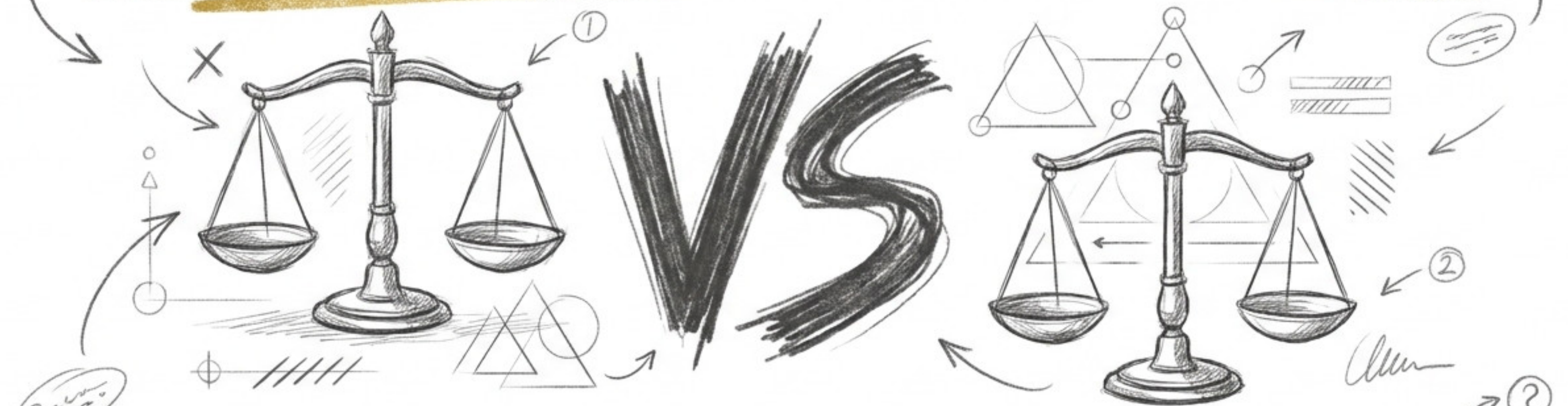


CONFIDENTIAL

CASE FILE NO.

XXXX - XXXX

Trademark Opposition Case Analysis



A Deep Dive into "Well-Known Trademark" Thresholds

Taiwan Intellectual Property and Commercial Court (Case No. 113-Xing-Shang-Su-Zi-9, 2024)

The Core Legal Question

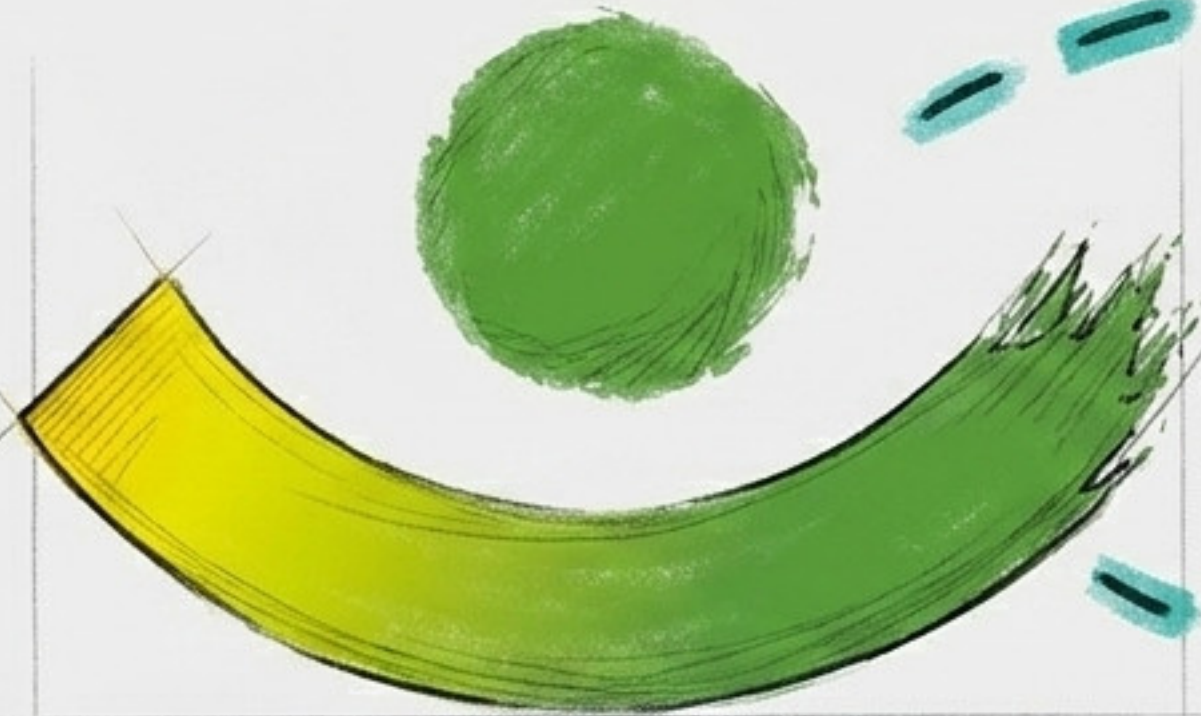
Article 30, Paragraph 1, subparagraph 11 of the
Trademark Act

A trademark shall not be registered if it is identical or
similar to another person's **well-known trademark** or
mark, and hence there exists a likelihood of confusion
on the relevant public...

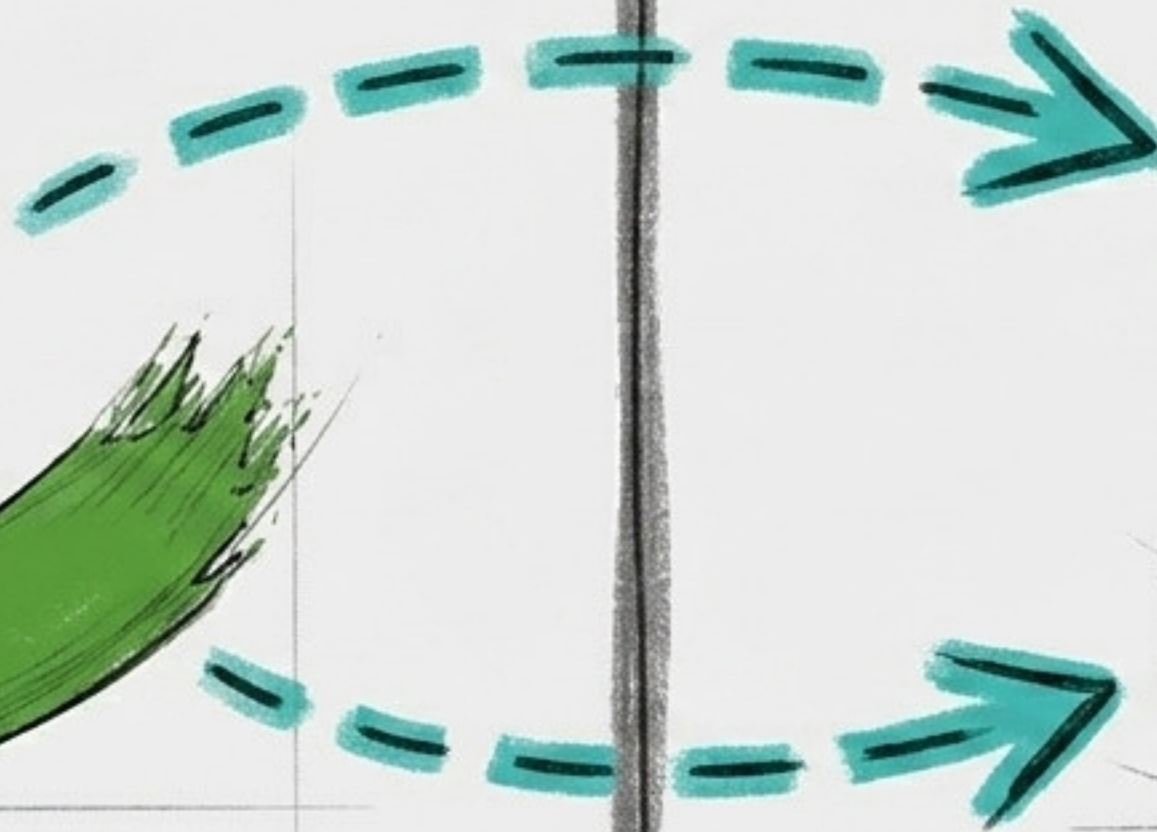
Disputed Trademark

Reg. No. 02139781

Designated Use: Class 5 (Dietary Supplements)
& Class 44 (Medical Services)



Opposing Trademark



The Temporal Anchor



July 23, 2020
(Application Date of Disputed Trademark)

Under Article 30.2, the fame of the opposing trademark must be evaluated based on objective evidence existing precisely at the time of application.

The Intervener's Case: Global Footprint



*Founded in 1994, with
31 subsidiaries and 43
distributors globally.*



*Registered in Iceland (2013),
EU, Mexico, and USA.*



*Global revenue from 2015-2020
reached hundreds of millions
of Euros.*



Sales across 70+ countries.



The Intervener's Case: Regional & Digital Reach

Regional Distributors

Presence in Hong Kong,
Malaysia, Philippines, and
Singapore.

Published in the Hong
Kong Journal of
Ophthalmology.

Digital Accessibility

Available on eBay and
online pharmacies,
featuring New Taiwan
Dollar (NTD) pricing and
international shipping.

Packaging

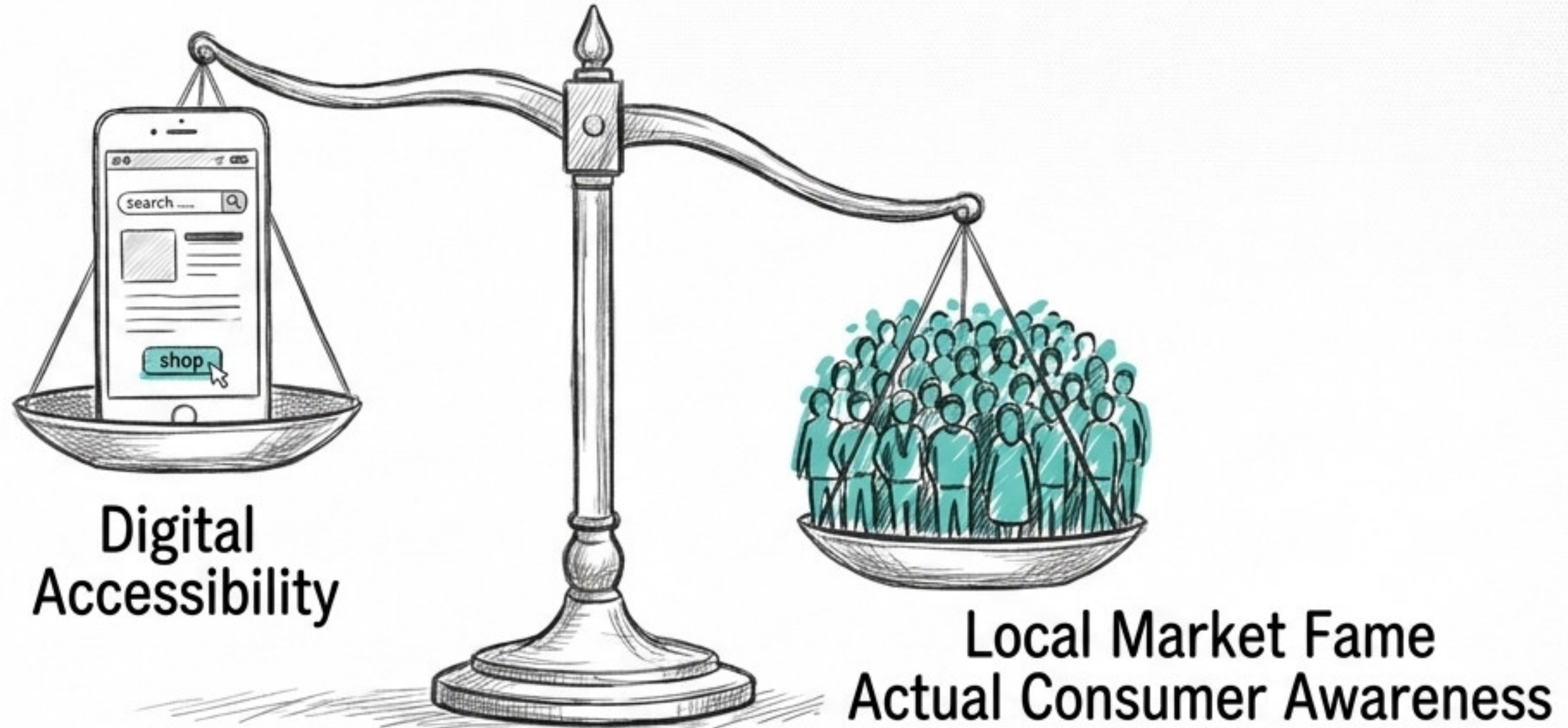


Packaging features traditional
Chinese warning labels
('Store at 25°C or below',
'Prescription drug').

The Court's Lens: The Local Gap

Submitted Evidence	Court's Finding (Local Market Impact)
Foreign Registrations & Huge EU Revenue	Irrelevant. Does not prove awareness among Taiwanese consumers. 
Asian Distributors & Chinese Labels	Insufficient. Asia is not their primary market; zero actual distributors based in Taiwan. 
eBay listings with NTD pricing & Shipping	No Actual Traction. Traffic was virtually zero; no proof of actual purchases by Taiwanese consumers. 

ACCESSIBILITY DOES NOT EQUAL FAME



The Court established a clear boundary: Merely possessing an accessible website with local currency pricing is insufficient.

There must be concrete evidence of actual engagement, market penetration, or actual contact by relevant consumers in Taiwan prior to the application date.

The Final Verdict



The Intervener failed to prove the Opposing Trademark was widely known to relevant consumers in Taiwan by July 23, 2020.

Article 30.1.11 does not apply. The Plaintiff retains the rights to the Disputed Trademark.



Strategic Insights & Takeaways



1. Geography Matters: Global fame does not automatically grant local trademark protection under Article 30.1.11. Evidence must demonstrate actual penetration into the Taiwanese market.



2. Timing is Everything: Fame must be definitively established through objective evidence prior to the disputed mark's application date. Subsequent evidence is disregarded.



3. Quality Over Quantity: Voluminous evidence of foreign sales brochures or accessible websites is legally weightless without proof of actual engagement, traffic, or transactions by local consumers.