

Latest Court Decisions

2015:

[February]

- **IGZO Case (Cancellation Suit of Trial Decision)**

IP High Court 2015.2.25 H26(Gyo-Ke)10089

[SUMMARY/INTRODUCTION]

“IGZO” is the main brand of **Sharp Corporation** in Japan for liquid crystal displays (LED) and was registered as a trademark in Class 9 in November 2011.

According to Sharp’s website, “IGZO” display is composed of indium, gallium, zinc and oxygen and made with artificially produced transparent crystalline oxide semiconductor that Sharp is the first in the world to successfully mass produce.

However, Sharp’s “IGZO” trademark registration was invalidated by a Trial in March 2014 by the JPO and Sharp filed the Cancellation Suit against the Trial Decision before the IP High Court. What was the court decision?

[Case]

“IGZO” technology was developed by Tokyo Institute of Technology with the support by Japan Science and Technology Agency (**JST**) and was published in the NATURE magazines in November 2004. The IGZO patents are held by JST while Sharp registered “IGZO” as their trademark in November 2011.

The name “IGZO” came from an abbreviation of **I**ndium, **G**allium, **Z**inc and **O**xxygen, the components of the IGZO semi-conductor.

According to Wikipedia, when a researcher announced about the IGZO technology at an academic conference, Sharp requested him to obtain Sharp’s approval for using the word IGZO. JST was afraid that Sharp’s trademark registration might have a negative impact on the academic activities and therefore, filed the Invalidation Trial against the Sharp’s trademark registration in July 2013.

The JPO issued the Trial Decision invalidating the “IGZO” trademark registration because “IGZO” was widely known in the electronics industry such as LED and semi-conductors as the word meaning an oxide material composed of indium, gallium, zinc and oxygen and therefore, “IGZO” lacked of distinctiveness merely describing the nature of the electric and electronic devices among the specified goods of the registration (Article 3-1-3 of the Trademark Law).

Sharp filed the cancellation suit against such decision stating that "IGZO" should be recognized by the end consumers of the specified goods as Sharp's brand because the word "IGZO" was not known among the common people.

The IP High Court dismissed Sharps' petition and upheld the Trial Decision. The IP High Court firstly admitted that the word "IGZO" was originally announced by Mr. Hosono, a professor of Tokyo Institute of Technology at the international conference held in 1995 as the abbreviation of the oxide material composed of indium, gallium, zinc and oxygen.

After that, the word "IGZO" was used in 1025 patent applications filed until October 25, 2011 by major companies in the electronics field such as Fuji Film, Canon, Sony, Konica-Minolta, Seiko Epson, Mitsubishi Electric and Panasonic.

In addition, the word "IGZO" was used in a large number of newspapers, magazines and corporate publications.

In view of these facts, the word "IGZO" was widely known among the people in the electronics field as the word meaning a new semi-conductor material composed of indium, gallium and zinc oxide.

Furthermore, the liquid crystal displays (LED) are used in the electronic devices such as notebook computers, tablet computers, smart phones and mobile phones and therefore, when the word "IGZO" was used for LED, it merely described the quality of the goods.

Sharp did not appeal against the IP High Court decision to the Supreme Court. However, Sharp has many trademark registrations and applications in Class 9 for "イグゾー" (IGZO in katakana letters) and the trademarks "IGZO" with devices (right) or other words such as "LIQUID CRYSTAL", "DISPLAY", "SUPER" and "ULTRA".



Therefore, it seems that Sharp will continuously use "IGZO" as their main brand for LED.