

**This Opinion is Not a  
Precedent of the TTAB**

Mailed: September 4, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board  
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*In re IM Production*  
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Serial No. 79206371  
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R. Peter Spies of Dineff Trademark Law Limited,  
for IM Production.

Louis Kolodner, Trademark Examining Attorney, Law Office 122,  
John Lincoski, Managing Attorney.

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Before Greenbaum, Heasley and English,  
Administrative Trademark Judges.

Opinion by Greenbaum, Administrative Trademark Judge:

IM Production (“Applicant”) seeks registration on the Principal Register of the  
mark ISABEL MARANT (in standard characters) for

Perfumes; Eaux de toilette; Skin soaps; Toilet soaps;  
Cosmetics products, namely, eye shadows, blush, blush-  
pencils, and make-up sets; Skin lotions; Non-medicated  
salts, oils and gels for bathing, shaving and toilet purposes;  
Essential oils; Make-up powder; Make-up; Nail varnish;

Lipstick; Non-medicated hair lotions; Hair sprays;  
Shampoos; Dentifrices, in International Class 3.<sup>1</sup>

The Trademark Examining Attorney has refused registration of Applicant's mark under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), on the ground that Applicant's mark, when used on Applicant's goods, so resembles the previously registered standard character mark MARANT<sup>2</sup> for "Cosmetic creams; Cosmetics and cosmetic preparations; Cosmetics in general, including perfumes; Hair shampoo; Lotions for face and body care; Perfumes" in International Class 3, as to be likely to cause confusion, mistake, or deception.

When the refusal was made final, Applicant appealed and requested reconsideration. After the Examining Attorney denied the request for reconsideration, the appeal was resumed. We affirm the refusal to register.

#### I. Applicable Law

When the question is likelihood of confusion, we analyze the facts as they relate to the relevant factors set out in *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563, 567 (CCPA 1973); *see also In re Majestic Distilling Co.*, 315 F.3d 1311, 65 USPQ2d 1201 (Fed. Cir. 2003). In any likelihood of confusion analysis, two key considerations are the similarities between the marks and the similarities between the goods. *In re Chatam Int'l Inc.*, 380 F.3d 1340, 71 USPQ2d 1944, 1945-46 (Fed. Cir. 2004); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 192 USPQ

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<sup>1</sup> Application Serial No. 79206371 was filed on February 9, 2017 based upon a request for extension of protection filed under Section 66(a) of the Trademark Act, 15 U.S.C. § 1141(f). "Isabel Marant" is an individual whose consent to register is of record.

<sup>2</sup> Registration No. 5008839, issued on July 26, 2016.

24, 29 (CCPA 1976) (“The fundamental inquiry mandated by § 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods and differences in the marks.”); *see also In re i.am.symbolic, llc*, 866 F.3d 1315, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017) (“The likelihood of confusion analysis considers all *DuPont* factors for which there is record evidence but ‘may focus ... on dispositive factors, such as similarity of the marks and relatedness of the goods’”) (quoting *Herbko Int’l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)). We have considered each *du Pont* factor that is relevant and for which there is evidence of record. *See M2 Software, Inc. v. M2 Commc’ns, Inc.*, 450 F.3d 1378, 78 USPQ2d 1944, 1947 (Fed. Cir. 2006) (even within the *du Pont* list, only factors that are “relevant and of record” need be considered). Varying weights may be assigned to each *du Pont* factor depending on the evidence presented. *See Citigroup Inc. v. Capital City Bank Grp. Inc.*, 637 F.3d 1344, 98 USPQ2d 1253, 1261 (Fed. Cir. 2011); *In re Shell Oil Co.*, 992 F.2d 1204, 26 USPQ2d 1687, 1688 (Fed. Cir. 1993) (“the various evidentiary factors may play more or less weighty roles in any particular determination”).

A. Relatedness of the Goods and Channels of Trade

Under the second and third *du Pont* factors, we base our evaluation on the goods as they are identified in the application and cited registration. *See In re Detroit Athletic Co.*, 903 F.3d 1297, 128 USPQ2d 1047, 1052 (Fed. Cir. 2018); *In re Dixie Rests. Inc.*, 105 F.3d 1405, 41 USPQ2d 1531, 1534 (Fed. Cir. 1997); *see also Stone Lion*

*Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 110 USPQ2d 1157, 1161 (Fed. Cir. 2014).

Here, the “hair shampoo” and “lotions for face and body care” identified in the cited registration are essentially identical to the “shampoo” and “skin lotions” identified in the application, and the broadly worded “cosmetics and cosmetics preparations” identified in the registration encompass, and therefore are legally identical to, Applicant’s more narrowly identified “cosmetics products, namely, eye shadows, blush, blush-pencils, and make-up sets,” “make-up powder,” “make-up,” “nail varnish,” and “lipstick.” *See In re Hughes Furniture Indus., Inc.*, 114 USPQ2d 1134, 1137 (TTAB 2015) (“Applicant’s broadly worded identification of ‘furniture’ necessarily encompasses Registrant’s narrowly identified ‘residential and commercial furniture.’”). The registration also identifies “cosmetics in general, including perfumes,” which are legally identical to the more specific “perfumes,” “eaux de toilette” and “essential oils” identified in the application. *Id.* Because the goods in the application and cited registration include legally identical products, we need not further consider the relatedness of the goods. *See SquirtCo v. Tomy Corp.*, 697 F.2d 1038, 216 USPQ 937, 938-39 (Fed. Cir. 1983) (holding that a single good from among several may sustain a finding of likelihood of confusion); *Tuxedo Monopoly, Inc. v. Gen. Mills Fun Grp.*, 648 F.2d 1335, 209 USPQ 986, 988 (CCPA 1981) (likelihood of confusion must be found if there is likely to be confusion with respect to any item that comes within the identification of goods or services in the application).

Applicant does not dispute the relatedness of the goods, but argues that they move in different channels of trade, with Applicant marketing its products through its own outlets and high-end retailers and Registrant purportedly marketing its products through its website. This argument is unavailing. Given the in-part legal identity of the identified goods, and the lack of restrictions or limitations in the application or registration as to their nature, channels of trade, or classes of customers, we must presume that the channels of trade and classes of purchasers for these goods are the same. *See In re Viterra Inc.*, 671 F.3d 1358, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (legally identical goods are presumed to travel in same channels of trade to same class of purchasers); *In re Yawata Iron & Steel Co.*, 403 F.2d 752, 159 USPQ 721, 723 (CCPA 1968) (where there are legally identical goods, the channels of trade and classes of purchasers are considered to be the same).

Moreover, we must make our determination regarding the similarity between the goods based on the goods as they are identified in the application and cited registration, respectively, not on any extrinsic evidence of actual use. *i.am.symbolic*, 123 USPQ2d at 1749; *Stone Lion*, 110 USPQ2d at 1162. In other words, an applicant may not restrict the scope of the goods covered in its application or the cited registration by argument or extrinsic evidence. *Octocom Sys., Inc. v. Hous. Comput. Servs. Inc.*, 918 F.2d 937, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990) (“The authority is legion that the question of registrability of an applicant’s mark must be decided on the basis of the identification of goods set forth in the application regardless of what the record may reveal as to the particular nature of an applicant’s goods, the

particular channels of trade or the class of purchasers to which the sales of goods are directed.”). We therefore cannot limit or restrict the fragrances and cosmetics products identified in the application or cited registration by price point or quality, but rather must consider the products to include modestly priced as well as more-expensive, high-end varieties.

These *du Pont* factors weigh heavily in favor of likelihood of confusion.

#### B. Conditions of Sale

Under the fourth *du Pont* factor, we consider “[t]he conditions under which and buyers to whom sales are made, i.e., ‘impulse’ vs. careful, sophisticated purchasing.” *du Pont*, 177 USPQ at 567. Applicant acknowledges that “[h]ere, we are not confronted with professional buyers,” but argues that Applicant’s goods are “expensive high end products, which may only be purchased after careful review and consideration,” and that purchasers of fragrances and cosmetics exercise care in their purchasing decisions for health and esthetic reasons. App. Br., 12 TTABVUE 26. However, as discussed, the fragrance and cosmetics products identified in the application and cited registration must be presumed to include both expensive and inexpensive varieties, subject to casual, impulse purchases. There is nothing in the nature of these products, without any limitation as to their types, price points or intended consumers, to suggest their purchasers are particularly sophisticated or careful. *See In re I-Coat Co.*, 126 USPQ2d 1730, 1739 (TTAB 2018). In fact, the standard of care is that of the least sophisticated potential purchaser. *Stone Lion*, 110 USPQ2d at 1163. And as to the more modestly priced fragrances and cosmetic

products, “[w]hen products are relatively low-priced and subject to impulse buying, the likelihood of confusion is increased because purchasers of such products are held to a lesser standard of purchasing care.” *Recot Inc. v. M.C. Becton*, 214 F.3d 1322, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000).

This factor also favors a likelihood of confusion.

### C. The Similarity or Dissimilarity of the Marks

We compare Applicant’s mark ISABEL MARANT and the cited registered mark MARANT, both in standard characters, “in their entirety as to appearance, sound, connotation and commercial impression.” *Detroit Athletic Co.*, 128 USPQ2d at 1048 (quoting *du Pont*, 177 USPQ at 567); *see also Palm Bay Imps. Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005). “The proper test is not a side-by-side comparison of the marks, but instead whether the marks are sufficiently similar in terms of their commercial impression such that persons who encounter the marks would be likely to assume a connection between the parties.” *Cai v. Diamond Hong, Inc.*, 901 F.3d 1367, 127 USPQ2d 1797, 1801 (Fed. Cir. 2018).

Because similarity is determined based on the marks in their entirety, our analysis is not predicated on dissecting the marks into their various components. *Stone Lion*, 110 USPQ2d at 1161; *see also Franklin Mint Corp. v. Master Mfg. Co.*, 667 F.2d 1005, 212 USPQ 233, 234 (CCPA 1981) (“It is axiomatic that a mark should not be dissected and considered piecemeal; rather, it must be considered as a whole in determining likelihood of confusion.”). On the other hand, “there is nothing

improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entireties.” *In re Nat’l Data Corp.*, 753 F.2d 1056, 224 USPQ 749, 751 (Fed. Cir. 1985).

Further, the marks “must be considered ... in light of the fallibility of memory ...” *In re St. Helena Hosp.*, 774 F.3d 747, 113 USPQ2d 1082, 1085 (Fed. Cir. 2014) (quotation omitted). We focus on the recollection of the average consumer – here, an ordinary consumer of cosmetics and fragrances – who normally retains a general rather than a specific impression of trademarks. *See id.* at 1085; *Geigy Chem. Corp. v. Atlas Chem. Indus., Inc.*, 438 F.2d 1005, 169 USPQ 39, 40 (CCPA 1971). And we bear in mind that where, as here, goods are legally identical in part, “the degree of similarity necessary to support a conclusion of likely confusion declines.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quotation omitted).

Applicant argues that the differences in the marks in appearance and sound are sufficient to distinguish them, and that the marks create different commercial impressions because Applicant’s mark ISABEL MARANT is the name of a famous designer, and the cited mark MARANT “is an acronym for the owner’s name and not a surname, which the Examiner argues repeatedly.” App Br. 12 TTABVUE 9. The Examining Attorney contends that the marks are similar overall “because the applied-for mark appears to be the full name version of the registered mark[.]” Ex. Atty. Br. 14 TTABVUE 14. We agree with the Examining Attorney.

When considered in their entirety, we find Applicant's mark ISABEL MARANT and the cited mark MARANT, both in standard characters, to be very similar in appearance, sound, connotation and commercial impression, due to the shared term MARANT. Applicant's mark ISABEL MARANT incorporates the entire registered mark MARANT. While there is no rule that a likelihood of confusion is present where one mark encompasses another, in this case, as in many others, the fact that Applicant's mark includes the entirety of the cited mark increases the similarity between them. *See, e.g., Wella Corp. v. Cal. Concept Corp.*, 558 F.2d 1019, 194 USPQ 419, 422 (CCPA 1977) (finding CALIFORNIA CONCEPT marks substantially similar to prior mark CONCEPT); *Coca-Cola Bottling Co. of Memphis, Tenn., Inc. v. Joseph E. Seagram and Sons, Inc.*, 526 F.2d 556, 188 USPQ 105 (CCPA 1975) (applicant's mark BENGAL LANCER for club soda, quinine water and ginger ale is likely to cause confusion with BENGAL for gin).

Here, the given name "Isabel" in Applicant's mark modifies the surname "Marant," in effect identifying a specific individual with the surname "Marant," and thereby emphasizing the "Marant" portion of Applicant's mark. Because the marks share the surname "Marant," which is the sole element in the cited mark and a distinct element in Applicant's mark, consumers likely would believe that the two marks refer to the same person. *See, e.g., In re Chatham Int'l Inc.*, 380 F.3d 1340, 71 USPQ2d 1944, 1946 (Fed. Cir. 2004) (JOSE GASPAS GOLD confusingly similar to GASPAS'S ALE); *In re C.H. Hanson Co.*, 116 USPQ2d 1351, 1353 (TTAB 2015) (C.H. HANSON confusingly similar to HANSON); *Harry Winston, Inc. v. Bruce Winston*

*Gem Corp.*, 111 USPQ2d 1419, 1446-47 (TTAB 2014) (BRUCE WINSTON confusingly similar to WINSTON); *In re SL&E Training Stable Inc.*, 88 USPQ2d 1216, 1219 (TTAB 2008) (SAM EDELMAN confusingly similar to EDELMAN); *Somerset Distilling Inc. v. Speymalt Whisky Distribs. Ltd.*, 14 USPQ2d 1539, 1542 (TTAB 1989) (JAS. GORDON confusingly similar to GORDON'S). "This is especially true given the legally identical nature of goods at issue." *Hughes Furniture*, 114 USPQ2d at 1139.

We have considered Applicant's argument that there is no likelihood of confusion because "Isabel Marant is a famous French house of fashion," App. Br., 12 TTABVUE 11, and Applicant's voluminous supporting evidence.<sup>3</sup> Although this record supports a finding that Applicant is a somewhat well known fashion designer, the finding is to Applicant's detriment, as it weighs in favor of a likelihood of confusion. As the Board explained in *i.am.symbolic, llc*, 116 USPQ2d 1406, 1412, n.7 (TTAB 2015), *aff'd*, 866 F.3d 1315 (Fed. Cir. 2017), the fame of either an applied-for or registered mark

increases the likelihood of confusion by making it more likely that purchasers will remember the famous mark and think of it when encountering similar goods sold under a similar mark. Of course, such likelihood of confusion is only a reason to refuse a new registration, not grant one. To the extent that [Applicant] and Applicant's mark are well-known, such fact supports refusal of Applicant's application, because when confusion is likely, it is the prior Registrant which must prevail. Even if it eclipses the renown of the prior Registrant, Applicant's fame does not entitle it to usurp the cited Registrant's rights in the mark.

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<sup>3</sup> Applicant submitted with its February 2, 2018 Petition to Revive and September 6, 2018 Request for Reconsideration approximately 2000 pages of evidence to demonstrate that Applicant is a well known designer of clothing and clothing accessories.

Applicant also relies on a statement in a declaration submitted by Registrant's CEO about the origin of the cited mark MARANT, made during prosecution of the application underlying the cited registration to overcome a surname refusal under Section 2(e)(4) of the Trademark Act, 15 U.S.C. § 2(e)(4).<sup>4</sup> However, Registrant's statement has no effect on the matter before us as it simply expresses a legal argument and the purported intention of the Registrant, rather than reflecting how the purchasing public views the cited mark. "[A]n applicant's or registrant's intended interpretation of the mark is not necessarily the same as the consumer's perception of it." *In re Yale Sportswear Corp.*, 88 USPQ2d 1121, 1125 (TTAB 2008); *see also Interpayment Servs. Ltd. v. Docters & Thiede*, 66 USPQ2d 1463, 1465 (TTAB 2003) ("In short, it does not matter what applicant's intentions were in creating its mark or what its characterization of its mark is."). This is but one reason that we follow here the Board's often repeated principle that every application is examined on its own record. *See In re Cordua Rests., Inc.*, 823 F.3d 594, 118 USPQ2d 1632, 1635 (Fed. Cir. 2016) ("[The Federal Circuit], like the Board must evaluate the evidence in the present record to determine whether there is sufficient evidence ..."); *In re Shinnecock Smoke Shop*, 571 F.3d 1171, 91 USPQ2d 1218, 1221 (Fed. Cir. 2009) ("Applicant's allegations regarding similar marks are irrelevant because each application must be considered on its own merits."); *see also In re Nett Designs, Inc.*,

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<sup>4</sup> The declaration appears in the application file for the cited registration, which Applicant attached to the February 2, 2018 Petition to Revive, TSDR p. 388, and reads, in relevant part, as follows: "[t]he denomination MARANT as a trademark ... was named after the initials of my own name as exemplified below: **MARIA ANTONIETA**." (emphasis in original).

236 F.3d 1339, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001) (“Even if some prior registrations had some characteristics similar to Nett Designs’ application, the PTO’s allowance of such prior registrations does not bind the [Trademark Trial and Appeal] Board or this court.”).

Here, the record shows that consumers likely will perceive MARANT as a surname. MARANT is the surname of Ms. Isabel Marant, whose consent to register is of record. Referring back to Applicant’s claim of fame, we observe that if consumers are as familiar with the designer Isabel Marant and her house of fashion as Applicant asserts, they would be even more likely to perceive the registered mark MARANT as a surname identifying, in abbreviated form, the ISABEL MARANT to whom Applicant’s mark refers. Consumers often shorten company names, and in the fashion industry, they frequently refer to couturiers only by their surnames. *See SL&E Training Stable*, 88 USPQ2d at 1219, and cases cited therein.

When viewed in their entirety, the marks are very similar in appearance and sound, and they create the same commercial impression of an individual with the surname MARANT. This impression makes it likely that consumers would perceive the provider of the overlapping fragrances and cosmetics to be the same. Thus, this *du Pont* factor weighs in favor of likely confusion.

#### D. Other Arguments

Applicant raises a number of other arguments that are based on its ownership of three registrations for the mark ISABEL MARANT for various other goods including eyeglasses, jewelry, clothing and bags, and one registration for the mark ISABEL

MARANT ETOILE for various jewelry, bags and clothing. In particular, Applicant argues that there is no likelihood of confusion because: Applicant has a family of marks; there has been no known confusion between its prior registered marks and the cited mark; and registration of the applied-for ISABEL MARANT mark for the identified cosmetics and fragrances is within Applicant's zone of expansion.<sup>5</sup> We have considered these arguments, but find them unpersuasive.

First, as Applicant acknowledges (App. Br., 12 TTABVUE 14), the family of marks doctrine is unavailable to applicants seeking to overcome a likelihood of confusion in an *ex parte* proceeding. The focus is on the mark an applicant is seeking to register and not on any other marks the applicant may have used or registered. *In re Cynosure, Inc.*, 90 USPQ2d 1644, 1645 (TTAB 2009). *See also In re Hitachi High-Techs. Corp.*, 109 USPQ2d 1769, 1772 (TTAB 2014) (establishment of a “family of marks” requires consideration of use of the marks, which usually is beyond the scope of examination in an *ex parte* proceeding).

Second, the test under Section 2(d) is likelihood of confusion, not actual confusion; thus, it is not necessary to show actual confusion to establish likelihood of confusion. *Detroit Athletic Co.*, 128 USPQ2d at 1053. Also, while a showing of actual confusion would be highly probative, the “lack of evidence of actual confusion carries little weight, especially in an *ex parte* context.” *Majestic Distilling*, 65 USPQ2d at 1205

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<sup>5</sup> Applicant also argues that “prior marks have gathered a strong reputation ... over the last decade and as evidenced by the submitted documents.” 12 TTABVUE 15. This argument is subsumed in our above discussion about Applicant's claim that “Isabel Marant is a famous French house of fashion.”

(internal citations omitted) (“[U]ncorroborated statements of no known instances of actual confusion are of little evidentiary value”). In any event, there is no probative evidence as to whether there have been meaningful opportunities for actual confusion to have occurred in the marketplace. *See Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 55 USPQ2d 1842, 184 (Fed. Cir. 2000); *Gillette Canada Inc. v. Ranir Corp.*, 23 USPQ2d 1768, 1774 (TTAB 1992).

Third, the expansion of trade doctrine has limited application in ex parte proceedings, and usually is applied in inter partes proceedings where a plaintiff claims that its priority of use of a mark for its goods or services should be extended to include the defendant’s goods or services because they are in the natural zone of expansion of the plaintiff’s goods or services. *See Orange Bang, Inc. v. Ole Mexican Foods, Inc.*, 116 USPQ2d 1102, 1119 (TTAB 2015) (“natural zone of expansion” doctrine normally applies in inter partes where priority is an issue). The Board considers the concept in ex parte proceedings through a traditional relatedness of goods and services approach. *In re Kysela Pere et Fils, Ltd.*, 98 USPQ2d 1261, 1266 (TTAB 2011); *In re Ginc UK Ltd.*, 90 USPQ2d 1472, 1480 n.9 (TTAB 2007). We have done so here. As discussed above, the goods identified in the application and cited registration include overlapping fragrances and cosmetics. The coexistence of the cited registration with Applicant’s prior registrations for different goods does not compel a different result.

We distinguish *In re Strategic Partners*, 102 USPQ2d 1397, 1399 (TTAB 2012). In that case, an applicant had been refused registration under Section 2(d) even though

it owned an existing registration that was over five years old for a mark and for goods that were substantially similar to those set forth in the refused application. The Board noted that, because the registration was over five years old, it was “not subject to attack by the owner of the cited registration on a claim of priority and likelihood of confusion.” *Id.* at 1399. *See* Section 14 of the Trademark Act, 15 U.S.C. § 1064. In addition, the Board specified that the facts in *Strategic Partners* constituted a “unique situation,” limited to cases that fall within those exact parameters. *Strategic Partners*, 102 USPQ2d at 1400. Unlike *Strategic Partners*, Applicant’s current application identifies goods that are not identical to the goods for which its earlier registrations are subsisting. *Cf. In re Inn at St. John’s, LLC*, 122 USPQ2d 1742 (TTAB 2018) (declining to extend *Strategic Partners* where an applied-for mark was “partially” similar to the mark in an existing registration owned by that applicant although the services were identical).

Finally, Applicant argues that it should be allowed to use and register its personal name. However, Applicant may only do so if it would not cause a likelihood of confusion as to the origin of the goods sold under that name. *See Nina Ricci S.A.R.L. v. E.T.F. Enters. Inc.*, 889 F.2d 1070, 12 USPQ2d 1901 (Fed. Cir. 1989) (VITTORIO RICCI for handbags, clothing and retail clothing store services likely to cause confusion with NINA RICCI for clothing and accessories even though Vittorio Ricci was the name of defendant’s principal); *SL&E Training Stable*, 88 USPQ2d at 1217 (“Thus, the fact that SAM EDELMAN is an individual’s name does not give applicant an unfettered right to use that name if it conflicts with a previously registered

mark.”); *Justin Indus. v. D.B. Rosenblatt, Inc.*, 213 USPQ 968, 976 (TTAB 1981) (“the right to use one’s name in his business may be circumscribed if it conflicts with a mark previously used by another and is likely to cause confusion as to the origin of the business or of the goods sold thereunder”).

## II. Conclusion

Having considered all the evidence and arguments bearing on the relevant *du Pont* factors, we conclude that the overall similarity of the marks for goods that include legally identical fragrances and cosmetics that move in the same channels of trade to the same classes of purchasers, some of whom exercise a lesser standard of purchasing care, renders confusion likely.

**Decision:** The refusal to register Applicant’s mark ISABEL MARANT is affirmed.