

Latest Court Decisions

2011:

[January]

● **YUJARON Case (Cancellation Case of Trial Decision)**

The IP High Court 2011.1.25. H22(Gyo-Ke)10336

A Cancellation Trial for non-use filed against the registered trademark "YUJARON" written in English, Japanese Katakana letters and Korean Hangul letters (right) was dismissed despite that the trademark in use consisted of the word in English and Japanese without the Korean letters.

YUJARON
ユジャロン
유자론

The plaintiff (=the petitioner of the Cancellation Trial) insisted that the trademark in use written in English and Japanese only should not be regarded as an identical trademark to the registered trademark in English, Japanese and Korean because the Korean Hangul letters were not familiar to Japanese people and they should be considered as a kind of devices without any pronunciations or meanings.

The IP High Court admitted that almost all Japanese people could not understand the Korean letters. However, Japanese people easily understand that Hangul letters are words used in Korea. In addition, the registered trademark consisted from the words in English and Japanese and therefore, Japanese consumers regarded the registered trademark as a word mark including the Korean letters as a whole and they pronounced the registered trademark as "yujaron".

On the other hand, the trademark in use was also pronounced as "yujaron" and therefore, the trademark in use should be considered as identical to the registered trademark.

【Comments】

In Japan, trademarks written in various languages such as English, French, German, Italian, Spanish, Chinese, Greek and Russian have been filed. It is true that French trademarks are used in the fashion field in Japan and the German trademarks are also used in medical field.

However, since these languages except English are not familiar to Japanese people, the JPO examines trademarks written in these languages in terms of English because every Japanese people study English from 6 – 14 years old in elementary schools and junior high schools.

As the result, for instances, trademarks in French are mistakenly examined in English pronunciations which are mostly different from the actual pronunciation of the French trademarks.

We have been collecting many trial decisions regarding trademarks written in Foreign languages and provide them at our web-site in Japanese.