

The 'BEETHOVEN' Trademark Dispute

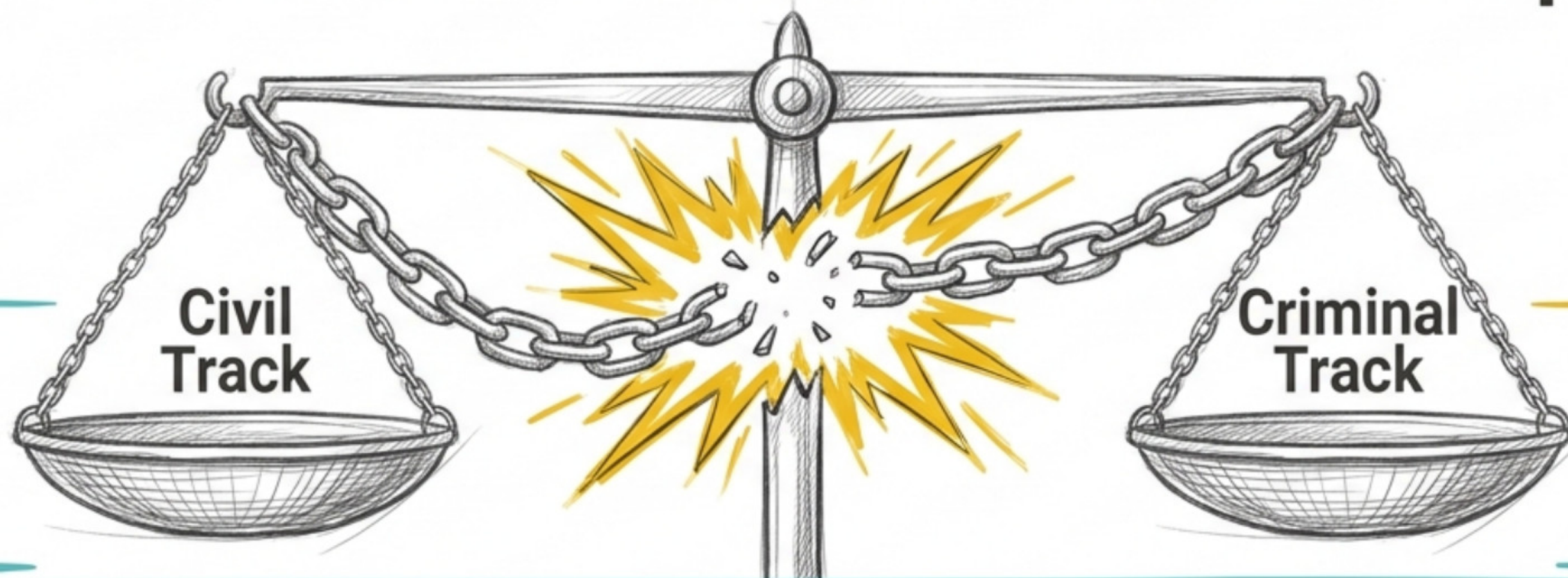
Navigating the Divide Between
Civil and Criminal Adjudication

Source: Supreme Court Criminal Judgment 112-Tai-Shang-2068
Issued: August 2, 2024 / Ref: 113080201



The Core Legal Question

Does a civil court's factual finding dictate a criminal court's verdict on the identical trademark dispute?



The Supreme Court ruling dictates absolute independence.
A Criminal Judgment is **not** bound by a prior civil ruling.
Let's examine the anatomy of this dual-track battle.

The Protected Asset



Brand Name: BEETHOVEN

Registration No.: 01295290

Protected Classes (Class 20):
Spring mattresses, mattresses,
polyethylene foam mattresses,
furniture.

Governed by Trademark Act §5, §95③

The Protagonists & Their History



Role: Complainant

Entity: Kao O-yang

Business: "Master Craftsman"
regional traditional bedding.

Status: Exclusive owner of the
"BEETHOVEN" mark.



Crucial Context:
Panbor Furniture previously acted
as an Original Equipment
Manufacturer (OEM) for the
Complainant.

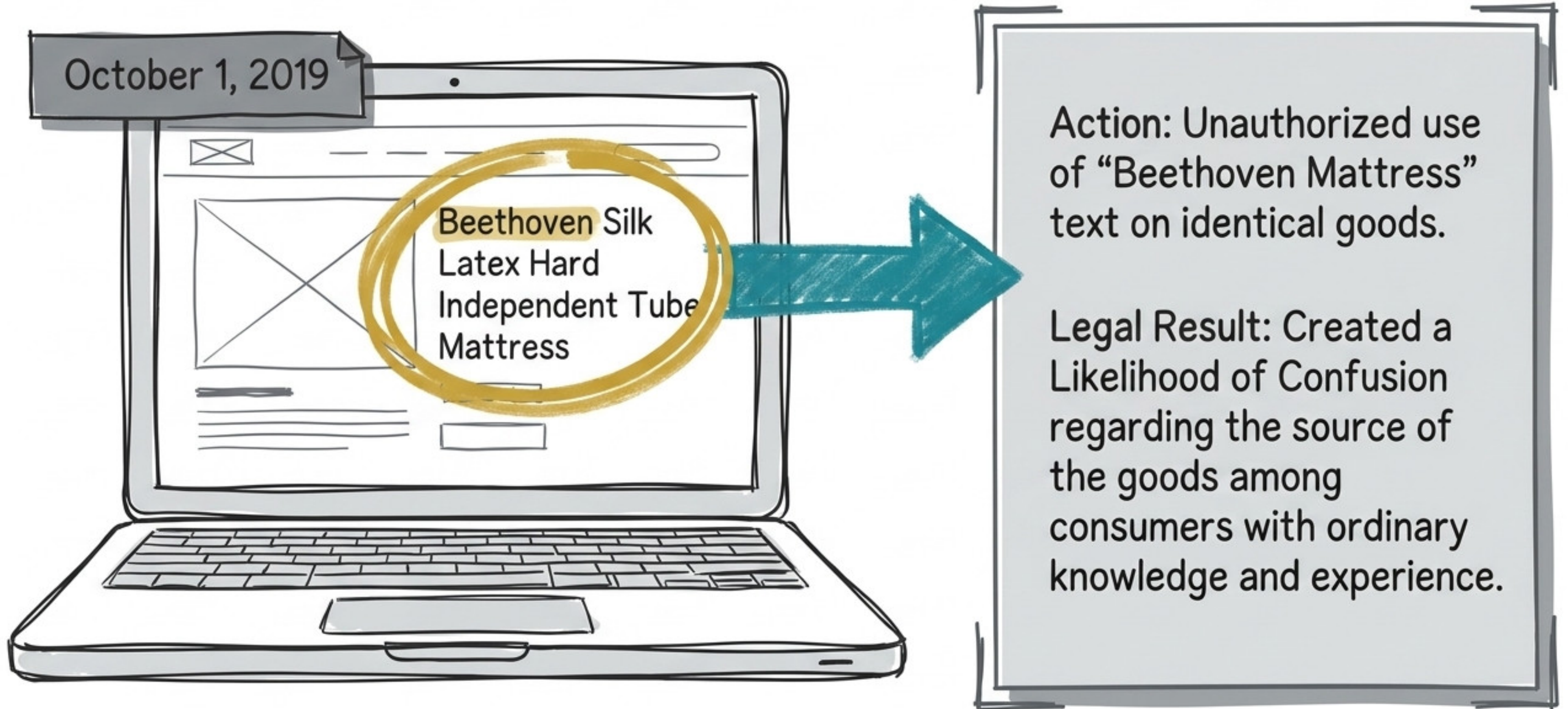


Role: Defendant

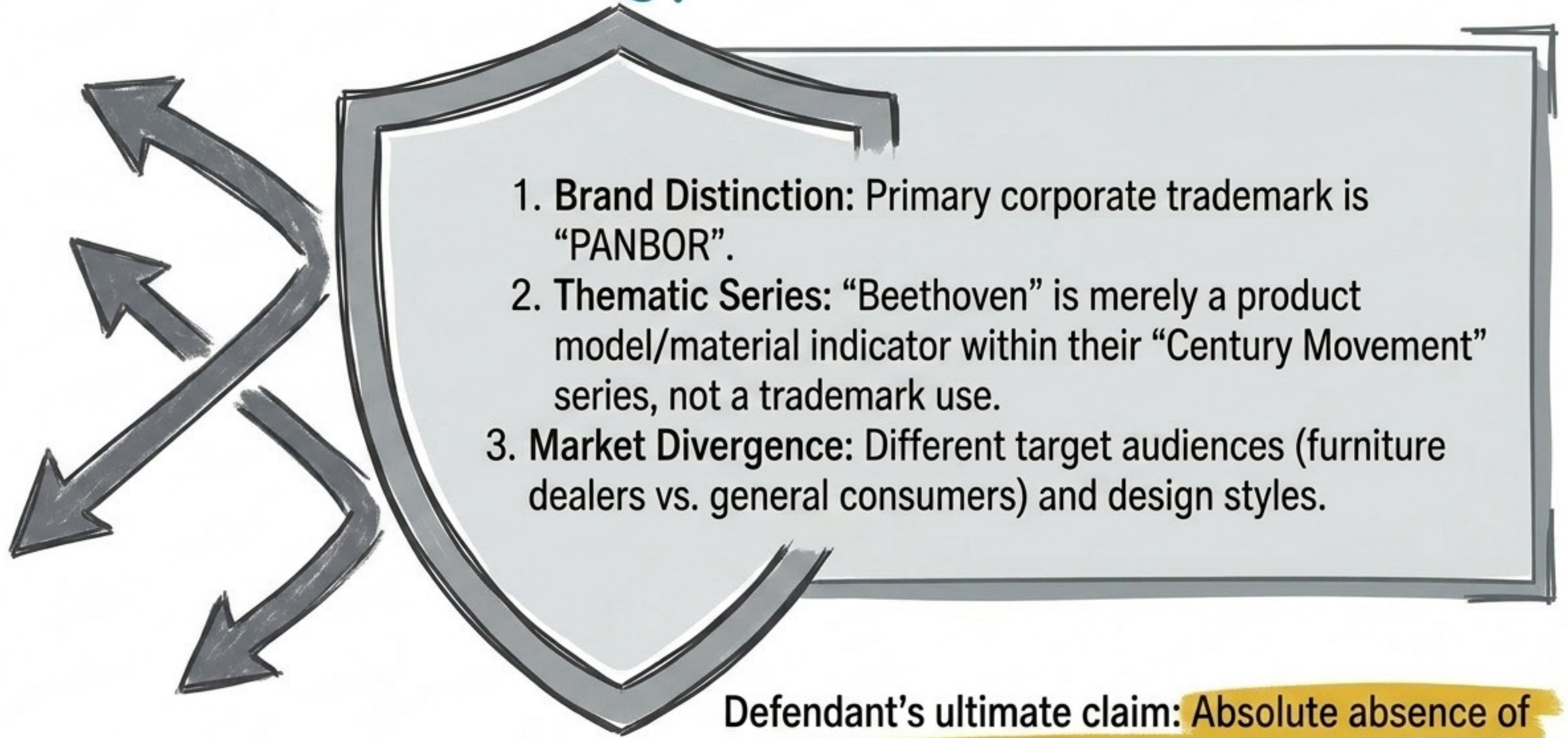
Entity: Pan O-hsiung

Business: Director, Panbor
Furniture Co., Ltd. (Large-scale
mattress factory).

The Act of Infringement



The Defense Strategy



Defendant's ultimate claim: Absolute absence of Direct Intent for Trademark Infringement.

The Dual-Track Procedural Labyrinth

Criminal Track

Chiayi District Court
111-Zhi-Yi-4
→ Not Guilty

IPC Court
111-Xing-Zhi-Shang-Yi-40
→ Guilty (Reversed)

Supreme Court
112-Tai-Shang-2068
→ Appeal Dismissed

Civil Track

IPC Court
110-Min-Shang-Su-53
(1st Instance)

IPC Court
111-Min-Shang-Shang-Yi-2
→ Infringement Confirmed
(Trademark Act §68③)

Supreme Court Holding I: Establishing Intent



Fact-Finding

The Defendant previously acted as an Original Equipment Manufacturer (OEM) for the Complainant.

The selection and evaluation of evidence belong to the trial court's discretion.

The lower court's logic did not violate rules of logic or experience.

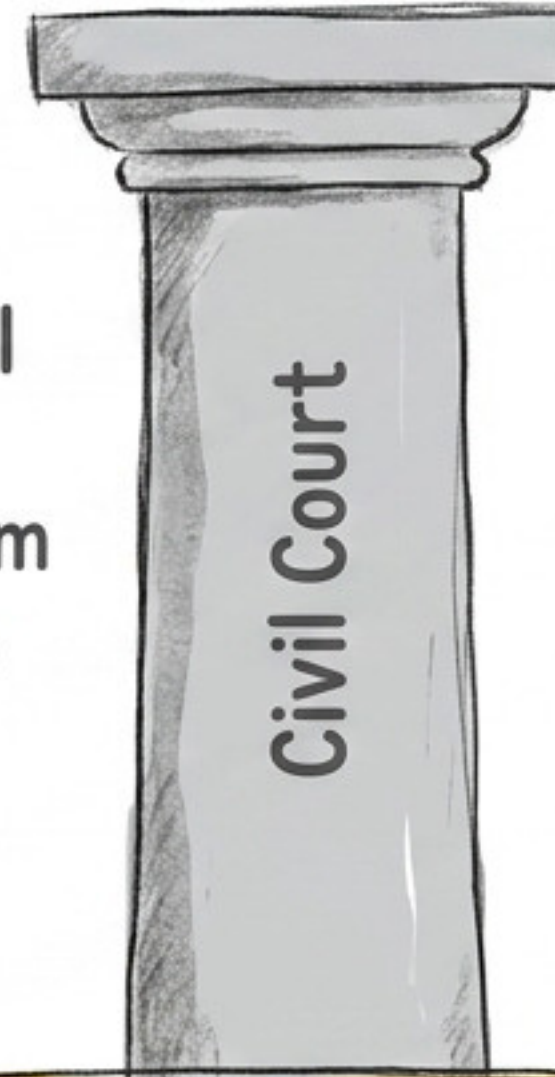
Verdict

Prior OEM relationship + Website listing = Proof of Direct Intent for Trademark Infringement.

Supreme Court Holding II: The Principle of Independence



The trial court for criminal procedures must directly investigate evidence to form the basis of its judgment.



Regarding an identical factual matter, a Criminal Judgment is absolutely NOT BOUND BY a prior civil court ruling. It conducts its own sovereign investigation.

A Collapsing Argument



THE CLAIM

The Defendant attempted to use their initial 1st Instance Civil victory to claim the Criminal Court made a contradictory factual evaluation.

THE REALITY

The appellate Civil Judgment (IPC Court 111-Min-Shang-Shang-Yi-2) ultimately reversed the lower civil court and found the Defendant guilty of Trademark Infringement anyway.

The Supreme Court noted this rendered the Defendant's entire procedural complaint legally moot.

Key Takeaways & Strategic Implications

1

The 'Model Name' Fallacy:
Merely claiming a registered mark is a 'product series model' will not bypass infringement if a Likelihood of Confusion exists and prior knowledge (OEM relationship) is proven.

2

The Dual-Track Reality:
Civil and criminal courts operate on sovereign fact-finding tracks. Winning a preliminary skirmish in a civil court does not provide a legal shield against a Criminal Judgment.

3

Actionable IP Strategy:
Brand owners must vigilantly monitor digital platforms. When enforcing rights, be prepared to prove Direct Intent and document historical business relationships independently in both jurisdictions.