

Latest Court Decisions

2011:

[**March**]

● **MBA ENGLISH Case (Cancellation Case of Trial Decision)**

The IP High Court 2011.3.28 H22(Gyo-Ke)10304

The JPO rejected the application for trademark "**MBA ENGLISH**" specifying "language education, conducting of seminar, etc." in Class 41 due to lack of distinctiveness because the trademark merely indicate the nature of the specified services.

The applicant brought the case before the IP High Court requesting the cancellation of the Trial Decision by the JPO.

"MBA" of the trademark means "Master of Business Administrator" that originally came from the notable US business schools such as Harvard Univ., Stanford Univ. and Columbia Univ.

Therefore, in the past, Japanese had to go to the US to be the holders of MBA. However, now, as of 2007, there were 29 business schools in Japan for MBA where the courses were given in English or needed English language ability. The relationship between MBA and English in the subject trademark is quite clear.

Therefore, the IP High Court sustained the Trial Decision saying that the trademark "MBA ENGLISH" meant "English useful to obtain the MBA qualification", or "English to make use of the obtained MBA" in relation to its specified services and should be rejected by Article 3-1-3 of the Trademark Law.