



The Boundary of Similar Goods

A case Study on Trademark Act Article 30(1)(10)

Intellectual Property and Commercial Court Administrative Judgment:
113 Xing-Shang-Su-Zi No. 65 (2024)

The Applicant

SIDECAR

申請第 108076513 號

第 9 類：電腦軟體。

Apple Inc.

(Application No. 108076513)

100% Identical
Wordmark.

Both in Class 9.

The Barrier

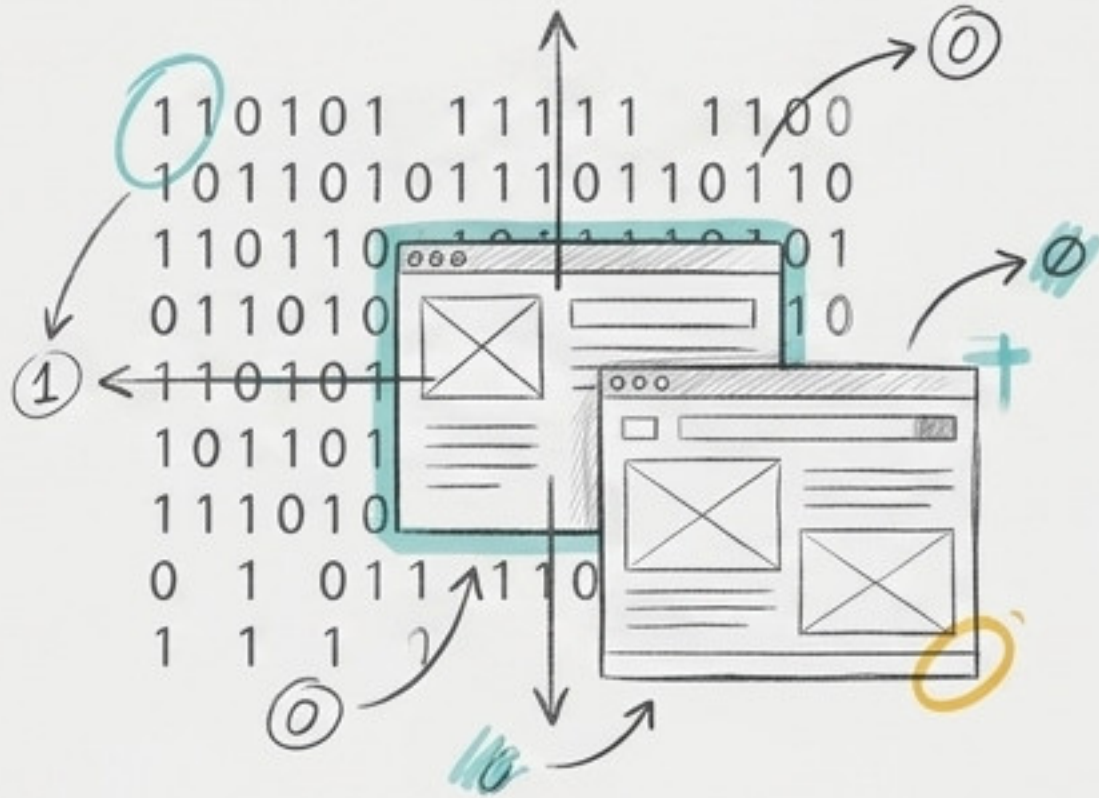
SIDECAR

註冊第 01104140 號

第 9 類：眼鏡、太陽眼鏡；眼鏡及太陽眼鏡之眼鏡盒及鏡框，手提電腦專用袋。

*Prior Registration
(No. 01104140)*

Category: Computer Software



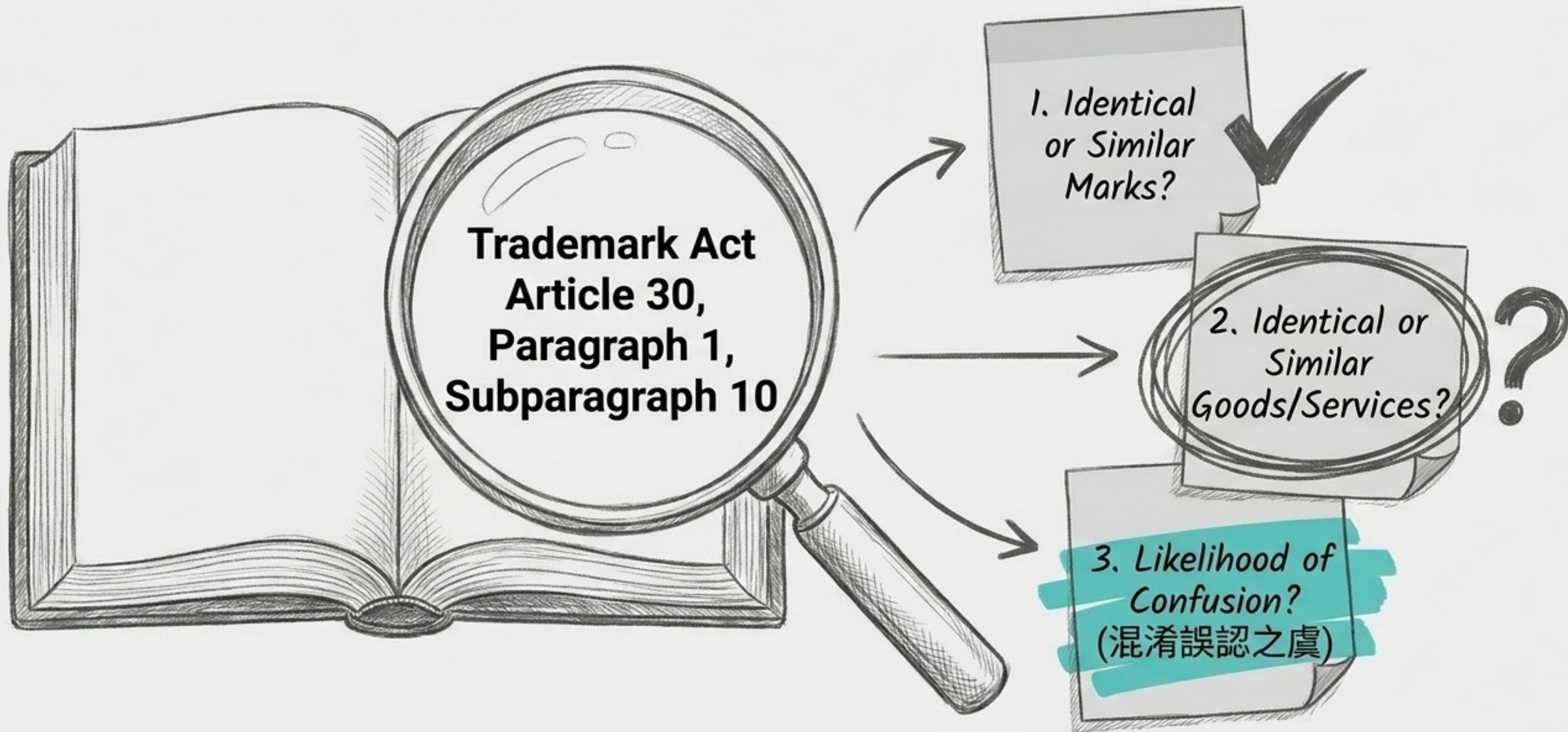
Nature: Intangible data and instructions (無形資料).

Category: Laptop Bags & Cases

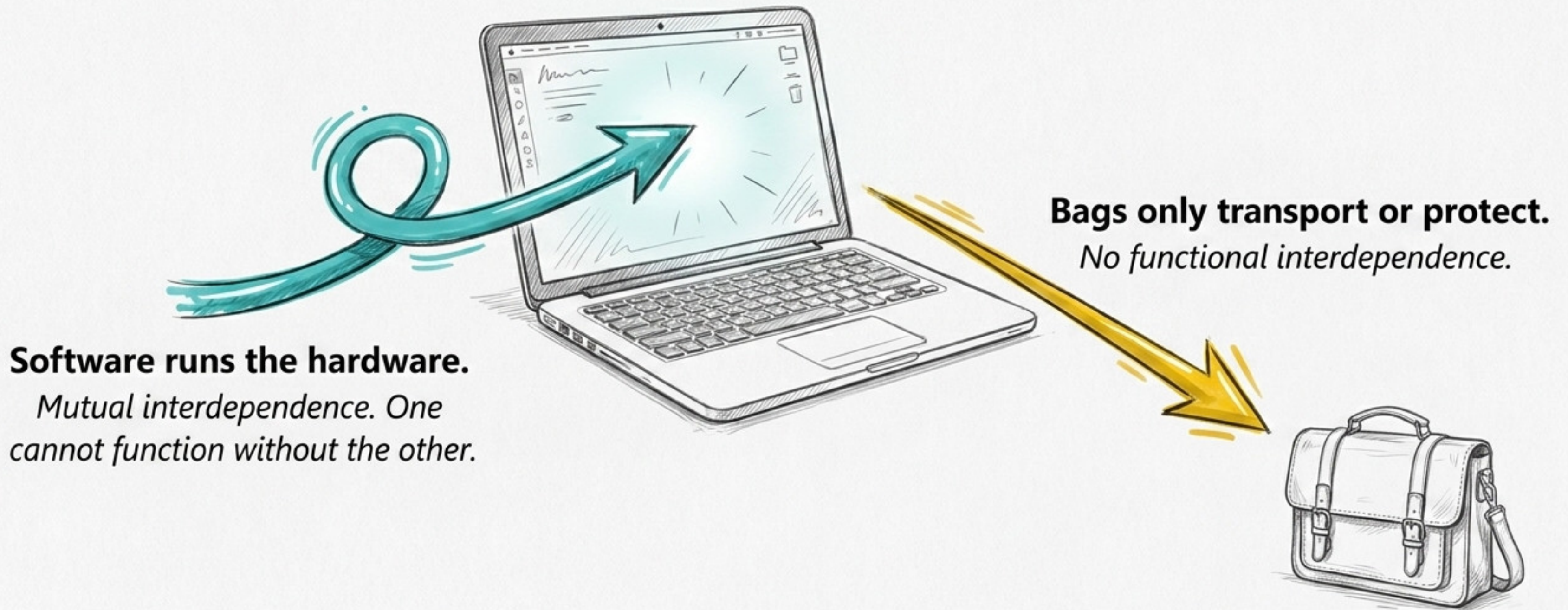


Nature: Tangible goods (實體商品) made of leather, cloth, and plastic.

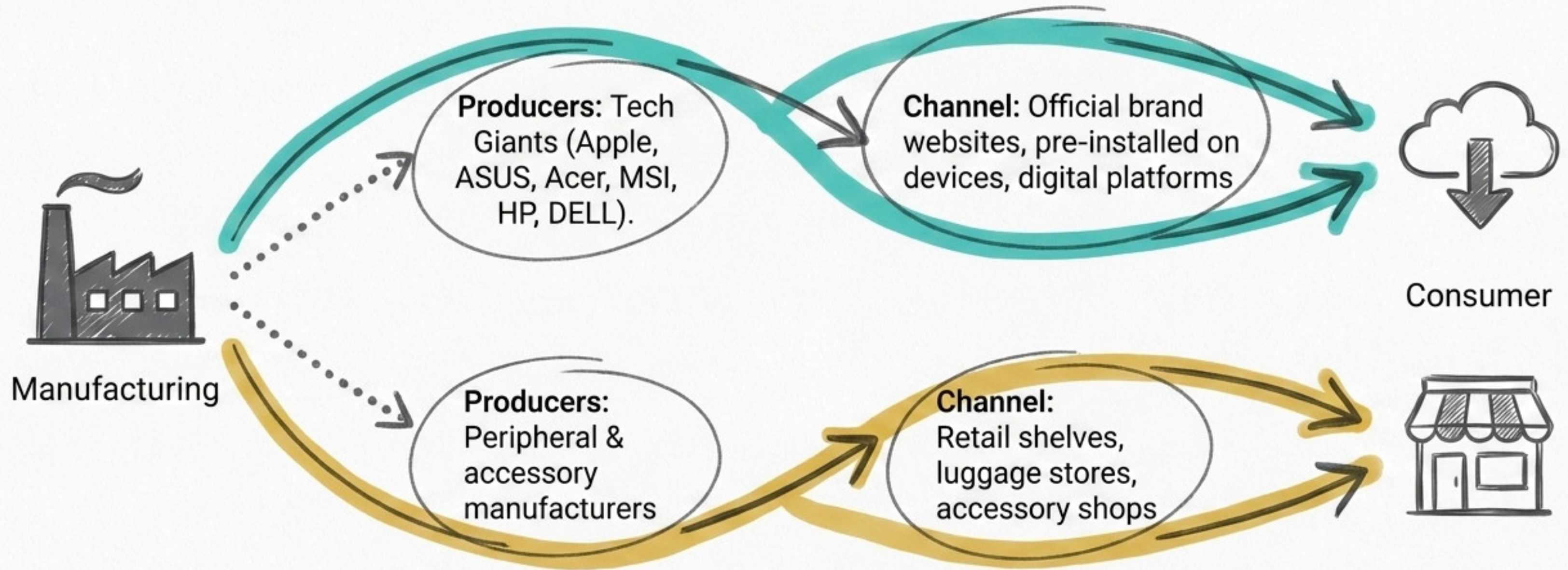
The Court's Question: Does sharing Class 9 make them legally similar?



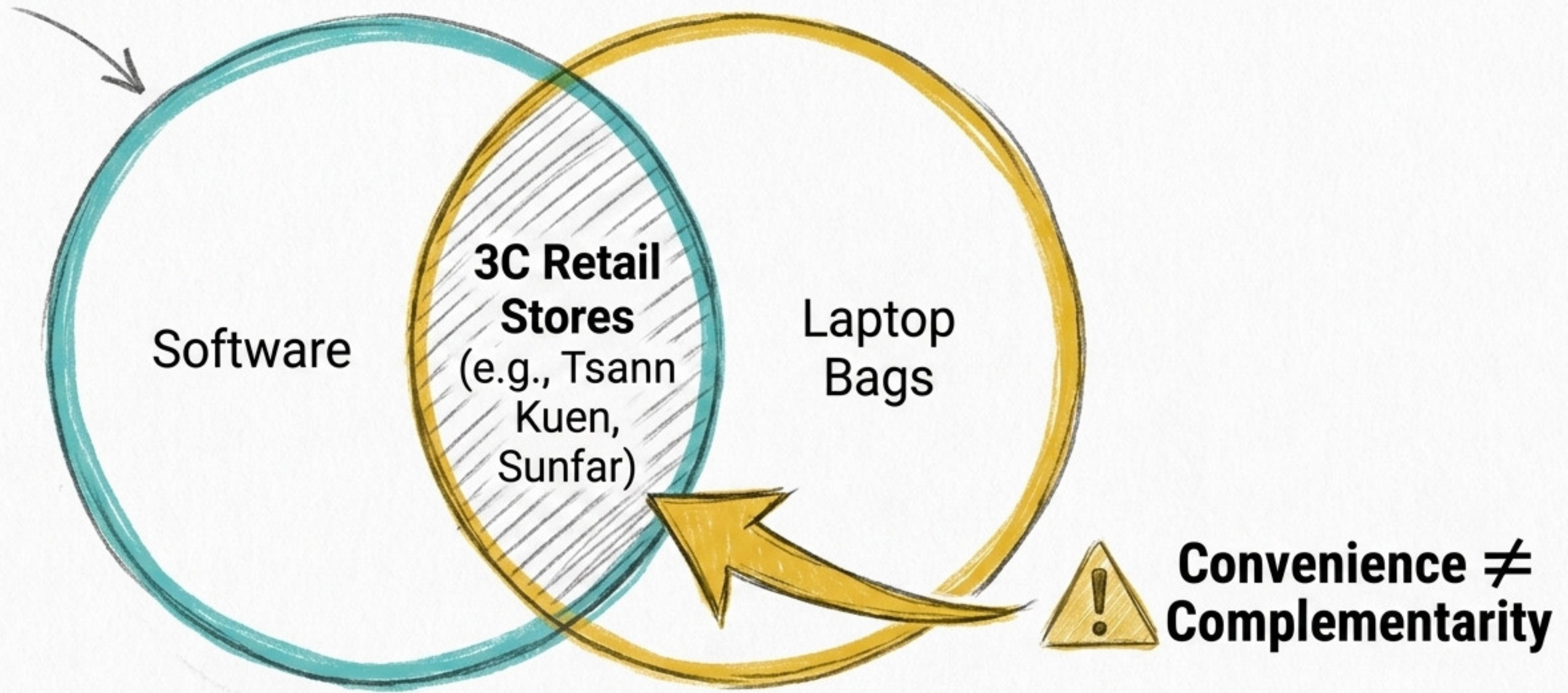
Without similar goods, the likelihood of confusion collapses.



Court's Reasoning: In function, material, and purpose, they are completely distinct. Consumers buying software do not simultaneously seek hardware accessories as a dependent purchase.



[Distinct origins and distinct marketing channels.]



Just because a retailer sells both items for consumer convenience does NOT mean the products are functionally complementary. True complementarity requires mutual indispensability, not just shared shelf space.

Apple's Good Faith

↳ *No intent to cause confusion.*

- Global tech giant.
- Used 'SIDECAR' feature since 2019/2020.
- No intent to cause confusion.



The Cited Mark's Stagnation

↳ *The Cited Mark's Stagnation*

- Registered for over 20 years (since 2003/2004).
- Zero evidence of multi-faceted expansion into the computer software sector.

Consumers are highly unlikely to assume a 20-year-old bag manufacturer suddenly produced Apple's operating system software.

TIPO's rejection
decision: REVOKED.



Application No. 108076513
ordered to be approved.

Reason: No Likelihood of Confusion.



Class 9 is Vast.

Merely sharing the Nice Classification (Class 9) is insufficient for similarity. Intangible code and physical accessories require distinct analyses.



The Retail Fallacy.

Shared retail environments (3C stores) only prove convenience, not legal complementarity. Do not confuse point-of-sale with product interdependence.



Track Brand Evolution.

The court heavily weighs a senior mark's historical failure to expand into new sectors (multi-faceted operation) when evaluating likelihood of confusion.