

IP Case Masterclass

Anatomy of a Trademark Battle

Navigating Trademark Validity, **Unfair Competition**, and **Copyright Infringement** in the Digital Market.



Source: Taiwan Intellectual Property and
Commercial Court Civil Judgment
Case No: 2022 Min-Shang-Shang-Zi No. 17
Date: February 2024

The Combatants & The Conflict



Identity: E-commerce platform owner (Established online mall in 2017).

The Action: Built the 'Sciket' brand and website.

The Claim: You are stealing our brand name and cloning our website structure.

Legal Action: Sued for Trademark Infringement and Unfair Competition.

The Core Question: Who actually owns the exclusive right to use the term 'Sciket' (Scientific Market) in the retail space?



Identity: Sciket Co., Ltd. (Est. 2019) & Ruelong Optoelectronics.

The Action: Used the name 'Sciket' for their highly specialized lab equipment company and Facebook page.

The Defense: Your trademark is merely a description of what we both do. It shouldn't even be valid.

The Evidence: Two Trademarks, One Name

之規格從事導電玻璃蝕刻；3 D 列印。」

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註冊第 02031241 號
申請日：107/12/06
註冊日：108/12/16
第 035 類「網路購物。」服務
第 040 類「金屬處理；剝除塗層
依據客戶委託及指示之規格從事各
式基材切割；依據客戶委託及指示
之規格從事導電玻璃蝕刻；3 D 列印。」

Trademark 1 (Reg. 02031241)
Mark Text: Sciket (Scientific Market)
**Designated Services: Class 35 (Online Shopping),
Class 40 (Metal Processing, 3D Printing).**
Court Status: VALID (Maintained)

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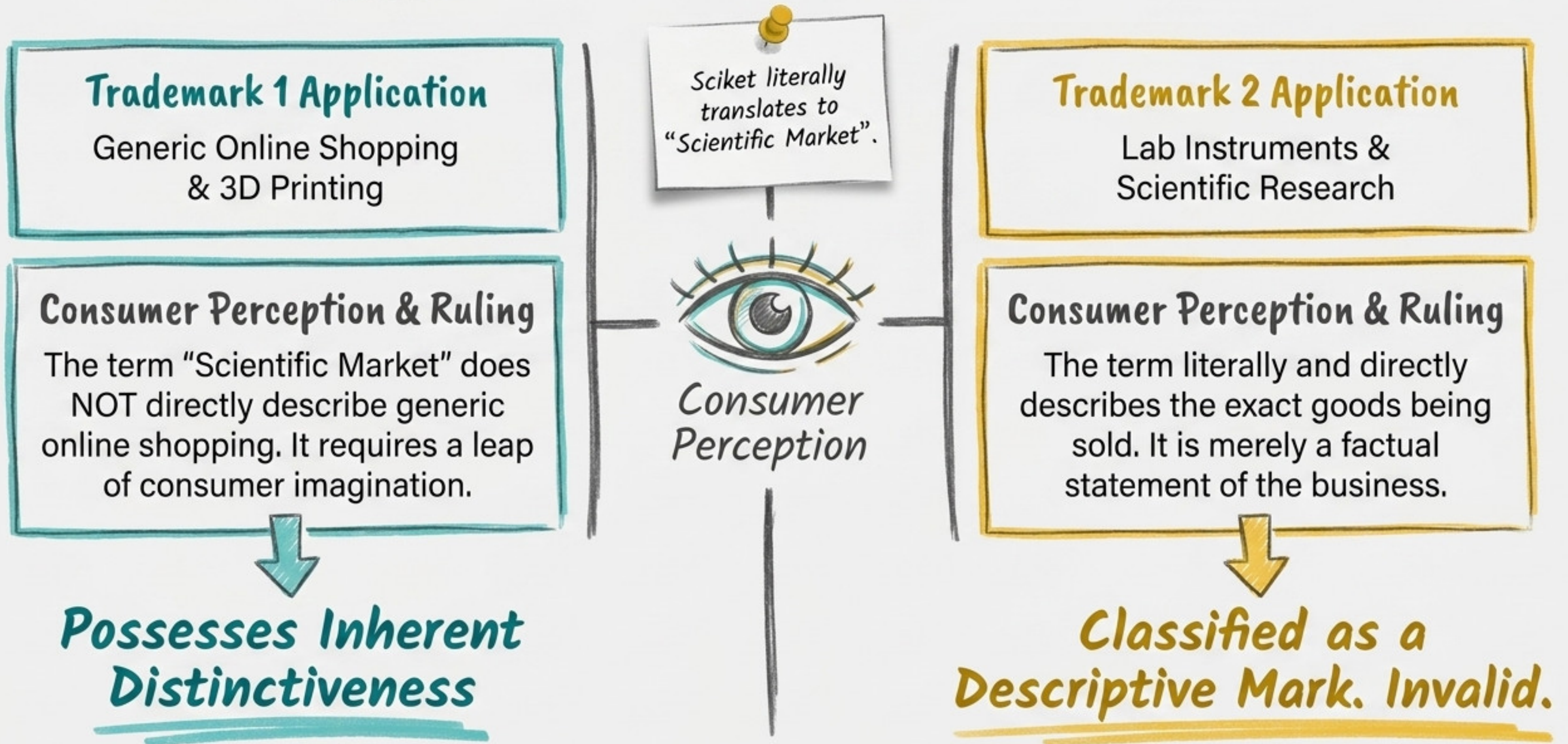
註冊第 02031242 號
申請日：107/12/06
註冊日：108/12/16
第 001 類「工業用化學品；科學
用化學品；化學試劑」商品
第 009 類「實驗室用儀器」等商品
第 035 類「化學製品零售批發；
精密儀器零售批發」等服務
第 042 類「為他人研究和開發新產
品；科學研究」等服務

Trademark 2 (Reg. 02031242)
Mark Text: Sciket (Scientific Market)
**Designated Services: Class 1 (Chemicals),
Class 9 (Lab Instruments), Class 35 (Chemical
Retail), Class 42 (Scientific Research).**
Court Status: INVALID (Revoked)

Wait... they are the exact
same words. Why did
the court rule one valid
and revoke the other?

It comes down to the
relationship between the
word and the product.

Battle 1: Inherent Distinctiveness vs. Descriptive Mark



Battle 1b: The Acquired Distinctiveness

“The Appellant’s Claim:
“We spent money on Google ads and university marketing! We have built Acquired Distinctiveness!””



The Court’s Refutation

1. Inconsistent Usage

The marketing evidence showed the word combined with beaker graphics and English text, not the pure standalone text of Trademark 2.

2. Timing

Much of the evidence was dated after the December 2019 registration date of Trademark 2.

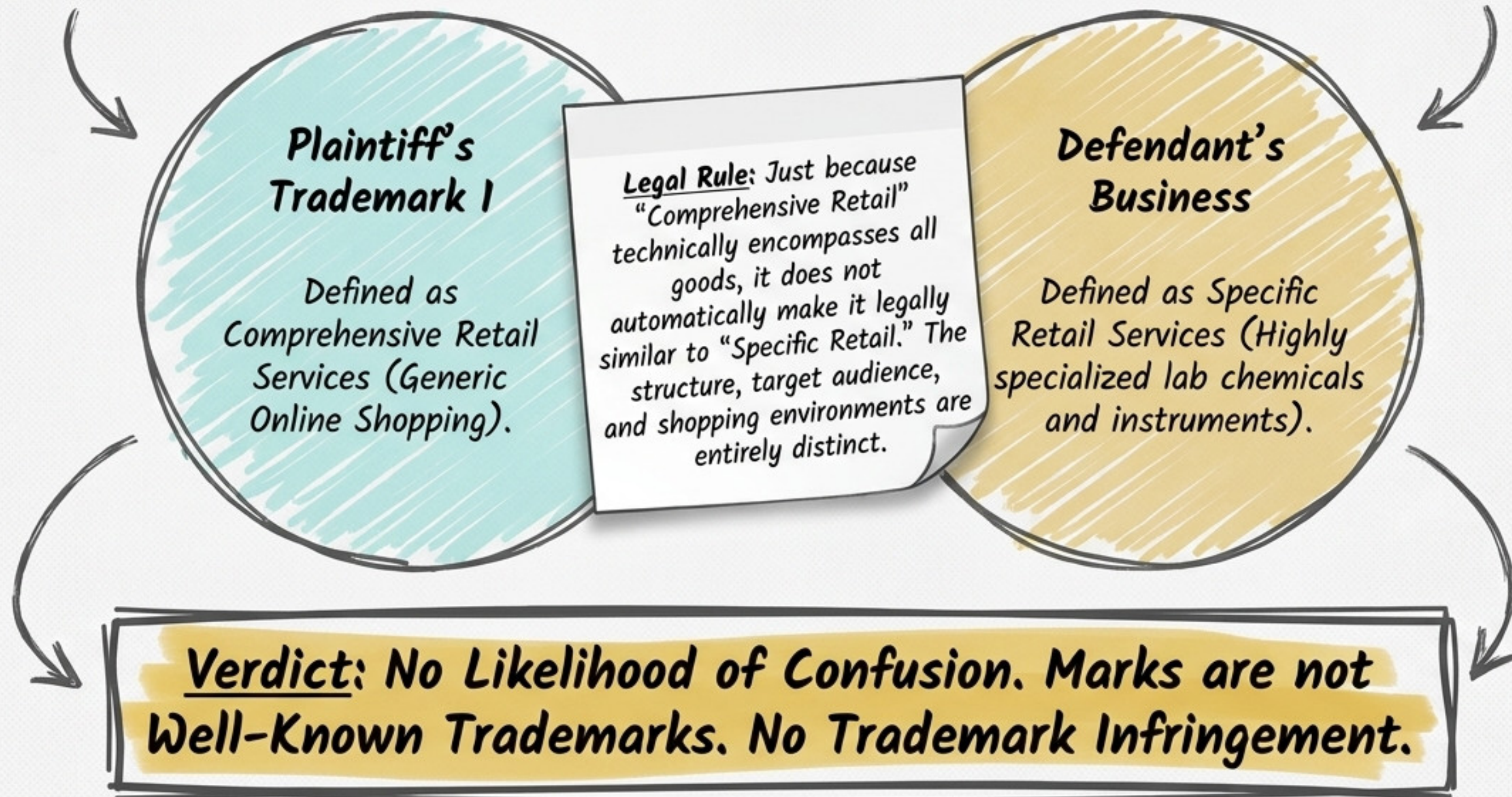
3. Missing Classes

No usage evidence was provided for specific Class 1, 9, or 42 goods.

Claim Denied. Trademark 2 remains a void Descriptive Mark.

Battle 2: The Likelihood of Confusion

Does Defendant's use of the name for lab supplies infringe on Plaintiff's valid Trademark 1?



Battle 3: Is a Trademark Opposition an Unfair Competition?

Plaintiff sues
Defendant for
infringement.



Defendant realizes
Plaintiff's Trademark 2
is a legally vulnerable
Descriptive Mark.



Defendant files a
Trademark
Opposition to cancel
Trademark 2.

Appellant's Grievance:
They only filed the opposition as
retaliation for our lawsuit! It is
malicious Unfair Competition!

Court's Logic:

The trademark system
relies entirely on public review.
Anyone has the statutory right
to challenge a bad trademark.

The Ruling:

The motivation behind filing an
opposition is legally irrelevant.
Exercising a statutory right to
challenge an invalid mark
cannot be deemed Unfair
Competition.

Battle 4: The Digital Heist & The Plot Twist

Original UI/UX

Cloned UI/UX

The Late Claim: During the appeal, Plaintiff added a new argument: “The Defendant cloned our website’s structural layout, text sequence, and architecture!”

The Evidence: A prior criminal court had already convicted the Defendant’s representative of **‘Copyright Infringement’** for illegally reproducing the Plaintiff’s literary works (website text).

The Court’s Ruling: PLAINTIFF WINS.

Copying a competitor’s digital architecture and text to run a rival e-commerce business is a blatantly unfair act under the Fair Trade Act.

Action Ordered: Defendant is legally ordered to remove and destroy all copied website content, layout sequences, and structural architecture.

The Final Scorecard

Source: 2022 Min-Shang-Shang-Zi No. 17

Claim 1: Trademark Infringement

Trademark 2 invalidated (Descriptive Mark).
Trademark 1 not infringed (No Likelihood of Confusion).

→ **DEFENDANT
WINS**

Claim 2: Force Company Name Change

Plaintiff's marks are not Well-Known Trademarks;
Defendant retains their corporate name.

→ **DEFENDANT
WINS**

Claim 3: Opposition = Unfair Competition

Filing an opposition is a protected statutory right.

→ **DEFENDANT
WINS**

Claim 4: Website Plagiarism

Defendant must delete cloned digital assets due to
Copyright Infringement and Unfair Competition.

→ **PLAINTIFF
WINS**

Judgment Takeaways & Strategic Implications

Naming Strategy is Crucial: Choosing a brand name that literally describes your industry (like “Scientific Market” for lab equipment) prevents you from building Inherent Distinctiveness. You will likely lose the trademark when challenged.

Retail Categories Matter: Registering a trademark for “Comprehensive” generic online shopping does not grant a monopoly over “Specific” specialized niches. The legal boundaries are strict.

IP Defense is Multi-layered: Even if a business fails to prove Trademark Infringement, aggressively enforcing Copyright Infringement over digital assets, UI/UX, and website text remains a devastating weapon against Unfair Competition.

