

ZORA VS ZARA

THE ANATOMY OF A TRADEMARK CLASH

An Educational Breakdown of Trademark Act Article 30(1)(10)

Intellectual Property and Commercial Court
Year 2024, Xing-Shang-Su-Zi No. 10 Administrative Judgment
Judgment rendered in 2024

THE APPLICANT



Mark: ZORA natural (Reg. No. 02152721)

Registered Classes:

- Class 3 (Cosmetics)
- Class 5 (Supplements)
- Class 35 (Retail)

THE OPPOSER

*Opposed Registration based
on Likelihood of Confusion*



Marks: ZARA / ZARA HOME (Reg. No. 00706557, etc.)

Registered Classes:

- Class 3 (Perfumes & Cosmetics)
- Class 9 & 21 (Home Goods & Tools)
- Class 35 (Retail)

THE GOVERNING LAW: Trademark Act, Article 30(1)(10)

A mark shall not be registered if it is **identical** or **similar** to another's registered trademark or earlier application, creating a **Likelihood of Confusion** for relevant consumers.



The Court's Diagnostic Test

- | | |
|------------------------------|---------------------------|
| 1. Mark Similarity | 5. Consumer Familiarity |
| 2. Goods/Services Similarity | 6. Applicant's Good Faith |
| 3. Distinctiveness | 7. Actual Confusion |
| 4. Business Diversification | 8. Other Factors |

Factor 1: Stripping Away the Noise

ZORA
natural

—

(The Applicant)

~~natural~~

=

ZORA

Descriptive of quality
(Non-distinctive)

ZARA BASIC

—

(The Opposer)

~~BASIC~~

=

ZARA

Common vocabulary
(Non-distinctive)

The court focuses the similarity test exclusively on the core identifiers: ZORA vs. ZARA.

Factor 1: The Visual Matrix



Court's Observations:

- Both are 4-letter, non-standard foreign words in Taiwan.
- Identical capitalization.
- Identical starting letter (Z) and identical ending syllable (RA).

Finding: The minor one-letter difference is insufficient to prevent high visual similarity.

Factor 1: Phonetic Overlap (The Aural Test)



The Applicant's Defense:

Claimed 'ZO' sounds like 'Zuo' and 'ZA' sounds like 'Zha'.

The Court's Reality Check:

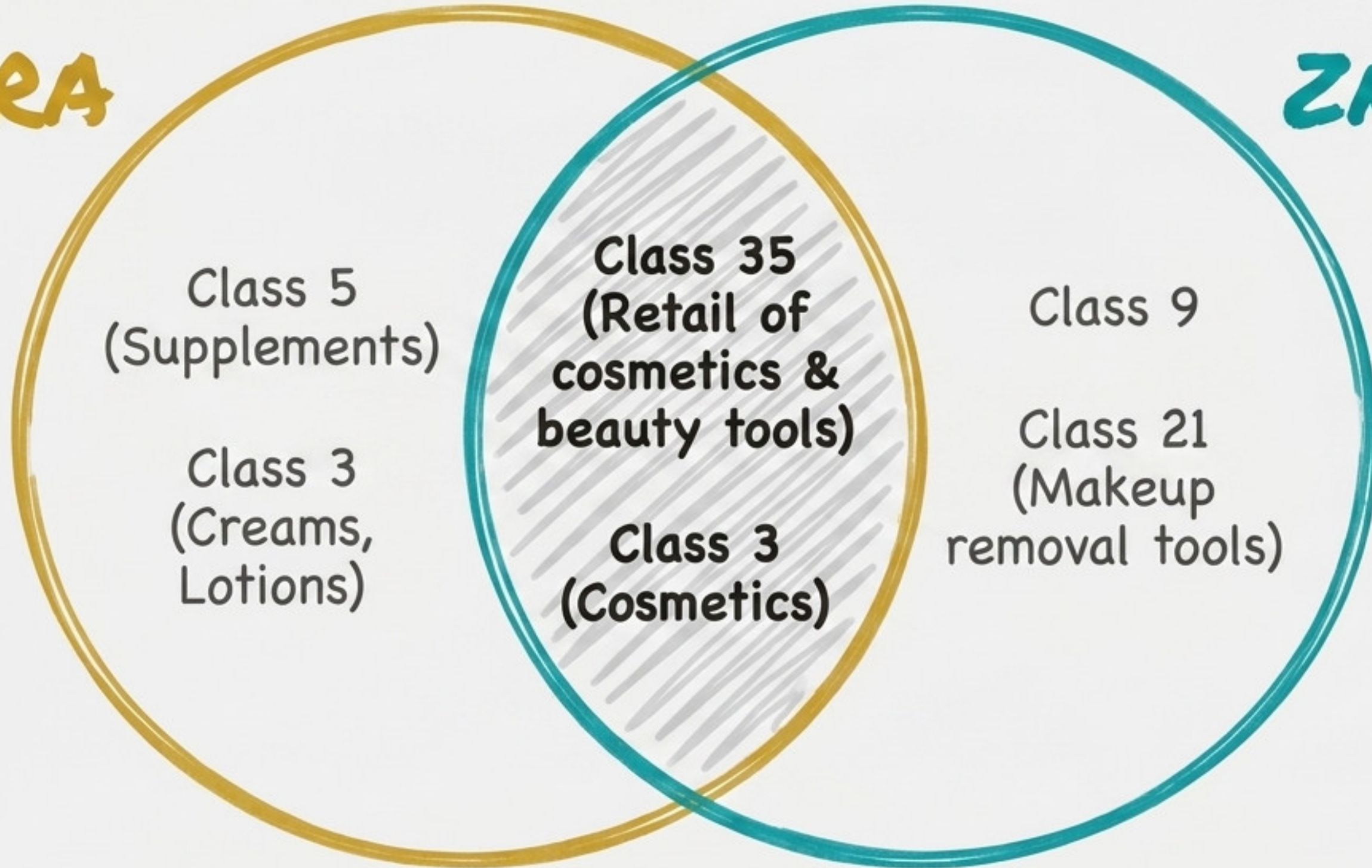
Both 'O' and 'A' require open-lip vocalization, producing highly similar short vowel sounds.

For the Average Consumer making everyday purchases, the phonetic similarity is dangerously high.

Factor 2: The Market Overlap

ZORA

ZARA



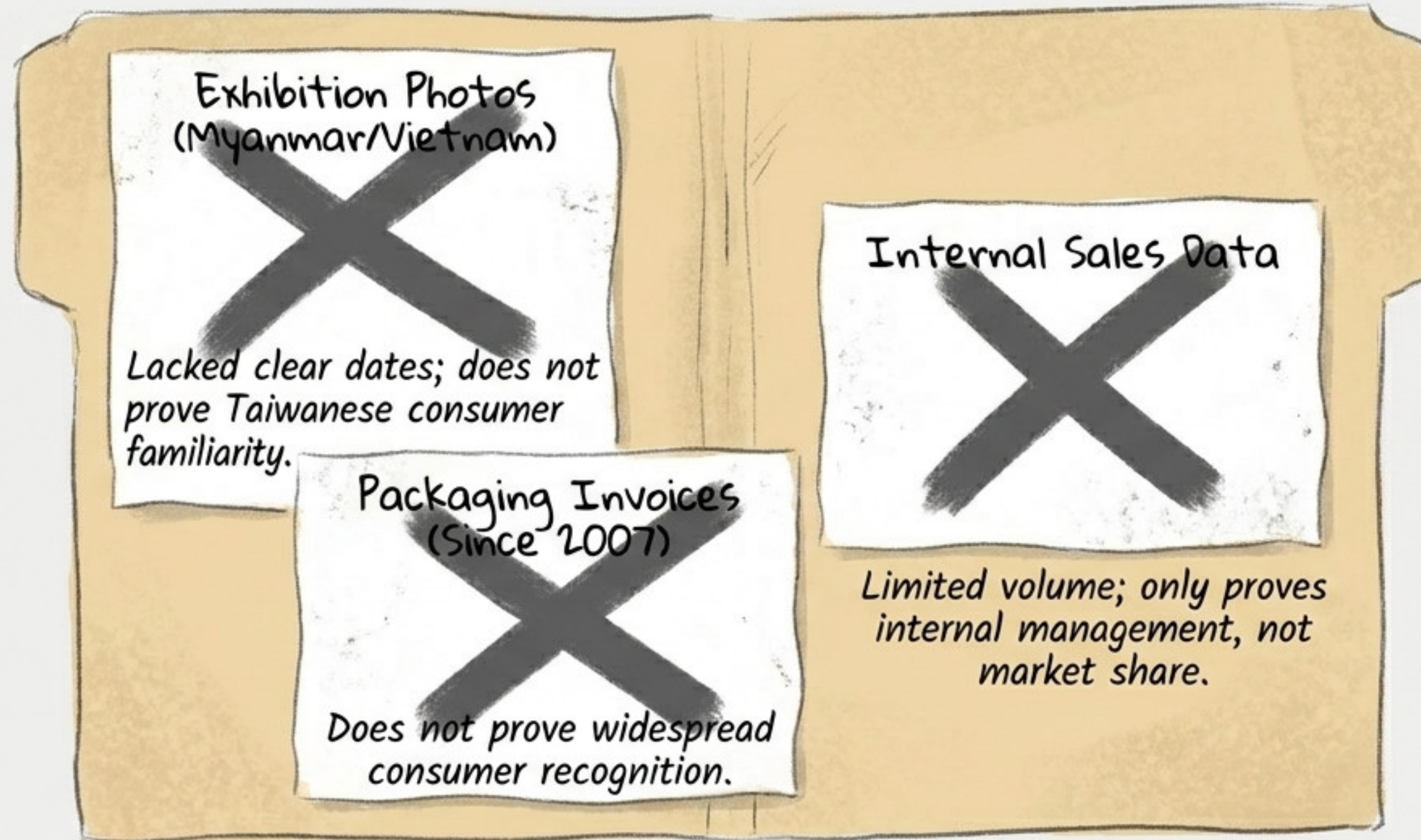
Court's Conclusion: Highly overlapping consumer base, identical distribution channels, and shared retail environments lead to a high probability of market confusion.

Factors 3 & 4: Fame and Diversification



The Impact: Consumers are already primed to expect ZARA to cross over into beauty and lifestyle products.

Factor 5: The Burden of Proof (Consumer Familiarity)



Verdict: The Applicant failed to prove sufficient consumer familiarity to overcome the visual and phonetic similarities to ZARA.

Factor 6: A Pattern of Bad Faith



Court's Conclusion: The Applicant was fully aware of ZARA's famous status due to the 2010 clash. The 2020 application represents an intentional attempt to ride on the coattails of a famous mark.



THE VERDICT

High Mark Similarity + Overlapping Markets + Famous Status of Opposer + Lack of Good Faith = Clear Likelihood of Confusion

Plaintiff's lawsuit is DISMISSED.
The registration of 'ZORA natural' (Reg. No. 02152721) is officially REVOKED.

The Blueprint: Key Takeaways & Lessons



Descriptive Words Don't Save You

Appending words like "natural" or "basic" will not distinguish a mark if the primary word is identical or highly similar.



Phonetics Contextualize Similarity

Minor vowel shifts (O vs. A) will not prevent confusion if the overall structure sounds identical to the average local consumer.



The Bad Faith Trap

Prior failed applications against the same famous mark will destroy any claim of "good faith" in future disputes.



Evidence Needs Context

Sales spreadsheets and undated exhibition photos are useless without concrete proof of actual local market penetration.