



A Trademark Anatomy: OLAH vs. OLA



Deconstructing a Modern Branding Dispute

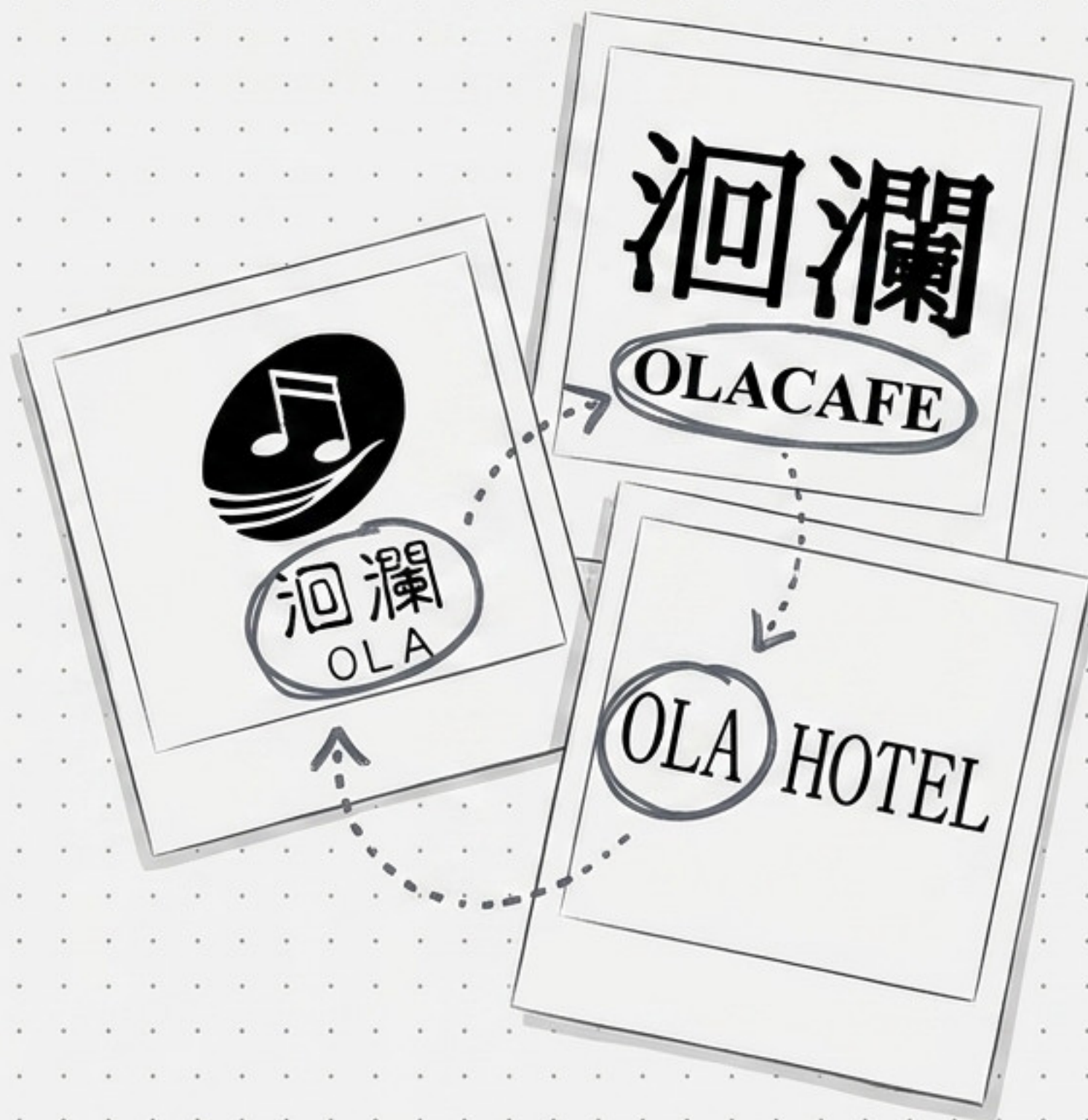


Source: Intellectual
Property and Commercial
Court
Case: 112 Xing-Shang-Su
55
Date: August 3, 2024

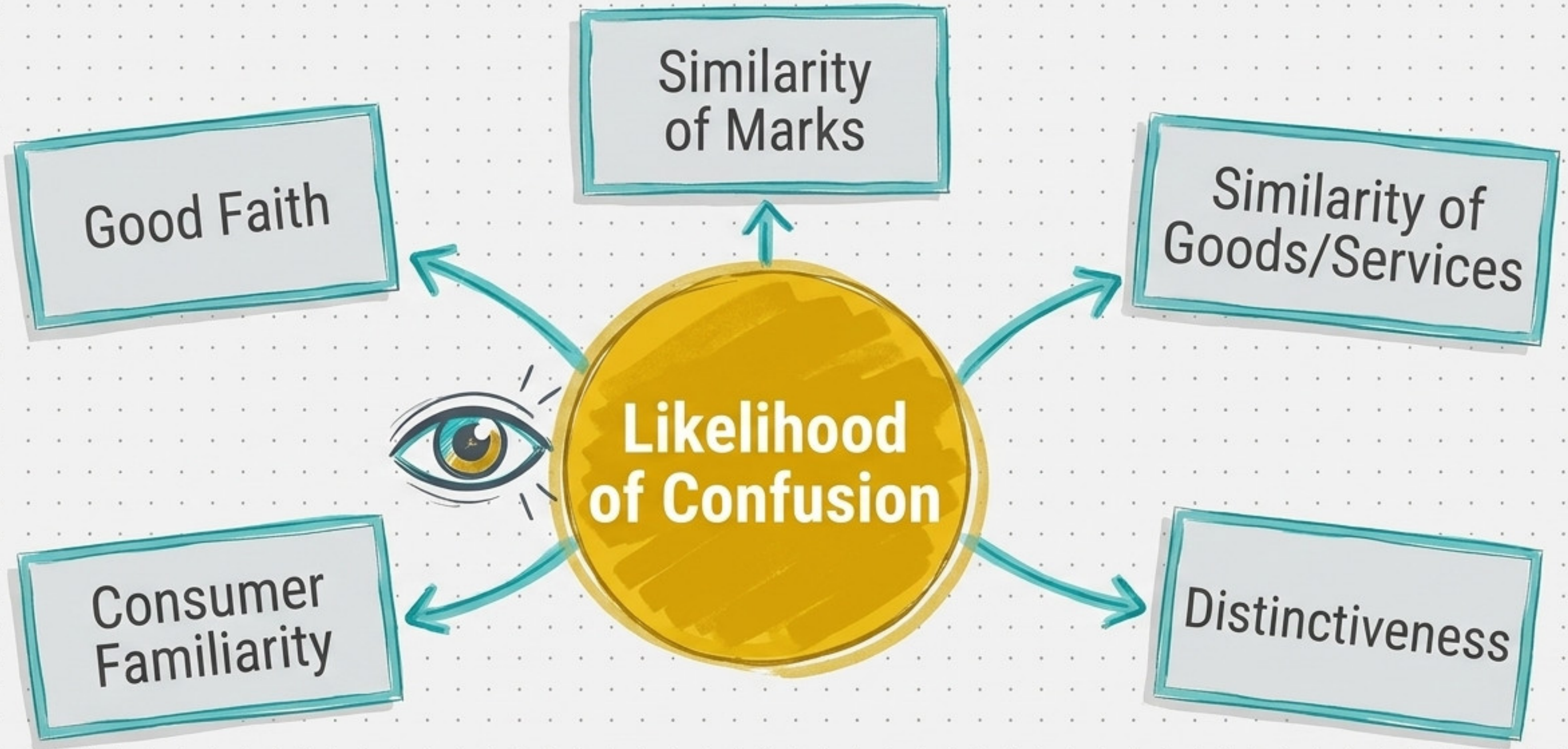
Plaintiff



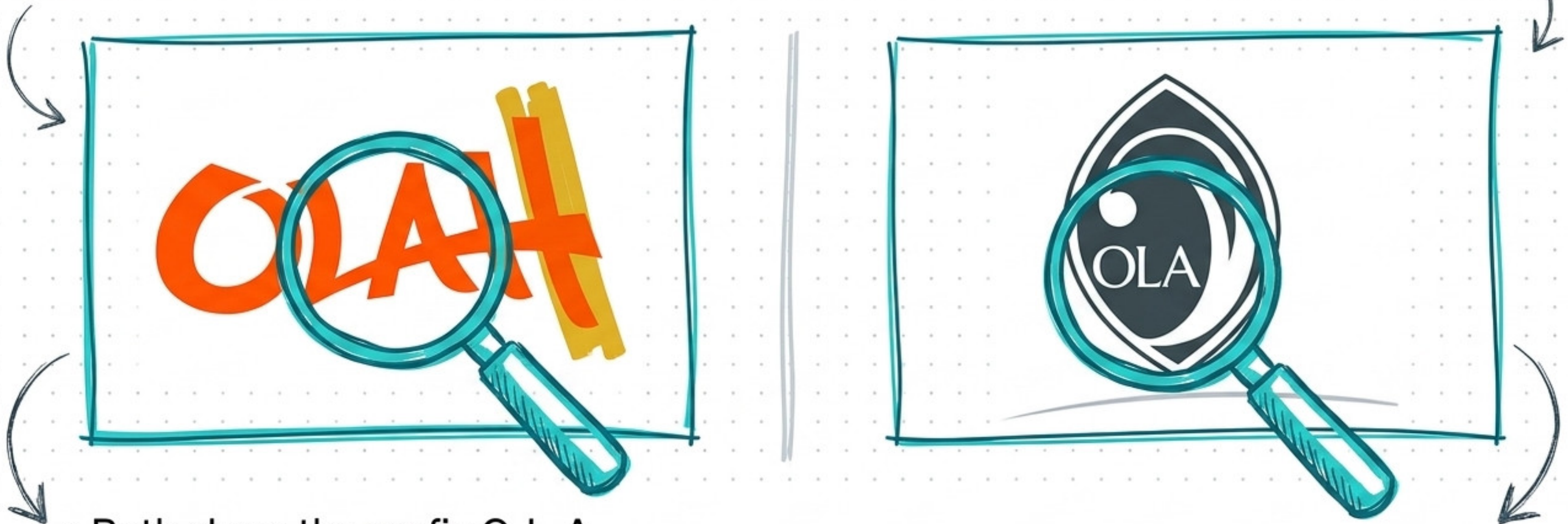
Intervener



Trademark Act: Article 30, Paragraph 1, Subparagraph 10



Factor 1: Visual Breakdown (Similarity of Marks)



- Both share the prefix O-L-A.
- **Plaintiff:** Highly stylized, jumping sensation, vibrant orange color.
- **Intervener:** Standard typography, frequently paired with sea wave graphics.

Finding: The visual Similarity is disrupted by the suffix H and distinct graphic layouts.

Factor 1: Linguistics & Meaning (Similarity of Marks)

Plaintiff (OLAH)

Phonetics: Pronounced
Wu-Hong-Ha

↳ **Concept:** Indigenous word for
Like/Love

↳ **Link:** Connects directly to the
brand's Chinese name 悅樂
(Joy/Delight)



Intervener (OLA)

Phonetics: Pronounced O-La

↳ **Concept:** Spanish word for
Wave/Ripple

↳ **Link:** Connects to the local
geographic history 洄瀾
(Hualien's old name)

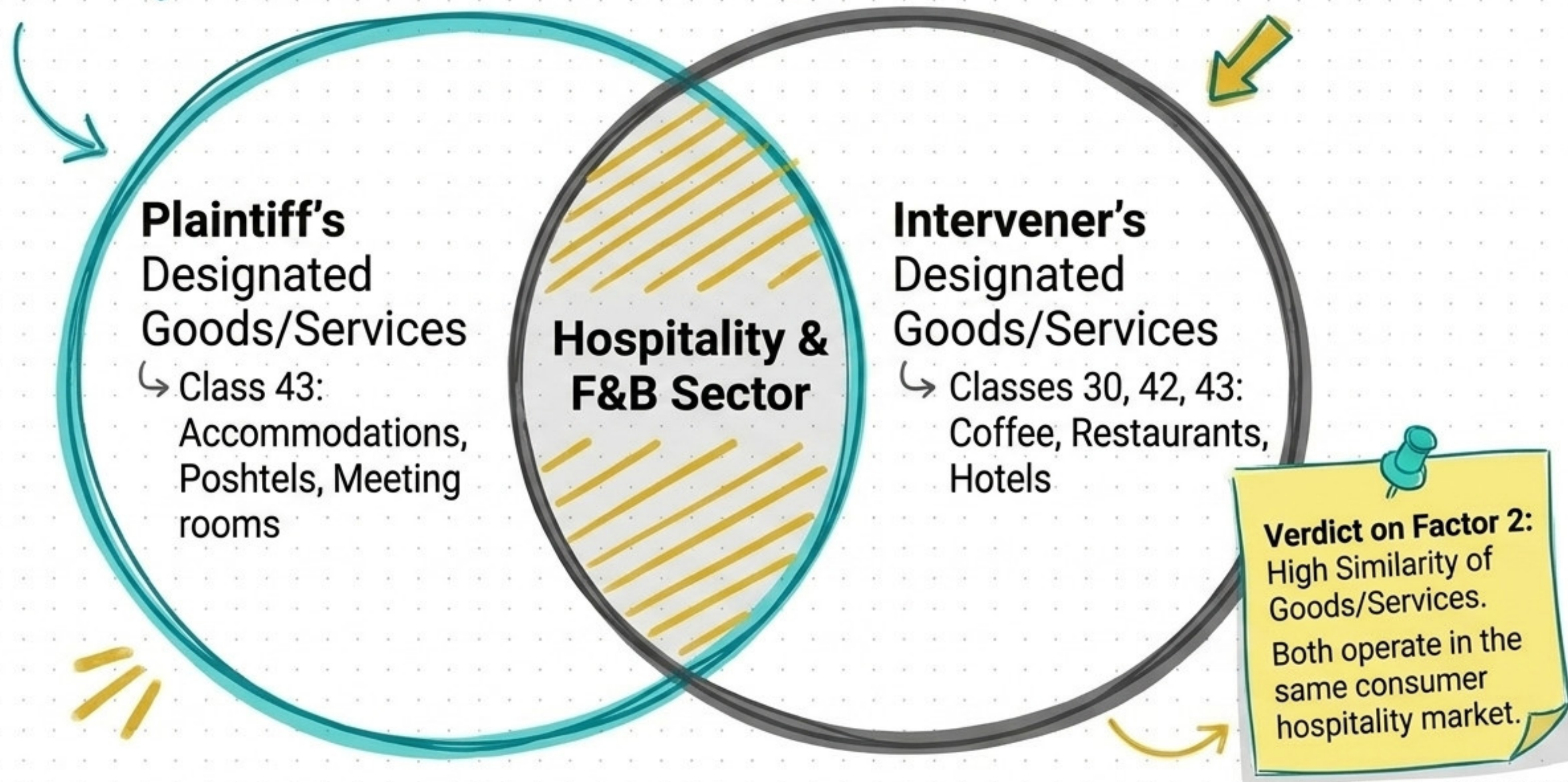
Result: Despite shared letters, phonetic and conceptual
Similarity is exceedingly low.

The "Real World" Test: How Consumers Search



- ✓ **Intervener's Claim:**
OLA is the only thing consumers
OLA is the only thing consumers notice.
- ↪ **Evidence:**
Bloggers, news media, and
consumer reviews primarily use the
Chinese name to identify the Plaintiff's
Designated Goods/Services.
- ✓ **Conclusion:**
OLAH is not isolated in actual usage; it
is inextricably linked to its Chinese
counterpart.

Factor 2: Market Overlap (Similarity of Goods/Services)



Completing the Framework

Distinctiveness



Both marks use arbitrary terms unrelated to the service. Both possess high Distinctiveness.

Consumer Familiarity



Plaintiff provided extensive recent digital media evidence (2020+). Intervener's evidence was older and sparse (2012-2020).

Good Faith



Due to distinct linguistic origins (Indigenous vs. Spanish) and highly differentiated design, Plaintiff acted in Good Faith. No malicious copying.

The Final Verdict

Low Visual/Semantic
Similarity

Good Faith

Distinct Actual
Usage



High Similarity of
Goods/Services

Despite overlapping business sectors, the vast differences in overall impression, concept, and real-world consumer usage mean there is **NO Likelihood of Confusion.**

Key Takeaways for Brand Strategists



Holistic Evaluation

Similarity isn't just a letter-matching game. Layout, concept, and pronunciation carry heavy legal weight.



The Power of Actual Use

How third parties (bloggers, news) naturally write your brand name in the real world serves as critical evidence.



Local Context is a Shield

Grounding a brand in indigenous languages or distinct local geography successfully distances it from generic foreign terms.