

* Sport Team Names

[Similarity]

Many sport teams have their names combining “place name” with “nickname”, for example “New York Yankees”. According to the general trademark rule, place names are considered to be non-distinctive since they merely indicate the origin or place of sale of goods so they are likely to be disregarded in the similarity examination with other trademarks. However, when a sport team name is known in its entirety, “place name with nickname”, or when it is obvious that the subject mark (logo) shows the very specific sport team, the place name should not be disregarded or excluded from the entire sport team name and the trademark for such sport team name should be understood in its entirety as a whole.

[Liability to be Misleading as to the Origin or Place of Sale of Goods]

Sometimes, trademarks for sport team names including place names are considered to be misleading as to the origin or place of sale of goods when the trademarks are used for the goods having their origin in or sold in the places other than the places shown in the trademarks. However, the place names in sport team names merely indicate their home cities and could not always be understood as the origin or place of sale of goods. Therefore most trial decisions conclude that such sport team names are not misleading even when they are used for the goods having their origin in or sold in places other than the places shown in the trademarks.

● **Similarity** (= : Similar, X : Dissimilar)

| Trademark | Similarity | Cited Trademark | Class | Case No. | Memo |
|---|------------|----------------------------|-------|-----------------|---|
|  | X | REDS | 16 | H11(1999)-90903 | U.S. Baseball Team “Cincinnati Reds” and Japanese Soccer Team “Urawa Reds” |
| JACKSONVILLE JAGUARS | X | HANSHIN JAGUARS | 41 | 2004-90556 | U.S. Football Team “Jacksonville Jaguars” and Japanese Baseball Team “Hanshin Jaguars” |
|  | X | ROYAL | 25 | 2005-24038 | U.S. Baseball Team “Kansas City Royals” |
|  | X | ORIOLE | 25 | 2005-24042 | US Baseball Team “Baltimore Orioles” |
|  | X | PANTHER | 25 | 2005-5125 | Japanese Volleyball Team “Panasonic Panthers” |
| PHILADELPHIA EAGLES | X | AMERICAN EAGLE | 25 | 2005-90210 | U.S. Football Team “Philadelphia Eagles” |
| EAGLES | | | | | |
|  | X | PHILADELPHIA EAGLES | 25 | 2005-90504 | Japanese Baseball Team “Rakuten Golden Eagles” and U.S. Football Team “Philadelphia Eagles” |
|  | X | LINKS LONDON | 18 | 2006-22218 | U.S. Basketball Team “Minnesota Lynx” |

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|---|---|----------------------|----|-------------|---|
|  | X | Buffalo Boots | 25 | 2007-900332 | Japanese Baseball Team "Orix Buffaloes" |
|  | = | DIAMOND BACK | 25 | 2004-90748 | Registration for "DIAMOND BACK" was cancelled on the ground of confusion with the mark for the U.S. Baseball Team "Arizona Diamond Backs" |

• Liability to be misleading as to the origin or place of sale of the goods

(:Misleading, X :Not misleading)

| Trademark | Class | Decision | Case No. | Memo |
|---|-------|----------|-----------|--------------------------------------|
|  | 28 | X | 2001-6125 | U.S. Basketball Team "Miami Sol" |
|  | 28 | X | 2001-6124 | U.S. Basketball Team "Seattle Storm" |