

*** Trademarks of Repeating Same Words**

[Comments]

How is the similarity of trademarks repeating the same words, such as “hare-hare” or “Darling Darling”, judged?

You may feel that “Darling” and “Darling Darling” are goods come from the same manufacturer. Especially, if goods named “BON BON” are marketed after the earlier marketed goods named “BON” become popular, does it cause confusion ? Furthermore, what happens if goods named “BON BON BON” come out afterwards ?

One-word trademarks and trademarks of repeating the same word have been judged as dissimilar if it says from the conclusion in having seen Board Decisions over a long time. Of course, there should be no special circumstances such as one is a well-known trademark. However, as previously stated, the right holders of the earlier one-word trademarks naturally think the trademarks of the others which simply repeat the prior trademarks causing confusion. So, they are subjects of oppositions and invalidation trials.

However, as stated above, they have been always judged as dissimilar since only the similarity of the pronunciations of the two trademarks is examined by the JPO. We would like to hear your opinions.

In addition, the similarity of the trademarks having “&” or “and” between the same words repeating, such as “PLAS&PLUS” X “PLUS” (S63-3433), is also one issue.

Similarity (= : Similar X : Dissimilar)

Trademark	Similarity	Cited mark	Class	Case No.	Memo
hare-hare	X	HARE	33	2007-900370	Opposition
anna anna	X	ANNA	25	2006-15240	
mu miu	X	m. i. u.	3	2006-90436	Opposition
GO! GO! GO	X	GO GO	28	2004-15109	
Qoo	X	COUCOU	9	2004-16125	
Darling Darling	X	Darling	25	2004-90787	Opposition
NO. NO. NO.	X	NO-NO ----- NO!	25	2000-90298	Opposition
lelelele	X	LULU	3	H11-90493	Opposition
kai kai	X	kai	21	H10-14053	Opposition
MONO MONO	X	MONO	Old 25	H02-5526	Invalidation trial
FAN FAN	X	FAN	Old 4	S54-3844	
SUN SUN	X	SU	Old 22	S53-8691	
YAN YAN	X	YAN	Old 24	S47-6778	