



CONFLICTING GOODS AND SERVICES LIST

Revision History*

Date	Changes
18 Sept 2013	Class 38 and 39 added as unassociated classes for class 35. Added similarity between retailing/wholesaling of utilities (35) v distribution of utilities (class 39); retailing/wholesaling of telecommunications (35) v telecommunications (38).
4 Dec 2013	Minor change to Class 35 Registrar/Court Decisions clarify conflict in DFO H.D.
28 Feb 2014	Minor changes to Class 41 to clarify Rental of games software claims prior to 2006. Removal of the unassociated conflict between classes 25 and 45. New controlled document template applied.
17 March 2014	Remove all references to the unassociated conflict between classes 25 and 45.
13 June 2014	Case reference added in relation to class 6 and class 37
25 July 2014	'Jewellery' added as similar to 'watches' in cl 14; 'containers of metal' in cl 6 added as similar to 'containers not of metal' in cl 20.
12 August 2014	Deletion of duplicated information (cl 20 v cl 6).
26 August 2014	Instructional and teaching material (except apparatus) added as closely related to education services (cl 16 v 41). Reference to VOGUE decision removed from Registrar/Court Decisions in class 19.
12 November 2014	Updated associated classes to cross class search Classes 6, 19, 20 and 22 where blinds are listed.
19 November 2014	Removed similarity between 'communications by computer terminals' in Class 38 and 'electronic publication of information on a wide range of topics' in Class 41
6 April 2015	Added similarity between computer games software in Class 9 and online computer games in Class 41, removed similarity between wine and whiskey in Class 33 and added similarity between supplements in Class 5 and Classes 30 and 32.
28 April 2015	Updated to clarify similarity between large domestic electric appliances in Class 7 and Class 11
22 July 2015	Updated with information on the bringing together of services in Class 35 and a comparison of real estate/property development services v financial brokerage/mortgage services in Class 36.
7 October 2015	Addition of "sleeping bag liners" in class 20 to 24 conflict added. This term has replaced the previous description in NICE class 24 for "sleeping bags (sheeting)"
22 October 2015	Conflict between "rental of modems" and "rental of computer equipment" was incorrectly placed in the class 38 to 41 table. It has now been moved to the correct class 38 to 42 table.
1 January 2016	Add smartwatch/watch conflict, 9 and 14 now associated, and add lingerie/swimwear conflict in class 25; bookmarks added to document to assist with Dragon functionality.
29 January 2016	Addition of Software as a service (SaaS) to class 9 and 42 conflict.
2 June 2016	Remove double up/typo in Class 21/26 overlap
17 Oct 2016	Added NICE 11 info; updated low alcohol wine class 32/33; Additional information added to clarify conflict between class 9 "educational" products and 41 "educational services"
15 February 2017	Cross class search list updated to match the tables below on individual classes and reflect NICE 11 update; Dog walking services added to Class 44
1 May 2017	Added Lottery tickets to class 28 Unassociated classes list.
15 May 2017	Class 32 – reference to Trade Marks added

25 October 2017	NICE 11 Update and Class 36 minor change.
15 March 2018	Class 33 – updated determination; wine similar to whisky (see <i>Jack Daniel's Properties Inc v Warren Scott Harvey</i> [2010] ATMO 47 (21 June 2010))
27 January 2021	Entire list reviewed – updates to conflicts and associated classes across entire document.

*for further revision history of this document, see superseded versions held by the Quality Improvement Section.

CONTENTS

CLASSES

- [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#)
[14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [22](#) [23](#) [24](#) [25](#) [26](#)
[27](#) [28](#) [29](#) [30](#) [31](#) [32](#) [33](#) [34](#) [35](#) [36](#) [37](#) [38](#) [39](#)
[40](#) [41](#) [42](#) [43](#) [44](#) [45](#)

[Introduction](#)

[Use of lists](#)

[Why some associations are not reciprocal](#)

[Guiding principles](#)

[Changes to NICE classification](#)

[Cross class search list](#)

Annexure 1. [Registrar and court decisions](#)

Introduction

The classification system is an administrative tool which simplifies searching for the goods and services of trade mark registrations and applications. The classes are grouped into very broad areas, and it is often the case that similar goods may appear in different classes.

The items outlined below are not an exhaustive list. **They are a set of examples only. Examiners should keep in mind the ‘Guiding Principles’ and refer to part 26 of the Trade Mark Examiners Manual for assistance when assessing potential conflicts.**

Use of the list

The list has been prepared in ascending order by class number. For most goods and services instances of conflict are therefore identified in the list pertaining to the lower class number and will not be located in the list for the higher class number. For example, to determine whether or not *communications equipment* in class 9 is closely related to *communications services* in class 38, the list for class 9 will need to be referred to. This has been done to reduce the lists to more manageable proportions and make updating easier. The exceptions to this are conflicting goods or services which fall in unassociated classes, and conflicts that have been identified in listed Registrar and/or Court Decisions. These goods or services are listed in all classes to which they relate because they are not automatically cross-searched. Where conflicting (or otherwise) goods or services have been identified as being in unassociated classes, these classes are also indicated using parenthesis () at the end of the “search classes” list for the relevant classes.

The associated or cross searched classes are identified as “search classes” at the beginning of each list of conflicting goods or services for that class. They are also summarised in a table called the [Cross Class Search List](#).

Not all associations are reciprocal

Some of the class associations are not reciprocal. If an application is now made for goods in class 34 (which is now the correct class for, eg, *smokers articles of precious metal*) we will search class 14 automatically because:

- These articles were classified in class 14 prior to the implementation of the Ninth Edition of NICE; and
- it is now associated with class 34.

However, if an application is now made covering *ashtrays of precious metal* in class 14, we will ask them to transfer the item to the correct class 34. There isn't any need for us to add class 34 to the associated classes for class 14 for this reason.

Goods and services considered to be of the same description but not classified in classes which are currently associated

When searching the Register, examiners are expected to conduct an initial ‘all class’ search. One reason for this search is to pick up identical or similar trade marks in classes that are not associated.

There are a number of circumstances (singly or in combination) in which a conflict between goods or services in classes which are not associated may exist:

- The applicant has applied in the wrong class
- A change to the classification of an item has occurred in subsequent editions of NICE
- The conflict is the only known instance of conflict between the classes concerned and/or occurs too infrequently to warrant routine cross class searching

The association of classes is reviewed on an ongoing basis. The known conflicts in classes which are not currently associated are identified in the list with 'Unassociated Class' appearing next to the relevant class number. Where conflicting goods or services have been identified as being in unassociated classes, these classes are also indicated using parenthesis () at the end of the "search classes" list for the relevant classes. They are provided to assist examiners in their initial all class search. The examples may grow over time as more instances become apparent but may also decrease should the occurrence of such conflict warrant the association of the classes involved.

If the application being examined and a potential citation both include goods or services specified as conflicting in the list, a section 44 ground for rejection would generally be warranted.

Changes to NICE classification

Remember, goods and services can be reclassified in different classes as a result of edition changes to NICE.

For instance, many class 42 services were reclassified to classes 43, 44 and 45 in NICE 8.

The conflicting goods and services list contains notes about several, but not all, reclassifications.

NICE 11 came into effect on 1 January 2017.

Guiding Principles

When making decisions under Section 44 of the *Trade Marks Act 1995*, there are two logical steps involved in your examination of an application: whether the marks are similar and whether the goods and services are conflicting. These questions should not be dissected into two separate judgements. The consideration of the similarity between goods/services is just one factor in determining the likelihood of confusion in the marketplace. Consideration should be given to the similarity of marks and other circumstances including: the circumstances in which the marks will be used, the circumstances in which the goods or services will be bought and sold and the character of the probable acquirers of the goods and services.

For more detailed information please see the following parts in the Trade marks examiners manual:

- **Part 26 Section 44 and Regulation 4.15A – 4. Similarity of goods and services**
- **Part 26 Section 44 and Regulation 4.15A – 5. Similarity of trade marks**
- **Part 26 Section 44 and Regulation 4.15A – 6. Factors to consider when comparing trade marks**

Cross Class Search List

The Cross Class Search List is a list of classes which are associated as they are most likely to contain goods or services that are similar or closely related. **It should be used as a guide only.** The copy of the list below shows unassociated classes in brackets where there is a known conflict.

- Searches for conflicting marks are usually refined by restricting the search to the associated classes of the cross class search list.
- A top-level search which covers all classes and statuses is made before restricting searches to the associated classes in order to find conflicts not addressed in this list or outside of the associated classes in a risk management approach.
- The list crosses classes where it is likely that similar or closely related goods or services will be found. The current Cross Class Search List can be found in the [Annex to Part 14](#) of the Trade Marks Examiners' Manual.
- Although this list is a useful tool in refining searches there are circumstances where similar or closely related goods and services are found outside these crossed classes.
- The tests for determining whether the goods/services in question are similar or closely related are detailed in [Part 26.4](#) of the Trade Marks Manual.

Conflicting Goods and Services List

TMDG

Classes which are associated

(Classes which are unassociated)

Class 1	<u>1</u>	<u>31</u>	(4)													
Class 2	<u>2</u>															
Class 3	<u>3</u>	4	<u>5</u>	<u>21</u>	<u>44</u>											
Class 4	3	<u>4</u>	<u>13</u>	<u>39</u>	(28)											
Class 5	<u>3</u>	<u>5</u>	<u>10</u>	<u>29</u>	<u>30</u>	<u>31</u>	<u>32</u>	(16)	(21)	(25)						
Class 6	<u>6</u>	<u>17</u>	<u>19</u>	<u>20</u>	<u>22</u>	<u>37</u>	(9)	(11)								
Class 7	<u>7</u>	<u>8</u>	<u>11</u>	<u>12</u>	<u>21</u>	(9)										
Class 8	<u>7</u>	<u>8</u>	<u>21</u>	(6)	(9)	(20)	(28)									
Class 9	<u>9</u>	<u>11</u>	<u>14</u>	<u>16</u>	<u>28</u>	<u>37</u>	<u>38</u>	<u>41</u>	<u>42</u>	<u>45</u>	(10)	(15)	(25)			
Class 10	<u>5</u>	<u>10</u>	(9)													
Class 11	<u>7</u>	9	<u>11</u>	<u>17</u>	<u>19</u>	<u>21</u>	37	(6)								
Class 12	<u>7</u>	<u>12</u>	<u>35</u>	<u>37</u>	<u>42</u>	(9)										
Class 13	<u>13</u>	<u>37</u>														
Class 14	<u>9</u>	<u>14</u>	<u>21</u>	<u>35</u>	<u>37</u>	<u>40</u>	<u>42</u>	(16)	(26)							
Class 15	<u>15</u>	(9)														
Class 16	<u>9</u>	<u>16</u>	<u>41</u>	<u>42</u>	(18)	(40)										
Class 17	<u>6</u>	<u>11</u>	<u>17</u>	<u>19</u>												
Class 18	<u>18</u>	<u>28</u>	(6)	(16)	(17)	(26)										
Class 19	<u>6</u>	<u>11</u>	<u>17</u>	<u>19</u>	<u>20</u>	<u>22</u>	<u>27</u>	<u>37</u>	(35)							
Class 20	<u>6</u>	<u>19</u>	<u>20</u>	<u>21</u>	<u>22</u>	<u>24</u>	(35)									
Class 21	<u>3</u>	<u>7</u>	<u>8</u>	<u>11</u>	<u>14</u>	<u>20</u>	<u>21</u>	(6)	(9)	(26)						
Class 22	<u>6</u>	<u>19</u>	<u>20</u>	<u>22</u>	(21)	(24)										
Class 23	<u>23</u>	<u>26</u>														
Class 24	<u>20</u>	<u>24</u>	<u>27</u>	<u>40</u>												
Class 25	<u>25</u>	<u>35</u>	<u>40</u>	<u>42</u>	(9)											
Class 26	<u>23</u>	<u>26</u>	(8)	(9)	(22)											
Class 27	<u>19</u>	<u>24</u>	<u>27</u>	<u>37</u>												
Class 28	<u>9</u>	<u>18</u>	<u>28</u>	(16)												
Class 29	<u>5</u>	<u>29</u>	<u>30</u>	<u>31</u>	<u>32</u>	(18)										
Class 30	<u>5</u>	<u>29</u>	<u>30</u>	<u>31</u>	<u>43</u>	(40)										
Class 31	<u>1</u>	<u>5</u>	<u>29</u>	<u>30</u>	<u>31</u>											
Class 32	<u>5</u>	<u>29</u>	<u>32</u>	<u>33</u>	(40)											
Class 33	<u>32</u>	<u>33</u>														
Class 34	<u>14</u>	<u>34</u>														
Class 35	<u>12</u>	<u>14</u>	<u>25</u>	<u>35</u>	<u>36</u>	<u>40</u>	<u>41</u>	<u>42</u>	<u>43</u>	(3)	(19)	(20)	(37)	(38)	(39)	(45)
Class 36	<u>35</u>	<u>36</u>	<u>37</u>	<u>43</u>	(42)											
Class 37	<u>6</u>	<u>9</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>19</u>	<u>27</u>	<u>36</u>	<u>37</u>	<u>38</u>	<u>40</u>	<u>42</u>	<u>44</u>	(35)	
Class 38	<u>9</u>	<u>37</u>	<u>38</u>	<u>41</u>	<u>42</u>	(35)										
Class 39	<u>4</u>	<u>39</u>	<u>42</u>	<u>43</u>	(35)											
Class 40	<u>14</u>	<u>24</u>	<u>25</u>	<u>37</u>	<u>40</u>	<u>42</u>	<u>43</u>	(16)	(30)	(32)						
Class 41	<u>9</u>	<u>16</u>	<u>35</u>	<u>38</u>	<u>41</u>	<u>42</u>	<u>43</u>	(36)								
Class 42	<u>9</u>	<u>12</u>	<u>14</u>	<u>16</u>	<u>25</u>	<u>35</u>	<u>37</u>	<u>38</u>	<u>40</u>	<u>42</u>	<u>43</u>	(41)				
Class 43	<u>30</u>	<u>35</u>	<u>36</u>	<u>39</u>	<u>41</u>	<u>42</u>	<u>43</u>									
Class 44	<u>3</u>	<u>37</u>	<u>42</u>	<u>44</u>	<u>45</u>											
Class 45	<u>9</u>	<u>42</u>	<u>44</u>	<u>45</u>	(35)											

Conflicting Goods and Services List

TMDG

Where unassociated classes have been identified, the following table gives an indication of the types of goods which have been considered the same/similar between the classes.

Class under examination	Potential conflict in unassociated class
Class 1: Xylol; Xylene; Benzene; Benzol	Class 4: Xylol; Xylene; Benzene; Benzol - for claims pre-NICE 11
Class 4: Wax for skis	Class 28: Wax for skis for claims pre-NICE 11
Class 5: Babies diapers/napkins/nappies	Class 16: Babies diapers/napkins/nappies of paper/disposable – for claims pre-NICE 10
Class 5: Babies diapers/napkins/nappies	Class 25: Babies diapers/napkins/nappies of textiles – for claims pre-NICE 10
Class 5: Dental abrasives; Dental wax	Class 21: Floss for dental purposes
Class 10: Ear plugs	Class 9: Ear plugs – for claims pre-NICE 10
Class 8: Scrapers for skis	Class 28: Scrapers for skis for claims pre-NICE 11
Class 8: Handles for hand operated hand tools; knife handles; scythe handles	Class 6/20: Tool handles of metal/non-metal; knife handles of metal/non-metal; scythe handles of metal/non-metal
Class 11: Solar panels or collectors for heating or lighting	Class 9: Solar panels, collectors and cells for electricity generation
Class 11: Solar energy collectors for heating or lighting	Class 9: Solar energy collectors for electricity generation
Class 11: Electric lighting	Class 9: Apparatus for controlling lighting
Class 11: Socks, electrically heated	Class 9: Socks, electrically heated – for claims pre-NICE 11
Class 12: Cigar lighters for automobiles	Class 9: Cigar lighters for automobiles – for claims pre-NICE 10
Class 14: Rosaries; chaplets	Class 16: Rosaries; chaplets for claims pre-NICE 11
Class 16: Display stands or boxes of cardboard, not being furniture	Class 20: Display stands made of recycled materials, including cardboard or cardboard composites
Class 16: Display stands or boxes of cardboard, designed for desktop or counter top use	Class 20: Display stands in the nature of furniture made of cardboard or cardboard composites
Class 16: Advertising display stands or boxes of cardboard, designed for desktop or counter top use	Class 20: Display stands made of substitutes for wood or plastic, including cardboard or cardboard composites
Class 16: Lithographs	Class 40: Lithographic printing
Class 16: Printed matter	Class 40: Offset printing

Conflicting Goods and Services List

TMDG

<p>Class 18: Horseshoes</p> <p>Class 18: Horseshoes</p> <p>Class 18: Reins for guiding children</p>	<p>Class 6: Horseshoes (of metal) <i>NICE change.</i></p> <p>Class 17: Horseshoes (not of metal) <i>NICE change.</i></p> <p>Class 26: Reins for guiding children - <i>for claims pre-NICE 11</i></p>
<p>Class 20: Display stands made of recycled materials, including cardboard or cardboard composites</p> <p>Class 20: Display stands in the nature of furniture made of cardboard or cardboard composites</p> <p>Class 20: Display stands made of substitutes for wood or plastic, including cardboard or cardboard composites</p>	<p>Class 16: Display stands or boxes of cardboard, not being furniture</p> <p>Class 16: Display stands or boxes of cardboard, designed for desktop or counter top use</p> <p>Class 16: Advertising display stands or boxes of cardboard, designed for desktop or counter top use – <i>for claims pre-NICE 10</i></p>
<p>Class 22: Pig bristles</p>	<p>Class 21: Pig bristles - <i>for claims pre-NICE 11</i></p>
<p>Class 26: Hair curlers, other than hand implements</p> <p>Class 26: Needle threaders</p>	<p>Class 9: Hair curlers, other than hand implements, electric – <i>for claims pre-NICE 10</i></p> <p>Class 8: Needle threaders – <i>for claims pre-NICE 11</i></p>
<p>Class 28: Playing cards</p>	<p>Class 16: Playing cards – <i>for claims pre-NICE 8</i></p>
<p>Class 29: Sausage casings, natural or artificial</p>	<p>Class 18: Gut for making sausages – <i>for claims pre-NICE 11</i></p>
<p>Class 35: Retail and/or wholesale of utilities</p>	<p>Class 38: Provision of telecommunications</p> <p>Class 39: Distribution of utilities</p>
<p>Class 40: Lithographic printing</p> <p>Class 40: Offset printing</p>	<p>Class 16: Lithographs</p> <p>Class 16: Printed matter</p>

CLASS 1

[\(Back to List\)](#)

Search Classes: 1, [31](#), [\(4\)](#)

[Within class](#)

Class 1	Class 1	Similar?	Rationale
Automatic transmission fluid	Brake fluid	Yes	Both products are for use in cars, are often made by the same manufacturer and are found in the same trade channels.

Unassociated class

Class 1	Class 4 – unassociated class	Similar ?	Rationale
Xylol Xylene Benzene Benzol	Xylol (for claims pre NICE 11) Xylene (for claims pre NICE 11) Benzene (for claims pre NICE 11) Benzol (for claims pre NICE 11)	Yes	Class is unassociated due to the items moving from Class 4 to Class 1 in NICE 11.

Cross class

Class 1	Class 31	Similar ?	Rationale
Fertilisers	Mulches	Yes	Different in nature, however, both products are used to improve the health and fertility of soil and are provided through the same trade channels.
Compost	Mulches	Yes	Compost is decayed organic matter that is used as a fertiliser to grow plants. Mulches are generally decaying leaves, bark or compost spread over a plant or ground to enrich the soil. The nature and purpose of these goods are very similar. They are also found in the same trade channels.

CLASS 2

[\(Back to List\)](#)

Search Classes: 2

[Within class](#)

Class 2	Class 2	Similar?	Rationale
Solvents for paints	Paints	Yes	Solvents for paints include paint thinners. Such goods are often added to paint or used to clean paint. Complementary goods, similar trade origin and similar trade channels.

CLASS 3

[\(Back to List\)](#)

Search Classes: 3, 4, [5](#), [21](#), 44, (35)

[Within class](#)

Class 3	Class 3	Similar?	Rationale
Cosmetics: skin care; hair care	Cosmetic soaps	Yes	Cosmetics and soap by definition are both for making some improvement to the body. Several traders are trading in both and consider these goods similar as they are sold through the same trade channels and are similar in nature and use.

Unassociated class

Class 3	Class 35 – Unassociated class	Closely Related?	Rationale
Perfume	Retail and wholesale of perfume	Yes	Perfume is often featured in retail and wholesale outlets owned by the manufacturers of the goods, or in outlets where consumers can directly inspect and interact with the goods and interact with representatives from the companies <i>Estee Lauder Cosmetics Ltd v Warnaco US Inc</i> (2000) 50 IPR 143

Cross class

Class 3	Class 4	Similar ?	Rationale
Reed diffusers	Scented candles	Yes	Incense sticks and scented candles are often sold in the same stores and serve a similar purpose of improving the scent of a room. Whilst the nature of the goods is quite different, as most candles are made from paraffin wax, given the similarities in use and trade

Conflicting Goods and Services List

TMDG

			channels, these goods can be considered similar.
--	--	--	--

Class 3	Class 5	Similar ?	Rationale
Non-medicated cosmetics	Medicated cosmetics	Yes	<p>These goods are similar in nature, uses and trade channels. They are sold on self-service shelves in pharmacies, supermarkets, and department stores alike.</p> <p><i>Chanel Ltd v Produits Ella Bache Laboratoire Suzy (1993) 27 IPR 245 ANTIASE</i></p>
Non-medicated toilet preparations	Medicated toilet preparations	Yes	<p>Toilet preparation, means any preparation which is intended for use in the toilet of the human body or in perfuming apparel of any description, or any substance intended to cleanse, improve or alter the complexion, skin, hair or teeth, and includes deodorants and perfumes. This case outlines that these are goods of the same description. They share the same nature, use and trade channels.</p> <p><i>In the Matter of Vono Limited's Application for Registration of a Defensive Trade Mark in Class 3 (1949) 66 RPC 305 VONO</i></p>
Bath salts/lotions/petroleum jelly/sanitary preparations; not for medical purposes/for cosmetic purposes	Bath salts/lotions/petroleum jelly/sanitary preparations; for medical purposes	Yes	<p>Generally, these are the same goods with the distinction being whether they are for medical or non-medical purposes. They are still of a similar nature, use, and generally provided through the same trade channels.</p>
Cosmetic preparations for skin care	Pharmaceutical/medicated preparations for skin care	Yes	
Detergents other than for use in manufacturing operations and for medical purposes	Detergents for medical purposes	Yes	
Disinfectant soap (for claims pre NICE 11)	Antiseptics, disinfectants for hygiene purposes	Yes	
Disinfectant soap (for claims pre NICE 11)	Disinfectant soap	Yes	
	Medicated soap		

Conflicting Goods and Services List

TMDG

Medicated soap (for claims pre NICE 11)			
Fumigating preparations	Fumigating pastilles, sticks & preparations for medical purposes	Yes	
Greases for cosmetic purposes	Greases for medical & veterinary purposes	Yes	
Hair lotions	Medicinal hair growth preparations	Yes	
Wipes / Tissues impregnated with cosmetic lotions	Wipes / Tissues impregnated with pharmaceutical and/or medical lotions	Yes	
Shampoos for pets	Veterinary preparations/ Lotions for veterinary purposes/ Animal washes	Yes	The goods in both classes are of the same nature, they are all for washing or treating the animal and share distribution channels.
Medicated soaps (for claims pre NICE 11)	Pharmaceutical preparations	Yes	The broad claim for pharmaceutical preparations would include goods such as pharmaceutical creams for acne and preparations for the treatment of dandruff and medicinal oils which are considered goods of the same description as soaps due to the similar nature, use and trade channels of those goods. <i>Bensyl Trade Mark [1992] RPC 529</i>

Class 3	Class 21	Similar?	Rationale
Wipes/tissues/cloths impregnated with cleaning or polishing preparations	Cleaning cloths/wipes	Yes	Similar in nature, put to the same uses, and often sold through the same trade channels.
Abrasives Abrasive cloth (for household cleaning / polishing / kitchen purposes) Abrasive preparations	Abrasive pads for kitchen purposes Scouring pads for kitchen purposes	Yes	Similar in nature, put to the same uses, and often sold through the same trade channels.
Make-up	Make-up brushes	Yes	These goods are both used in the application of cosmetics and are sold through similar trade channels often under the same trade mark.

Conflicting Goods and Services List

TMDG

			<i>Brands LLC v Trio Group Australia Pty Ltd [2014] ATMO 46</i>
--	--	--	---

Class 3	Class 44	Closely related?	Rationale
Make-up	Make-up services	Yes	Both makeup and make-up services are offered through the same trade channels by the same traders and should therefore be considered closely related. A finding of deceptive similarity should be assessed with regard to the similarity of the marks and any other factors which may indicate that confusion is likely.

CLASS 4

[\(Back to List\)](#)

Search Classes: 3, 4, [13](#), [39](#), [\(28\)](#)

(Refer also to earlier lists)

Within class

Class 4	Class 4	Similar?	Rationale
Lubricating oils and greases	Anti-corrosive oils; oils used in manufacture, mineral substances including oils	Yes	Respective uses of anti-corrosive oils and lubricating oils are the same. Lubricating oils, anti-corrosive oils, and mineral oils are distributed through the same trade channels. <i>OPTIMOL Trade Mark [1977] RPC 163</i>
Petrol (motor spirit)	Lubricating oils	Yes	Same trade channels and for use in motor vehicles. Made/refined by the same proprietors.
Electricity (energy)	Fossil fuels	No	Fossil fuels are burned to create energy. Nature of these goods is different along with the trade channels.

Unassociated class

Class 4	Class 28 – unassociated class	Similar ?	Rationale
Wax for skis	Wax for skis - for claims pre-NICE 11	Yes	Identical goods. NICE change.

Cross class

Class 4	Class 13	Similar ?	Rationale

Conflicting Goods and Services List

TMDG

Tinder	Tinder - for claims pre-NICE 10	Yes	Identical goods. NICE change.
--------	---------------------------------	-----	-------------------------------

Class 4	Class 39	Closely Related?	Rationale
Gas / oil / fuel / petroleum	Gas / oil / fuel / petroleum supplying (natural and synthetic)	Yes	Traders who produce the goods generally also supply them as a service.
Electricity (energy)	Electricity supply services	Yes	Traders who produce electricity generally distribute and supply it also. It is likely that consumers will expect a connection between the trade sources.

CLASS 5

[\(Back to List\)](#)

Search Classes: [3](#), [5](#), [10](#), [29](#), [30](#), [31](#), [32](#), [\(16\)](#), [\(21\)](#), [\(25\)](#)

(Refer also to earlier lists)

Within class

Class 5	Class 5	Similar?	Rationale
Pharmaceutical preparations	Veterinary preparations	Yes	Both are preparations used for treatment and are commonly produced by the same manufacturer and are often sold through the same trade channels. UNIVER/UNIVET (1993) RPC 239 (Cardio-vascular preparations for use in treating humans vs Veterinary preparations and substances).
Herb based tea	Pharmaceutical preparations and substances	Yes	Herbal teas may be used medicinally in the treatment of many ailments and pharmaceutical preparations and substances can have a similar wide ranging use and purpose. They are also available through the same trade channels. They can therefore be considered goods of the same description. <i>Chan Li Chai Medical Factory, Re</i> [1991] AIPC 90-764

Unassociated class

Class 5	Class 16 – Unassociated Class	Similar?	Rationale
---------	-------------------------------	----------	-----------

Conflicting Goods and Services List

TMDG

Babies diapers/napkins/nappies	Babies diapers/napkins/nappies of paper/disposable - for claims pre-NICE 10	Yes	Identical goods. NICE change.
-----------------------------------	--	-----	-------------------------------

Class 5	Class 21 – Unassociated Class	Similar?	Rationale
Dental abrasives Dental wax	Floss for dental purposes	Yes	Identical goods. NICE change.

Class 5	Class 25– Unassociated Class	Similar?	Rationale
Babies diapers/napkins/nappies	Babies diapers/napkins/nappies of textiles - for claims pre- NICE 10	Yes	Identical goods. NICE change.

Cross class

Class 5	Class 10	Similar?	Rationale
Bandages (dressings)	Bandages (elastic) (supportive)	Yes	The goods are both bandages used for the same purpose and have the same distribution channels.
Belts for sanitary purposes	Belts for medical purposes	Yes	The goods are both belts with a similar purpose (a belt which has absorbent material to absorb and retain blood, urine, or faeces) and have the same distribution channels.
Chemical contraceptives	Contraceptives, non chemical	Yes	The goods are both contraceptives which have the same purpose and distribution channels despite being dissimilar in nature (medication as opposed to a device).
Dental abrasives, Dental wax	Dental Floss - for claims pre-NICE 7	Yes	The goods are all used to clean teeth and have the same distribution channels.
Surgical cloth, dressings & tissue	Surgical ligatures (not dressings), threads, sutures	Yes	The goods are all used for surgical purposes and have the same distribution channels.
Surgical implants (living tissues)	Surgical implants (artificial materials)	Yes	The goods are both surgical implants, distributed through the same trade channels.
Baby diapers	Baby bottles	No	While both goods are used in relation to infants they are of a different nature and utilised for distinctly different purposes. Diapers are sanitary products while baby

Conflicting Goods and Services List

TMDG

			bottles are for feeding babies.
--	--	--	---------------------------------

Class 5	Class 29	Similar?	Rationale
Dietary supplements (depending on exact nature, purpose and trade channels)	Food supplements (depending on exact nature, purpose and trade channels)	Yes	Both are supplements used to meet specific nutritional requirements. They are also produced by the same manufacturers and made available through the same channels.

Class 5	Class 30	Similar?	Rationale
Food for babies	Rusks for babies	Yes	Both are food products for babies and are sold through the same trade channels.
Herb tea (for medical purposes) Medicinal tea	Herb tea (not for medical purposes) Tea	Yes	The same goods used for different purposes.
Royal jelly for medical purposes	Propolis (bee glue) for human consumption Royal jelly for human consumption, not for medical purposes	Yes	The same goods used for different purposes.
Dietary supplements (depending on exact nature, purpose and trade channels)	Food supplements (depending on exact nature, purpose and trade channels)	Yes	Both are supplements used to meet specific nutritional requirements. They are also produced by the same manufacturers and made available through the same channels.

Class 5	Class 31	Similar?	Rationale
Additives to fodder for medical purposes	Additives to fodder, not for medical purposes	Yes	Whilst the goods in class 5 are medicinal and those in class 31 are not, they are goods of the same nature, use and trade channels.
Herbs (medicinal)	Herbs (fresh)	Yes	Whilst the goods in class 5 are medicinal and those in class 31 are not, they are goods of the same nature, use and trade channels.
Roots (medicinal)	Roots (for food, being ginger or other similar used medicinally eg in Chinese medicine)	Yes	Whilst the goods in class 5 are medicated and those in class 31 are not, they are goods of the same nature, use and trade channels.
Nutritional additives and supplements for animals for medical use	Nutritional additives and supplements for animals for not for medical use	Yes	Medicated dietary supplements are similar to non-medicated dietary supplements for animals as they are goods of the same nature, use (for the animals health) and trade channels.

Class 5	Class 32	Similar?	Rationale
----------------	-----------------	-----------------	------------------

Conflicting Goods and Services List

TMDG

Electrolyte replacement beverages for medical purposes	Electrolyte replacement beverages for general and sports purposes Isotonic beverages	Yes	The goods are similar in nature and use, both for rehydration, and are available through the same trade channels being predominantly pharmacies and supermarkets.
Dietary supplements (depending on exact nature, purpose and trade channels)	Food supplements (depending on exact nature, purpose and trade channels)	Yes	Depending on exact nature, purpose and trade channels of more specific claims.

CLASS 6

[\(Back to List\)](#)

Search Classes: 6, [17](#), [19](#), [20](#), [22](#), [37](#), [\(9\)](#), (11)

(Refer also to earlier lists)

Within class

Class 6	Class 6	Similar?	Rationale
Metal building panels	Metal roofing	Yes	The goods are similar because they are made of the same materials and used for the same purpose. They are also sold through the same trade channels.
Building materials of metal	Metal fencing	Yes	Building materials are materials use in the construction of structures including fences. It is common for manufacturers of these goods to produce a wide assortment of metal building materials.

Unassociated class

Class 6	Class 9 - Unassociated Class	Similar ?	Rationale
Turnstiles	Turnstiles (automated) - for claims pre-NICE 10	Yes	Identical goods. NICE change.

Class 6	Class 11 - Unassociated Class	Similar ?	Rationale
Metal pipes	Pipes being parts of sanitary installations	Yes	Both are pipes that can be used for the same function and are generally sold through the same trade channels. <i>CHEMODAN Trade Mark [1965] RPC 351</i>

Cross class

Conflicting Goods and Services List

TMDG

Class 6	Class 17	Similar?	Rationale
Metal pipes and pipe fittings	Plastic pipes and pipe joints	Yes	Both are pipes that can be used for the same function and are generally sold through the same trade channels.
Gaskets of metal	Gaskets (pipe)	Yes	A gasket is a mechanical seal which fills the space between two or more surfaces, generally to prevent leakage from or into the joined objects while under compression. Both goods are used for this purpose and have the same trade channels.
Tubes of metal	Flexible tubes, not of metal	Yes	Tubes used for the same purpose and which share the same trade channels.
Valves of metal (other than parts of machines)	Valves of rubber	Yes	A fitting used for the same purpose and which share the same trade channels.

Class 6	Class 19	Similar ?	Rationale
Building materials of metal	Building materials not of metal	Yes	Similar purposes and sold through the same trade channels.
Buildings, transportable, of metal	Buildings, transportable, not of metal	Yes	Similar purposes and sold through the same trade channels.

Class 6	Class 20	Similar ?	Rationale
Goods of metal (e.g. containers of metal)	Same or similar goods not of metal Same or similar goods not of metal (Containers not of metal)	Yes	The goods are the same goods, used for the same or similar purposes and provided through the same trade channels.

Class 6	Class 22	Similar ?	Rationale
Goods of metal (e.g. Awnings of metal)	Same or similar goods not of metal (Awnings of synthetic material)	Yes	The goods are the same, used for the same purposes and sold through the same trade channels.
Blinds of metal	Outdoor blinds of textile	Yes	Similar purposes and sold through the same trade channels.
Cables of metal, non-electric	Cables, not of metal	Yes	Similar purposes and sold through the same trade channels.
Ropes of metal	Ropes not of metal	Yes	Similar purposes and sold through the same trade channels.

Class 6	Class 37	Closely Related?	Rationale
Doors/windows/roofs of	Installation of	Yes	Inherent connection between the

Conflicting Goods and Services List

TMDG

metal	Doors/windows/roofs		installation of a product and the product itself. In these instances, traders who manufacture and sell doors or windows or roofs routinely provide installation services for those goods.
Building materials of metal	Building/Construction	No	<p>The goods and services utilise different skillsets and are provided by different traders. Generally, builders do not manufacture the materials they utilise, and manufacturers do not provide the services relating to their goods. Consumers routinely interact with both the goods and services and are aware of this separation. Consequently, confusion is generally unlikely.</p> <p>If research indicates there is a strong relationship between specific building materials and their installation, it may be appropriate to raise an objection</p>

CLASS 7

[\(Back to List\)](#)

Search Classes: 7, [8](#), [11](#), [12](#), 21, [\(9\)](#)

(Refer also to earlier lists)

Unassociated class

Class 7	Class 9 – Unassociated class	Similar ?	Rationale
Door openers/closers, electric	Door openers/closers, electric - for claims pre-NICE 10	Yes	Identical goods. NICE change.
Electric apparatus for sealing plastics (packaging)	Electric apparatus for sealing plastics (packaging) - for claims pre-NICE 10	Yes	Identical goods. NICE change.
Electroplating/galvanising machines	Electroplating/galvanising machines - for claims pre-NICE 10	Yes	Identical goods. NICE change.
Elevator or lift operating apparatus	Elevator or lift operating apparatus - for claims pre-NICE 10	Yes	Identical goods. NICE change.
Fuel dispensing pumps for service stations	Fuel dispensing pumps for service stations - for claims pre-NICE 10	Yes	Identical goods. NICE change.
Vacuum cleaners	Vacuum cleaners for claims pre-NICE 10	Yes	Identical goods. NICE change.
Vending machines	Vending machines - for claims pre-NICE 10	Yes	Identical goods. NICE change.
Welding equipment	Apparatus for electric welding Arc welding apparatus	Yes	Identical goods. NICE change.

This document is controlled. Its accuracy can only be guaranteed when viewed electronically.

Effective Date: 15 March 2018

Page 19 of 100

Conflicting Goods and Services List

TMDG

	- for claims pre-NICE 10		
--	--------------------------	--	--

Cross class

Class 7	Class 8	Similar ?	Rationale
Power operated hand tools; machines	Hand tools	Yes	Tools that share a similar purpose and trade channel are similar. For example: <ul style="list-style-type: none"> • Class 7 electric hand drills vs class 8 hand drills are similar. • Class 7 blade sharpening machines vs class 8 blade sharpening instruments are similar.
Percussion Drills	Cartridge riveters and pin-firers	Yes	Both sets of goods are used for fixing fasteners of different kinds to concrete, brickwork or steel, either by drilling (class 7) or cartridge firing (class 8). They are goods of the same description and it is their method of operation which puts them in different classes. The customers and trade channels for the goods are also the same. This decision clarified that "hand tools" refers to tools operated by hand and not tools which are hand-held. TORNADO (1979) RPC 155

Class 7	Class 11	Similar?	Rationale
Boilers; heating and drying apparatus and installations; filters; dust removing and exhausting installations.	Boilers; heating and drying apparatus and installations; filters; dust removing and exhausting installations.	Yes	Apparatus which shares similar purposes and trade channels.
Coffee grinders other than hand operated Electric coffee mills	Coffee machines, electric	Yes	Apparatus which shares similar purposes and trade channels.
Fans for engines and motors	Fans (air conditioning)	Yes	Apparatus which shares similar purposes and trade channels.
Soldering lamps, soldering apparatus, soldering irons electric, electrodes for welding machines Electric arc welding apparatus, Electric arc cutting apparatus.	Soldering lamps, soldering apparatus, soldering irons electric, electrodes for welding machines Electric arc welding apparatus, Electric arc cutting apparatus.	Yes	Apparatus which shares similar purposes and trade channels.
Large domestic electrical appliances (e.g. clothes washing	Large domestic electrical appliances (e.g. domestic ovens, exhaust hoods	Yes	Apparatus which shares similar purposes and trade channels.

Conflicting Goods and Services List

TMDG

machines, clothes drying (spin machines, dishwashers)	(cooker hoods), cooking installations, refrigerators, freezers)		
Heat exchangers (parts of machines)	Heat exchangers (not parts of machines)	Yes	Apparatus which shares similar purposes and trade channels.

Class 7	Class 12	Similar ?	Rationale
Motors, engines, axles, brakes, clutches, other than for [land/air/water] vehicles	Motors, engines, axles, brakes, clutches, for [land/air/water] vehicles	Yes	Apparatus which shares similar purposes and trade channels.
Engine and motor parts for [land/air/water] vehicles	Vehicles (land/air/water), Engines and motors for land vehicles	Yes	Apparatus which shares similar purposes and trade channels.
Aeronautical engines	Jet engines for land vehicles	Yes	Apparatus which shares similar purposes and trade channels.
Air cushion vehicles (Engines for -)	Jet engines for land vehicles Motors , electric, for land vehicles	Yes	Apparatus which shares similar purposes and trade channels.
[Belts/cylinders/cylinder heads/exhausts/mufflers/starters] for motors and engines; parts of motors and engines of all kinds; filters for cleaning cooling air (for engines); Connecting rods for machines, motors and engines	Motors; connecting rods land vehicles, other than parts of motors and engines; jet engines for land vehicles; motors, electric, for land vehicles; motors for cycles	Yes	Motors and engines in class 7 and 12 share similar purposes and trade channels.
Crankcases for machines, motors and engines	Jet engines for land vehicles Motors , electric, for land vehicles Motors for cycles	Yes	A crankcase is the housing for the crankshaft in a reciprocating internal combustion engine. It is therefore a part of an engine and similar to engines and motors in class 12.

Class 7	Class 21	Similar?	Rationale
Blenders, electric, for household purposes	Blenders, non-electric, for household purposes	Yes	Apparatus that share a similar purpose/use and trade channel are similar.

Conflicting Goods and Services List

TMDG

Fruit presses, electric, for household purposes	Fruit presses, non-electric, for household purposes	Yes	Apparatus that share a similar purpose/use and trade channel are similar.
Grinders, crushers (electric), for household purposes	Domestic grinders, non-electric	Yes	Apparatus that share a similar purpose/use and trade channel are similar.
Kitchen machines, electric, Mixing machines	Mixing machines, domestic, non-electric	Yes	Apparatus that share a similar purpose/use and trade channel are similar.
Polishing machines, other than for household purposes	Polishing apparatus & machines for household purposes (non-electric)	Yes	Apparatus that share a similar purpose/use and trade channel are similar.

CLASS 8

[\(Back to List\)](#)

Search Classes: [7](#), [8](#), [21](#), [\(6\)](#), [\(9\)](#), [\(20\)](#), [\(28\)](#)

(Refer also to earlier lists)

Within class

Class 8	Class 8	Similar?	Rationale
Electric shavers/razors	Non-electric shavers/shaving instruments for personal use	Yes	These goods have the same purpose and trade channels.
Tools for cutting metal	Hacksaws	Yes	Hacksaws fall within the ambit of the claimed goods. Both have similar capabilities and therefore use.
Electric shavers	Electric hair straighteners	No	The goods are for different purposes and are generally made by different manufacturers.

Unassociated class

Class 8	Class 6 – unassociated class	Similar?	Rationale
Handles for hand-operated hand tools Knife handles Scythe handles	Tool handles of metal - for claims pre-NICE 11. Knife handles of metal - for claims pre-NICE 11. Scythe handles of metal - for claims pre-NICE 11	Yes	Identical goods. NICE change.

Class 8	Class 9 - Unassociated class	Similar?	Rationale
Flat irons	Flat irons, electric - for claims pre-NICE 10	Yes	Identical goods. NICE change.

Conflicting Goods and Services List

TMDG

Class 8	Class 20 – unassociated class	Similar?	Rationale
Handles for hand-operated hand tools Knife handles Scythe handles	Tool handles of non-metal - for claims pre-NICE 11. Knife handles of non-metal - for claims pre-NICE 11. Scythe handles of non-metal - for claims pre-NICE 11	Yes	Identical goods. NICE change.

Class 8	Class 28 – unassociated class	Similar?	Rationale
Scrapers for skis	Scrapers for skis- for claims pre-NICE 11	Yes	Identical goods. NICE change.

Cross class

Class 8	Class 21	Similar?	Rationale
Can openers, non-electric	Bottle openers	Yes	Both are tools used to open goods and are provided through the same trade channels
Cutlery, knives, forks, spoons	Kitchen utensils	Yes	These goods are distributed through the same trade channels and are all used in the preparation/serving/eating of food.

CLASS 9

[\(Back to List\)](#)

Search Classes: 9, [11](#), [14](#), [16](#), [28](#), [37](#), [38](#), [41](#), [42](#), [45](#), (10) (15) (25)

(Refer also to earlier lists)

Within class

Class 9	Class 9	Similar?	Rationale
Computer Hardware	Apparatus for recording, transmission or reproduction of sound or images	Yes	The broad claim for computer hardware encompasses the computer apparatus in the second example.
Software	Computer Hardware/ Apparatus for recording, transmission or reproduction of sound, images or data	No	Different in nature, purpose, and trade channels.
TV installation accessories including external TV antennas	Televisions and set-top boxes	No	“TV installation accessories” are goods which do not process TV signals or operate on electric current. Accessories are sold mainly to

Conflicting Goods and Services List

TMDG

			<p>professional installers, whilst televisions and set-top boxes are usually sold via retail outlets to end consumers. Evidence demonstrated that manufacturers of accessories almost never manufacture televisions and set-top boxes, and vice versa. The dependence of the TV on the accessories for operation does not equate to them being similar goods or goods of the same description.</p> <p><i>Hills Industries Limited v Bitek Pty Ltd</i> [2011] FCA 94</p>
--	--	--	---

Unassociated class

Class 9	Class 10 – Unassociated class	Similar?	Rationale
Ear plugs for divers	Ear plugs (ear protection devices)	Yes	Both are used for similar purposes and purchased through the same trade channels.

Class 9	Class 15 - Unassociated class	Similar?	Rationale
Electrical amplifiers for use with musical instruments	Electric musical instruments	Yes	These claims specify their use and purpose. These are goods which are used together and are generally sold through the same trade channels. Many manufacturers produce both sets of goods under the same brand.
Wah-wah pedals	Pedals for musical instruments (components of e.g. piano pedal)	No	<p>A wah-wah pedal is an electronic device that is used to produce a musical effect by means of a pedal connected to an amplifier. Whilst pedals for musical instruments belong to Cl. 15 as they are part of the musical instrument itself, wah-wah pedals belong to Cl. 9 based on the mention of "electric and electronic effects units for musical instruments".</p> <p>The nature and use of these goods are different.</p>

Class 9	Class 25- Unassociated class	Similar?	Rationale
Protective clothing	Clothing and footwear	See rationale	A claim in class 25 for clothing and footwear will contain goods (e.g. workwear, boots) which would be similar to class 9 protective clothing. For broad claims, a finding of deceptive similarity should be assessed with regard to the similarity of the marks and any other factors which may indicate these specific

Conflicting Goods and Services List

TMDG

			goods are being produced.
Protective clothing and footwear	Workwear Boots	Yes	Protective clothing and footwear includes high-visibility clothing and steel cap footwear. These goods are commonly made by the same traders and sold through the same trade channels as a variety of workwear and boots in class 25.
Motorcyclists' clothing specifically adapted for protection against accident or injury	Motorcyclists' clothing (other than for protection against accident or injury)	Yes	Motorcyclists' clothing in class 9 and in class 25 is classified according to whether or not the goods are specifically adapted for protection against accident or injury. However, the overarching purpose of the goods in either case is for wear by motorcyclists, and the goods are typically manufactured by the same traders and sold via the same trade channels.

Cross class

Class 9	Class 11	Similar?	Rationale
Solar panels, collectors and cells for electricity generation	Solar panels or collectors for heating or lighting	Yes	Solar panels for collecting electricity and solar panels for heating are similar in nature, use and trade channels.
Apparatus for controlling lighting	Electric lighting	Yes	Complementary goods used together and sold through the same trade channels.
Light emitting diodes (LED)	LED lighting apparatus	No	LEDs classified in 11 are for generating incandescent light in order to achieve practical or aesthetic effects. The reason they belong in class 11 is that they fit with goods in this class which change the surrounding environment (similar to heating, cooling, purifying apparatus etc). LEDs for other purposes, such as for signalling, transmitting information from remote controls or data communication are in class 9. They are not used as a primary light source to illuminate the surrounding environment. Whilst they are similar in nature, the LEDs in the respective classes are adapted for very different and specific purposes and are found in very different trade channels.

Conflicting Goods and Services List

TMDG

Class 9	Class 14	Similar?	Rationale
Smartwatches	Watches	Yes	A smartwatch is worn on the wrist to tell the time as its primary feature. It also has a technological element which provide additional features. A watch is worn around the wrist to tell the time. These goods are similar in nature and use.
Smartwatches	Clocks	No	A smartwatch is worn around the wrist, tells the time and includes a technological element. A clock hangs on the wall and tells the time. The uses and trade channels of these goods differ.
Watchbands that communicate data	Watchbands	No	A watch band that communicates data is worn for health tracking purposes. A watchband in class 14 is a jewellery band fitted to a small clockface worn for aesthetic purposes. The nature, purpose and trade channels for these goods differ.

Class 9	Class 16	Similar?	Rationale
Electronic books/publications	Printed publications/books	Yes	These goods both present information, are used for the same purpose and are sold through the same trade channels.
Teaching apparatus	Teaching material	Yes	These goods are complementary goods sold in conjunction with each other and have the same trade channels.

Class 9	Class 28	Similar?	Rationale
Computer games software/game programs/Apparatus for games	Apparatus for games	Yes	The purpose of these goods are the same, both to be used for games/gaming and share similar distribution channels.
Protective helmets for sports/mouthguards	Sports guards/sporting articles	Yes	Both sets of goods are used by participants in sporting activities for the purpose of taking part in those activities. They are sold in close proximity to one another via the same trade channels, including specialist stores. Consumers seeking articles for a particular sport would seek protective equipment used in that sport as well. Their nature, use and trade channels are the same.
Swimming goggles/masks/snorkels	Swimming fins/slippers/belts	Yes	These goods are all used for swimming or as swimming aids and are sold through the same trade channels.

Conflicting Goods and Services List

TMDG

Class 9	Class 37	Closely Related?	Rationale
Alarms*	Burglar alarm installation and repair	Yes	Commonplace for manufacturers of alarms to provide the installation, maintenance, and repair in relation to security systems.
Computer hardware	Hardware installation	Yes	Hardware producers provide various services in respect of their goods, including installation. Consumer perception of this industry leads to a reasonable belief that these goods and services would come from the same source.
Television equipment	T.V. equipment installation	Yes	There are a limited number of traders producing televisions. These are often large companies and provide a range of services in relation to their goods. Consumer perception of this industry leads to a reasonable belief that these goods and services would come from the same source.

Class 9	Class 38	Closely Related?	Rationale
Telecommunications apparatus eg. Mobile phones	Telecommunication services eg. Mobile telecommunication services	Yes	Companies who provide telecommunications apparatus also frequently provide telecommunication services that relate to them. The goods and services are of a similar technical field and complexity and are frequently sold or provided together as a package. Consumers are likely to expect that the goods and services share a common trade source.

Class 9	Class 41	Closely Related?	Rationale
Electronic publications (downloadable)	Providing on-line electronic publications (not downloadable)	Yes	Many traders offering publishing services are publishing in both hard copy and electronic formats (e.g. books and eBooks). It is reasonable to assume a common trade source in this marketplace.
Educational materials (or items specified as for educational purposes)	Educational services	Yes	The goods and services are both provided in the same marketplace for the purpose of educating people. It is reasonable to assume a common trade source in this marketplace.
Electronic publications	Educational services	See rationale	While the broad claim printed publications may include educational printed publications, a decision cannot be made on whether these goods and services would result in a tangible

Conflicting Goods and Services List

TMDG

			danger of deception or confusion without consideration of the surrounding circumstances and, most significantly, the similarity of marks.
Computer games software	Online computer gaming services	Yes	The goods and services are both produced/provided in the gaming industry. It is reasonable to assume a common trade source in this marketplace.

Class 9	Class 42	Closely Related?	Rationale
Computer software	Software as a service (SaaS); non-downloadable software	Yes	Software as a service is a software licensing and delivery model in which software is licensed on a subscription basis and is centrally hosted. The service is intrinsically related to software as a good.
Computer programs	Computer programming/software maintenance	Yes	These goods and services are complementary. The services are performed upon the goods and traders deal in both whilst also offering the service separately. It is reasonable to assume a common trade source in the overarching marketplace.
Computer hardware	Design and development of computer hardware	Yes	Both the goods and services are specialised and several traders in this space provide both hardware/design of hardware. It is reasonable to assume that where the marks are sufficiently similar there is a shared trade source.
Computer hardware	Computer programming/software maintenance and/or development	No	Hardware manufacturers do not provide software services to third parties. Any software related services they provide are an adjunct to their goods and not provided independently of the hardware. It is unlikely that consumers would assume a connection between these claims.
Computer software	Design and development of computer hardware	No	While both involve computers, traders that produce software that is specific to hardware generally do not provide their software independently of the services claimed. It is unlikely that consumers would assume a connection between these claims.

Class 9	Class 45	Closely Related?	Rationale
Security alarms	Security monitoring	Yes	Security services provide for the installation, operation, maintenance, or repair of security systems. It is reasonable to assume a common trade source in the overarching marketplace.

CLASS 10

[\(Back to List\)](#)

Search Classes: [5](#), 10, [\(9\)](#)

(Refer also to earlier lists)

Within class

Class 10	Class 10	Similar?	Rationale
Diagnostic instruments for medical use	Surgical apparatus and instruments	Yes	Same manufacturers and similar use.

Unassociated class

Class 10	Class 9 – Unassociated Class	Similar?	Rationale
Ear plugs	Ear plugs - for claims pre-NICE 10	Yes	Identical goods. NICE change.

Cross class

Class 10	Class 5	Similar?	Rationale
Anti-rheumatism bracelets	Anti-rheumatism bracelets for claims pre-NICE 11	Yes	For record keeping purposes this conflict remains.
Anti-rheumatism rings	Anti-rheumatism rings for claims pre-NICE 11		Identical goods. NICE change.
Bracelets for medical purposes	Bracelets for medical purposes for claims pre-NICE 11		

CLASS 11

[\(Back to List\)](#)

Search Classes: [7](#), 9, 11, [17](#), [19](#), [21](#), [37](#), (6)

(Refer also to earlier lists)

Within class

Class 11	Class 11	Similar?	Rationale
----------	----------	----------	-----------

Conflicting Goods and Services List

TMDG

Sinks	Taps, shower fittings	Yes	The same manufacturers often make both taps and sinks, and the same retailers sell both. Consumers often choose these goods to match or coordinate with each other. Regardless of the material from which the goods are made, they are goods of the same description. HANS (709696) [2000] ATMO 26
Cooking and heating apparatus	Electric coffee brewing machines	Yes	Both sets of goods are for preparing food and drink and are usually purchased from the same stores, being either the same section of department stores or through specialist retailers in food preparation apparatus. PIFCO (477179) ATMO 6
Cooking appliances	Gas heaters and wall furnaces	No	Similar nature, however, different purpose and different trade channels. FINESSE (652160) [1997] ATMO 68

Unassociated class

Class 11	Class 6 - Unassociated Class	Similar ?	Rationale
Pipes being parts of sanitary installations	Metal pipes	Yes	The same good, used for a similar purpose, and provided through the same trade channels. CHEMODAN [1965] RPC 351

Cross class

Class 11	Class 9	Similar?	Rationale
Solar panels or collectors for heating or lighting	Solar panels, collectors and cells for electricity generation	Yes	Solar panels for collecting electricity and solar panels for heating are similar in nature, use and trade channels.
Electric lighting	Apparatus for controlling lighting	Yes	The goods are used together and sold through the same trade channels.
LED lighting apparatus	Light emitting diodes (LED)	No	These goods serve different functions (finished lighting good vs components) and are purchased by consumers for different things, through different trade channels.

Class 11	Class 17	Similar?	Rationale
Pipes (parts of sanitary installations)	Plastic pipes and pipe joints	Yes	Same goods.

Conflicting Goods and Services List

TMDG

Regulating accessories for water or gas apparatus and pipes; Water intake apparatus	Clack valves of rubber; Water tight rings	Yes	Clack valves serve to regulate flow of water. Similar purpose and trade channels.
---	---	-----	---

Class 11	Class 19	Similar?	Rationale
Spa baths	Spa pools, not of metal	Yes	Similar nature, uses, and trade channels.
Water pipes for sanitary installations; Water supply and sanitary installations	Drain pipes, water pipes, drain traps, (not of metal)	Yes	Similar nature, purpose, and trade channels.

Class 11	Class 21	Similar?	Rationale
Baby baths (parts of sanitary installations)	Baby baths (portable)	Yes	NICE change. Prior to NICE Version 6, applications covering baby baths would have been in class 11, in view of an Office Determination in class 11. However NICE Version 6 has placed "portable baby baths" in class 21, so an overlap with earlier class 11 applns is possible.
Coffee percolators	Coffee percolators, non-electric	Yes	One is an electrically operated equivalent of the other and are otherwise the same in terms of nature, use and trade channels.
Cooking utensils	Cooking utensils, non-electric	Yes	One is an electrically operated equivalent of the other and are otherwise the same in terms of nature, use and trade channels.
Pressure cookers, electric	Pressure cookers, non-electric	Yes	One is an electrically operated equivalent of the other and are otherwise the same in terms of nature, use and trade channels.
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	Yes	One is an electrically operated equivalent of the other and are otherwise the same in terms of nature, use and trade channels. H.D. No. 108 of 1999 KOOL MATE (604408)

Class 11	Class 37	Closely Related?	Rationale
Air conditioning	Repair & installation of	Yes	Reasonable for consumers to assume

Conflicting Goods and Services List

TMDG

apparatus	air conditioners		a connection if similar marks are used on air conditioning apparatus and services directly related to them in light of the proximity and the technical complexity of the goods and the related services.
Heating installations	Heating installation & repair	Yes	Reasonable for consumers to assume a connection if similar marks are used on heating installation and services directly related to them in light of the proximity and the technical complexity of the goods and the related services.

CLASS 12

[\(Back to List\)](#)

Search Classes: [7](#), [12](#), [35](#), [37](#), [42](#), [\(9\)](#)

(Refer also to earlier lists)

Within class

Class 12	Class 12	Similar?	Rationale
Motorcycles	Motor cars	Yes	Same use and trade channels. Often made by the same manufacturer.
Tyres for motor cars	Tyres for cycles	Yes	Similar nature and trade channels.
Tyres	Vehicles	No	Although one is used with the other, they perform different functions, and are created by different traders.
Bicycles	Motor vehicles	No	Although both are vehicles used for transport, they are generally produced by different manufacturers and sold through different trade channels.

Unassociated class

Class 12	Class 9 – Unassociated Class	Similar?	Rationale
Cigar lighters for automobiles	Cigar lighters for automobiles - for claims pre-NICE 10	Yes	Identical goods. NICE change.

Cross class

Class 12	Class 35	Closely Related?	Rationale
Vehicles and parts of vehicles	Retail and wholesale of vehicles and vehicle parts	Yes	Common for vehicle manufacturers to retail their goods through their own dealerships. This market reality has created an expectation that both

Conflicting Goods and Services List

TMDG

			originate from the same trade source.
--	--	--	---------------------------------------

Class 12	Class 37	Closely Related?	Rationale
Motor vehicles	Motor vehicle maintenance and repair	Yes	The service is often provided by the vehicle manufacturer as a service plan.
Ships	Ship building	Yes	Highly specialised good with limited traders. With similar trade marks reasonable for consumer to infer a connection.

Class 12	Class 42	Closely Related?	Rationale
Vehicles and parts of vehicles	Retail and wholesale of vehicles and vehicle parts	Yes	Note: this is to find filings made using NICE 7 th or earlier editions (ie those where retail and wholesaling fell in to class 42 rather than 35)

CLASS 13

[\(Back to List\)](#)

Search Classes: 13, [37](#)

(Refer also to earlier lists)

Within class

Class 13	Class 13	Similar?	Rationale
Ammunition	Guns	Yes	Complementary goods similar in nature, use and trade channels.
Firearms	Signalling flares	No	Different purposes and trade channels.

Cross class

Class 13	Class 37	Closely Related?	Rationale
Firearms	Firearm repairs	Yes	These specialised goods require specialised repairers. Most firearms dealers also provide maintenance and repair services of firearms. In Australia dealers require a license which authorises manufacture, supply, repair etc. of firearms so if traders are licensed to provide the goods they are also licensed to provide the services.

CLASS 14

[\(Back to List\)](#)

Search Classes: [9](#), 14, [21](#), [35](#), [37](#), [40](#), [42](#), [\(16\)](#), (26)

(Refer also to earlier lists)

Within class

Class 14	Class 14	Similar?	Rationale
Jewellery	Watches	Yes	Watches are an item of jewellery.
Bracelets	Watches	No	Watches are highly specialised goods that go through a largely different manufacturing process and utilise different skillsets. Generally confusion is unlikely as there is a limited overlap between the trade sources.

Unassociated class

Class 14	Class 16 – unassociated class	Similar?	Rationale
Rosaries	Rosaries- for claims pre-NICE 11	Yes	Identical goods. NICE change.
Chaplets	Chaplets - for claims pre-NICE 11	Yes	Identical goods. NICE change.

Class 14	Class 26 – unassociated class	Similar?	Rationale
Brooches (jewellery)	Brooches (clothing accessories)	Yes	Same goods, used for the same purpose and sold through the same trade channels.

Cross class

Class 14	Class 21	Similar?	Rationale
Goods <u>of precious metal</u> (such as mugs, egg cups, bowls, goblets, tableware, trays, baskets, boxes etc)	Their equivalent goods <u>not of precious metal</u> (such as mugs, egg cups, bowls, goblets, tableware, trays, baskets, boxes etc)	Yes	Identical goods, pre NICE 10

Class 14	Class 35	Closely Related?	Rationale
Jewellery	Retail of jewellery	Yes	Common for jewellery manufacturers to sell goods through their own boutiques. Consumers have come to expect that in this case the goods themselves and their retail or wholesale typically originate from the same source.

Class 14	Class 37	Closely Related?	Rationale

Conflicting Goods and Services List

TMDG

Clocks, watches	Clock and watch repair	Yes	The goods and services are often provided by the same traders and feature specialised knowledge that is utilised in the manufacture and repair of the goods.
-----------------	------------------------	-----	--

Class 14	Class 40	Closely Related?	Rationale
Jewellery	Custom manufacture of jewellery	Yes	Jewellers produce the goods and also generally custom manufacture them in consultation with consumers.

Class 14	Class 42	Closely Related?	Rationale
Jewellery	Specialist retail of jewellery	Yes	Note: this is to find filings made using NICE 7 th or earlier editions (ie those where retailing fell in to class 42 rather than 35)
Jewellery	Jewellery design	Yes	Traders who offer jewellery design services also manufacture jewellery.

CLASS 15

[\(Back to List\)](#)

Search Classes: 15, (9)

Within class

Class 15	Class 15	Similar?	Rationale
Violin	Cello	Yes	Both are orchestral string instruments, made utilising similar skillsets, and are sold through the same trade channels.
Guitars	Pianos	No	While both are instruments, they utilise different manufacturing processes, are purchased by different consumers, and are sold through different sections of stores.

Unassociated class

Class 15	Class 9- Unassociated class	Similar?	Rationale
Electric musical instruments	Electrical amplifiers for use with musical instruments	Yes	These claims specify their use and purpose. These are goods which are used together and are generally sold through the same trade channels. Many manufacturers produce both sets of goods under the same brand.
Pedals for musical instruments (parts or components e.g. piano pedal)	Wah-wah pedals	No	A wah-wah pedal is an electronic device that is used to produce a musical effect by means of a pedal connected to an amplifier. Whilst

This document is controlled. Its accuracy can only be guaranteed when viewed electronically.

Effective Date: 15 March 2018

Page 35 of 100

Conflicting Goods and Services List

TMDG

			<p>pedals for musical instruments belong to Cl. 15 as they are part of the musical instrument itself, wah-wah pedals belong to Cl. 9 based on the mention of "electric and electronic effects units for musical instruments".</p> <p>The nature and use of these goods are different.</p>
--	--	--	---

CLASS 16

[\(Back to List\)](#)

Search Classes: [9](#), [16](#), [41](#), [42](#), (18), ([20](#)), ([40](#))

(Refer also to earlier lists)

Within class

Class 16	Class 16	Similar?	Rationale
Books	Magazines	Yes	Nature and purpose are the same- both publications for reading.
Paper	Printed matter	No	Whilst both are paper in nature, their purpose as a finished good is different and their distribution channels differ.

Unassociated class

Class 16	Class 18 – Unassociated Class	Similar?	Rationale
Document holders (stationery)	Document holders (carrying cases)	Yes	Stationery manufacturers sell both paper based and leather based goods for office based or organisational purposes.

Class 16	Class 40 – Unassociated Class	Closely Related?	Rationale
Lithographs	Lithographic printing	Yes	Unlike general printed materials, these specific claims are closely related. This is because lithographs are works of art which are printed by the same traders who have specialist skills in the field.
Printed matter	Printing services	No	Printing services are engaged by customers to custom manufacture printed matter for their specific needs. Printing houses do not manufacture their own goods and do not sell generic printed products.

Cross class

Conflicting Goods and Services List

TMDG

Class 16	Class 41	Closely Related?	Rationale
Educational material	Educational services	Yes	The goods and services are both provided for the same purpose, by the same traders, through the same trade channels. It is likely that a consumer would draw a connection between similar trade marks and attribute them to the same trade source. For more guidance see <i>Caterpillar Loader Hire (Holdings) v Caterpillar Tractor Co</i> (1983) 48 ALR 511; <i>Qantas Airways Limited v Edwards</i> [2016] FCA 729
Printed publications	Educational services	See rationale	For broad claims which encompass conflicting claims, conflicts should be considered on a case-by-case basis. If there is evidence that the owner claiming printed publications provides educational materials or services an objection is likely to be appropriate.
Photographs	Photography	Yes	Traders who provide photography services also sell photographs that are not simply those which they have taken for a particular client. Due to the closeness of the goods and services and the market realities, consumers are likely to assume the same trade source for similar marks.
Printed matter	Publishing services	Yes	Those who produce printed matter also generally publish content in the form of printed matter and other. Where similar trade marks are used on these goods and services, it is likely that a consumer would expect a common trade source. be considered dissimilar.

Class 16	Class 42	Closely Related?	Rationale
Graphic art representations, prints	Graphic art design	Yes	Traders who provide graphic design services also sell graphic art that is not simply the same designs that were made for the client.

CLASS 17

[\(Back to List\)](#)

Search Classes: [6](#), [11](#), [17](#), [19](#),

(Refer also to earlier lists)

Within class

Class 17	Class 17	Similar?	Rationale
-----------------	-----------------	-----------------	------------------

Conflicting Goods and Services List

TMDG

Barriers for protection against sound	Insulating materials	Yes	Sound barriers provide insulation from sound and fall within the scope of the broad claim for insulating materials.
Polypropylene resin and moulding compounds	Synthetic foam and packing, stopping and insulating materials	No	While both goods are plastics, Polypropylene resin and moulding compounds are raw materials while Synthetic foam and packing, stopping and insulating materials are fabricated goods ready for use. FORTEX (581807) [1995] ATMO 44

Cross class

Class 17	Class 19	Similar?	Rationale
Asbestos goods in class 17	Asbestos cement/mortar	Yes	Both goods made of asbestos and have similar trade channels.
Flexible tubes not of metal	Water pipes, flexible pipes - not of metal	Yes	Both tubes/pipes used for the same purpose and share similar trade channels.
Insulating material	Insulating glass (building)	Yes	The goods are both used for insulating purposes and are sold through the same trade channels.
Valves of rubber	Water pipe valves not of metal or plastic	Yes	Both are valves to use with pipes and are sold through the same trade channels.
Caulking	Cement fillers	Yes	Both products are made of different compounds, however, they are both used for repairing walls/structures and the trade channels are the same.

CLASS 18

[\(Back to List\)](#)

Search Classes: 18, 28, (6), (16), (17), (26)

Within class

Class 18	Class 18	Similar?	Rationale
Briefcases	Luggage	Yes	Same trade channels and the purpose of the goods, being to carry items, is the same.

Unassociated class

Class 18	Class 6- Unassociated class	Similar?	Rationale
Horseshoes	Horseshoes (of metal)	Yes	Identical goods. NICE change.

This document is controlled. Its accuracy can only be guaranteed when viewed electronically.

Effective Date: 15 March 2018

Page 38 of 100

Conflicting Goods and Services List

TMDG

	- NICE change.		
--	----------------	--	--

Class 18	Class 16 – Unassociated Class	Similar?	Rationale
Document holders (carrying cases)	Document holders (stationery)	Yes	Stationery manufacturers sell both paper based and leather based goods for office based or organisational purposes.

Class 18	Class 17 – Unassociated Class	Similar?	Rationale
Horseshoes	Horseshoes (not of metal) - NICE change.	Yes	Identical goods. NICE change.

Class 18	Class 26 – Unassociated Class	Similar?	Rationale
Reins for guiding children	Reins for guiding children- for claims pre-NICE 11	Yes	Identical goods. NICE change.

Class 18	Class 25 (not associated or unassociated)	Similar?	Rationale
Leather goods in this class including personal leather goods including luggage, handbags, wallets, key cases and purses	Clothing, footwear and headwear	No	Nature of the goods are different. Purpose is also different as clothing is for wear and handbags are to carry items. The goods are also found in different sections of department stores. <i>Mondi Textil GMBH v Pam Corporation</i> [1999] ATMO 56

Class 18	Class 28	Similar?	Rationale
Bags for sports	Bags adapted for sporting equipment	Yes	Both of these are bags used for sports. While one is specifically designed to carry specific types of sporting equipment, they are both for us in relation to sports, serve the purpose of carrying items, are sold through the same trade channels, and made by the same traders.

CLASS 19

[\(Back to List\)](#)

Search Classes: [6](#), [11](#), [17](#), 19, [20](#), [22](#), 27, [37](#), (35)

Conflicting Goods and Services List

TMDG

(Refer also to earlier lists)

Within class

Class 19	Class 19	Similar?	Rationale
Pavers	Ceramic tiles	Yes	Both goods are building materials that are used to construct floors and are sold through the same trade channels.

Unassociated class

Class 19	Class 35 – Unassociated class	Closely Related?	Rationale
Ceramic tiles for indoor and outdoor use	Retail and wholesale of Ceramic tiles for indoor and outdoor use	Yes	Consumers generally obtain tiles through the retail or wholesale outlets that are often owned and operated by the manufacturers. They are featured in showrooms where consumers inspect and interact with the goods and discuss options and preferences with representatives employed by the manufacturer before purchasing them. Based on the above there is a sufficiently strong relationship between these goods and their retail for consumers to expect them to come from the same trade source. <i>See Caesarstone Ltd v Ceramiche Caesar S.p.A. (No 2) [2018] FCA 1096 at 690</i>

Cross class

Class 19	Class 20	Similar?	Rationale
Outdoor blinds, not of metal and not of textile	Indoor blinds of textile	Yes	The goods are both window coverings/furnishing for blocking out light.
Flagpoles, not of metal	Flagpoles for claims pre-NICE 11	Yes	Identical goods. NICE change.

Class 19	Class 22	Similar?	Rationale
Outdoor blinds, not of metal and not of textile	Outdoor blinds of textile	Yes	The goods are both window coverings/furnishing for blocking out light and are provided through similar trade channels

Class 19	Class 27	Similar?	Rationale
Floors, not of metal	Floor coverings	Yes	Floor coverings in class 27 would include goods like rugs but also

Conflicting Goods and Services List

TMDG

			wooden floating floor boards. Floor boards and floating floor boards share the same nature, purpose, and trade channels.
--	--	--	--

Class 19	Class 37	Closely Related?	Rationale
Building materials (non-metallic)	Building/Construction	No	Manufacturers of building materials do not provide building and construction services. While builders and construction companies utilise building materials this is a means to an end in order to facilitate their services. Often builders are subcontractors who do not have the means or facilities to produce/process materials to prepare them for use in construction. Builders also make use of multiple types of building materials which include concrete, wood, and metal products to create a finished construction. The manufacture of their own materials is not practical or logistically feasible. The tools and skillsets used to produce building materials differ to those that are used to assemble them into finished products such as buildings. Consumers are aware of the surrounding circumstances relating to these goods and services and are unlikely to be confused by the use of similar marks in relation them.
Doors/windows (non-metallic)	Installation of doors/windows	Yes	Traders who install doors and windows also sell doors and windows. The market realities and natural closeness of the goods and services within a similar industry is likely to lead to a consumer expectation of a common trade source for similar marks.
Roofs, not of metal	Installation of roofs	Yes	Traders who install roofs also sell roof solutions. The market realities and natural closeness of the goods and services within a similar industry is likely to lead to a consumer expectation of a common trade source for similar marks.
Asphalt	Asphalting	No	Those who provide asphalting services make the asphalt during the process of the service. They do not manufacture asphalt to sell. Asphalt can be bought as a good in retail hardware stores. The market realities inform the consumer expectation in this instance and confusion for deceptively similar marks is unlikely.

CLASS 20

[\(Back to List\)](#)

Search Classes: [6](#), [19](#), 20, [21](#), [22](#), [24](#), [\(16\)](#), (35)

(Refer also to earlier lists)

Within class

Class 20	Class 20	Similar?	Rationale
Lounges	Tables	Yes	Both items are types of furniture. Same trade channels and are often manufactured by the same proprietor.
Venetian blinds	Furniture	No	Different use and trade channels. 1987] AIPC 90-454 PERMA/PERMACRAFT

Unassociated class

Class 20	Class 35 – Unassociated class	Closely Related?	Rationale
Furniture	Retail and wholesale of furniture	Yes	Commonplace for manufacturers of furniture to retail their own goods and the goods of others through their own outlets. Consumers inspect and interact with the goods in question and discuss options with sales representatives employed by the manufacturer. <i>K-Mart Corp v Artline Furnishers Supermarkets Pty Ltd (1991) 23 IPR 149</i>

Cross class

Class 20	Class 21	Similar?	Rationale
Baskets, not of metal	Baskets for domestic use, not of metal	Yes	Goods of the same description similar in purpose and trade channels.
Bins, not of metal	Bread bins; Dust bins; Refuse bins	Yes	Goods of the same description similar in purpose and trade channels.
Statues/figurines of wood, wax, plaster or plastic	Statues/figurines of porcelain, terra-cotta or glass	Yes	Goods of the same description similar in purpose and trade channels.
Composting bins not of metal	Refuse bins	Yes	Goods of the same description similar in purpose and trade channels.

Conflicting Goods and Services List

TMDG

Dispensers for paper towel/toilet paper	Dispensers for tissues/serviettes	Yes	Goods of the same description similar in purpose and trade channels.
Hampers; picnic baskets (not fitted)	Picnic baskets (fitted)	Yes	Goods of the same description similar in purpose and trade channels.
Non-metallic containers (other than for household or kitchen use) eg. Packaging containers	Containers for household or kitchen use	Yes	Goods of the same description similar in purpose and trade channels.

Class 20	Class 22	Similar?	Rationale
Indoor blinds (of various materials)	Outdoor blinds of textile	Yes	The goods are both window coverings/furnishing for blocking out light.
Boxes for storage purposes	Bags for storage purposes	No	The goods are different in nature and are found through different trade channels.

Class 20	Class 24	Similar?	Rationale
Indoor blinds of textile	Blinds of textile (for claims pre NICE 8)	Yes	Identical goods. NICE change.
Sleeping mats for camping	Sleeping bags/sleeping bag liners	Yes	Sold through the same trade channels, by the same traders, and used for similar purposes.
Curtain holders, hooks, rings, rods, rollers, tie-backs, rails (not of textile)	Curtain holders of textile material	Yes	Goods used for the same purpose and share similar trade channels.
Mattresses	Bed linen	No	Different in nature and use, and provided by different traders through mostly different trade channels.

CLASS 21

[\(Back to List\)](#)

Search Classes: [3](#), [7](#), [8](#), [11](#), [14](#), [20](#), 21, [\(6\)](#), (9), (26)

(Refer also to earlier lists)

Within class

Class 21	Class 21	Similar?	Rationale
Plastic cups	Plastic food containers	Yes	The goods share a common manufacturing origin, physical make-up, and are used with the food and drink trades.

Conflicting Goods and Services List

TMDG

			<i>Smith & Newpew Plastics (Australia) Pty Ltd v Sweetheart Holding Corp (1987) 8 IPR 285 SWEETHEART</i>
Bakeware	Beverageware	No	Different in use and different manufacturers.

Unassociated class

Class 21	Class 6 – unassociated class	Similar?	Rationale
Broom handles	Broom handles of metal - for claims pre-NICE 11	Yes	Identical goods. NICE change.

Class 21	Class 9- unassociated class	Similar?	Rationale
Electric devices for attracting and killing insects	Electric devices for attracting and killing insects - for claims pre-NICE 10	Yes	Identical goods. NICE change.
Electric make-up removing appliances	Electric make-up removing appliances - for claims pre-NICE 10	Yes	Identical goods. NICE change.

Class 21	Class 26	Similar?	Rationale
Tea cosies	Tea cosies - for claims pre-NICE 10	Yes	Identical goods. NICE change.

Cross class

Class 21	Class 8	Similar?	Rationale
Sugar tongs	Sugar tongs - for claims pre-NICE 11	Yes	Identical goods. NICE change.
Nutcrackers	Nutcrackers - for claims pre-NICE 11	Yes	Identical goods. NICE change.
Ladles for serving wine	Ladles for serving wine - for claims pre-NICE 11	Yes	Identical goods. NICE change.
Electric make-up removing appliances	Electric make-up removing appliances - for claims pre-NICE 10	Yes	Identical goods. NICE change.
Bottle openers	Can openers, non-electric	Yes	Same purpose and trade channels.
Kitchen utensils	Cutlery, knives, forks, spoons	Yes	These goods are distributed through the same trade channels and are all

Conflicting Goods and Services List

TMDG

			used in the preparation/serving/eating of food.
Class 21	Class 20	Similar?	Rationale
Broom handles	Broom handles, not of metal - for claims pre-NICE 11	Yes	Identical goods. NICE change.
Baskets for domestic use, not of metal	Baskets, not of metal	Yes	Goods of the same description similar in purpose and trade channels.
Bread bins; Dust bins; Refuse bins	Bins, not of metal	Yes	Goods of the same description similar in purpose and trade channels.
Statues/figurines of porcelain, terra-cotta or glass	Statues/figurines of wood, wax, plaster or plastic	Yes	Goods of the same description similar in purpose and trade channels.
Refuse bins	Composting bins not of metal	Yes	Goods of the same description similar in purpose and trade channels.
Dispensers for tissues/serviettes	Dispensers for paper towel/toilet paper	Yes	Goods of the same description similar in purpose and trade channels.
Picnic baskets (fitted)	Hampers; picnic baskets (not fitted)	Yes	Goods of the same description similar in purpose and trade channels.
Containers for household or kitchen use	Non-metallic containers (other than for household or kitchen use) eg. Packaging containers	Yes	Goods of the same description similar in purpose and trade channels.

CLASS 22

[\(Back to List\)](#)

Search Classes: [6](#), [19](#), [20](#), 22, ([21](#)) (24)

(Refer also to earlier lists)

Within class

Class 22	Class 22	Similar?	Rationale
Sacks for the storage of materials	Sacks for the transport of materials	Yes	These goods are similar in nature and are often multi-purpose. They are found in the same trade channels.
Tents	Tarpaulins	No	Tents are temporary building structures made of fabric whereas tarpaulins are multi-purpose sheets generally made of plastic. They may be found in the same trade channels

This document is controlled. Its accuracy can only be guaranteed when viewed electronically.

Effective Date: 15 March 2018

Page 45 of 100

			but their nature and use is different.
--	--	--	--

Unassociated class

Class 22	Class 21 - Unassociated Class	Similar?	Rationale
Pig bristles	Pig bristles - for claims pre-NICE 11	Yes	Identical goods. NICE change.

Class 22	Class 24 - Unassociated Class	Similar?	Rationale
Outdoor blinds of textile	Blinds of textile (for claims pre NICE 8)	Yes	Identical goods. NICE change.

CLASS 23

[\(Back to List\)](#)

Search Classes: 23, [26](#)

(Refer also to earlier lists)

Within class

Class 23	Class 23	Similar?	Rationale
Cotton thread and yarn	Woollen thread and yarn	Yes	Whilst both are made out of different natural fibres they are similar in use and share the same trade channels.

Cross class

Class 23	Class 26	Similar?	Rationale
Yarns and threads	Craft kits for needlecraft	Yes	Same trade channels and used for similar purposes (sewing/needlecraft)
Yarns and threads	Embroidery	Yes	Similar in nature as main component of embroidery is thread/yarn, both are semi-finished goods and can be sold by same traders.
Yarns and threads	Thread of metal for embroidery - for claims pre-NICE 10	Yes	Similar in nature as main component of embroidery is thread/yarn, both are semi-finished goods and can be sold by same traders.

CLASS 24

[\(Back to List\)](#)

Search Classes: [20](#), 24, [27](#), [40](#)

Conflicting Goods and Services List

TMDG

(Refer also to earlier lists)

Within class

Class 24	Class 24	Similar?	Rationale
Towels	Sheets	Yes	Sheets and towels are both Manchester goods that are sold in the same sections of stores. <i>Polo Textile Industries Pty Ltd v Domestic Textile Corp Pty Ltd (1993) 26 IPR 246; (1993) 114 ALR 157</i>

Cross class

Class 24	Class 20	Similar?	Rationale
Sleeping bags	Sleeping bags for camping for claims pre-NICE 11	Yes	Identical goods. NICE change.
Sleeping bags/sleeping bag liners	Sleeping mats for camping	Yes	Sold through the same trade channels, by the same traders, and used for similar purposes.
Curtain holders of textile material	Curtain holders, hooks, rings, rods, rollers, tie-backs, rails (not of textile)	Yes	Goods used for the same purpose and share similar trade channels.
Bed linen	Mattresses	No	Different in nature and use and provided by different traders through mostly different trade channels.

Class 24	Class 27	Similar?	Rationale
Tapestry (wall hangings), of textile	Tapestry (wall hangings), not of textile	Yes	Similar in use and trade channels.

Class 24	Class 40	Closely related?	Rationale
Curtains	Custom manufacture of curtains	Yes	A significant proportion of traders provide both readymade curtains and custom/made to measure manufacturing of curtains. Traders who provide only ready made curtains are generally non-specialist retailers (eg department stores).

CLASS 25

[\(Back to List\)](#)

Search Classes: 25, [35](#), [40](#), [42](#), (9)

(Refer also to earlier lists)

Within class

Class 25	Class 25	Similar?	Rationale
Lingerie	Swimwear	Yes	While there are differences in the exact purpose of the goods, they broadly share some similarities in their function, construction and the expertise employed. Several traders also produce and provide both goods through the same trade channels. <i>Eveden Inc v P & Y Halas Pty Ltd</i> [2015] ATMO 116

Unassociated class

Class 25	Class 9 - Unassociated class	Similar?	Rationale
Clothing and footwear	Protective clothing	See rationale	A claim in class 25 for clothing and footwear will notionally encompass a range of goods which would be similar to class 9 protective clothing as the goods are sold through the same trade channels to the same consumers for similar purposes, in particular items of workwear or for riding. For these broad claims, a finding of deceptive similarity must be taken on a case-by-case basis taking into account all the relevant considerations, including the degree of similarity between the two trade marks.
Workwear Boots	Protective clothing and footwear	Yes	Protective clothing and footwear includes high-visibility clothing and steel cap footwear. These goods are commonly made by the same traders and sold through the same trade channels as a variety of workwear and boots in class 25.
Motorcyclists' clothing (other than for protection against accident or injury)	Motorcyclists' clothing specifically adapted for protection against accident or injury	Yes	Motorcyclists' clothing in class 9 and in class 25 is classified according to whether or not the goods are specifically adapted for protection against accident or injury. However, the overarching purpose of the goods in either case is for wear by motorcyclists, and the goods are typically manufactured by the same

Conflicting Goods and Services List

TMDG

			traders and sold via the same trade channels.
--	--	--	---

Cross class

Class 25	Class 35	Closely Related?	Rationale
Clothing, footwear	Retail and wholesale of clothing and footwear	Yes	These goods are sold in specialist clothing stores as well as larger department stores. Consumers have come to expect that the goods themselves and their retail or wholesale typically originate from the same source.

Class 25	Class 40	Closely Related?	Rationale
Clothing	Custom manufacture of clothing	Yes	Traders who make custom clothes also sell clothing. It is likely that customers will assume the same trade source for similar trade marks in regard to this conflict.

Class 25	Class 42	Closely Related?	Rationale
Clothing	Design of clothing	Yes	It is common for clothing companies to offer custom design services, especially in relation to high end/luxury fashion, and formal-wear such as wedding dresses. Fashion designers design clothing for both their own companies and other parties, and use the same marks to indicate trade source on each. Consumers would expect clothing goods and clothing design services to be closely related in trade source, and would be likely to be confused when faced with a trade mark on clothing, and a similar trade mark on clothing design.
Clothing, footwear	Retail and wholesale of clothing & footwear Note: this is to catch filings made using NICE 7 th or earlier editions (ie those where retail and wholesaling fell in to class 42 rather than 35)	Yes	NICE change. Consumers have come to expect that in these cases the goods themselves and their retail or wholesale typically originate from the same source.

CLASS 26

[\(Back to List\)](#)

Search Classes: [23](#), [26](#), [\(8\)](#), [\(9\)](#), [\(22\)](#)

(Refer also to earlier lists)

Within class

Class 26	Class 26	Similar?	Rationale
Safety pins	Sewing repair kits	Yes	Sold together in the same units. Share a similar purpose.
Zippers	Sewing kits	No	Manufactured by different traders. Sewing kits provide goods used to sew things with, zippers are a finished good used to fasten garments, bags, and other items.

Unassociated class

Class 26	Class 8 - Unassociated Class	Similar?	Rationale
Needle-threaders	Needle threaders - for claims pre-NICE 11	Yes	Identical goods. NICE change.

Class 26	Class 9 - Unassociated Class	Similar?	Rationale
Hair curlers, other than hand implements	Hair curlers, other than hand implements, electric - for claims pre-NICE 10	Yes	Identical goods. NICE change.

Class 26	Class 22 - Unassociated Class	Similar?	Rationale
Hair (broad claim)	Hair (broad claim) Human hair - for claims pre-NICE 10	Yes	Identical goods. NICE change.

CLASS 27

[\(Back to List\)](#)

Search Classes: 19, [24](#), 27, [37](#)

(Refer also to earlier lists)

Within class

Class 27	Class 27	Similar?	Rationale
Rubber compositions for covering floors	Mats and matting	Yes	Rubber compositions would include mats and matting,

Conflicting Goods and Services List

TMDG

Carpet tiles	Linoleum	Yes	Both floor coverings to cover existing floors. Often manufactured by the same trader and found in the same trade channels.
Floor coverings	Non-textile wall coverings	No	Different purposes and trade channels.

Cross class

Class 27	Class 37	Closely Related?	Rationale
Carpet	Carpet installation Carpet laying	Yes	Carpet retailers often have their own lines of carpet and offer installation services.

CLASS 28

[\(Back to List\)](#)

Search Classes: [9](#), [18](#), [28](#), ([16](#))

(Refer also to earlier lists)

Within class

Class 28	Class 28	Similar?	Rationale
Surfboards	Skateboards	Yes	Used for sport/recreation and often found in the same trade channels and made by the same manufacturers.

Unassociated class

Class 28	Class 16 – Unassociated Class	Similar?	Rationale
Playing cards	Playing cards - for claims pre-NICE 8	Yes	Identical goods. NICE change.
Lottery tickets	Lottery tickets	Yes	Identical goods. NICE change.

CLASS 29

[\(Back to List\)](#)

Search Classes: [5](#), [29](#), [30](#), [31](#), [32](#), ([18](#))

(Refer also to earlier lists)

Within class

Conflicting Goods and Services List

TMDG

Class 29	Class 29	Similar?	Rationale
Cheese	Milk	Yes	Both goods are dairy based, frequently made by the same manufacturers, and sold through the same trade channels.
Nuts (prepared)	Dried fruit	Yes	Similar in use, sold side by side and available through the same trade channels.
Canned fruit	Dried fruit	Yes	Both are processed fruit that often have the same producers.
Frozen vegetables	Frozen prepared meals	Yes	Both are food items, made by the same traders, sold in the same areas of the same stores.

Unassociated class

Class 29	Class 18 – unassociated class	Similar?	Rationale
Sausage casings, natural or artificial	Gut for making sausages for claims pre-NICE 11	Yes	Identical goods. NICE change.

Cross class

Class 29	Class 30	Similar?	Rationale
Milk products	Custard	Yes	Custard is a milk product.
Piccalilli	Piccalilli for claims pre-NICE 11	Yes	Identical goods. NICE change.
Meat substitutes prepared from vegetables	Meat substitutes prepared from cereals	Yes	Both goods are meat substitutes that serve the same purpose and are generally made by the same traders and made available in the same areas of stores.
Nuts, prepared	Chocolate-coated nuts/candied nuts	Yes	Same producers and sold side by side through the same trade channels.
Sashimi (sliced raw fish)	Sushi (boiled rice + meat/fish/vegetables etc)	Yes	Both are Japanese food and are sold through the same trade channels.
Yoghurt	Frozen yoghurt	Yes	Similar in nature- both made from yoghurt for eating and share similar producers and distribution channels.
Milk beverages/smoothies	Chocolate and coffee beverages	Yes	Milk beverages are often caffeinated or chocolate in nature and vice versa. Their use is similar, and they are sold through the same trade channels.
Potato Chips (crisps)	Corn Chips	Yes	Both deep fried vegetables in the form of a snack for eating and are sold side by side in the supermarket.
Yoghurt	Ice cream	No	While both are dairy products, they are used for different purposes, generally made by different traders, and sold in different sections of stores.

Conflicting Goods and Services List

TMDG

--	--	--	--

Class 29	Class 31	Similar?	Rationale
Fruit (pre-cut)	Fresh fruits	Yes	These are the same good and share the same distribution channels.
Nuts, prepared	Nuts (fruits)	Yes	Similar in nature and have the same producers and distribution channels.
Vegetables (pre-cut)	Fresh vegetables	Yes	These are the same good and the same producers provide them through the same distribution channels.

Class 29	Class 32	Similar?	Rationale
Almond milk-based beverages	Almond milk-based beverages for claims pre-NICE 11	Yes	Identical goods. NICE change.
Fruit (packed, tinned, prepared)	Fruit juices (beverages)	Yes	Similar in nature and purpose- both may be used for cooking or eating.
Soya milk	Soya based beverages	Yes	Both made from soya and used for consumption.
Peanut milk-based beverages	Peanut milk-based beverages for claims pre-NICE 11	Yes	Identical goods. NICE change.
Vegetables (packed, tinned, prepared)	Vegetable juices (beverages)	Yes	Similar in nature and purpose- both may be used for cooking.

CLASS 30

[\(Back to List\)](#)

Search Classes: [5](#), [29](#), 30, [31](#), [43](#), [\(40\)](#)

(Refer also to earlier lists)

Within class

Class 30	Class 30	Similar?	Rationale
Frozen yoghurt	Ice cream	Yes	Both are frozen dairy confections, often produced by the same traders, and sold in the same areas of the same trade channels.
Coffee	Tea	Yes	Both are caffeinated beverages that are used interchangeably by the same consumers and are sold in the same sections of the same stores.
Pastry	Confectionery	Yes	Confectionery includes goods such as sweets and chocolates which are similar to pastry and are often sold in the same shops.
Pepper	Dried herbs	Yes	Both are seasonings for foods, provided by the same traders and sold

Conflicting Goods and Services List

TMDG

			in the same sections of the same stores.
--	--	--	--

Unassociated class

Class 30	Class 40 – Unassociated Class	Closely Related?	Rationale
Coffee	Coffee roasting/grinding	Yes	Consumers have come to expect that traders who manufacture their own brand of coffee also roast and grind for third parties.

Cross class

Class 30	Class 31	Similar?	Rationale
Barley (prepared)	Barley	Yes	Same goods, only distinction is fresh vs processed.
Cereal preparations	Cereal (unprocessed)	Yes	Same goods, only distinction is fresh vs processed.
Malt for human consumption	Malt for brewing and distilling	Yes	Similar in nature and have the same producers.
Oats (processed)	Oats	Yes	Same goods, only distinction is fresh vs processed.
Herbs (seasoning)	Herbs (fresh)	Yes	Same goods, only distinction is fresh vs processed.
Yeast	Yeast for animals	Yes	Same goods sold by the same producers.

Class 30	Class 43	Closely Related?	Rationale
Coffee	Coffee shops	Yes	Consumers have come to expect that café's or coffee shops market their own coffee under their own trade marks for consumers to brew at home. <i>Kicking Horse Coffee Co.Ltd [2018] ATMO 193</i>
Coffee	Restaurant services	See rationale	Generally, these goods and services would not be considered closely related. If other claims or research indicates that the restaurant is a café or coffee is a core part of their business, it may be appropriate to raise a ground for rejection.

CLASS 31

[\(Back to List\)](#)

Conflicting Goods and Services List

TMDG

Search Classes: [1](#), [5](#), [29](#), [30](#), 31

(Refer also to earlier lists)

Within class

Class 31	Class 31	Similar?	Rationale
Plants	Fresh herbs	Yes	Similar nature, use and trade channels.
Fresh fruit	Fresh vegetables	Yes	Similar use and trade channels.
Natural plants	Natural seeds	Yes	Both are used for gardening and found through the same trade channels.
Flowers, fresh	Fresh herbs	No	Flowers are for admiring. Fresh herbs are for garnishing and eating.
Fresh vegetables	Herbs	No	Different nature: A vegetable is a plant or part of a plant used as food. A herb is any plant with leaves, seeds, or flowers used for flavouring, food, medicine, or perfume.

CLASS 32

[\(Back to List\)](#)

Search Classes: [5](#), [29](#), 32, [33](#), (40)

(Refer also to earlier lists)

Within class

Class 32	Class 32	Similar?	Rationale
Energy drinks	Isotonic beverages	Yes	These goods are similar in terms of use, target consumer and likely manufacturer.
Vitamin water	Isotonic beverages	Yes	These goods are similar in terms of use, target consumer and likely manufacturer.
Non-alcoholic beverages	Syrups and preparations for making non-alcoholic beverages	Yes	The preparations are used to make the beverages and are sold through the same channels under the same trade mark as (e.g. syrups or powders used to make cordial). <i>Carlton and United Breweries Ltd v Lion Nathan Limited</i> [1999] ATMO 84
Natural mineral water	Energy drinks	No	Differ in purpose and generally produced by different traders.
Fruit juice	Soft drink	No	While both are sugary beverages, they are made predominantly out of different ingredients and often

Conflicting Goods and Services List

TMDG

			produced by different traders.
--	--	--	--------------------------------

Unassociated class

Class 32	Class 40	Closely related?	Rationale
Beer	Beer brewing services	Yes	Several traders who produce beer also allow for custom order brewing through the same trade mark. Reasonable for consumers to expect a connection between the trade source.

Cross class

Class 32	Class 33	Similar?	Rationale
Beer	Wine	Yes	Large producers provide a range of products, including beer, wine, spirits, cider and non-alcoholic drinks, and market themselves as such. The goods are all alcoholic beverages, for the same or similar uses, and are purchased through the same trade channels. <i>E&J Gallo Winery v Lion Nathan Australia Pty Ltd (787765) [2009] FCAFC 27</i>
Essences for making beverages	Alcoholic essences	Yes	Alcoholic essences are alcohol flavourings that are used in spirits, moonshine, or vodka to give it a desired flavour. They can be for alcoholic and non-alcoholic beverages, are of the same nature and share similar trade channels.
Non-alcoholic beverages	Alcoholic beverages	Yes	A broad claim for alcoholic beverages in class 33 is similar to a broad claim for non-alcoholic beverages in class 32. This is because goods such as non-alcoholic aperitifs and non-alcoholic cocktails, in class 32, are similar goods to aperitifs and cocktails in class 33. Another example includes de-alcoholised wines in class 32 which are similar to wines in class 33.
Sodas	Alcoholic sodas	No	Different in use and trade channels.

CLASS 33

[\(Back to List\)](#)

Search Classes: [32](#), [33](#)

(Refer also to earlier lists)

Within class

Class 33	Class 33	Similar?	Rationale
Wine	Spirits	Yes	A general claim for spirits as well as claims for specific spirits (brandy, grappa, vodka, whisky etc) are all considered similar to wine.
Wine	Cider	Yes	Similar nature, use and trade channels.
Wine	Liqueurs	Yes	Similar in use and trade channels. Liqueurs may be derived from or contain wine or grape products.
Spirits	Liqueurs	Yes	A broad claim for spirits includes grape derived spirits, such as brandy or grappa. Liqueurs may be derived from or contain such spirits. Therefore, similar in nature, use and trade channels.

CLASS 34

[\(Back to List\)](#)

Search Classes: [14](#), 34

(Refer also to earlier lists)

Within class

Class 34	Class 34	Similar?	Rationale
Electronic cigarette liquid [e-liquid]*	Vaporisers (vaporizers) being smokers' requisites	Yes	The goods are used in conjunction with one another, often produced by the same manufacturers, and sold through the same trade channels.
Electronic cigarette liquid [e-liquid]*; Vaporisers (vaporizers) being smokers' requisites	Cigarettes	Yes	Same use, trade channels, and generally manufactured by the same traders.
Matches	Cigarettes	No	The goods are of a different nature and serve different uses.

Conflicting Goods and Services List

TMDG

Lighters	Cigarettes	No	The goods are of a different nature and serve different uses. .
----------	------------	----	---

Cross class

Class 34	Class 14	Similar?	Rationale
Smokers articles of precious metal	Smokers articles of precious metal (these goods have been moved from class 14 to class 34 with the 9 th edition of NICE).	Yes	Identical goods. NICE change.

CLASS 35

[\(Back to List\)](#)

Search Classes: [12](#), [14](#), [25](#), 35, [36](#), [40](#), [41](#), [42](#), [43](#), (3), (19), (20), (37), [\(38\)](#), [\(39\)](#), [\(45\)](#)

(Refer also to earlier lists)

Within class

Class 35	Class 35	Similar?	Rationale
Business management	Compilation of information into computer databases; management and compilation of databases; collection and systematization of data	No	Business management may incidentally utilise services like the compilation of information into databases, the services are of a different nature and they are provided by different traders with different skillsets (business managers vs computer scientists) <i>J Safra IP Holdings SCS v SAFRAN</i> [2019] ATMO 59, [17]-[26]]:
Business management	Accounting services	Yes	Managing a business includes the managing of financial accounts.
Business management	Advertising services	No	The services are service a different purpose and are not provided by the same traders.

Unassociated class

Class 35	Class 3- Unassociated class	Closely Related?	Rationale
Retail and wholesale of perfume	Perfume	Yes	Perfume is often featured in retail and wholesale outlets owned by the manufacturers

This document is controlled. Its accuracy can only be guaranteed when viewed electronically.

Effective Date: 15 March 2018

Page 58 of 100

Conflicting Goods and Services List

TMDG

			<p>of the goods, or in outlets where consumers can directly inspect and interact with the goods and interact with representatives from the companies producing the goods.</p> <p><i>Estee Lauder Cosmetics Ltd v Warnaco US Inc (2000) 50 IPR 143</i></p>
--	--	--	---

Class 35	Class 19 – Unassociated class	Closely Related?	Rationale
Retail and wholesale of tiles	Ceramic tiles for indoor and outdoor use	Yes	<p>Consumers generally obtain tiles through the retail or wholesale outlets that are often owned and operated by the manufacturers. They are featured in showrooms where consumers inspect and interact with the goods and discuss options and preferences with representatives employed by the manufacturer before purchasing them. Based on the above there is a sufficiently strong relationship between these goods and their retail for consumers to expect them to come from the same trade source.</p> <p><i>See Caesarstone Ltd v Ceramiche Caesar S.p.A. (No 2) [2018] FCA 1096 at 690</i></p>

Class 35	Class 20 – Unassociated class	Closely Related?	Rationale
Retail and wholesale of furniture	Furniture	Yes	<p>Commonplace for manufacturers of furniture to retail their own goods and the goods of others through their own outlets. Consumers inspect and interact with the goods in question and discuss options with sales representatives employed by the retailer/manufacturer.</p> <p><i>K-Mart Corp v Artline Furnishers Supermarkets Pty Ltd (1991) 23 IPR 149</i></p>

Conflicting Goods and Services List

TMDG

Class 35	Class 37- Unassociated class	Similar?	Rationale
Retail of jewellery	Repair of jewellery	Yes	Retailers of jewellery also offer repair services for the jewellery they retail as well as for other brands.

Class 35	Class 38- Unassociated class	Similar?	Rationale
Retail and/or wholesale of telecommunications	Provision of telecommunication services	Yes	These services are both for the purposes of providing/establishing telecommunication connections and are provided by the same traders.

Class 35	Class 39 – Unassociated Class	Similar?	Rationale
Retail and/or wholesale of utilities	Distribution of utilities	Yes	Utility providers also retail utilities. Consumers have come to expect that these services are provided by the same traders.

Class 35	Class 45 - Unassociated Class	Similar?	Rationale
Patent attorney services. Trade mark attorney services. Patent, design and trade mark searching services.	Legal services	Yes	Both legal professions and are often provided through the same trade channels.

Cross class

Class 35	Class 36	Similar ?	Rationale
Business management, consulting, planning	Financial management	Yes	Several types of business and financial management/consultancy/advisory services have a similar nature, purpose, and are offered through the same trade channels. For instance, traders who provide business advisory/consultancy services can also provide financial services in the vein of financial forecasting, planning, and modelling.
Accounting; taxation	Financial services	Yes	Accountants provide financial advice and information, which

Conflicting Goods and Services List

TMDG

			would fall within the ambit of financial services.
Business appraisals	Business valuation	Yes	Business appraisals involve an investigation into the nature and potential of a business. This can involve the review of management and commercial functions. Such appraisals can help determine the value of a business as an asset for the purpose of financial valuation. These services can be intertwined and would be rendered by the same providers and are very similar in nature.
Business insolvency services	Financial insolvency services (including debt collection)	Yes	Insolvency services fall in both Class 35 and Class 36, companies offering insolvency services are likely to offer a mixture of the services found in both classes; in addition, debt recovery and debt restructuring, which are financial services in Class 36, are often provided by traders offering insolvency services.
Real estate auctioneering	Real estate services	Yes	The services are both for the purpose of selling property and are provided by the same traders.
Economic analysis for business purposes	Financial economic analysis	Yes	Both services are the provision of economic analysis and are provided by the same traders/economists/financial advisors.
Business acquisitions consulting	Acquisition for financial investment	Yes	The process of business acquisition is one in which one business purchases another with the intention of creating a stronger single company. These services are therefore for the same purpose and are often provided through the same trade channels.
Evaluation/valuation/grading of standing timber/wool - for claims pre-NICE 10	Financial evaluation/valuation/grading of standing timber/wool	Yes	Identical services. NICE change.
The bringing together, for the benefit of others, of a variety of finance services, enabling customers to conveniently view and purchase those services	Finance services	No	The sale and marketing of financial services are provided through different trade channels for different purposes.

Conflicting Goods and Services List

TMDG

Class 35	Class 40	Similar?	Rationale
Retail of jewellery	Custom manufacture of jewellery	Yes	Custom manufacture of jewellery is often provided by jewellers who also retail jewellery.

Class 35	Class 41	Similar?	Rationale
Modelling for advertising or sales promotion	Modelling services (artist's -)	Yes	Same nature and trade channels even if for different purposes.
Event management (advertising) in relation to the organisation of exhibits or trade fairs for commercial or advertising purposes	Event management services in relation to the organisation of educational, entertainment, sporting, cultural events	Yes	Same nature and trade channels even if for different purposes.
Organisation of exhibitions for commercial or advertising purposes	Organisation of exhibitions for cultural, entertainment or educational purposes	Yes	Same nature and trade channels even if for different purposes.
Organisation of fashion shows for promotional purposes	Organisation of fashion shows for entertainment purposes	Yes	Same nature and trade channels even if for different purposes.

Class 35	Class 42	Similar?	Rationale
Gas and oil lease administration	Analyses for oil-field exploitation	Yes	Specialist market, services provided through the same trade channels.
Compilation of information into computer data bases	Conversion of data or documents from physical to electronic media	Yes	Both for the input of data and are provided through the same trade channels.
Evaluation/valuation/grading of standing timber/wool - for claims pre-NICE 10	Quality evaluation/valuation/grading of standing timber/wool	Yes	Same services. NICE change.

Class 35	Class 43	Similar?	Rationale
Retail of food and drink	Preparation of take away and fast food	Yes	Bringing together a variety of food and drink is a service provided by the same traders who provide food and drink services in class 43.

CLASS 36

[\(Back to List\)](#)

Search Classes: [35](#), [36](#), [37](#), [43](#), [\(42\)](#)

(Refer also to earlier lists)

Conflicting Goods and Services List

TMDG

Within class

Class 36	Class 36	Similar?	Rationale
Credit card services	Insurance services	See rationale	Generally different in nature (provision of credit vs compensation for loss), used in different circumstances, and often provided through different trade channels. Some specific forms of insurance may be offered as perks of credit cards (e.g. purchase protection, flight insurance). If research demonstrates a connection in relation to specific services that fall within the ambit of these broad claims and the marks are sufficiently similar, a citation may in rare circumstances be appropriate.
Real estate sales services	Banking services eg. Financial brokerage, Mortgage services	No	The purpose of these services is different, one is to sell houses the other is to finance them. Provided through different trade channels.

Class 36	Class 42	Similar?	Rationale
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 – all of the above for claims pre-NICE 8	Yes	Identical services. NICE change.

Unassociated class

Cross class

Class 36	Class 35	Similar?	Rationale

Conflicting Goods and Services List

TMDG

Financial evaluation/valuation/grading of standing timber/wool	Evaluation/valuation/grading of standing timber/wool - for claims pre-NICE 10	Yes	Identical services. NICE change.
--	---	-----	----------------------------------

Class 36	Class 37	Similar?	Rationale
Real estate sales services relating to real estate development or property development	Real estate development/Property development	Yes	The services are both for the development and sale of real estate. Traders who develop real estate also sell real estate.

Class 36	Class 43	Similar?	Rationale
Accommodation bureaux (apartments)	Accommodation bureaux (hotels, boarding houses)	Yes	Similar services, provided by the same traders, and accessed through the same trade sources.
Provision of long term accommodation	Provision of temporary accommodation	Yes	Similar services, provided by the same traders, and accessed through the same trade sources.
Property management services	Hotel services	No	Hotel services involve the operation and management of hotels for the purpose of running a hotel business while a property manager oversees residential, commercial and/or industrial real estate. The purpose of each service is different and they are not provided for by the same traders or through the same channels. <i>MID Sydney Pty Ltd v Australian Tourism Co Ltd</i> [1998] FCA 1616; 90 FCR 236

CLASS 37

[\(Back to List\)](#)

Search Classes: [6](#), [9](#), [11](#), [12](#), [13](#), [14](#), [19](#), [27](#), 36, 37, [38](#), [40](#), [42](#), [44](#)

(Refer also to earlier lists)

Within class

Class 37	Class 37	Similar?	Rationale
Maintenance services	Cleaning services	Yes	Maintenance services notionally include cleaning services
Installation services	Cleaning services	No	Installation services generally

Conflicting Goods and Services List

TMDG

			require specific knowledge and training about a certain product. The nature of a cleaning service is quite different and procured from different providers.
--	--	--	---

Unassociated class

Class 35	Class 37- Unassociated class	Similar?	Rationale
Retail of jewellery	Repair of jewellery	Yes	Retailers of jewellery also offer repair services for the jewellery they retail as well as for other brands.

Cross class

Class 37	Class 38	Similar?	Rationale
Communication equipment installation and repair	Communications/ Telecommunications services	Yes	The same trader who provide telecommunications services including connection establishment also install and repair these networks.

Class 37	Class 40	Similar?	Rationale
Clothing repair	Clothing alteration	Yes	Whilst the purpose of these services is slightly different, they are both sewing services provided by the same trades.
Installation/repair of cabinets, joinery	Custom manufacture (cabinets, joinery)	Yes	Traders who custom manufacture cabinets and joinery also offer repair and installation services. Same skill sets, purpose and trade channels.
Installation/repair of locks	Custom manufacture (locksmithing)	Yes	A locksmith is someone who works with locks on doors, windows, safes, cars, etc. Locksmiths install, repair, and adjust locks in everything from cars to office buildings, and they also offer services to people who are locked out or individuals who want to consult with someone about their security systems. The services are similar in nature and trade channels.

Class 37	Class 42	Similar?	Rationale
Civil engineering	Civil engineering (design); Engineering	Yes	These are parts of the same services, used for the same

Conflicting Goods and Services List

TMDG

			purpose, and provided by the same traders.
Computer hardware (installation, maintenance and repair of -)	Computer hardware (consultancy in the field of -)	Yes	Traders who install, maintain, or repair computer hardware also provide advice and consultancy in relation to those goods.
Computer support services [installation repair & maintenance of computer hardware & peripherals]	Computer support services [programming and software installation, repair and maintenance services]	Yes	Both are aspects of the same category of services, often provided in conjunction, and through the same trade sources.

Class 37	Class 44	Similar?	Rationale
Exterminating (vermin -) other than for agriculture	Exterminating (vermin -) for agriculture, horticulture and forestry	Yes	Both are extermination services and are provided through the same trade channels.
Rental of construction equipment	Rental of agricultural equipment	Yes	Construction and agricultural equipment are leased through the same trade channels.
Farming equipment repair and maintenance	Farming equipment rental; Rental of agricultural equipment	Yes	Those who specialise in the repair/mechanics of farm equipment also offer equipment hire.

CLASS 38

[\(Back to List\)'](#)

Search Classes: [9](#), [37](#), [38](#), [41](#), [42](#), [\(35\)](#)

(Refer also to earlier lists)

Within class

Class 38	Class 38	Similar?	Rationale
Broadcasting services	Communications services	Yes	Broadcasting is a type of communication service and falls within the ambit of communication services.

Unassociated class

Class 38	Class 35 - Unassociated class	Similar?	Rationale
Provision of telecommunication services	Retail and/or wholesale of telecommunications	Yes	These services are both for the purposes of providing/establishing telecommunication connections and are provided by the same traders.

This document is controlled. Its accuracy can only be guaranteed when viewed electronically.

Effective Date: 15 March 2018

Page 66 of 100

Cross class

Class 38	Class 41	Similar?	Rationale
Television broadcasting	Production and distribution of television programmes/ Television entertainment	Yes	Television broadcasters also produce entertainment programmes for the purpose of entertaining people via the television.
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	Yes	Both services are the provision of information via the internet and are provided through the same trade channels.
News reporting/broadcasting	News programming and programmes	Yes	News broadcasters also produce news programmes for the purpose of informing people via the radio or television.

Class 38	Class 42	Similar?	Rationale
Telephone services e.g. Message sending	Electronic message storage	Yes	Both services are the provision of communication via telephone and are provided by the same traders.

CLASS 39

[\(Back to List\)](#)

Search Classes: [4](#), [39](#), [42](#), [43](#), [\(35\)](#)

(Refer also to earlier lists)

Within class

Class 39	Class 39	Similar?	Rationale
Transportation services	Tour operating services (unguided)	Yes	Tour operating services are predominately unguided tours that transport people to various localities. They are a subset of transportation. <i>South African Airways (Proprietary) Limited v Virtuoso, Ltd [2011] ATMO 30</i>
Transportation of goods	Storage of goods	No	These services are for different purposes and are provided through different trade channels.

Unassociated class

Conflicting Goods and Services List

TMDG

Class 39	Class 35	Similar?	Rationale
Distribution of utilities Gas supply services Electricity supply services Water supply services	Retail and/or wholesale of utilities Retail of gas supply services Retail of electricity supply services Retail of water supply services	Yes	Utility providers also retail utilities. Consumers have come to expect that these services are provided by the same traders.

Cross class

Class 39	Class 42	Similar?	Rationale
Transport reservation; Travel reservation, Travel agencies	Hotel reservations (pre NICE 8 th edition)	Yes	Services provided by same traders through same trade channels for the purpose of booking travel.

Class 39	Class 43	Similar?	Rationale
Transport reservation; Travel reservation, Travel agencies	Hotel reservations (post NICE 8 th edition)	Yes	Services provided by same traders through same trade channels for the purpose of booking travel.
Food delivery	Take away food services	See rationale	Generally, food delivery involves the delivery of goods produced by third parties. However, this is not always the case, and when dealing with very similar marks a citation may be appropriate.

CLASS 40

[\(Back to List\)](#)

Search Classes: [14](#), [24](#), [25](#), [37](#), 40, [42](#), [43](#), [\(16\)](#), (30), (32)

(Refer also to earlier lists)

Within class

Class 40	Class 40	Similar?	Rationale
Recycling services	Treatment of materials	Yes	Recycling is the treatment of materials. One service is encompassed by the other.

Unassociated class

Class 40	Class 16 – Unassociated Class	Closely Related?	Rationale
----------	-------------------------------	------------------	-----------

Conflicting Goods and Services List

TMDG

Lithographic printing	Lithographs	Yes	Unlike general printed materials, these specific claims are closely related. This is because lithographs are works of art which are printed by the same traders who have specialist skills in the field.
Printing services	Printed matter	No	Printing services are engaged by customers to custom manufacture printed matter for their specific needs. Printing houses do not manufacture their own goods and do not sell generic printed products.

Class 40	Class 30 – Unassociated Class	Closely Related?	Rationale
Coffee roasting/grinding	Coffee	Yes	Common for traders who manufacture their own brand of coffee to also roast and grind for third parties.

Class 40	Class 32 – Unassociated Class	Closely related?	Rationale
Beer brewing services	Beer	Yes	Several traders who produce beer also allow for custom order brewing through the same trade mark. Reasonable for consumers to expect a connection between the trade source.

Class 40	Class 41 (not associated or unassociated)	Similar?	Rationale
Printing	Publication services	No	A publisher issues select materials for sale, distribution, or readership, while a printer mass produces goods to the customer's request. These services are used in different situations, by different customers, and are not provided through the same trade channels.

Cross class

Class 40	Class 42	Similar?	Rationale
Custom manufacture of jewellery	Design of jewellery	Yes	Traders who manufacture jewellery also frequently design them with customer input.

Conflicting Goods and Services List

TMDG

Dressmaking	Clothing design	Yes	Those who provide dressmaking services also provide clothing design services for the purpose of creating a clothing product.
-------------	-----------------	-----	--

Class 40	Class 43	Similar?	Rationale
Coffee roasting	Café services	Yes	While the nature and purposes of these services are different, it is common for traders who provide coffee roasting services to others to also operate as a café. Both services could be engaged by the same customers.

CLASS 41

[\(Back to List\)](#)

Search Classes: [9](#), [16](#), [35](#), [38](#), 41, [42](#), [43](#), [\(36\)](#)

(Refer also to earlier lists)

Within class

Class 41	Class 41	Similar?	Rationale
Organising events for cultural purposes	Organising of entertainment	Yes	These services are similar in nature, both event organisation services, and are provided by the same traders.
Organising events for cultural purposes	Organisation of an art exhibition	Yes	These services are similar in nature, both event organisation services, and are provided by the same traders.
Organisation of sporting events	Organisation of an art exhibition	No	These are generally provided by different traders, for different purposes, and to different consumers.

Unassociated class

Class 41	Class 36 – Unassociated class	Similar?	Rationale
Operation of lotteries and gambling / gaming	Operation of lotteries and gambling / gaming This is to cater for the move of this item from class 36 to class 41 (NICE 8 th edition)	Yes	Identical services. NICE change.

Cross class

Conflicting Goods and Services List

TMDG

Class 41	Class 42	Similar?	Rationale
Weblog (blog) services (online publication of journals or diaries)	Creating and maintaining weblogs (blogs) for others; hosting weblogs	No	One service is the publication of information whilst the other is a hosting service. These services serve different purposes and are provided by different traders and via different trade channels.

Class 41	Class 43	Similar?	Rationale
Camp services (holiday -) [entertainment]	Camp services (holiday -) [lodging]	Yes	Traders who provide camp services provide both accommodation and recreational facilities and activities for holiday goers.
Theatre restaurants [entertainment]	Restaurants	Yes	Both types of restaurants serve food and drink.

CLASS 42

[\(Back to List\)](#)

Search Classes: [9](#), [12](#), [14](#), [16](#), [25](#), [35](#), [37](#), [38](#), [40](#), 42, [43](#), [\(41\)](#)

(Refer also to earlier lists)

Within class

Class 42	Class 42	Similar?	Rationale
Software design	Computer programming	Yes	Computer programming is the process of designing and building an executable computer program for accomplishing a specific computing result. The services are similar in nature and purpose and are provided through the same trade channels.

Unassociated class

Class 42	Class 41- Unassociated class	Similar?	Rationale
Rental of computer software	Rental of games software - for claims pre 2006	Yes	For claims pre 2006

Cross class

Conflicting Goods and Services List

TMDG

Class 42	Class 35	Similar?	Rationale
Quality evaluation/valuation/grading of standing timber/wool	Evaluation/valuation/grading of standing timber/wool - for claims pre-NICE 10	Yes	Identical services. NICE change.

Class 42	Class 44	Similar?	Rationale
Medical research	Medical services	No	The nature of the services differs (research vs treatment) and they generally rendered in different circumstances through different trade channels.

CLASS 43

[\(Back to List\)](#)

Search Classes: [30](#), [35](#), [36](#), [39](#), [41](#), [42](#), 43

(Refer also to earlier lists)

Within class

Class 43	Class 43	Similar?	Rationale
Coffee shop services	Restaurant services	Yes	Both services involve the provision of food and drink.
Hotel accommodation services	Restaurant services	No	Although hotels often contain restaurants on the premises, the nature of services are different (accommodation vs provision of food & drink) and it is more common for onsite restaurants to be leased by third parties or operate under a different brand name

Cross class

Class 43	Class 42	Similar?	Rationale
Provision of food and drink	Retail of food and drink	Yes	Note: this is to catch filings made using NICE 7 th or earlier editions (ie those where retail and wholesaling fell in to class 42 rather than 35) See also now appearing in class 35.

CLASS 44

[\(Back to List\)](#)

Search Classes: 3, [37](#), [42](#), 44, [45](#)

Conflicting Goods and Services List

TMDG

(Refer also to earlier lists)

Within class

Class 44	Class 44	Similar?	Rationale
Medical care	Veterinary services	No	Medical care is the provision of an examination to assess a person's state of physical health or fitness. Veterinary services relate to the diseases, injuries, and treatment of farm and domestic animals. These services are different in nature, purpose and trade channels.

Cross class

Class 44	Class 45	Similar?	Rationale
Counselling (psychiatric & psychological)	Counselling (spiritual & religious)	Yes	Both services provide counselling to aid in wellbeing. It is not uncommon for psychologists/psychiatrists to discuss and counsel on spiritual and religious matters and vice versa.
Providing information including on-line, about medical services	Providing information including on-line, about personal & social services meeting the needs of individuals	Yes	Health centres and clinics often provide both forms of information for the same purpose and to the same people.
Dog walking services	Dog walking services Note: this is to catch filings made using NICE 10 th or earlier editions (dog walking services was added to Class 45 in NICE 11 th).	Yes	Identical services. NICE change.
Personal care services (medical nursing, health, hygiene and beauty care)	Personal care services (non-medical caregiving services)	Yes	Both are personal care services, provided for similar purposes and often by the same traders.

CLASS 45

[\(Back to List\)](#)

Search Classes: [9](#), [42](#), [44](#), 45, [\(35\)](#)

(Refer also to earlier lists)

Within class

Class 45	Class 45	Similar?	Rationale
Provision of security services	Surveillance, guard night watch services, detective	Yes	Surveillance, guard and detective agency services fall

Conflicting Goods and Services List

TMDG

	agency services		within scope of broader security services claim. Please note that these claims were previously classified in class 42.
Conveyancing	Intellectual property consultancy	No	Both very specialised branches of law that are not generally provided by the same firms.

Unassociated class

Class 45	Class 35 - Unassociated Class	Similar?	Rationale
Legal services	Patent/trade mark attorney services. (note that some older registrations owned by IP professionals have such services listed in class 35).	Yes	Some IP attorney services were previously claimed in class 35. These fall within broader scope of legal services.

Cross class

Class 45	Class 44	Similar?	Rationale
Dog walking services	Dog walking services Note: this is to catch filings made using NICE 10 th or earlier editions (dog walking services was added to Class 45 in NICE 11 th).	Yes	Identical services. NICE change. Please note there are other conflicts between associated classes 44 & 45. Please refer to earlier lists.

Conflicting Goods and Services List

TMDG

Annexure 1. Registrar/Court Decisions

This is a list of goods and services which have been found to be *similar* or *not similar* and *closely related* or *not closely related*, taken from court and Registrar's decisions. It is not a comprehensive list as some older decisions have been omitted where it seems clear that the relevant markets have changed to the extent that a different view would be taken in today's circumstances. Please note, decisions such as those listed below are based on the circumstances of the particular case and should only be used as a guide.

Note that the Registrar and court decisions may or may not be in associated classes. They are therefore listed in each class to which the decisions relate.

Class 1

Class	Goods	Same/ Differ	Class	Goods	Citation	TM/Title
1	Adhesive substances for industrial purposes	same	1	Adhesive cements	[1947-48] 64-65 RPC 76	BECK
1	Glue and gelatine	differ	2	Anti-corrosive and anti-fouling compositions, paints and varnishes	(1902) 19 RPC 42	OPEN HAND DEVICE

Class 2

Class	Goods	Same/ Differ	Class	Goods	Citation	TM/Title
2	Anti-corrosive and anti-fouling compositions, paints and varnishes	differ	1	Glue and gelatine	(1902) 19 RPC 42	OPEN HAND DEVICE
2	Wood preserving oils and paints	differ	3	Disinfectants and germicides	(1945) 70 CLR 84 at 94	DEKOL (Reckitt & Colman) v Boden
2, 3, 7	Paints and lacquers	differ	37	Automotive paint touch-up processes	[1999] ATMO 40 (29 April 1999)	DUCO MAGIC (591509)

Class 3

Class	Goods	Same/ Differ	Class	Goods	Citation	TM/Title
3	Disinfectants and germicides	differ	2	Wood preserving oils and paints	(1945) 70 CLR 84 at 94	DEKOL (Reckitt & Colman v Boden)
3	Perfumery, cosmetics, preparations for the hair and dentifrices	differ	3	Soap and detergents	(1949) 66 RPC 84	SUNLIGHT
3	Perfumes	same	3	Perfumed face powder	(1924) 41 RPC 454	ROSETTE
3	Soap	differ	4	Candles	[1909] VLR 59	Lever Bros v G Mowling (No.2)
3	Medicated soaps	same	5	Pharmaceutical preparations	(1992) RPC 529	BENSYL/BEN VIL & BENTASIL

Conflicting Goods and Services List

TMDG

3	Non-medicated cosmetics	same	5	Medicated cosmetics	(1993) 27 IPR 245	ANTIASE
3	Non-medicated toilet preparations	same	5	Medicated toilet preparations	(1949) 66 RPC 305	VONO
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	Soap, perfumery, essential oils and cosmetics	differ	16	Periodicals and magazines	(1986) 7 IPR 318	VOGUE
3	All goods	differ	18	All goods	(1994) 28 IPR 365	JOVANI
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	(1994) 28 IPR 365	JOVANI : JOVAN
3, 9, 25	Cosmetics, eyeglasses, clothing	differ	18	Leather, imitation leather goods, umbrellas, bags, wallets and travelling goods	[1999] ATMO 127	MOSSIMO (743475)
3	Tyre cleaning preparations	differ	21	Detergent filled scouring pads	[1997] ATMO 14	SO EASY (613697)
3	Boot Polishes	differ	25	Rubber heels	(1912) 29 RPC 133	NUGGET
3	Cosmetics	differ	25	Clothing	(1993) AIPC 90-961	PUMA
3	Perfumes and toilet articles	differ	25	Lingerie, hosiery and other articles of clothing	(1939) 9 AOJP 3311	Potter & Moore Ltd.'s Appn
3	Shoe polish	differ	25	Boots and shoes	(1946) 63 RPC 59	PANDA (Jellinek's application)
3	Perfume, dusting powder, body lotion and soap	differ	26	Wigs, toupees, false hair, hair pieces and hair tresses	12 IPR 417	RITZ
3	Disinfectants	differ	29	Meat extract	(1946) 63 RPC 19	JARDEX
3	Essential Oils	differ	30	Flavourings, condiments, herbs	[1990] AIPC 90-676; 17 IPR 382	HERMES
3	Articles of perfumery	differ	34	Manufactured tobacco	(1946) 16 AOJP 543	WD and HO Wills v Bernal
2, 3, 7	Paints and lacquers	differ	37	Automotive paint touch-up processes	[1999] ATMO 40 (29 April 1999)	DUCO MAGIC (591509)

3	Cosmetic skin care products	same	5	Fungicides	Moroccanoil Israel Ltd v Aldi Foods Pty Ltd [2017] FCA 823	
---	-----------------------------	------	---	------------	--	--

Class 4

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
4	Candles	differ	3	Soap	[1909] VLR 59	Lever Bros v G Mowling (No.2)

Conflicting Goods and Services List

TMDG

4	Lubricating oils and lubricating greases	same	4	Anti-corrosive oils; oils used in manufacture, mineral substances including oils	[1977] RPC 163	OPTIMOL/OPTIMAL
4	Motor spirit	same	4	Lubricating oils	(1907) 24 RPC 585	MOTRICINE/MOTORINE

Class 5

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
5	Pharmaceutical preparations	same	3	Medicated soaps	(1992) RPC 529	BENSYL/BENVIL & BENTASIL
5	Medicated cosmetics	same	3	Non-medicated cosmetics	(1993) 27 IPR 245	ANTIASE
5	Medicated toilet preparations	same	3	Non medicated toilet preparations	(1949) 66 RPC 305	VONO
5	Cardio-vascular preparations for use in treating humans	same	5	Veterinary preparations and substances	(1993) RPC 239	UNIVER/UNIVET
5	Dietetic herbal elixirs	same	5	Medicated preparations for treatment of teeth, mouth and gums	[1974] RPC 583	FLORADIX
5	Disinfectants for personal use	same	5	Disinfectants other than for personal use	[1980] RPC 160	CONSORT
5	Health foods, vitamins and health supplements	differ	5	Hospital furniture and surgical equipment and apparatus	[2000] ATMO 83	MEDICRAFTS (728894)
5	Herb based tea	same	5	Pharmaceutical preparations and substances	[1991] AIPC 90-764	CHINESE CHARACTERS (397009)
5	Injectible penicillin for human use	same	5	Injectible penicillin for veterinary uses	[1985] IPD 8013	Restan Laboratories Appn
5	Medicated food for human use	same	5	Medicinal preparations	(1927) 44 RPC 1	NUVOLA
5	Pharmaceutical preparations and substances, all for humans	differ	5	Fungicides for use in agriculture, not being veterinary preparations	(1992) RPC 541	INVICTA
5	Preparations for the treatment of nervous disorders in humans (Parkinson's Disease)	differ	5	Topical veterinary preparations	(1987) 11 IPR 318	COGENTIN/MYCOGENTIN
5	Wound dressings	same	5	Analgesic preparations	(1992) RPC 421	INADINE/ANADIN & ANADIN EXTRA
5	Pharmaceutical preparations, medicinal drugs	differ	10	Spinal needles	[2001] ATMO 64	UNIEVER (773325)
5	Sanitary belts and pads	differ	24	Face cloths, handkerchiefs, table napkins, wrappers, doyleys and baby napkins	(1967) 118 CLR 79	COLDEX
5	Dietary food supplements and vitamins	differ	30	All seasonings and spices in this class	[1997] ATMO 44	DASH (540085)
5	Dietetic foods	differ	30	Flavourings for making milk beverages	[1995] ATMO 5	QUIX (554344...)
5	Herb based tea	differ	30	Condiments, sauces, including soy sauces, spices	[1991] AIPC 90-764	CHINESE CHARACTERS (397009)

This document is controlled. Its accuracy can only be guaranteed when viewed electronically.

Effective Date: 15 March 2018

Page 78 of 100

Conflicting Goods and Services List

TMDG

5	Medicated skin care products	same	5	Fungicides	Moroccanoil Israel Ltd v Aldi Foods Pty Ltd [2017] FCA 823	
---	------------------------------	------	---	------------	--	--

Class 6

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
6	Alloys containing lead	same	6	Cast rolled and extruded alloys of tin and lead	[1958] RPC 425	WELLOY/WALLOY
6	Rivets, screws, staples, nails and bolts	differ	6	Gutters, downpipes, fascias and gutter suspension clips	(1984) AIPC 93-213	CLICKFAST
6	Steel	differ	8	Steel tools	(1946) 63 RPC 1	MORREX
6	Metal pipes and pipe fittings	same	17	Plastic pipes and pipe joints	[1965] RPC 351	CHEMODAN
6, 20	Door and window hardware	differ	20	Furniture, screens, and partitions of wood for furniture	[1999] ATMO 86	INTERLOCK JOINERY (708445)
6	Apartments (metallic structures or buildings)	differ	37	Development of real estate; development and construction of infrastructure in relation to real estate	[2014] ATMO 10	COCKBURN COAST THE JETTY (1511152)

Class 7

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
7	Marine engines over 5000 hp	differ	7	Outboard motors	[1980] RPC 250	SEAHORSE
7	Power operated saws and parts and fittings	same	7	Machines and machine tools for the woodworking industry	[1993] 27 IPR 267	JONSERED
7	Precision grinding machines and precision grinding spindles being parts thereof	same	7	Machinery for use in the manufacture of boots and shoes, leather skiving and splitting machines, elclamp raising winches and power hack saws	[1957] RPC 84	FORTUNA
7	Machines for washing, utilising jets of fluid	differ	8	Flushing guns for clearing pipes, drains etc	IPD 12010	DYNAJET
7	Percussion drills	same	8	Cartridge riveters and pin-firers	[1979] RPC 155	TORNADO
7	Computer controlled automatic assembling machines	differ	9	Computers	[1988] IPD 1011 (BoFT)	Automatix Ltd's Appn
7	Well-drilling and boring machinery, milking machines, engines and windmills	differ	11	Refrigerators	(1953) 91 CLR 592	SOUTHERN CROSS
7	Lawnmowers and parts	differ	12	Boats	(1954) 24 AOJP 396	Hardman v The JP Engineering

Conflicting Goods and Services List

TMDG

						Co Ltd
7	Lawn-mowers	differ	12	Bicycles	IPD 12108	PANTHER
7	Lawn-mowers	differ	12	Boats	[1954] AOJP 396	J.P. SIMPLEX
2, 3, 7	Paints and lacquers	differ	37	Automotive paint touch-up processes	[1999] ATMO 40 (29 April 1999)	DUCO MAGIC (591509)

Class 8

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
8	Steel tools	differ	6	Steel	(1946) 63 RPC 1	MORREX
8	Flushing guns for clearing pipes, drains etc	differ	7	Machines for washing, utilising jets of fluid	IPD 12010	DYNAJET
8	Cartridge riveters and pin-firers	same	7	Percussion drills	[1979] RPC 155	TORNADO
8	Carpenter's drawing knives	same	8	Cooper's drawing knives	(1887) 4 RPC 45	SQUARE & COMPASSES DEVICE
8	Tools for cutting metal	same	8	Hacksaws	(1918) 35 RPC 137	VICTOR

Class 9

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
9	Computers	differ	7	Computer controlled automatic assembling machines	[1988] IPD 1011 (BoFT)	Automatix Ltd's Appn
9	Analysis equipment	same	9	Electronic apparatus industrially & scientifically employed for measuring, metering etc	[2000] ATMO 110	NEWPORT SCIENTIFIC (730886)
9	Cameras, flashguns for photographic purposes	same	9	Photographic exposure meters	[1979] RPC 27	REVUE
9	Cinematograph films and accessories	same	9	Talking machines, records and accessories	(1932) 49 RPC 483	COLUMBIA
9	TV installation accessories including external TV antennas	differ	9	Televisions	[2011] FCA 94	DIGITEK (Hills Industries Limited v Bitek Pty Ltd)
9	Optical goods	differ	9, 28	Computer games and hand held computer games	[2001] ATMO 43	DIE HARD (724090)
9	Electronic organisers and software	same	9	All goods in the class	[2000] ATMO 128	MOBILON (745979)
9	Photographic and cinematographic projectors and photographic enlargers	differ	9	Photographic exposure meters	[1979] RPC 27	REVUE
9	Radio apparatus	differ	9	Gramophone records	[1979] RPC 173	OSCAR
9	Radio receiving sets	same	9	Tubes and valves for radio apparatus	(1931) 1 AOJP 1071	Munder Electrical Co's Appn
9	Television and line telephonic apparatus	differ	9	Cinematographic films	(1932) 49 RPC 483	COLUMBIA

Conflicting Goods and Services List

TMDG

9	Vacuum cleaners	same	9	Floor polishers	(1954) 71 RPC 23	ELECTRIX
9	Wireless receiving sets	same	9	Gramophone and other sound recording and reproducing instruments	(1933) 50 RPC 198	PUP
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
9	Magnetic data carriers, recording discs, apparatus for recording, transmission or reproduction of sound or images, calculating machines and data processing equipment	differ	12	Motor vehicle components in this class; spare parts for motor vehicles; parts and fittings for vehicles including automobiles; motor vehicle accessories	[1999] ATMO 37	AAP (728848)
9, 28	Computer games and hand held computer games	differ	14	Jewellery, horological and chronometric instruments	[2001] ATMO 43	DIE HARD (724090)
9	Information display systems	differ	14	Watches	[1996] ATMO 16	KRONE
9	Sound recording and sound reproducing machines	differ	15	Accordions and mouth organs	(1922) 17 AOJP 294	MELBA
3, 9, 25	Cosmetics, eyeglasses, clothing	differ	18	Leather, imitation leather goods, umbrellas, bags, wallets and travelling goods	[1999] ATMO 127	MOSSIMO (743475)
9	Coin-fed amusement machines	differ	20	Furniture, upholstery	[1989] AIPC 90-586	NAMCO
9	Television sets and television products	differ	20	Furniture	[2001] ATMO 91	BEKO (783399)
9	Coin-fed amusement machines	differ	21	Pressure cookers and cooking pots	[1989] AIPC 90-586	NAMCO
9	Bicycle safety and sporting helmets including motor vehicle helmets	differ	25	Sporting clothing including sports wear	[1998] ATMO 16	TAG (589991)
9	Fashion eyewear	differ	25	Clothing	[1996] ATMO 44	FACONNABLE (384634)
9	Cleaning devices for gramophone records	differ	27	Matting, floor tiles and other floor covering	[1984] IPD 7062	Peter Smith Associates (Wiltshire) Ltd's Appn
9	Bicycle safety and sporting helmets including motor vehicle helmets	same	28	Sporting articles	[1998] ATMO 16	TAG (589991)
9	Sunglasses and accessories for sunglasses	differ	28	Flippers for swimming & bodyboarding	[1996] ATMO 30	BLADES (562123)
9,28	Computer games and hand held computer games	differ	28	Skateboards	[2001] ATMO 43	DIE HARD (724090)
9	Magnetic data carriers, recording discs, apparatus for recording, transmission or reproduction of sound or images, calculating machines and data processing equipment	same	37	Repair, installation, renovation and maintenance services in connection with machines	[1999] ATMO 37	AAP (728848)
9	Apparatus for recording, transmission or reproduction	same	38	Services involving the communication of data	(1993) 27 IPR 309	STARNET (Aussat)

This document is controlled. Its accuracy can only be guaranteed when viewed electronically.

Effective Date: 15 March 2018

Page 81 of 100

Conflicting Goods and Services List

TMDG

	of data, sound or images; radio communications apparatus and instruments and parts and fittings			(including sounds and images) by satellite		
9	Computer printers	same	42	Computer software & systems services; system design & development services	[1998] ATMO 64	SPL (647304)

Class 10

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
10	Spinal needles	differ	5	Pharmaceutical preparations, medicinal drugs	[2001] ATMO 64	UNIEVER (773325)
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	[1998] ATMO 57	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

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
11	Refrigerators	differ	7	Well-drilling and boring machinery, milking machines, engines and windmills	(1953) 91 CLR 592	SOUTHERN CROSS
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	[1998] ATMO 57	PRESTO (625069)
11	Cooking appliances and parts & accessories in this class for such cooking appliances	differ	11	Gas wall furnaces and gas heaters	[1997] ATMO 68	FINESSE (652160)
11	Cooking and heating apparatus	same	11	Electric coffee brewing machines	[1997] ATMO 6	PIFCO (477179)
11	Electric heating and lighting apparatus	same	11	Electric lamps	[1965] RPC 369	ACEC
11	Electrical toasters and hair dryers	differ	11	Infra red lamps, heating installations and air conditioning appliances	[1979] RPC 59 at 77	ATLAS
11	Hotwater radiators for central heating systems	differ	11	Electrical heating apparatus	[1970] RPC 207	SUNLINE
11	Hydrotherapy bathtubs, comprising complete units & specifically intended for	differ	11	Taps, faucets and cocks for water supply and sanitary	[1998] ATMO 57	PRESTO (625070)

This document is controlled. Its accuracy can only be guaranteed when viewed electronically.

Effective Date: 15 March 2018

Page 82 of 100

Conflicting Goods and Services List

TMDG

	medical & therapeutic use in hospitals & nursing homes			installations		
11	Sinks	same	11	Taps, shower fittings	[2000] ATMO 126	HANS (709696)
11	Taps and faucets	same	11	Stainless steel sinks, urinals and shower trays	(1977) 1 NZIPR 132	REGENCY
11	Insulated thermoelectric containers intended to keep the contents thereof cool or warm	same	21	Insulated containers in this class; insulated plastic containers for use in holding beverages or food stuffs; vacuum flasks and bottles; ice boxes and ice buckets	[1999] ATMO 108	KOOL MATE (604408)

Class 12

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
12	Boats	differ	7	Lawnmowers and parts	(1954) 24 AOJP 396	Hardman v The JP Engineering Co Ltd
12	Bicycles	differ	7	Lawn-mowers	IPD 12108	PANTHER
12	Bicycles, their parts and accessories included in this class	differ	3, 9, 14, 16, 25	All goods in those classes	Hearing decision issued 11.2.94	BENOTTO & EAGLE DEVICE
12	Motor vehicle components in this class; spare parts for motor vehicles; parts and fittings for vehicles including automobiles; motor vehicle accessories	differ	9	Magnetic data carriers, recording discs, apparatus for recording, transmission or reproduction of sound or images, calculating machines and data processing equipment	[1999] ATMO 37	AAP (728848)
12	Cycles	differ	12	Motor vehicles other than motor cycles	(1916) 33 RPC 389	SUNBEAM
12	Powered catamarans	same	12	Inflatable boats	27 IPR 530	COUGAR
12	Skid-steer loaders	same	12	Vehicle tracks and tracking systems for wheeled and rubber tyred vehicles	[1996] ATMO 6	BOBTRAX (560540)
12	Three wheel cycle cars	same	12	Cycles	(1923) 40 RPC 226	WHEEL AND WINGS DEVICE
12	Tyres for motor cars	same	12	Tyres for cycles	(1910) 27 RPC 161	WARWICK
12	Cycles and motor cycles and other motor vehicles	differ	13	Small arms and ammunition	(1907) 24 RPC 563	B.S.A.

Class 13

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
13	Small arms and ammunition	differ	12	Cycles and motor cycles and other motor vehicles	(1907) 24 RPC 563	B.S.A.

Conflicting Goods and Services List

TMDG

Class 14

Class	Goods	Same/ Differ	Class	Goods	Citation	TM/Title
14	Jewellery, horological and chronometric instruments	differ	9, 28	Computer games and hand held computer games	[2001] ATMO 43	DIE HARD (724090)
14	Watches	differ	9	Information display systems	[1996] ATMO 16	KRONE
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
14	Horological and chronometric devices	same	14	Watches and clocks	[2001] ATMO 27	ETERNITY (771190)
14	Watches	same	14	Clocks with calculator	(1996) 36 IPR 88	CANNON
14	Watches	same	14	Jewellery	[2001] ATMO 52	PAUL PEUGEOT (771492)
14	Gold or silver plated photo frames	differ	21	Pewter domestic ware	[1995] ATMO 25	KIRRA (584742)
14	Electronic watches and clocks	differ	18, 25, 28	Clothing, footwear, leather goods, sporting articles and games and playthings	[2001] ATMO 85	REEF (727395)

Class 15

Class	Goods	Same/ Differ	Class	Goods	Citation	TM/Title
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

Class	Goods	Same/ Differ	Class	Goods	Citation	TM/Title
16	Periodicals and magazines	differ	3	Soap, perfumery, essential oils and cosmetics	(1986) 7 IPR 318	VOGUE
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
16	Maps for use in tourism areas	differ	16	Printed publications dealing with finance and economics	[1999] ATMO 16	CITY-CARD (716812)
16	Stationery goods	differ	18	Travel goods	[1994] ATMO 92	LE PELICAN (573853)
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	[2010] ATMO 9	ECOPOP (1218890)

Conflicting Goods and Services List

TMDG

16	All goods in this class	differ	42 (35)	Motor vehicle retail services	[1998] ATMO 12	WHERE WE REALLY CARE FOR YOU - Pink Panther & device (637669)
16	Maps for use in tourism areas	differ	36	Banking services in this class including electronic transfer and access of funds	[1999] ATMO 16	CITY-CARD (716812)
16	Telephone books, telephone directories & business directories	same	42	Providing access to an interactive computer database in the field of general information such as names, addresses, telephone numbers and advertisements	[1999] ATMO 10	YELLOWN ET (663017)

Class 17

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
17	Plastic pipes and pipe joints	same	6	Metal pipes and pipe fittings	[1965] RPC 351	CHEMODAN
17	Polypropylene resin and moulding compounds	differ	17	Synthetic foam and packing, stopping and insulating materials	[1995] ATMO 44	FORTEX (581807)
17	Thermal insulation materials	differ	21	Various insulating vessels and containers	[1989] AIPC 90-558	MICROTHERM

Class 18

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
18	All goods	differ	3	All goods	(1994) 28 IPR 365	JOVANI
18	Leather and imitations of leather, and goods in this class made from these materials	differ	3	Toiletries, perfumery, essential oils, soaps, hair lotions & cologne and aftershave for men	(1994) 28 IPR 365	JOVANI : JOVAN
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	differ	25	Clothing	[1994] ATMO 99	VITALIANO PANCALDI (493209)
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)

Conflicting Goods and Services List

TMDG

18, 21, 22	Camping equipment	differ	25	Footwear	[1987] AIPC 90-402	WALKABOUT
------------	-------------------	--------	----	----------	--------------------	-----------

Class 19

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
19	Construction materials comprising vinyl or rubber stair nosings	same	19	Ceramic tiles	[1999] ATMO 119	JOHNSONITE (610932...)

Class 20

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
20	Furniture, screens, and partitions of wood for furniture	differ	6, 20	Door and window hardware	[1999] ATMO 86	INTERLOCK JOINERY (708445)
20	Furniture, upholstery	differ	9	Coin-fed amusement machines	[1989] AIPC 90-586	NAMCO
20	Furniture	differ	9	Television sets and television products	[2001] ATMO 91	BEKO (783399)
20	Bedsteads	same	20	Settees, easy chairs, fireside chairs	(1952) 69 RPC 219	DREAMLAND (Frank George Whiting's Appn)
20	Venetian blinds	differ	20	Furniture	[1987] AIPC 90-454	PERMA/PERM ACRAFT
20	Beds and bedding goods	differ	42 (44)	Medical care for sleep and chest disorders	[2001] ATMO 10	FORTY WINKS (771800)

Class 21

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
21	Detergent filled scouring pads	differ	2	Tyre cleaning preparations	[1997] ATMO 14	SO EASY (613697)
21	Pressure cookers and cooking pots	differ	9	Coin-fed amusement machines	[1989] AIPC 90-586	NAMCO
21	Insulated containers in this class; insulated plastic containers for use in holding beverages or food stuffs; vacuum flasks and bottles; ice boxes and ice buckets	same	11	Insulated thermoelectric containers intended to keep the contents thereof cool or warm	H.D. No. 108 of 1999	KOOL MATE (604408)
21	Pewter domestic ware	differ	14	Gold or silver plated photo frames	H.D. No. 25 of 1995	KIRRA (584742)
21	Various insulating vessels and containers	differ	17	Thermal insulation materials	[1989] AIPC 90-558	MICROTHERM
21	Plastic cups	same	21	Plastic food containers	(1987) 8 IPR 285	SWEETHEART
18, 21, 22	Camping equipment	differ	25	Footwear	[1987] AIPC 90-402	WALKABOUT
21	Brushes, mops and other cleaning devices	differ	27	Matting, floor tiles and other floor coverings	[1989] AIPC 90-586	NAMCO
21	Containers and pots for flowers	differ	31	Live flowers and plants	H.D. No. 91 of 1994	TELEFLOWER (624732)

Conflicting Goods and Services List

TMDG

Class 22

Class	Goods	Same/ Differ	Class	Goods	Citation	TM/Title
18, 21, 22	Camping equipment	differ	25	Footwear	[1987] AIPC 90-402	WALKABOUT

Class 23

Class	Goods	Same/ Differ	Class	Goods	Citation	TM/Title
23	Knitting wool	differ	24	Quilts cushions and cases	(1932) 2 AOJP 805	KOALA AND DEVICE

Class 24

Class	Goods	Same/ Differ	Class	Goods	Citation	TM/Title
23	Knitting wool	differ	24	Quilts cushions and cases	(1932) 2 AOJP 805	KOALA AND DEVICE

Class 25

Class	Goods	Same/ Differ	Class	Goods	Citation	TM/Title
25	Rubber heels	differ	3	Boot Polishes	(1912) 29 RPC 133	NUGGET
25	Clothing	differ	3	Cosmetics	(1993) AIPC 90-961	PUMA
25	Lingerie, hosiery and other articles of clothing	differ	3	Perfumes and toilet articles	(1939) 9 AOJP 3311	Potter & Moore Ltd.'s Appn
25	Boots and shoes	differ	3	Shoe polish	(1946) 63 RPC 59	PANDA (Jellinek's application)
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)
25	Face masks for surgical purposes	differ	10	Surgical, medical, dental and veterinary instruments and apparatus	(1984) 2 IPR 402	CARPEX
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
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)

Conflicting Goods and Services List

TMDG

25	Clothing	differ	18	Leathergoods	H.D. No. 99 of 1994	VITALIANO PANCALDI (493209)
25	Clothing, footwear and headwear	differ	18	Leather goods in this class including personal leather goods including luggage, handbags, wallets, key cases and purses	H.D. No. 56 of 1999	MUNDI (630361)
3, 9, 25	Cosmetics, eyeglasses, clothing	differ	18	Leather, imitation leather goods, umbrellas, bags, wallets and travelling goods	H.D. No. 127 of 1999	MOSSIMO (743475)
25	Footwear	differ	18, 21, 22	Camping equipment	[1987] AIPC 90-402	WALKABOUT
25	Casual clothing and sportswear excluding footwear	same	25	Athletic shoes, shoes	(1992) AIPC 90-931	BALANCE (434527, 483228)
25	Men's and boys' clothing	same	25	Athletic shoes, shoes	(1992) AIPC 90-931	BALANCE (434527, 483228)
25	Brassieres, foundation garments and related ladies' wearing apparel, lingerie	Same	25	Swimwear	2015 ATMO 116	SEAFOLLY GODDESS (1578165)
25	Boots, shoes and slippers	differ	25	Stockings and socks	[1957] RPC 177	EXCELLA
25	Men's and boy's shirts	same	25	Women's clothing	(1958) 28 AOJP 2154	CAMPUS
25	Men's and boys' clothing	same	25	Women's and girls' clothing	[1989] RPC 111	CHELSEA MAN
25	Sleeping garments	same	25	Knitted underwear	(1956) 26 AOJP 1399	NITEY NITE
25	Socks	differ	25	Underclothing	[1979] IPD 2107	Biro Bic Ltd's Appn
25	Underclothing for women and children not being foundation garments	same	25	Women's silk stockings	[1957] RPC 289	ENGLISH ROSE
25	Wetsuits	differ	25	Sports clothing	H.D. No. 25 of 1996	REEF WETSUITS (409721)
25	Women's underwear	same	25	Stockings, knee highs, pantihose	H.D. No. 38 of 1994	INTRIGUE (76405)
25	Woollen garments	same	25	Stockings and socks	(1948) 65 RPC 369	SUNFLECK (John Crowther)
25	Clothing	differ	26	Lace, embroidery, ribbons, braid, buttons, press buttons, hooks and eyes, pins, needles and artificial flowers	(1988) 12 IPR 310	PLAYBOY
25	Children's clothing	differ	28	Children's toys	H.D. No. 12 of 1995	LITTLE TYKE (512137)

Conflicting Goods and Services List

TMDG

25	Sports Clothing	differ	28	Sporting goods	(1993) AIPC 90-967	SPORTCRAFT : SPORTSCRAFT
----	-----------------	--------	----	----------------	--------------------	--------------------------

Class 26

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
26	Wigs, toupees, false hair, hair pieces and hair tresses	differ	3	Perfume, dusting powder, body lotion and soap	12 IPR 417	RITZ
26	Lace, embroidery, ribbons, braid, buttons, press buttons, hooks and eyes, pins, needles and artificial flowers	differ	25	Clothing	(1988) 12 IPR 310	PLAYBOY

Class 27

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
27	Matting, floor tiles and other floor covering	differ	9	Cleaning devices for gramophone records	[1984] IPD 7062	Peter Smith Associates (Wiltshire) Ltd's Appn
27	Matting, floor tiles and other floor coverings	differ	21	Brushes, mops and other cleaning devices	[1989] AIPC 90-586	NAMCO
27	Rubber compositions for covering floors	same	27	Mats and matting	(1931) 1 AOJP 981	International Rubber Processes Appn

Class 28

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
28	Sporting articles	same	9	Bicycle safety and sporting helmets including motor vehicle helmets	H.D. No. 16 of 1998	TAG (589991)
9, 28	Computer games and hand held computer games	differ	9	Optical goods	H.D. No. 43 of 2001	DIE HARD (724090)
28	Flippers for swimming & bodyboarding	differ	9	Sunglasses and accessories for sunglasses	H.D. No. 30 of 1996	BLADES (562123)
28	Skateboards	differ	9, 28	Computer games and hand held computer games	H.D. No. 43 of 2001	DIE HARD (724090)
9, 28	Computer games and hand held computer games	differ	14	Jewellery, horological and chronometric instruments	H.D. No. 43 of 2001	DIE HARD (724090)
18, 25, 28	Clothing, footwear, leather goods, sporting articles and	differ	14	Electronic watches and clocks	H.D. No. 85 of 2001	REEF (727395)

Conflicting Goods and Services List

TMDG

	games and playthings					
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
28	Roller skates, in-line skates, skateboards and sporting articles	differ	28	Dolls, clothing for dolls and toys	H.D. No. 4 of 1998	SINDY (599118)

Class 29

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
29	Meat extract	Differ	3	Disinfectants	(1946) 63 RPC 19	JARDEX
29	Milk & milk products and other foodstuffs	Differ	10	Baby soothers and teats for feeding bottles	16 AOJP 1013	Glaxo Laboratories v Lewis Woolf
29	Butter, cheese, margarine	Same	29	Condensed milk	(1916) 33 RPC 77	COWSLIP
29	Canned meat	Same	29	Chilled and frozen meats	(1934) 4 AOJP 229	National Egg Limited's Appn
29	Condensed milk	Differ	29	Lard and pig products	(1916) 33 RPC 77	COWSLIP
29	Dried apples, packed dates, mixed fruits	Same	29	Canned, dried, preserved processed fruits and vegetables	(1964) 34 AOJP 2601	MEDALLION (McVitty's Appn)
29	Egg pulp	Differ	29	Tinned meat	(1934) AOJP 229	National Egg Limited's Appn
29	Egg substitutes	Same	29	Egg products	(1922) 39 RPC 155	EGALL/EGROLL
29	Flavoured milk	Same	29	Prepared coffee and milk shakes	[1987] AIPC 90-425	M
29	Flavoured milk	Differ	29, 30, 32	Mineral and aerated waters, chicken, fish, coleslaw, hamburgers, apple pies and cookies	[1987] AIPC 90-425	M
29	Jelly crystals	Same	29	Ice block mix	(1964) 34 AOJP 2601	MEDALLION (McVitty's Appn)
29	Packaged cheese	Differ	29	Flavoured milk	(1989) 14 IPR 26 at 43	MOOVE
29	Salmon and salmon products	Differ	29	Egg pulp and chilled or frozen meat, rabbits and hares	(1934) 4 AOJP 229	National Egg Limited's Appn
29	Edible oils and fats; liquid vegetable oil; solid vegetable oil; oil blends in this class, margarine, spreads in this class	Differ	30	Bread, bread rolls, bread crumbs, yeast goods & other bakery products included in this class	H.D. No. 102 of 1999	SOY-LIN (745689)
29	Gelatine	Differ	30	Tapioca and sago	(1903) 20 RPC 253	Leiner's Appn
29	Jelly crystals	Differ	30	Essences	(1964) 34 AOJP 2601	MEDALLION (McVitty's

This document is controlled. Its accuracy can only be guaranteed when viewed electronically.

Effective Date: 15 March 2018

Page 90 of 100

Conflicting Goods and Services List

TMDG

						Appn)
29	Milk	Differ	30	Pancakes	H.D. No. 5 of 1995	QUIX (554344...)
29	Milk and milk products (for food)	Differ	30	Tea	[1957] RPC 79	LIFEGUARD AND DEVICE
29	Milk beverages	Same	30	Chocolate or coffee beverages	H.D. No. 5 of 1995	QUIX (554344...)
29	Mixed fruit	Differ	30	Pudding mix	(1964) 34 AOJP 2601	MEDALLION (McVitty's Appn)
29	Table jellies	Same	30	Ice creams	[1958] RPC 466	HOSTESS
29	Table jellies	Same	30	Ice cream	[1959] RPC 120	Lyons Appn
29, 30	Spices; condiments; seasoning, extracts and essences for flavouring foods	Same	30	Instant batter	H.D. No. 24 of 1998; (2000) AIPC 91-637 (Fed Ct)	McCORMICK'S (574023)
29	Mayonnaise and other dressings for salads and other foods; dehydrated potatoes	Same	30	Instant batter	H.D. No. 24 of 1998; (2000) AIPC 91-637 (Fed Ct)	McCORMICK'S (574023)
29	Salad dressings including mayonnaise and coleslaw dressings	Same	30	Instant batter	H.D. No. 24 of 1998; (2000) AIPC 91-637 (Fed Ct)	McCORMICK'S (574023)
29	Meat pastes, paste products	Differ	30	Molasses	(1964) 34 AOJP 2601	MEDALLION (McVitty's Appn)
29	Pate and meat spread	Same	30	Pastry	H.D. No. 30 of 1997	LE CORDON BLEU and device & CORDON - 485578 & 611209
29	Ice block mix	Same	32	Cordials	(1964) 34 AOJP 2601	MEDALLION (McVitty's Appn)
29	Extract of meat with wine	Differ	33	Sherry	(1899) 16 RPC 619	Coleman & Co v John Brown

Class 30

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
30	All seasonings and spices in this class	Differ	5	Dietary food supplements and vitamins	H.D. No. 44 of 1997	DASH (540085)
30	Flavourings for making milk beverages	Differ	5	Dietetic foods	H.D. No. 5 of 1995	QUIX (554344...)
30	Condiments, sauces, including soy sauces, spices	differ	5	Herb based tea	[1991] AIPC 90-764	CHINESE CHARACTERS (397009)
30	Bread, bread rolls, bread crumbs, yeast goods & other bakery products included in this class	Differ	29	Edible oils and fats; liquid vegetable oil; solid vegetable oil; oil blends in this class,	H.D. No. 102 of 1999	SOY-LIN (745689)

This document is controlled. Its accuracy can only be guaranteed when viewed electronically.

Effective Date: 15 March 2018

Page 91 of 100

Conflicting Goods and Services List

TMDG

				margarine, spreads in 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
30	Tapioca and sago	Differ	29	Gelatine	(1903) 20 RPC 253	Leiner's Appn
30	Essences	Differ	29	Jelly crystals	(1964) 34 AOJP 2601	MEDALLION (McVitty's Appn)
30	Pancakes	Differ	29	Milk	H.D. No. 5 of 1995	QUIX (554344...)
30	Tea	Differ	29	Milk and milk products (for food)	[1957] RPC 79	LIFEGUARD AND DEVICE
30	Chocolate or coffee beverages	Same	29	Milk beverages	H.D. No. 5 of 1995	QUIX (554344...)
30	Pudding mix	Differ	29	Mixed fruit	(1964) 34 AOJP 2601	MEDALLION (McVitty's Appn)
30	Ice creams	Same	29*	Table jellies	[1958] RPC 466	HOSTESS
30	Ice cream	Same	29	Table jellies	[1959] RPC 120	Lyons Appn
30	Instant batter	Same	29, 30	Spices; condiments; seasoning, extracts and essences for flavouring foods	H.D. No. 24 of 1998; (2000) AIPC 91-637 (Fed Ct)	McCORMICK'S (574023)
30	Instant batter	Same	29	Mayonnaise and other dressings for salads and other foods; dehydrated potatoes	H.D. No. 24 of 1998; (2000) AIPC 91-637 (Fed Ct)	McCORMICK'S (574023)
30	Instant batter	Same	29	Salad dressings including mayonnaise and coleslaw dressings	H.D. No. 24 of 1998; (2000) AIPC 91-637 (Fed Ct)	McCORMICK'S (574023)
30	Molasses	Differ	29	Meat pastes, paste products	(1964) 34 AOJP 2601	MEDALLION (McVitty's Appn)
30	Pastry	Same	29	Pate and meat spread	H.D. No. 30 of 1997	LE CORDON BLEU and device & CORDON - 485578 & 611209
30	Mustard	Differ	30	Semolina	[1929] 46 RPC 126	J & J Colman Ltd's Appn
30	Pastry products, excluding confectionary	Same	30	Confectionary	H.D. No. 5 of 1995	QUIX (554344...)
30	Sauces for meals other than dessert	Differ	30	Flavourings for making milk beverages	H.D. No. 5 of 1995	QUIX (554344...)
30	Semolina and custard powders	Same	30	Corn flour	(1957) 27 AOJP 174	CHEF
30	Sugar	Differ	30	Flavourings for making milk beverages	H.D. No. 5 of 1995	QUIX (554344...)
30	Vinegar	Same	30	Worcestershire sauce	(1964) 34 AOJP 2601	MEDALLION (McVitty's Appn)

This document is controlled. Its accuracy can only be guaranteed when viewed electronically.

Effective Date: 15 March 2018

Page 92 of 100

Conflicting Goods and Services List

TMDG

30	Cake moistening agent	Same	30	Flour, bread	[1946] 1963 RPC 97	OVAX (Smith Hayden case)
30	Cocoa	Same	30	Coffee	(1888) 5 RPC 130	RED, WHITE & BLUE
30	Cocoa	Same	30	Tea	H.D. No. 5 of 1995	QUIX (554344...)
30	Condiments, sauces including soy sauces; spices	Differ	30	Herb based tea	[1991] AIPC 90-764	CHINESE CHARACTERS (397009)
30	Confectionery	Same	30	Baked, fried or frozen rolls	(1988) 10 IPR 539	ROLL-O-BAR : ROLO
30	Curry powder and spices	Same	30	Pepper and worcestershire sauce	(1964) 34 AOJP 2601	MEDALLION (McVitty's Appn)
30	Flour	Same	30	Cereals	(1957) 27 AOJP 673	BAMBOO
30	Flour	Differ	30	Bread	(1953) 70 RPC 51	Spillers Appn
30	Instant batter	Same	30	Herbs & spices; sauces, seasonings & gravies	H.D. No. 24 of 1998; (2000) AIPC 91-637 (Fed Ct)	McCORMICK'S (574023)
30	Pepper	Same	31	Herbs	(1964) 34 AOJP 2601	MEDALLION (McVitty's Appn)
30	Essences	Differ	32	Cordials	(1964) 34 AOJP 2601	MEDALLION (McVitty's Appn)
30	Confectionery	Differ	32	Beverages	(1999) AIPC 91-453	COKE (<i>The Coca-Cola Co v All-Fect Distributors Ltd</i>) FCA
30	Confectionery	Differ	34	Tobacco, cigarettes	[1965] RPC 365	PLAYERS
30	Breakfast cereal	Differ	42 (35)	Convenience store services offered at retail gasoline stations	H.D. No. 67 of 2001	TIGER MART (724327)
30	Coffee, coffee extracts, coffee beverages, coffee essences and coffee substitutes	Differ	42 (43)	Restaurant services	H.D. No. 30 of 1994	WESTINCAFE (464856)
30	Coffee, tea. Cocoa, coffee based beverages; confectionery; bakery products	differ	42 (43)	Restaurant services	[2002] ATMO 113	COSI
30	Coffee, tea. Cocoa, coffee based beverages	differ	42 (43)	Restaurant services	[2007] ATMO 22	MacCoffee (961902)

Class 31

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
31	Live flowers and plants	Differ	21	Containers and pots for flowers	H.D. No. 91 of 1994	TELEFLOWER (624732)
31	Herbs	Same	30	Pepper	(1964) 34 AOJP 2601	MEDALLION (McVitty's Appn)
31	Grapes	Differ	33	Wine	H.D. No. 9 of 2001	LEFROY VALLEY (745869)

Conflicting Goods and Services List

TMDG

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

Class 32

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
29, 30, 32	Mineral & aerated waters, chicken, fish, coleslaw, hamburgers, apple pies & 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	Cordials	Differ	30	Essences	(1964) 34 AOJP 2601	MEDALLION (McVitty's Appn)
32	Beverages	Differ	30	Confectionery	(1999) AIPC 91-453	COKE (<i>The Coca-Cola Co v All-Fect Distributors Ltd</i>) 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	Mineral and aerated waters and other non-alcoholic drinks	Same	32	Carbonated cola drinks	H.D. No. 58 of 1999	SOLA COLA (731335)
32	Beer	Same	33	Wine	[2009] FCAFC 27	BAREFOOT (787765)
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

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
33	Sherry	Differ	29	Extract of meat with wine	(1899) 16 RPC 619	Coleman & Co v John Brown
33	Wine	Differ	31	Grapes	H.D. No. 9 of 2001	LEFROY VALLEY (745869)
33	Wine	Same	32	Beer	[2009] FCAFC 27	BAREFOOT (787765)
33	Rum	Same	33	Brandy	(1991) 21 IPR 223	COMMANDO
33	Rum	Same	33	Rum cocktails	[1969] RPC 600	DAIQUIRI
33	Sherry	Same	33	Rum and passionfruit cocktail	[1986] FSR 150	Williams and Humbert v International Distillers
33	Wine	Same	33	Whisky	[2010] ATMO 47	Jack Daniel's Properties Inc v Warren Scott Harvey
33	Wines	Same	33	Spirits	(1889) 6 RPC 311	GOLDEN FLEECE (Aust

This document is controlled. Its accuracy can only be guaranteed when viewed electronically.

Effective Date: 15 March 2018

Page 94 of 100

Conflicting Goods and Services List

TMDG

						Wine Importers Case)
33	Wines	Same	33	Spirits	IPD 12098	SPENDRUP'S
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	Class 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, ... cafeterias, ..., takeaway stores and fast-food outlets	[2002] FCA 288	Waltzing Matilda

Class 34

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
34	Manufactured tobacco	Differ	3	Articles of perfumery	(1946) 16 AOJP 543	WD and HO Wills v Bernal
34	Tobacco, cigarettes	Differ	30	Confectionery	[1965] RPC 365	PLAYERS
34	Raw or manufactured tobacco, smoker's articles and matches	Differ	31	Seeds and grains	(1987) 10 IPR 124	DORADO

Class 35

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
42 (35)	Motor vehicle retail services	differ	16	All goods in this class	H.D. No. 12 of 1998	WHERE WE REALLY CARE FOR YOU - Pink Panther & device (637669)
42 (35)	Retail and wholesale services	same	19	Lattice, trellis, fencing panels and gazebos all made of timber	(1994) 28 IPR 374	VOGUE
42 (35)	Convenience store services offered at retail gasoline stations	differ	30	Breakfast cereal	H.D. No. 67 of 2001	TIGER MART (724327)
42 (35)	Retailing of gymnastic and sporting articles, games and playthings and sportswear	differ	42 (35)	Retailing of furniture	(1991-92) 23 IPR 149	A MART (425392)
35	Advertising and promotional services, services related to business management and consulting, demonstration of goods and services, distribution of samples, public relations, publicity; and publications of publicity texts	Differ	42 (35)	Motor vehicle retail services	H.D. No. 12 of 1998	WHERE WE REALLY CARE FOR YOU - Pink Panther & device (637669)
35	Commercial services	Differ	36	Banking services	H.D. No. 33 of 1996	PIPER ALDERMAN

Conflicting Goods and Services List

TMDG

						(527504)
35	Business administration, assistance, and management services	Same	36	Financial services; providing information... about... financial and monetary affairs	2011 ATMO 93	DFO (1287184)
35	Information dissemination services	Differ	37	Advisory services in respect of sourcing of motor components; spare parts for motor vehicles, repair, installation, renovation maintenance services in connection with machines and vehicles	H.D. No. 37 of 1999	AAP (728848)
35	Promotion of Sydney as a tourist destination and convention and conference centre, including representation of Sydney at trade & tourist fairs & exhibitions	Differ	41	Entertainment services, production of opera, shows, and concerts	H.D. No. 28 of 1997	OPERA HOUSE and device (537290 & 537292)
35	Advertising services etc	Same	42	Providing access to an interactive computer database in the field of general information such as names, addresses, telephone numbers and advertisements	H.D. No. 10 of 1999	YELLOWNET (663017)
42 (35)	Reselling of computer hardware	same	42	Computer software & systems services; system design & development services	H.D. No. 64 of 1998	SPL (647304)
42 (35)	Retailing of beds and bedding goods	differ	42 (44)	Medical care for sleep and chest disorders	H.D. No. 10 of 2001	FORTY WINKS (771800)

Class 36

Class	Goods	Same/ Differ	Class	Goods	Citation	TM/Title
36	Banking services in this class including electronic transfer and access of funds	differ	16	Maps for use in tourism areas	H.D. No. 16 of 1999	CITY-CARD (716812)
36	Banking services	differ	35	Commercial services	H.D. No. 33 of 1996	PIPER ALDERMAN (527504)
36	Financial services; providing information... about... financial and monetary affairs	Same	35	Business administration, assistance, management	2011 ATMO 93	DFO (1287184)
36	Banking services	differ	36	Real estate transactions, land broking; business transfer services; trustees of estates	H.D. No. 33 of 1996	PIPER ALDERMAN (527505)
36	Insurance services including insurance services to transport industries	differ	39	Transport and storage services	H.D. No. 118 of 1999	AEI (755767...)
36	Property management services, retail and office leasing services	differ	42 (43)	Hotel management	(1999) AIPC 91-452	CHIFLEY TOWER (<i>The Australian Tourism</i>)

This document is controlled. Its accuracy can only be guaranteed when viewed electronically.

Effective Date: 15 March 2018

Page 96 of 100

Conflicting Goods and Services List

TMDG

						<i>Company Ltd v MID Sydney FCA)</i>
36	Banking services	differ	42(45)	Legal services	H.D. No. 33 of 1996	PIPER ALDERMAN (527503)

Class 37

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
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)
37	Repair, installation, renovation and maintenance services in connection with machines	same	9	Magnetic data carriers, recording discs, apparatus for recording, transmission or reproduction of sound or images, calculating machines and data processing equipment	H.D. No. 37 of 1999	AAP (728848)
37	Advisory services in respect of sourcing of motor components; spare parts for motor vehicles, repair, installation, renovation maintenance services in connection with machines and vehicles	differ	35	Information dissemination services	H.D. No. 37 of 1999	AAP (728848)

Class 38

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
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

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
39	Transport and storage services	differ	36	Insurance services including insurance services to transport industries	H.D. No. 118 of 1999	AEI (755767...)
39	Transportation services (broad claim or of people)	same	39	Travel agents services	[2011] ATMO 30	Voyager Club (1215724)

Conflicting Goods and Services List

TMDG

Class 40

Class 41

Class	Goods	Same/ Differ	Class	Goods	Citation	TM/Title
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 liqueurs and rum	H.D. No. 35 of 1998	CLUB HAVANNA OF CANBERRA (670435...)
41	Entertainment services, production of opera, shows, and concerts	differ	35	Promotion of Sydney as a tourist destination and convention and conference centre, including representation of Sydney at trade & tourist fairs & exhibitions	H.D. No. 28 of 1997	OPERA HOUSE and device (537290 & 537292)
41	Financial knowledge competition & educational material published and played on Internet and also through facsimile and paper form	differ	41	Organising and conducting sporting competitions	H.D. No. 79 of 2000	FIRST RISK OLYMPICS (714343)
41	Financial knowledge competition & educational material published and played on Internet & also in facsimile & paper form	same	41	Education, publication of books and texts	H.D. No. 79 of 2000	FIRST RISK OLYMPICS (714343)
41	Various entertainment, amusement and recreation services	differ	42 (43)	Restaurants (other than theatre restaurants)	(1988) 10 IPR 92	CHILI'S
41	Discotheques	same	42 (43)	Alcoholic beverage bar services	H.D. No. 84 of 1994	T.G.I. FRIDAY'S (438363)
41	Disco and musical entertainment	differ	42 (43)	Restaurant services	H.D. No 54 of 1995	JOHNNY RAMJETS BAR & DINER (579009...)
41	Education and entertainment services	differ	42 (43)	Restaurant services and cafes	H.D. No. 14 of 1999	ROCK CAFÉ and guitar device (559189)

Class 42

Class	Goods	Same/ Differ	Class	Goods	Citation	TM/Title
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	same	16	Telephone books, telephone directories & business	H.D. No. 10 of 1999	YELLOWNET (663017)

Conflicting Goods and Services List

TMDG

	names, addresses, telephone numbers and advertisements			directories		
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

Class	Goods	Same/Differ	Class	Goods	Citation	TM/Title
42 (43)	Restaurant services	differ	30	Coffee, coffee extracts, coffee beverages, coffee essences and coffee substitutes	H.D. No. 30 of 1994	WESTINCAFE (464856)
42 (43)	Restaurant services	differ	30	Coffee, tea, Cocoa, coffee based beverages; confectionery; bakery products	[2002] ATMO 113	COSI
42 (43)	Restaurant services	differ	30	Coffee, tea, Cocoa, coffee based beverages	[2007] ATMO 22	MacCoffee (961902)
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	differ	32,33	Class 32: All goods in Class 32 Class 33: Wines, spirits and liqueurs	[2002] FCA 288	Waltzing Matilda
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)	Hotel management	differ	36	Property management services, retail and office leasing services	(1999) AIPC 91-452	CHIFLEY TOWER (<i>The Australian Tourism Company Ltd v MID Sydney FCA</i>)
42 (43)	Restaurants (other than theatre restaurants)	differ	41	Various entertainment, amusement and recreation services	(1988) 10 IPR 92	CHILI'S
42 (43)	Alcoholic beverage bar services	same	41	Discotheques	H.D. No. 84 of 1994	T.G.I. FRIDAY'S (438363)
42 (43)	Restaurant services	differ	41	Disco and musical entertainment	H.D. No 54 of 1995	JOHNNY RAMJETS BAR & DINER (579009...)
42 (43)	Restaurant services and cafes	differ	41	Education and entertainment services	H.D. No. 14 of 1999	ROCK CAFÉ and guitar

This document is controlled. Its accuracy can only be guaranteed when viewed electronically.

Effective Date: 15 March 2018

Page 99 of 100

Conflicting Goods and Services List

TMDG

						device (559189)
--	--	--	--	--	--	--------------------

Class 44

Class	Goods	Same/ Differ	Class	Goods	Citation	TM/Title
42 (44)	Medical care for sleep and chest disorders	differ	20	Beds and bedding goods	H.D. No. 10 of 2001	FORTY WINKS (771800)
42 (44)	Medical care for sleep and chest disorders	differ	42 (35)	Retailing of beds and bedding goods	H.D. No. 10 of 2001	FORTY WINKS (771800)

Class 45

Class	Goods	Same/ Differ	Class	Goods	Citation	TM/Title
42 (45)	Legal services	differ	36	Banking services	H.D. No. 33 of 1996	PIPER ALDERMAN (527503)
42 (45)	Provision of security services	same	42 (45)	Surveillance, guard night watch services, detective agency services	H.D. No. 59 of 2000	SECURITY GROUP III (609693)