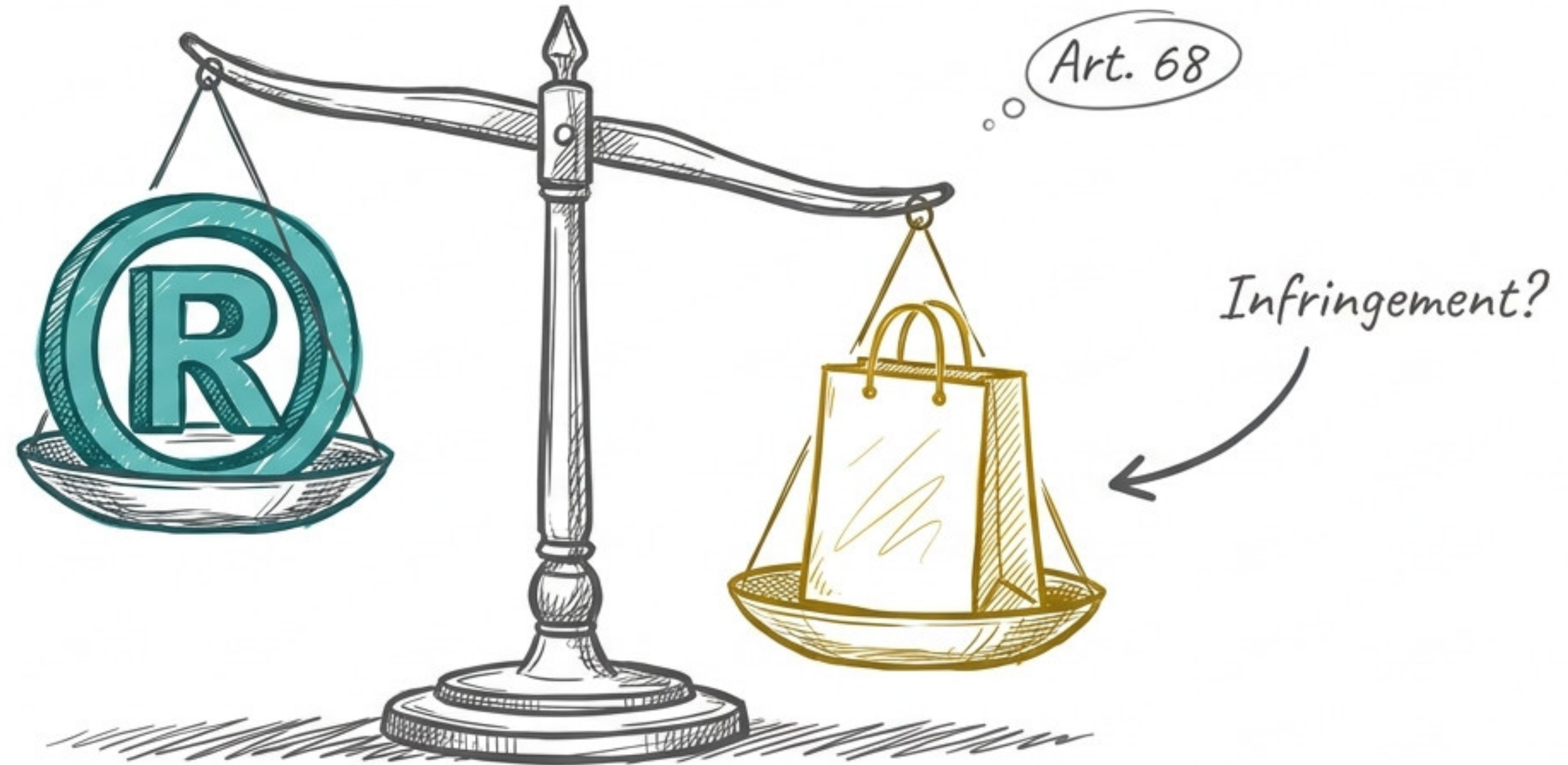


June 1, 2023

THE BLIND SPOT IN TRADEMARK INFRINGEMENT

Visualizing the Critical Procedural Error in Supreme Court Civil Judgment 112 Tai-Shang No. 836



A Hand-Drawn Legal Masterclass deconstructing the missing piece of evidence.

The Brand Owner

The Appellant



- Acquired NEFFUL trademark rights in August 2015 from Taiwan Nefful Co., Ltd.
- Owns multiple prominent registrations across various classes.
- Key asset: Class 24 (fabrics, blankets, bedding).

*The Core Conflict:
Did the seller's
packaging and online
marketing infringe
on the registered
trademarks?*

The E-commerce Seller

The Appellee



- Operates a personal storefront on the Shopee online platform.
- Imports consumer goods directly from Japan.
- Claims parallel importation as a defense against infringement.

What the Brand Owner Actually Owns



margin

Crucial Detail:
The Appellant owns BOTH a
complex visual logo AND
the fundamental 6-letter
word mark.

Free shipping ~ Japan
imported full series NEFFUL JP

NEFFUL



NEORON

→ The Market Reality

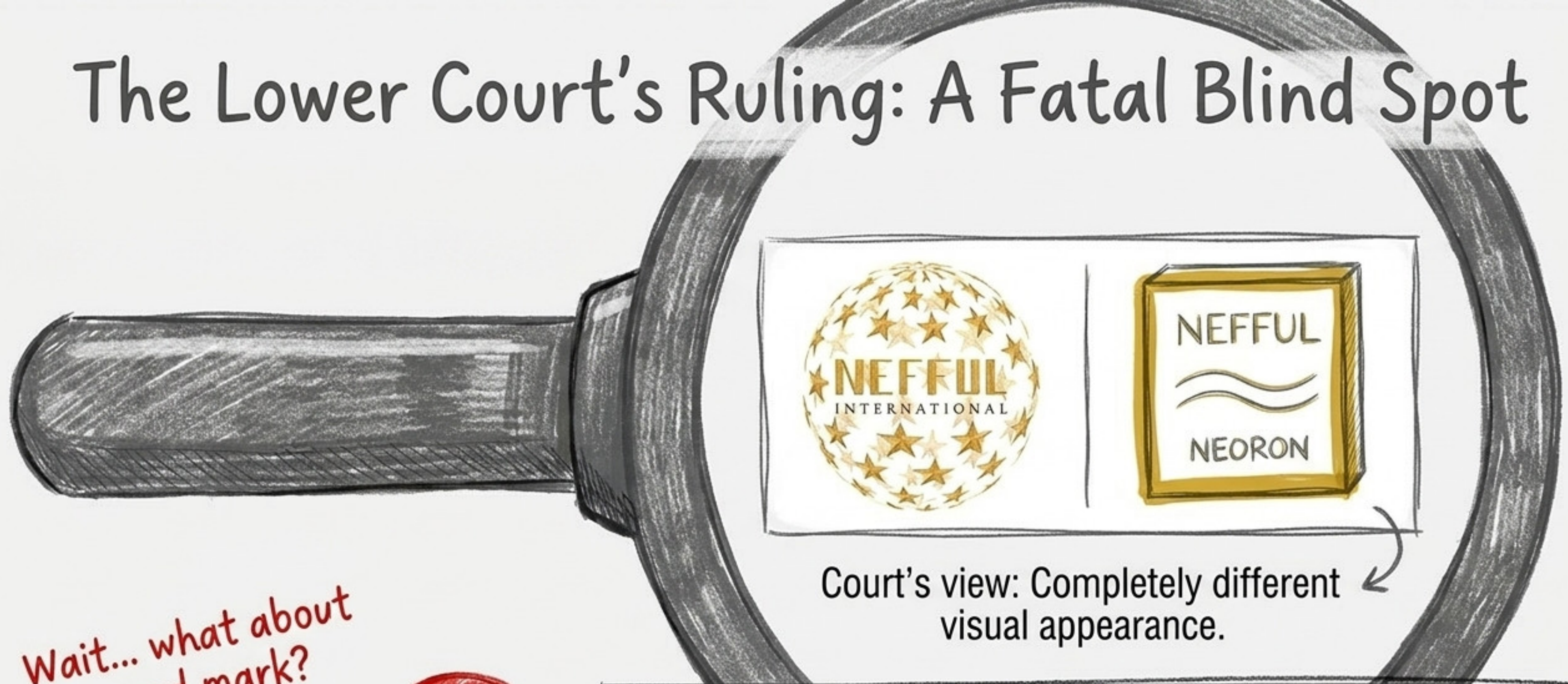
Seller uses the exact term to drive search traffic and distinguish goods online.



Legal Context:
Trademark Act, Article 68

Usage of a trademark for marketing purposes, creating distinction for consumers.

The Lower Court's Ruling: A Fatal Blind Spot



Court's view: Completely different visual appearance.

Wait... what about the word mark?

NEFFUL

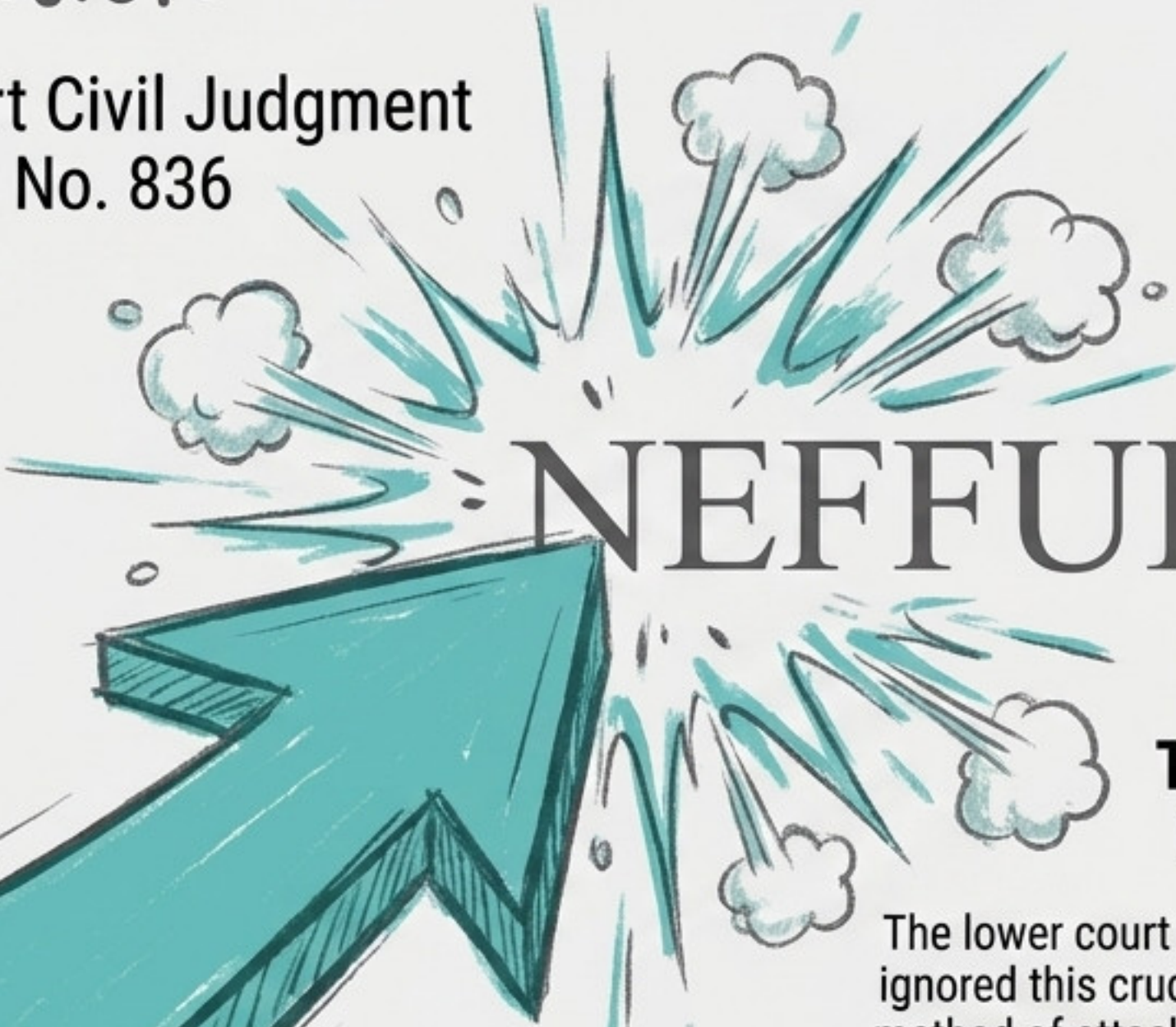


Intellectual Property Court Decisions (110 Min-Shang-Su 41 & 111 Min-Shang-Shang 4) ruled that the wavy lines and 'NEORON' text looked nothing like the complex golden starry circle. Conclusion: Extremely low similarity. Case Dismissed.

The Supreme Court's Intervention

Supreme Court Civil Judgment
112 Tai-Shang No. 836

The Appellant's Breakthrough Argument:
NEFFUL is a separate, registered word mark!
The defendant uses the EXACT 6 English letters on their packaging. This is a **highly similar use on identical goods**.



NEFFUL

=



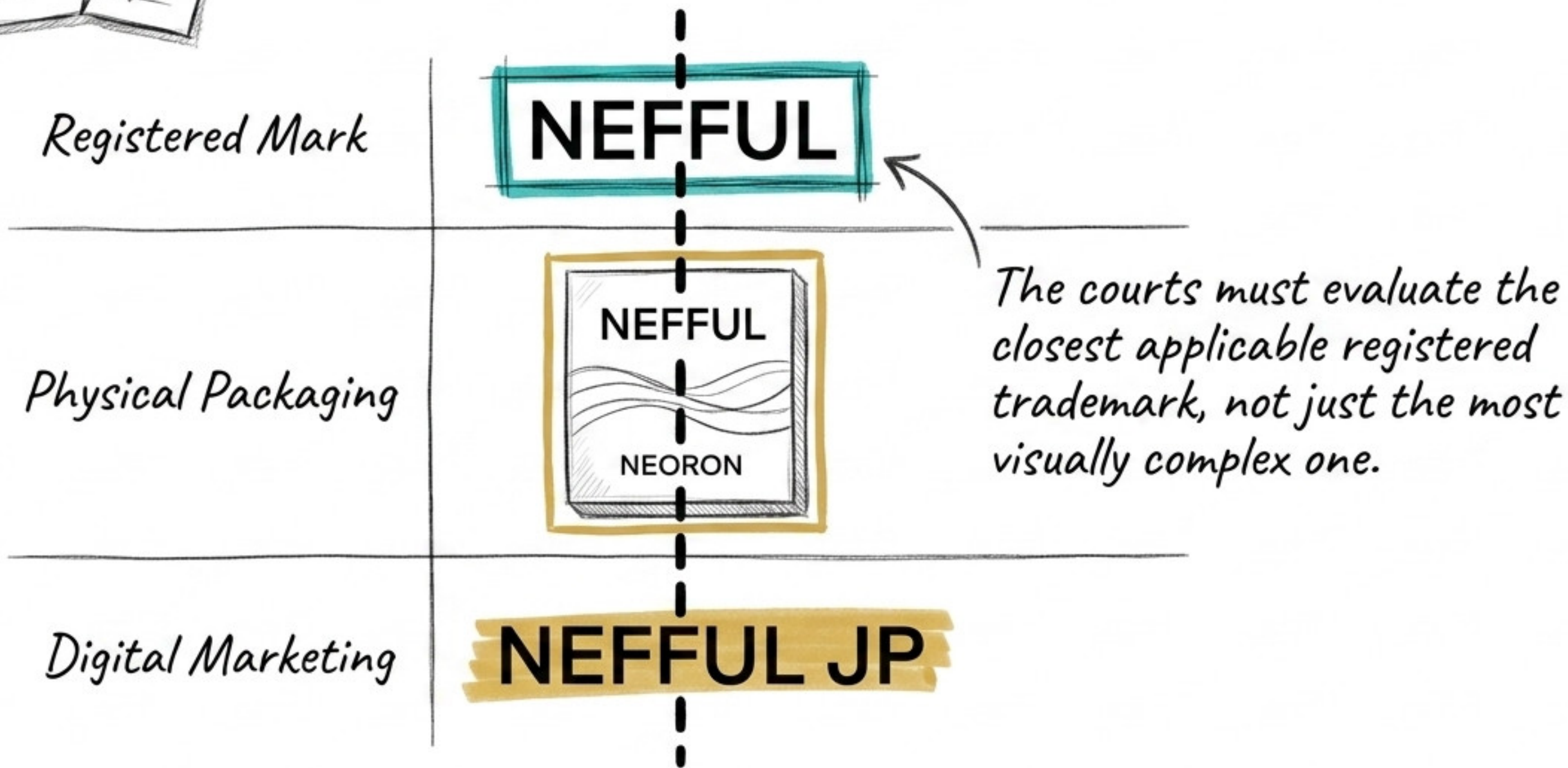
The Supreme Court's Finding:

The lower court completely ignored this crucial primary method of attack. Failing to **evaluate all relevant** registered marks presented by the plaintiff constitutes a reversible error.

**JUDGMENT
LACKING IN REASONS**



Vacated and Remanded: The True Comparison Required





Strategic Insights & Rules of Engagement

Plead the Full Portfolio

Brand owners must actively direct the court's attention to the specific registered mark that most closely matches the infringement. Never assume a judge will visually extract a plain word mark from a complex composite logo.

Comprehensive Review

Courts commit a reversible error ("Judgment Lacking in Reasons") if they fail to adjudicate every valid trademark registration actively asserted by the plaintiff during litigation.

E-Commerce Warning

Parallel Imports vs. Infringement. Simply adding extra graphics (wavy lines) or descriptive platform text ("JP") to an exact registered word mark on imported goods does not automatically bypass Article 68 protections.