

The IP Boundaries of Chopstick Packaging

Educational Judgment Analysis

Taiwan Intellectual Property and Commercial Court Civil Judgment
111 Min Shang Su Zi No. 49 (Date: 111)

The Plaintiff

- Registered 2 Trademarks (Class 21)
- Claims Copyright over a Japanese floral pattern

Plaintiff claims the Defendant's inner wrapper pattern constitutes Infringement.

The Defendant (Meichi Company)

- Sells MEICHI Hardcover Disposable Bamboo Chopsticks

Exhibit A: The Plaintiff's IP

- Registered in Class 21 (paper cups, disposable chopsticks, etc.)
- Core visual asset: A pink and white floral geometric arrangement.

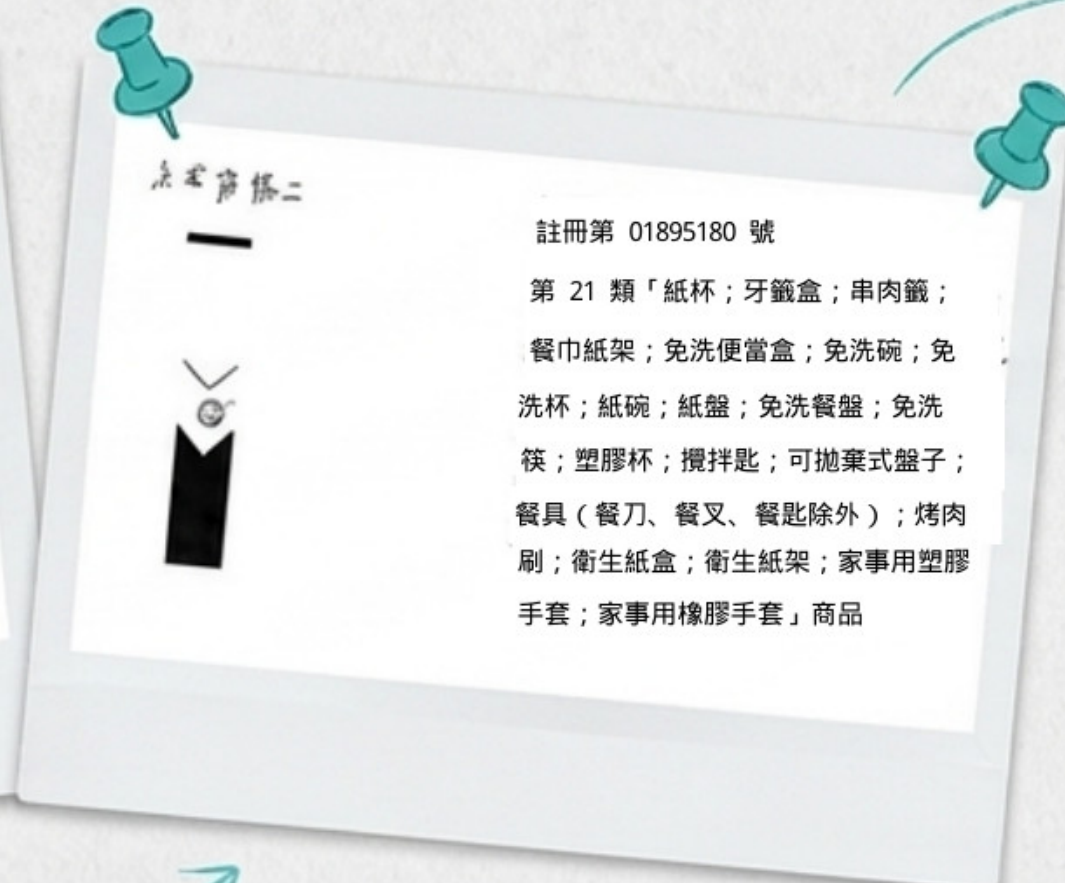
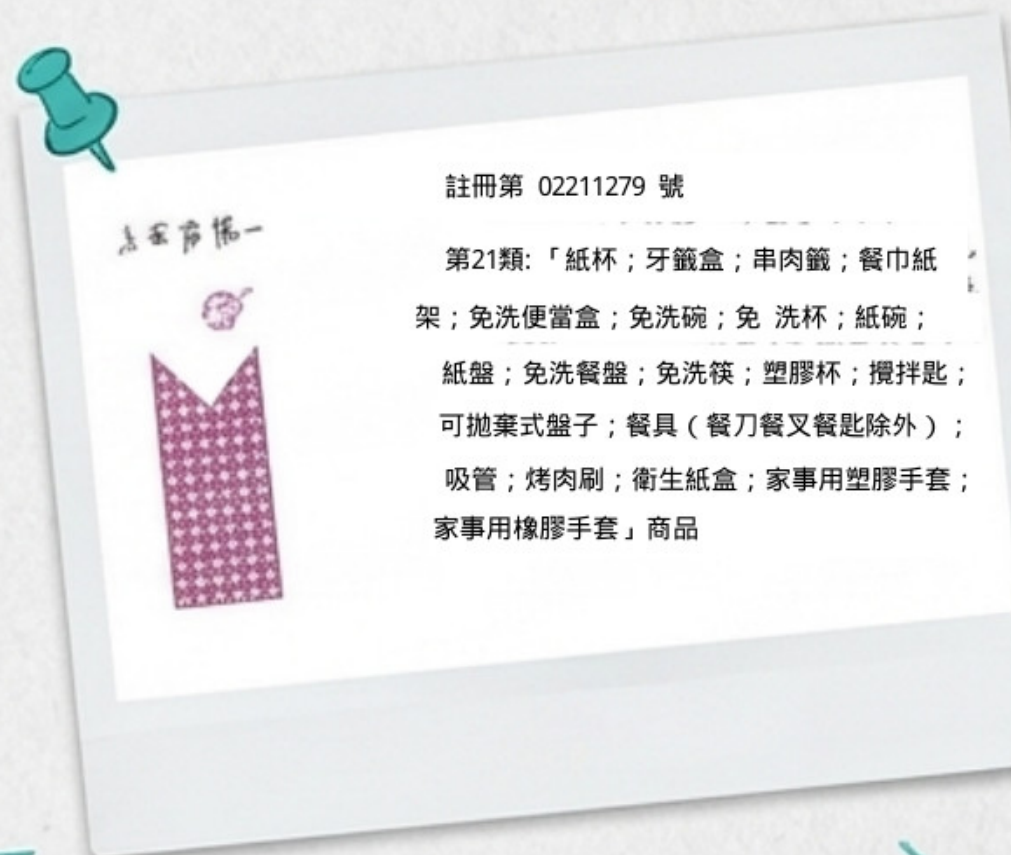


Exhibit B: The Defendant's Product

How the product is actually sold—50 pairs packaged inside an outer bag.
The disputed pattern only appears on the individual inner wrappers.

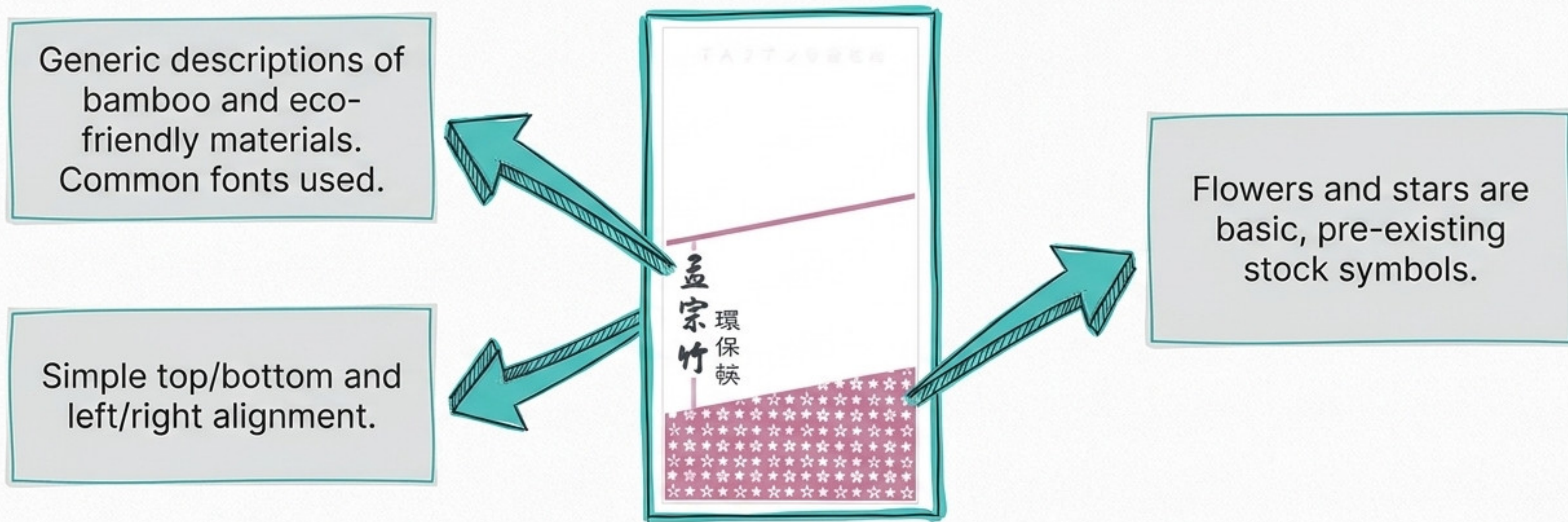




Issue 1: The Copyright Question

Does the Japanese floral pattern meet the legal threshold to be protected as an Artistic Work?

Anatomy of Originality



Ruling: Lacks Originality. Does not reflect the author's unique personality. Not a valid Artistic Work.

Issue 2: The Trademark Question

Did the Defendant use the pattern to indicate the source of goods, constituting a Likelihood of Confusion and Trademark Use?

Defining Trademark Use (Article 5)

- ☐ 1. Intent to indicate the source of goods.
- ☐ 2. Intent to market the product.
- ☐ 3. Active display of the mark.
- ☐ 4. Consumers can recognize it as a Trademark.

The Zoom Out Reality

Observation: The allegedly infringing pattern is merely an exterior design on the inner packaging, only visible through the transparency of the outer bag.



Actual retail scale



The True Source Identifier



Analysis: The outer bag prominently features MEICHI (blue background, white text) and the product description 50-pack.

Conclusion: Consumers identify the source of the goods via the MEICHI logo, not the decorative inner wrapper. Therefore, the pattern is NOT used as a Trademark.

The Verdict



No Copyright Infringement
(The pattern lacks Originality)

No Trademark Infringement
(The inner packaging is not
Trademark Use)

Result: All claims by the Plaintiff are dismissed.

Key Takeaways & Legal Insights

1. For Creators (The Originality Threshold)

Simple arrangements of common fonts and stock geometric shapes rarely meet the standard for an Artistic Work under Copyright.

2. For Brand Owners (Source Identification)

Decorative patterns on inner packaging may not qualify as Trademark Use if a distinct brand name (like MEI CHI) dominates the outer packaging.

3. The Legal Standard (Commercial Reality)

Courts do not look at patterns in isolation; they evaluate the overall commercial impression and actual trading habits to determine infringement.