milk [beverage] Coconut milk-based beverages | Coconut milk used as beverage | These goods moved to class 29 with Nice 11 |

Class 30

Conflicting classes: 5, 29, 31, 43

5 & 30 – See Class 5 similar goods

29 & 30 – See Class 29 similar goods

30 & 31

Similar

| Class 30 | Class 31 | Note |
|--|-------------------------------------|----------------------------------|
| Barley (crushed) Barley (husked) Barley meal | Barley | |
| Cereal preparations | Cereal seeds, unprocessed Grains | |
| Maltose Malt for food Malt extract for food | Malt for brewing and distilling | |
| Oat flakes Crushed oats Husked oats | Oats | |
| Spices | Herbs (fresh) | |
| Yeast | Yeast for animals | |
| Pepper | Herbs | (1964) 34 AOJP 2601 MEDALLION |

30 & 43

Similar

| Class 30 | Class 43 | Note |
|-----------------|-----------------|---|
| Coffee | Coffee shops | Identical dominant and distinctive element |

Class 31

Conflicting classes: 1, 5, 29, 30

[1 & 31](#) – See Class 1 similar goods

[5 & 31](#) – See Class 5 similar goods

[29 & 31](#) – See Class 29 similar goods

[30 & 31](#) – See Class 30 similar goods

Decisions including this class

| | | | | | | |
|----|-------------------------|--------|----|---------------------------------|---------------------|---------------------|
| 31 | Live flowers and plants | differ | 21 | Containers and pots for flowers | H.D. No. 91 of 1994 | TELEFLOWER (624732) |
|----|-------------------------|--------|----|---------------------------------|---------------------|---------------------|

Class 32

Conflicting classes: 5, 29, 33

Similar (within class)

| | | |
|-------------------------|--|--|
| Non-alcoholic beverages | Syrups and preparations for making non-alcoholic beverages | LION and device (584191, 708825) H.D. No. 84 of 1999 |
| Non-alcoholic beer | Beer | |

Different (within class)

| | | |
|------|---------------------------|--|
| Beer | Soft drink Fruit juice | |
|------|---------------------------|--|

5 & 32 – See Class 5 similar goods

29 & 32 – See Class 29 similar goods

32 & 33

Similar

| Class 32 | Class 33 | Note |
|---|--|-----------------------------------|
| All goods in class 32 (where not further specified) | Wine Alcoholic beverages | |
| Beverages containing not more than 1.15% alcohol | Alcoholic beverages | |
| Beer | Alcoholic beverages except beer | |
| Beer | Wine | [2009] FCAFC 27 BAREFOOT (787765) |
| Beer | Pre-mixed alcoholic beverages Cider | |
| Essences for making beverages | Alcoholic essences Alcoholic extracts | |
| Fruit extracts (non-alcoholic) | Fruit extracts (alcoholic) | |
| Alcohol free or de-alcoholised wine | Wine | |
| Non-alcoholic beverages | Alcoholic beverages Wine | |
| Non-alcoholic cider | Cider | |
| Non-alcoholic cocktails | Cocktails | |

Not Similar

| Class 32 | Class 33 | Note |
|----------------------------|-------------------------|--|
| Non-alcoholic beverages | RTD (ready to drink) | <i>New Zealand Wines and Spirits Limited v Demerara Distillers Limited</i> [2002] NZIPOTM 30 at 8 |
| Beer | Spirits and/or liqueurs | |
| Fruit juice Grape juice | Wine | |
| Fruit juice Soft drinks | RTD (ready to drink) | <i>Glenn Elliot v Heineken Asia Pacific Pte. Ltd</i> [2014] NZIPOTM 18 <i>New Zealand Wines and Spirits Limited v Demerara Distillers Limited</i> [2002] NZIPOTM 30 |

Decisions including this class

| | | | | | | |
|------------|---|--------|---------|--|---------------------|---|
| 29, 30, 32 | Mineral and aerated waters, chicken, fish, coleslaw, hamburgers, apple pies and cookies | differ | 29 | Flavoured milk | [1987] AIPC 90-425 | M |
| 32 | Cordials | same | 29 | Ice block mix | (1964) 34 AOJP 2601 | MEDALLION (McVitty's Appn) |
| 32 | Beverages | differ | 30 | Confectionery | (1999) AIPC 91-453 | COKE (The Coca-Cola Co v All-Fect Distributors Ltd) FCA |
| 32 | Non-alcoholic beverages | same | 32 | Syrups and preparations for making non-alcoholic beverages | H.D. No. 84 of 1999 | LION and device (584191, 708825) |
| 32 | All goods in class 32 | differ | 42 (43) | Establishment, operation and conduct of outlets, venues and facilities for the supplying and provision of meals and refreshments, including restaurants, cafes, ... cafeterias, ..., takeaway stores and fast-food outlets | [2002] FCA 288 | Waltzing Matilda |

Class 33

Conflicting classes: 32

Similar (within class)

| | | |
|------------------------|--|--|
| Rum | Brandy | (1991) 21 IPR 223 COMMANDO |
| Rum | Rum cocktails | [1969] RPC 600 DAIQUIRI |
| Wine | Spirits | (1889) 6 RPC 311GOLDEN FLEECE (Aust Wine Importers Case) IPD 12098\SPENDRUP'S Spirits is a broad term that includes grape- based and non-grape- based spirits |
| Wine | Grappa Brandy | Spirits are grape-based |
| Wine Fortified wine | Bourbon Gin Rum Vodka Whisky | Wine is a broad term that includes fortified wine. Fortified wine could be fortified with any spirit |
| Wine Fortified wine | Liquor | |
| Spirits | Liqueur | |
| Wine | Cider | |
| Low alcohol wine | Wine | |

Different (within class)

| | | |
|--------------------------------|----------------------------------|--|
| Wine, excluding fortified wine | Bourbon, gin, rum, vodka, whisky | Not similar, as the identified spirits are not grape-based |
|--------------------------------|----------------------------------|--|

[32 & 33](#) – See Class 32 similar goods

Decisions including this class

| | | | | | | |
|----|---|--------|----|-----------------------------|------------------------|---|
| 33 | Wine | same | 32 | Beer | [2009] FCAFC 27 | BAREFOOT (787765) |
| 33 | All kinds of alcoholic beverages in this class, including liqueurs and rum | differ | 41 | Entertainment, nightclub | H.D. No. 35 of 1998 | CLUB HAVANNA OF CANBERRA (670435...) |

| | | | | | | |
|----|--|--------|------------|---|------------------------|---|
| 33 | All kinds of alcoholic beverages in this class, including liqueurs and rum | differ | 42 (43) | Restaurants | H.D. No. 35 of 1998 | CLUB HAVANNA OF CANBERRA (670435...) |
| 33 | Wines, spirits and liqueurs | differ | 42 (43) | Establishment, operation and conduct of outlets, venues and facilities for the supplying and provision of meals and refreshments, including restaurants, cafes, ... caterias, ... takeaway stores and fast-food outlets | [2002] FCA 288 | Waltzing Matilda |

Class 34

Conflicting classes: 14

14 & 34 – See *Class 14 similar goods*

Decisions including this class

| | | | | | | |
|----|--|--------|----|------------------|-------------------|--------|
| 34 | Raw or manufactured tobacco, smoker's articles and matches | Differ | 31 | Seeds and grains | (1987) 10 IPR 124 | DORADO |
|----|--|--------|----|------------------|-------------------|--------|

Class 35

Conflicting classes: 12, 14, 25, 36, 38, 40, 41, 42, 43

[12 & 35](#) – See Class 12 similar goods

[14 & 35](#) – See Class 14 similar goods

[25 & 35](#) – See Class 25 similar goods

35 & 36

Similar

| Class 35 | Class 36 | Note |
|---|--|-------------------------------|
| Accountancy services Business management Commercial or industrial management assistance Tax services (business management and accountancy services) | Financial advisory services Financial management Financial planning and forecasting Investment management | |
| Business appraisal | Financial business appraisal | |
| Business consultancy services relating to insolvency | Insolvency services (financial) Debt collection and recovery Debt restructuring | |
| Business strategy services | Financial strategy services | |
| Auctioneering Compiling real estate brokerage listings Housing and real estate displays and exhibitions (organization of -) for promotion or advertising purposes Real estate sales exhibits (preparation of -) | Real estate agencies Real estate brokerage Real estate consultancy Real estate management | |
| Cost price analysis | Financial analysis | |
| Economic analysis for business purposes | Financial economic analysis | |
| Evaluation/valuation/grading of standing timber/wool | Financial evaluation/valuation/grading of standing timber/wool | For claims pre Nice 10 |
| Business administration, assistance, and management services | Financial services; providing information... about... financial and monetary affairs | 2011 ATMO 93 DFO (1287184) |

35 & 38

Similar

| Class 35 | Class 38 | Note |
|---------------------------------------|--|------|
| Retail of telecommunications services | Provision of telecommunications services | |

35 & 39

Similar

| Class 35 | Class 39 | Note |
|---------------------------------------|-----------------------------|------|
| Retail and/or wholesale of utilities | Distribution of utilities | |
| Retail of gas supply services | Gas supply services | |
| Retail of electricity supply services | Electricity supply services | |
| Retail of water supply services | Water supply services | |

35 & 40

Similar

| Class 35 | Class 40 | Note |
|---------------------|---------------------------------|------|
| Retail of jewellery | Custom manufacture of jewellery | |

35 & 41

Similar

| Class 35 | Class 41 | Note |
|--|---|------|
| Modelling for advertising or sales promotion | Modelling services (artist's -) | |
| Organisation of exhibits or trade fairs for commercial or advertising purposes | Organisation of exhibits or trade fairs for education, entertainment, sporting, cultural purposes | |

35 & 42

Similar

| Class 35 | Class 42 | Note |
|--|---|------------------------|
| Gas and oil lease administration | Analyses for oil-field exploitation Oil-field surveys, testing Oil-well testing | |
| Compilation of information into computer data bases | Conversion of data or documents from physical to electronic media | |
| Evaluation/valuation/grading of standing timber/wool - | Quality evaluation/valuation/grading of standing timber/wool | For claims pre Nice 10 |

35 & 43

Similar

| Class 35 | Class 43 | Note |
|--------------------------|--|------|
| Retail of food and drink | Catering (food and drink) Internet café services [provision of food and drink prepared for consumption] | |

| | | |
|--|--|--|
| | Preparation of take away and fast food Provision of food and drink Self service restaurants Take away food services | |
|--|--|--|

35 & 45

Similar

| Class 35 | Class 45 | Note |
|--|----------------|--|
| Patent attorney services Trade mark attorney services Patent, design and trade mark searching services | Legal services | Some older registrations owned by IP professionals have these services in class 35 |

Class 36

Conflicting classes: 35, 37, 41, 42, 43

Different (within class)

| | | |
|------------------|---|---|
| Banking services | Real estate transactions, land broking; business transfer services; trustees of estates | H.D. No. 33 of 1996 PIPER ALDERMAN (527505) |
|------------------|---|---|

35 & 36 – See *Class 35 similar goods*

36 & 37

Similar

| Class 36 | Class 37 | Note |
|--|-------------------------|------|
| Sales of property in real estate developments | Real estate development | |
| Real estate sales services relating to real estate development or property development | Property development | |

36 & 41

Similar

| Class 36 | Class 41 | Note |
|------------------------|------------------------|---|
| Operation of lotteries | Operation of lotteries | Pre Nice 8, these services were in class 36 |
| Gambling / gaming | Gambling / gaming | |

36 & 42

Similar

| Class 36 | Class 42 | Note |
|--|---|-----------------------|
| Accommodation bureaux (apartments) Provision of long term accommodation | Accommodation bureaux (hotels, boarding houses) Accommodation reservations (temporary) Consultancy and advisory services relating to the provision of temporary accommodation Information services relating to the provision of temporary accommodation Resort accommodation Temporary accommodation | For claims pre Nice 8 |

36 & 43

Similar

| Class 36 | Class 43 | Note |
|--|---|------|
| Accommodation bureaux (apartments) Provision of long term accommodation | Accommodation bureaux (hotels, boarding houses) Accommodation reservations (temporary) | |

| | | |
|--|--|--|
| | Consultancy and advisory services relating to the provision of temporary accommodation Information services relating to the provision of temporary accommodation Resort accommodation Temporary accommodation | |
|--|--|--|

Decisions including this class

| | | | | | | |
|----|--|--------|---------|--|---------------------|---|
| 36 | Financial services; providing information... about... financial and monetary affairs | same | 35 | Business administration, assistance, management and advertising services | 2011 ATMO 93 | DFO (1287184) |
| 36 | Banking services | differ | 42(45) | Legal services | H.D. No. 33 of 1996 | PIPER ALDERMAN (527503) |
| 36 | Property management services, retail and office leasing services | differ | 42 (43) | Hotel management | (1999) AIPC 91-452 | CHIFLEY TOWER (The Australian Tourism Company Ltd v MID Sydney FCA) |

Class 37

Conflicting classes: 6, 9, 11, 12, 13, 14, 17, 19, 27, 36, 38, 40, 42, 44

6 & 37 – See Class 6 similar goods

9 & 37 – See Class 9 similar goods

11 & 37 – See Class 11 similar goods

12 & 37 – See Class 12 similar goods

13 & 37 – See Class 13 similar goods

14 & 37 – See Class 14 similar goods

17 & 37 – See Class 17 similar goods

19 & 37 – See Class 19 similar goods

27 & 37 – See Class 27 similar goods

36 & 37 – See Class 36 similar goods

37 & 38

Similar

| Class 37 | Class 38 | Note |
|--|---|------|
| Communication equipment repair | Communications (data) Communication equipment hire | |
| Telephone installation and repair | Telephone services | |
| Telecommunications equipment installation and repair | Telecommunication services | |

37 & 40

Similar

| Class 37 | Class 40 | Note |
|--|--|------|
| Clothing repair | Clothing alteration | |
| Installation/repair of cabinets, joinery | Custom manufacture (cabinets, joinery) | |
| Installation/repair of locks | Custom manufacture (locksmithing) | |

37 & 42

Similar

| Class 37 | Class 42 | Note |
|--|---|------|
| Building construction supervision Civil engineering Construction | Architecture Building and structural inspection services [engineering, quality assessment, and surveying services] | |

| | | |
|---|--|--|
| | Civil engineering (design) Construction drafting Engineering Land surveying Surveys and inspections (engineering -) | |
| Computer hardware (installation, maintenance and repair of -) Computer peripherals (installation, maintenance and repair of -) Computer support services [installation repair & maintenance of computer hardware & peripherals] | Computer data (recovery of -) Computer hardware (consultancy in the field of -) Computer software (repair of -) Computer support services [programming and software installation, repair and maintenance services] | |

37 & 44

Similar

| Class 37 | Class 44 | Note |
|--|--|------|
| Exterminating (vermin -) other than for agriculture | Exterminating (vermin -) for agriculture, horticulture and forestry | |
| Rental of bulldozers Rental of construction equipment | Rental of agricultural equipment Rental of farming equipment | |
| Farming equipment repair and maintenance | Farming equipment rental Rental of agricultural equipment | |

Decisions including this class

| | | | | | | |
|----|---|--------|---------|---|--------------------------------------|------------------------------------|
| 37 | Automotive paint touch-up processes | differ | 2, 3, 7 | Paints and lacquers | [1999] ATMO 40 (29 April 1999) | DUCO MAGIC (591509) |
| 37 | Development of real estate; development and construction of infrastructure in relation to real estate | differ | 6 | Apartments (metallic structures or buildings) | [2014] ATMO 10 | COCKBURN COAST THE JETTY (1511152) |

Class 38

Conflicting classes: 9, 35, 37, 41, 42

9 & 38 – See Class 9 similar goods

35 & 38 – See Class 35 similar goods

37 & 38 – See Class 37 similar goods

38 & 41

Similar

| Class 38 | Class 41 | Note |
|--|---|-------------|
| Cable television broadcasting Pay television broadcasting Radio broadcasting Television broadcasting | Distribution of radio and television programmes [rental of programme material] Electronic publication of information on a wide range of topics, including on-line and over a global computer network Pay television entertainment Production of radio programmes Production of television programmes Radio drama programs Radio entertainment Television entertainment | |
| Communications by computer terminals | Electronic publication of information on a wide range of topics, including on-line and over a global computer network | |
| Netcasting [broadcasting over a global computer network] Providing telecommunications connections to a global computer network Providing user access to a global computer network (service providers) Web portal services [providing user access to a global computer network] Webcasting services [broadcasting over a global computer network] | Electronic publication of information on a wide range of topics, including on-line and over a global computer network | |
| News agencies (<i>not to be confused with the local news agent</i>) News broadcasting News reporting (syndicated -) News retrieval service (electronic) Wire services | News and current affairs programmes (production of -) News programming and programmes News reporter services | |

38 & 42

Similar

| Class 38 | Class 42 | Note |
|--|---|------|
| Telephone services | Telephone messages (recorded -) | |
| Communications by computer terminals Computer aided transmission of messages | Computer consultancy Computer services | |
| Netcasting [broadcasting over a global computer network] Providing telecommunications connections to a global computer network Providing user access to a global computer network (service providers) Web portal services [providing user access to a global computer network] Webcasting services [broadcasting over a global computer network] | Computer consultancy Computer programming Computer services Hosting computer websites Leasing access time to a computer | |
| Rental of modems | Rental of computer equipment | |

Decisions including this class

| | | | | | | |
|----|---|------|---|---|------------|------------------|
| 38 | Services involving the communication of data (including sounds and images) by satellite | same | 9 | Apparatus for recording, transmission or reproduction of data, sound or images; radio communications apparatus and instruments and parts and fittings | 27 IPR 309 | STARNET (Aussat) |
|----|---|------|---|---|------------|------------------|

Class 39

Conflicting classes: 4, 35, 42, 43

Similar (within class)

| | | |
|---|------------------------|--|
| Transportation services (<i>broad claim or of people</i>) | Travel agents services | [2011] ATMO 30 Voyager Club (1215724) |
|---|------------------------|--|

4 & 39 – See Class 4 similar goods

35 & 39 – See Class 35 similar goods

39 & 42

Similar

| Class 39 | Class 42 | Note |
|---|--------------------|-----------------------|
| Tourist offices (except for hotel reservation) Transport reservation Travel reservation | Hotel reservations | For claims pre Nice 8 |

39 & 43

Similar

| Class 39 | Class 43 | Note |
|---|--------------------|-------------------------|
| Tourist offices (except for hotel reservation) Transport reservation Travel reservation | Hotel reservations | For claims after Nice 8 |

Decisions including this class

| | | | | | | |
|----|--------------------------------|--------|----|---|----------------------|-----------------|
| 39 | Transport and storage services | differ | 36 | Insurance services including insurance services to transport industries | H.D. No. 118 of 1999 | AEI (755767...) |
|----|--------------------------------|--------|----|---|----------------------|-----------------|

Class 40

Conflicting classes: 14, 16, 24, 25, 37, 42, 43

14 & 40 – See Class 14 similar goods

16 & 40 – See Class 16 similar goods

24 & 40 – See Class 24 similar goods

25 & 40 – See Class 25 similar goods

37 & 40 – See Class 37 similar goods

40 & 42

Similar

| Class 40 | Class 42 | Note |
|---|---|-------------|
| Clothing alteration Dressmaking Screen printing on clothing | Clothing and fashion designing Dress designing | |

40 & 43

Similar

| Class 40 | Class 43 | Note |
|-----------------|-----------------|-------------|
| Cake decorating | Cake baking | |

Class 41

Conflicting classes: 9, 16, 35, 36, 38, 42, 43

Similar (within class)

| | | |
|--|---|--|
| Financial knowledge competition & educational material published and played on Internet & also in facsimile & paper form | Education, publication of books and texts | H.D. No. 79 of 2000 FIRST RISK OLYMPICS (714343) |
|--|---|--|

9 & 41 – See Class 9 similar goods

16 & 41 – See Class 16 similar goods

35 & 41 – See Class 35 similar goods

36 & 41 – See Class 36 similar goods

38 & 41 – See Class 38 similar goods

41 & 42

Similar

| Class 41 | Class 42 | Note |
|--------------------------|-----------------------------|---------------------|
| Rental of games software | Rental of computer software | For claims pre 2006 |

41 & 43

Similar

| Class 41 | Class 43 | Note |
|--|---|---|
| Recreation facilities (providing -) | Resort accommodation | |
| Camp services (holiday -) [entertainment] | Camp services (holiday -) [lodging] Providing campground facilities Resort accommodation | |
| Theatre restaurants [entertainment] | Restaurants Theatre restaurants [provision of food and drink] | |
| Nightclubs | Bars | |
| Discotheques | Alcoholic beverage bar services | H.D No. 84 of 1994 T.G.I. FRIDAY'S (438363) |

Decisions including this class

| | | | | | | |
|----|--------------------------|--------|----|---|---------------------|--------------------------------------|
| 41 | Music entertainment | differ | 15 | Electronic musical instruments | H.D. No. 57 of 1994 | EMU MUSIC |
| 41 | Entertainment, nightclub | differ | 33 | All kinds of alcoholic beverages in this class, including | H.D. No. 35 of 1998 | CLUB HAVANNA OF CANBERRA (670435...) |

| | | | | | | |
|--|--|--|--|------------------|--|--|
| | | | | liqueurs and rum | | |
|--|--|--|--|------------------|--|--|

Class 42

Conflicting classes: 9, 12, 14, 16, 25, 35, 37, 38, 40, 43

[9 & 42](#) – See Class 9 similar goods

[12 & 42](#) – See Class 12 similar goods

[14 & 42](#) – See Class 14 similar goods

[16 & 42](#) – See Class 16 similar goods

[25 & 42](#) – See Class 25 similar goods

[35 & 42](#) – See Class 35 similar goods

[37 & 42](#) – See Class 37 similar goods

[38 & 42](#) – See Class 38 similar goods

[40 & 42](#) – See Class 40 similar goods

42 & 43

Similar

| Class 42 | Class 43 | Note |
|--------------------------|--|--|
| Retail of food and drink | Catering (food and drink) Internet café services [provision of food and drink prepared for consumption] Preparation of take away and fast food Provision of food and drink Self service restaurants Take away food services | Pre Nice 8, retail and wholesale services were in class 42 |

Decisions including this class

| | | | | | | |
|----|---|------|----|---|---------------------|--------------------|
| 42 | Computer software & systems services; system design & development services | same | 9 | Computer printers | H.D. No. 64 of 1998 | SPL (647304) |
| 42 | Providing access to an interactive computer database in the field of general information such as names, addresses, telephone numbers and advertisements | same | 16 | Telephone books, telephone directories & business directories | H.D. No. 10 of 1999 | YELLOWNET (663017) |

| | | | | | | |
|----|---|------|---------|--------------------------------|---------------------|--------------------|
| 42 | Providing access to an interactive computer database in the field of general information such as names, addresses, telephone numbers and advertisements | same | 35 | Advertising services etc | H.D. No. 10 of 1999 | YELLOWNET (663017) |
| 42 | Computer software & systems services; system design & development services | same | 42 (35) | Reselling of computer hardware | H.D. No. 64 of 1998 | SPL (647304) |

Class 43

Conflicting classes: 30, 35, 36, 39, 41, 42

30 & 43 – See *Class 30 similar goods*

35 & 43 – See *Class 35 similar goods*

36 & 43 – See *Class 36 similar goods*

39 & 43 – See *Class 39 similar goods*

41 & 43 – See *Class 41 similar goods*

42 & 43 – See *Class 42 similar goods*

Decisions including this class

| | | | | | | |
|------------|--|--------|-------|--|---------------------|--------------------------------------|
| 42 (43) | Restaurants | differ | 33 | All kinds of alcoholic beverages in this class, including liqueurs and rum | H.D. No. 35 of 1998 | CLUB HAVANNA OF CANBERRA (670435...) |
| 42 (43) | Establishment, operation and conduct of outlets, venues and facilities for the supplying and provision of meals and refreshments, including restaurants, cafes, ... caterias, ..., takeaway stores and fast-food outlets | differ | 32,33 | Class 32: All goods in class 32 Class 33: Wines, spirits and liqueurs | [2002] FCA 288 | Waltzing Matilda |

Class 44

Conflicting classes: 37, 45

37 & 44 – See *Class 37 similar goods*

44 & 45

Similar

| Class 44 | Class 45 | Note |
|---|---|-------------|
| Counselling (psychiatric & psychological) Providing information, including on-line, about medical services | Counselling (spiritual & religious) Providing information including on-line, about personal & social services meeting the needs of individuals | |

Class 45

Conflicting classes: 9, 44

Similar (within class)

| | | |
|--------------------------------|---|---|
| Provision of security services | Surveillance, guard night watch services, detective agency services | H.D. No. 59 of 2000 SECURITY GROUP III (609693) |
|--------------------------------|---|---|

9 & 45 – See Class 9 similar goods

44 & 45 – See Class 44 similar goods

Decisions including this class

| | | | | | | |
|------------|----------------|--------|----|------------------|------------------------|----------------------------|
| 42 (45) | Legal services | differ | 36 | Banking services | H.D. No. 33 of 1996 | PIPER ALDERMAN (527503) |
|------------|----------------|--------|----|------------------|------------------------|----------------------------|