

Trademark Cancellation
Case Study

Proving "Genuine Use" Through the Chain of Evidence

An Educational Analysis of the "MILADY" Trademark Dispute

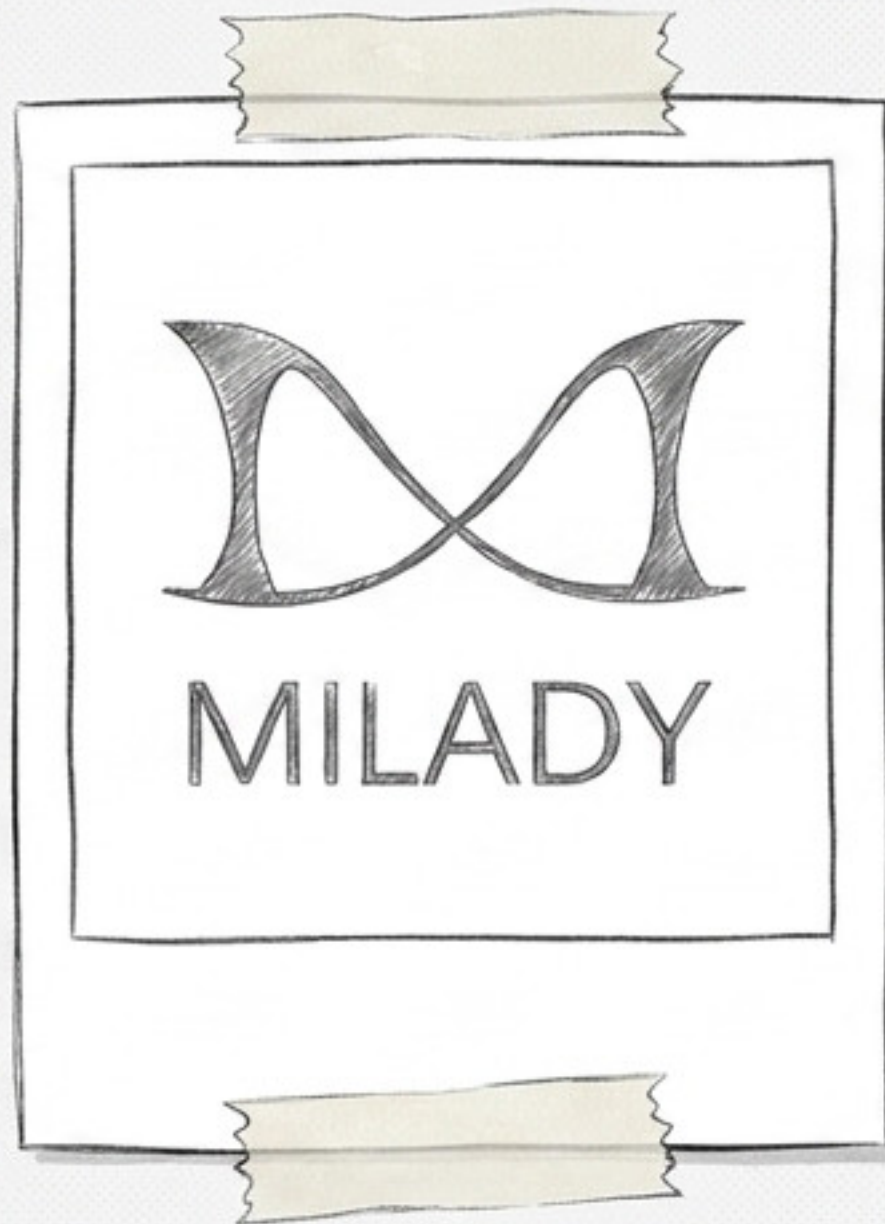
CONFIDENTIAL

Source: Intellectual Property and Commercial Court | Administrative
Judgment Year 111, Xing-Shang-Geng-Yi-Zi No. 2 |
Judgment Date: October 3, 2023.

The Subject Matter: **MILADY**



Designated Goods (Class 25):
Women's shoes, sandals, slippers,
high heels, boots, men's shoes,
casual shoes, leather shoes,
athletic shoes, children's shoes,
shoe covers, insoles.



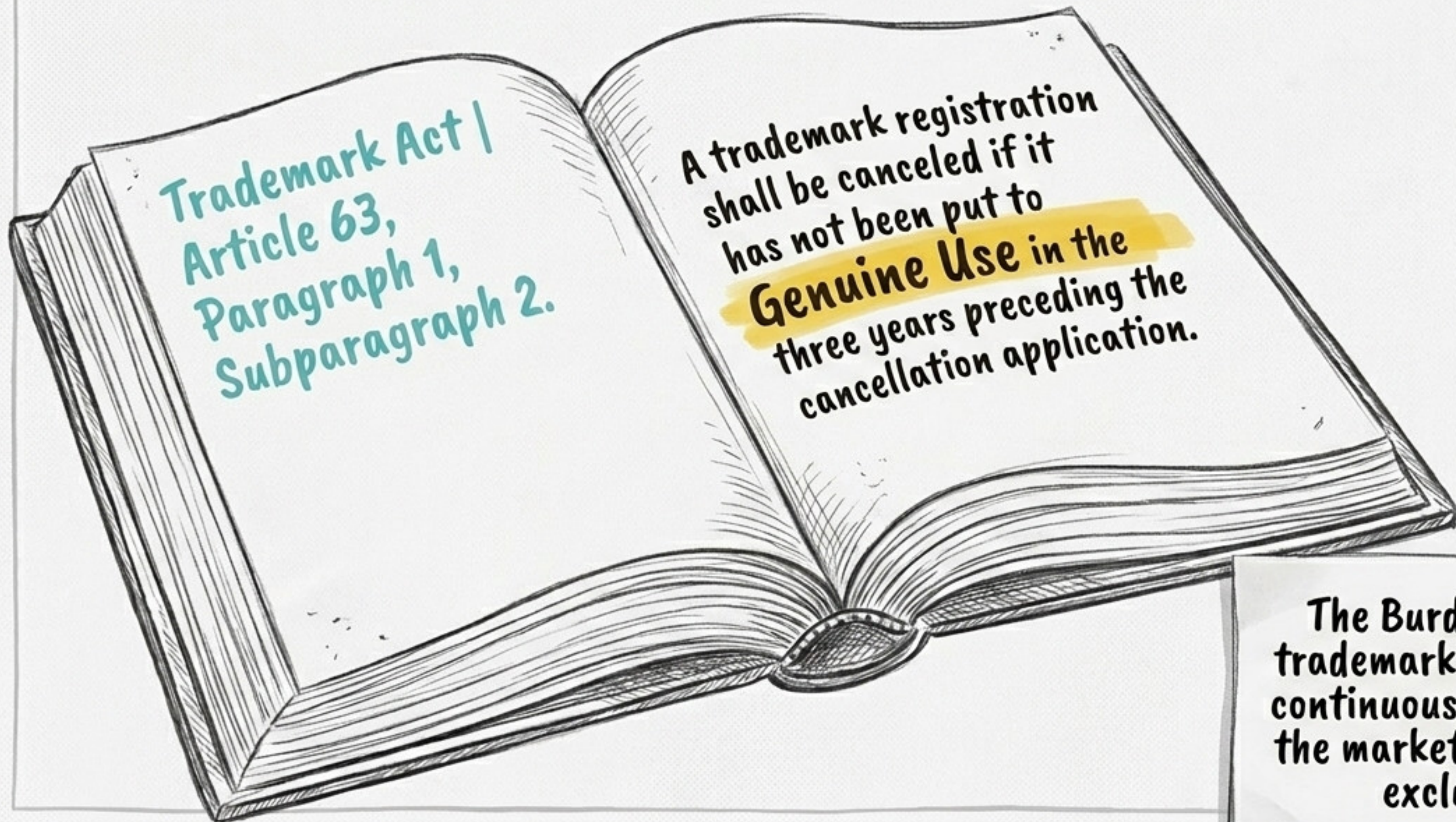
Registration No.
01186891



Application Date:
May 9, 2005

The "Butterfly-like" Device
(Confirmed by Witness
Testimony).

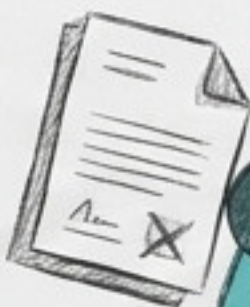
The Rule of Law



The Burden of Proof: The trademark owner must prove continuous commercial use in the market to maintain their exclusive rights.

The Path to the IP Court

Sept 2019 |
Cancellation
Action filed by
the Intervenor.



2



1

2005 | Trademark
Registered.



3

April 2020 |
TIPO Decision:
Trademark
Canceled.



4

Aug 2020 | Ministry of
of Economic Affairs:
Appeal Dismissed.



5

Oct 2023 | Supreme
Administrative Court
remands case to the
Intellectual Property
and Commercial Court.

The Challenger (Cancellation)

No Direct
Evidence.

Invoices and shipping logs do not show the MILADY logo. Therefore, no "Genuine Use" can be proven. Documentation is insufficient. ✗

The Core Conflict

The Trademark Owner (Defense)

Real-World
Operations.

The shoes were manufactured, shipped to stores, and sold to consumers over the last ten years, even if the logo isn't explicitly typed on every logistics receipt. ✓

The Fragmented Evidence

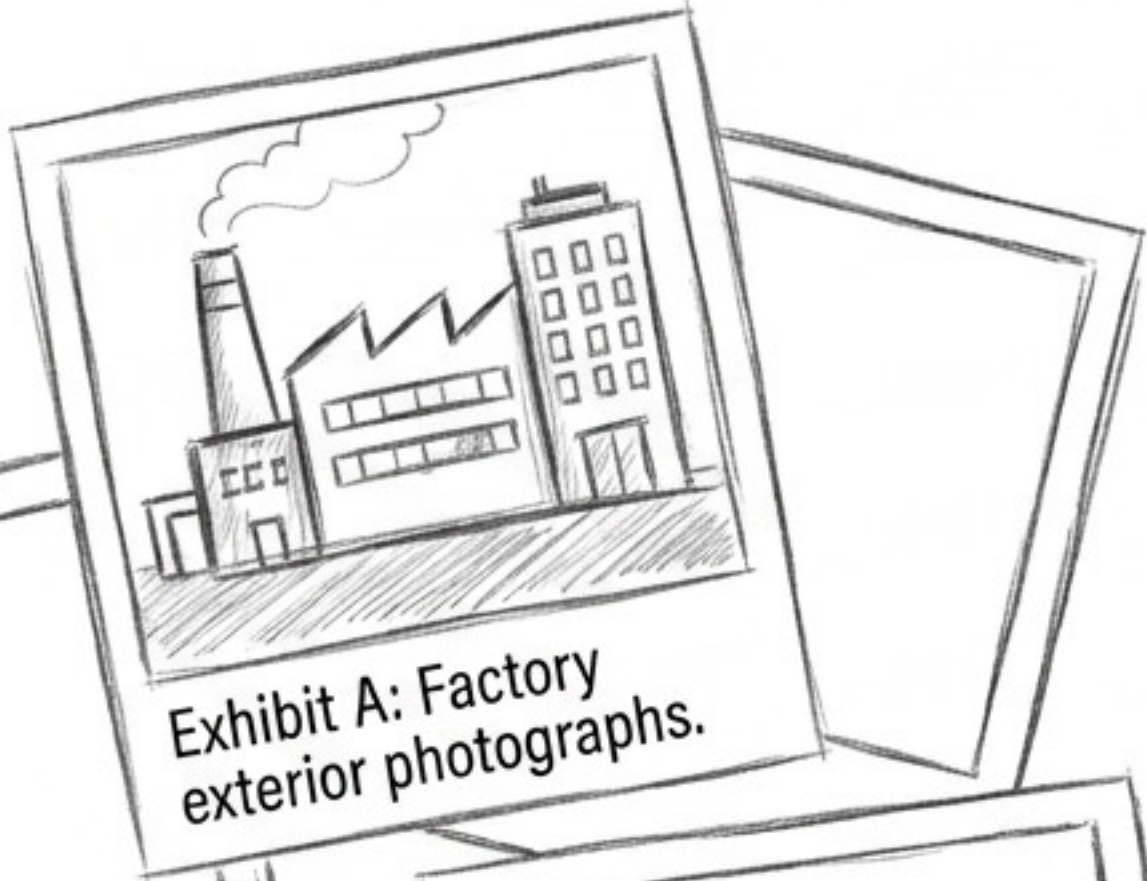


Exhibit A: Factory exterior photographs.

A hand-drawn sketch of a shipping report table. The table has columns for 'Person', 'Date', 'How', 'Where', and 'Status'. It contains five rows of data with handwritten entries. The sketch is presented as a photograph on a white card with a black border.

Person	Date	How	Where	Status
John	2/1/20	✓	Me	✓
John	2/2/20	✓	✓	✓
John	2/3/20	✓	✓	✓
John	2/4/20	✓	✓	✓
John	2/5/20	✓	✓	✓

Exhibit C: Daily shipping reports.



The Legal Dilemma:
None of these papers explicitly print the MILADY logo. Are they legally useless on their own?

A hand-drawn sketch of a billing statement. It includes a header with 'Invoice' and 'Hsinchu Logistics'. Below is a table with columns for 'Qty' and 'Amount'. It shows two rows of items, each with a quantity of 1 and an amount of \$200. The subtotal is \$400 and the total is \$500. The sketch is presented as a photograph on a white card with a black border.

Qty	Amount
1	\$200
1	\$200

Exhibit B: Hsinchu Logistics billing statements.



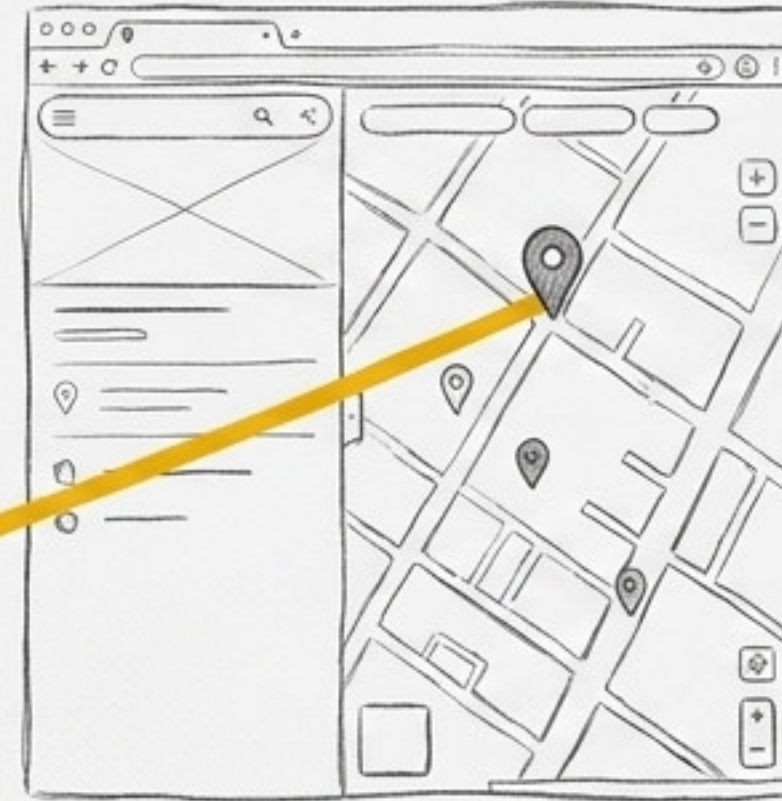
Exhibit D: Photographs of "Mei-Mei Shoe Store" storefront and physical women's shoes.

Connecting the Dots: The Court's Intervention

Ex Officio Investigation



The court noticed the text **"Dou-Nan Evergreen Store"** on the submitted storefront photograph.



The Ministry of Economic Affairs independently utilized Google Maps Street View to cross-reference the address.

The physical address matched the handwritten locations on the shipping reports (consistent from 2014 to 2017). The physical storefront and the paper logs were successfully linked.

Breaking the Code: Witness Testimony



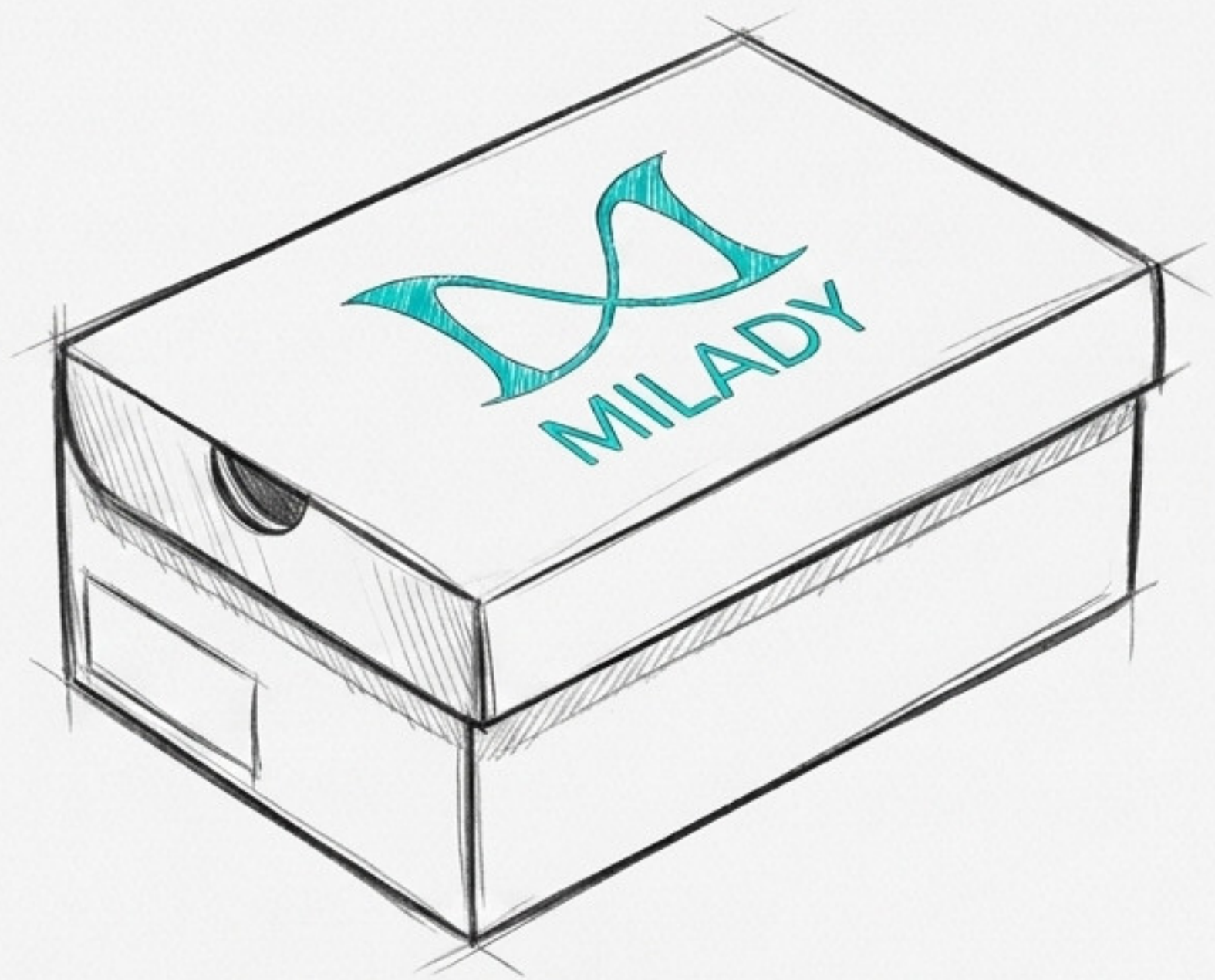
Witness (Store Owner): "096"
is the internal vendor code
representing the Trademark Owner.

Witness: "JOA02" is the
manufacturer's original
shoe model number.

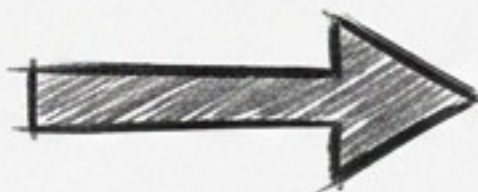
**Witness: Internal store
color coding.**

The Match: The model 'JOA02' on the physical shoe tag perfectly matched the exact alphanumeric string 'JOA02' written on the daily shipping reports. The logistics now prove the movement of the specific shoes.

Corroborating the Packaging



Chronological
Alignment



Sworn Affidavit (San-Zhi Co.)

The director of a third-party printing company submitted a formal statement confirming they have been continuously commissioned to print shoe boxes bearing the 'MILADY and device' logo (Item: 79 Butterfly) since before 2016.

This third-party printing schedule perfectly aligns with the store owner's testimony of receiving shipments every 1-2 months over the past decade.

The Final Verdict

The Chain of Evidence is Complete.

By mutually cross-referencing the logistics reports, physical product tags, witness testimony, and third-party affidavits...



REVERSED & REMANDED

The Court found that the Trademark Owner successfully proved Genuine Use in the three years prior to the cancellation action.

TIPO's original cancellation decision and the Ministry of Economic Affairs' appeal decision are officially revoked.

Key Takeaways & Legal Insights

-  **Holistic Evidence Evaluation:** Courts look beyond isolated documents. A lack of direct logo placement on invoices can be cured by a cohesive chain of circumstantial evidence.
 -  **The Power of Cross-Referencing:** Business records (SKUs, internal vendor codes) combined with witness testimony can bridge the legal gap between abstract logistics and physical branded goods.
 -  **Ex Officio Capabilities:** Courts may utilize modern tools (like Google Maps Street View) to actively verify the authenticity and chronological consistency of submitted evidence.
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-  **Best Practice for Brands:** To avoid costly litigation, ensure that your registered trademark explicitly appears on invoices, shipping logs, and product tags. Do not rely solely on the court's willingness to connect the dots.