

TRUEMESH

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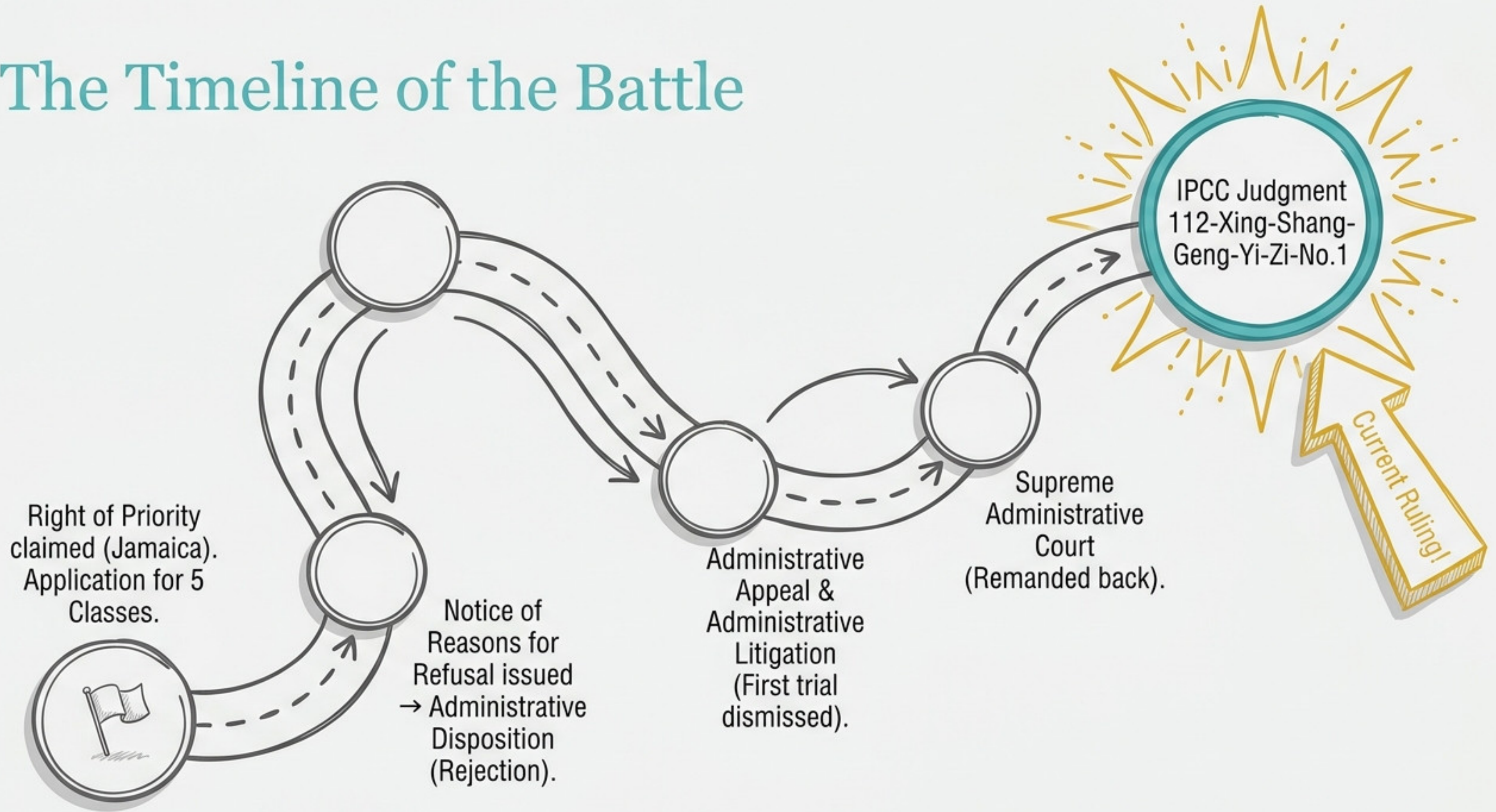
Trademark Registration Event Analysis

A Deep Dive into Distinctiveness and Examination Procedures

Source: IPCC Judgment
112-Xing-Shang-Geng-Yi-Zi-No.1

Educational
Case Study

The Timeline of the Battle





Plaintiff Arguments

- TRUEMESH is a Suggestive Trademark.
- Competitors have no need to use this term.
- Successfully registered in multiple foreign countries.
- Has already acquired Acquired Distinctiveness.

VS

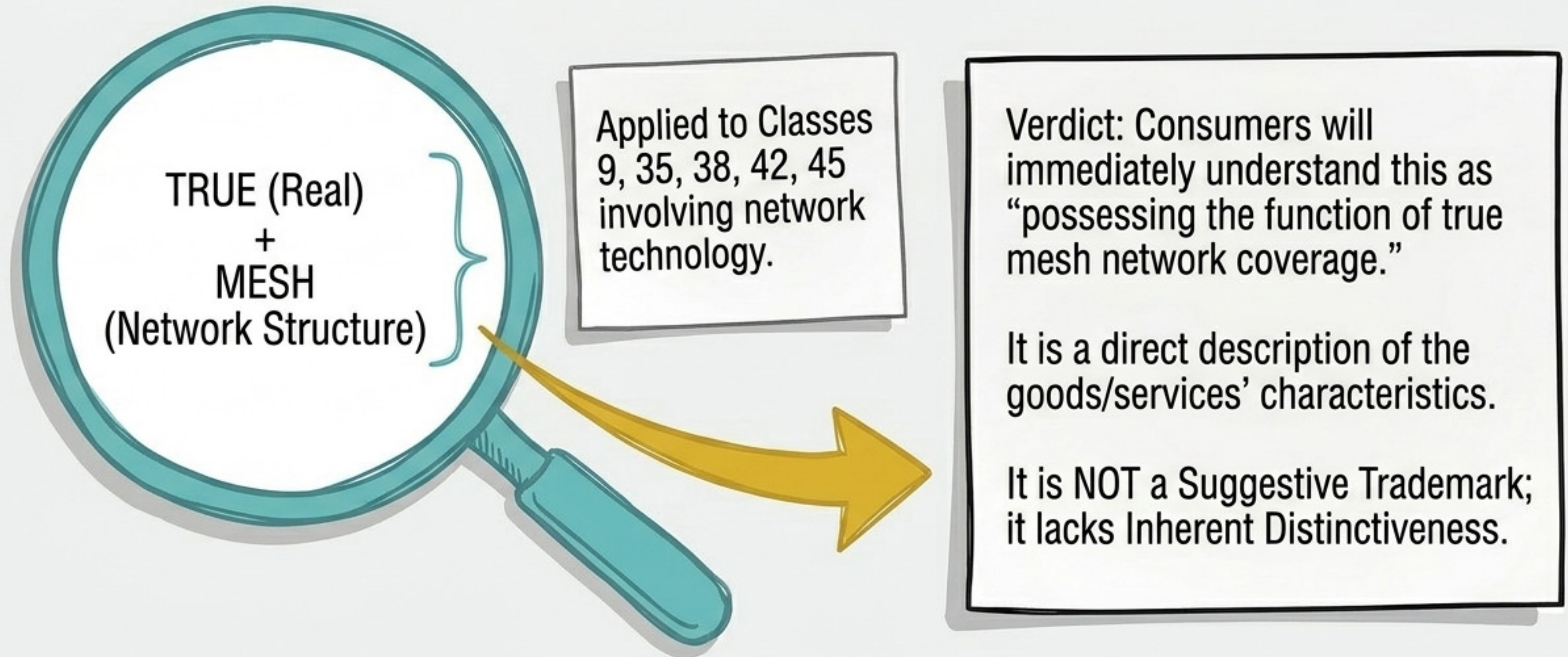


Defendant Viewpoint

- TRUE (Real) + MESH (Network) = True mesh network.
- It is a Descriptive Trademark, lacking Inherent Distinctiveness.
- Violates Trademark Act §29 I (1).

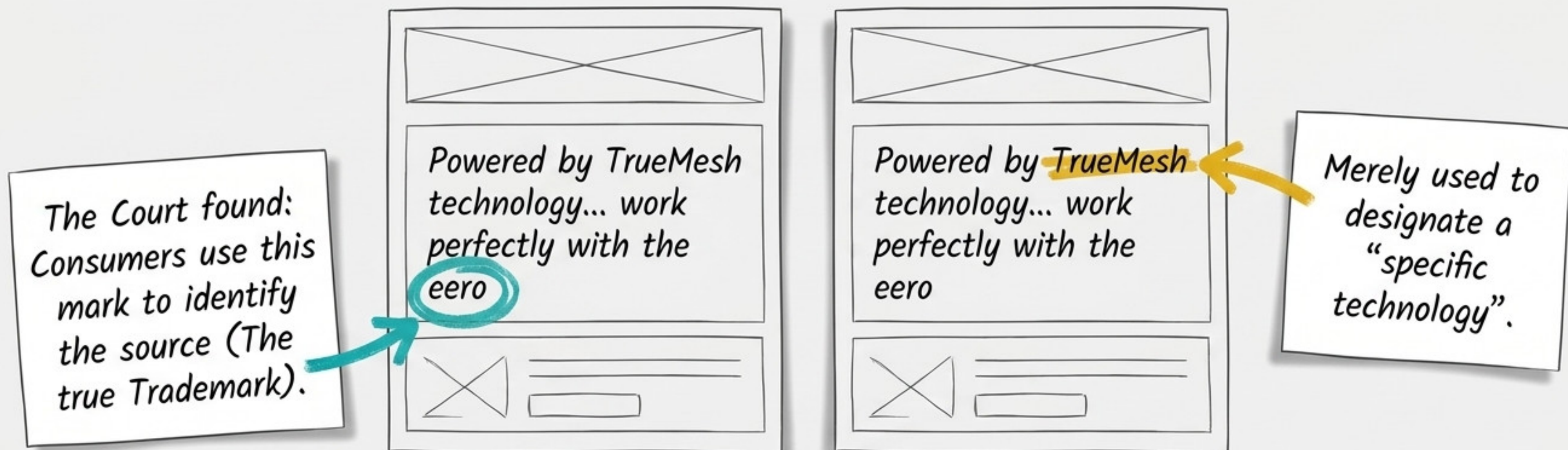
Diagnostic 1 - Inherent Distinctiveness

Court's View: Assessing Distinctiveness must center on the specific relationship between the Trademark and the designated goods/services.



Diagnostic 2 - Acquired Distinctiveness

The Reality Check on the Evidence Submitted



Verdict: Without market share or sales volume data specific to the domestic market, the evidence fails to prove Acquired Distinctiveness.

Plaintiff Argument: Already successfully registered in the US, Canada, UK, and Australia.



Diagnostic 3 - Principle of Territoriality

Domestic law adopts the Principle of Territoriality. The existence of Distinctiveness must be judged solely by the perception of relevant domestic relevant domestic consumers.

The fact of registration in foreign jurisdictions cannot directly serve as grounds for granting registration domestically.

Diagnostic 4 - Secondary Defenses

Regarding Disclaimer

Q: Since 'MESH' was subjected to a Disclaimer, can minimum protection be granted?

A: If the overall mark violates non-registration provisions, a partial Disclaimer cannot save it.

Regarding Principle of Equality

Q: What about past approvals of other marks containing TRUE/MESH?

A: Based on the Principle of Case-by-Case Examination for Trademarks, different case facts and evidence cannot be directly cited as precedent.



The Plot Twist – The Procedural Flaw

The Defendant (IPO) rejected the ENTIRE application.



The Notice of Reasons for Refusal vaguely stated TRUEMESH has network connotations.



Fatal Error: It failed to specifically explain why goods/services unrelated to mesh networks also lacked Distinctiveness.

Consequence: This prevented the Plaintiff from legally utilizing Restriction of Goods/Services or Division of Application.

Deprived the applicant of their procedural remedies!



The Final Verdict

**Administrative Appeal & Administrative Disposition
are BOTH REVOKED!**

The Defendant must reissue the notice of reasons for refusal and make a lawful disposition based on this judgment.

Why? Although the substantive view on the lack of Distinctiveness for network-related goods was correct, procedural justice is non-negotiable. The applicant's procedural rights must be guaranteed.



Key Takeaways



1. The Core of Distinctiveness: Whether a mark is a Descriptive Trademark depends on its direct relationship with the designated goods/services. Words used merely as technical descriptions (e.g., "Powered by") cannot prove Acquired Distinctiveness.



2. The Absolute Nature of the Principle of Territoriality: Foreign registration certificates cannot substitute for the cognitive assessment of domestic consumers.



3. Guaranteeing Due Process: A Notice of Reasons for Refusal must detail the rationale for EACH designated item. Blanket rejections are unlawful; the applicant's right to utilize Restriction of Goods/Services and Division of Application must be protected.



IPCC Judgment 112-Xing-Shang-Geng-Yi-Zi-No.1