

The “Wan Jia Shan” Trademark Dispute



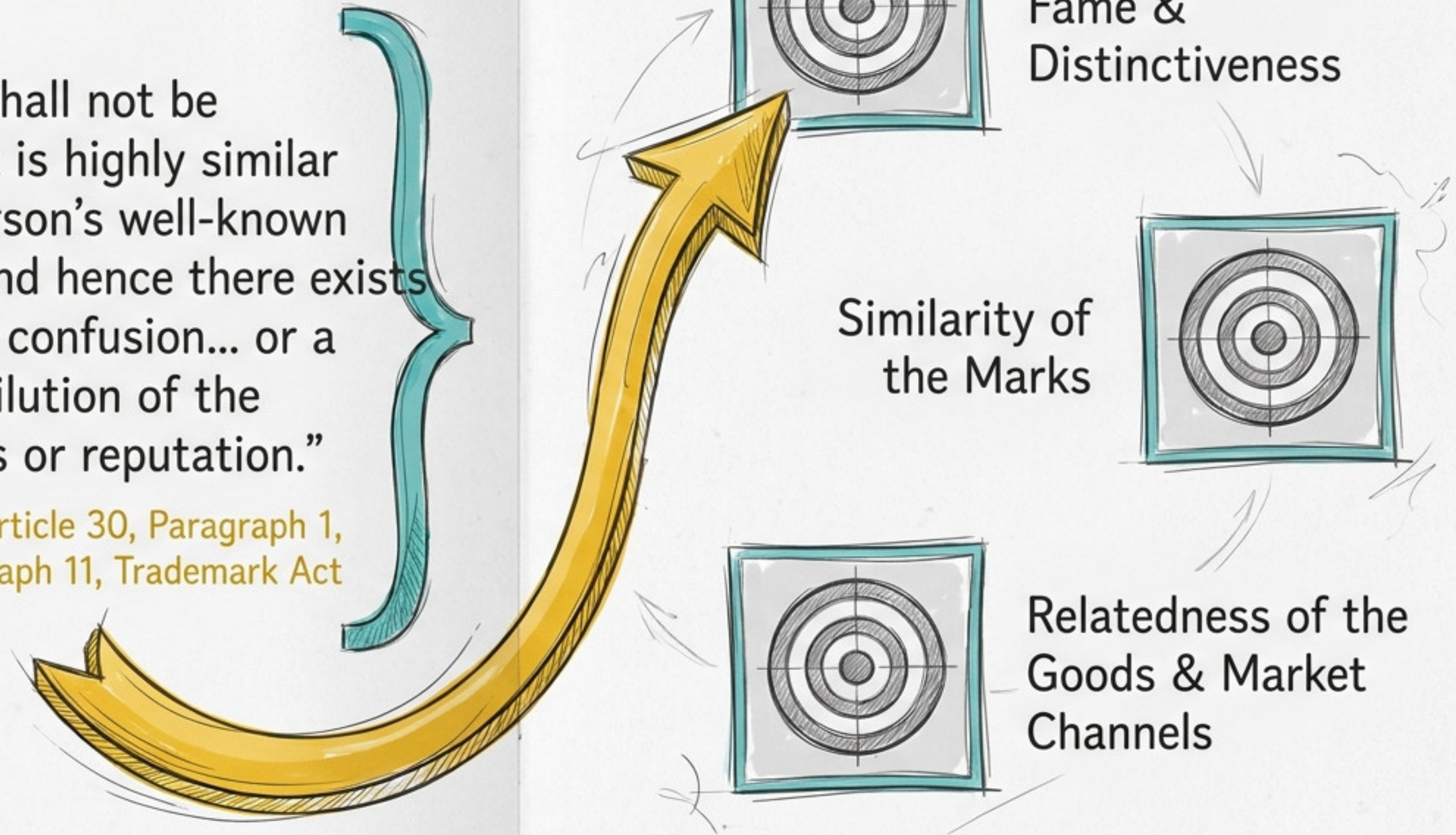
A Case Study on Trademark Dilution, Bad Faith, and Complementary Goods

Source: Intellectual Property and Commercial Court Case No. 114-Xing-Shang-Su-9 (2025)

The Statutory Anchor

A trademark shall not be registered if it is highly similar to another person's well-known trademark... and hence there exists a likelihood of confusion... or a likelihood of dilution of the distinctiveness or reputation."

— Article 30, Paragraph 1,
Subparagraph 11, Trademark Act



The Disputed Mark (Reg. No. 01820505)



Text: Wan Jia Shan

Goods: Class 004 (Charcoal, Firewood, Combustible briquettes) & Class 011 (BBQ grills, Gas lighters, Torches).

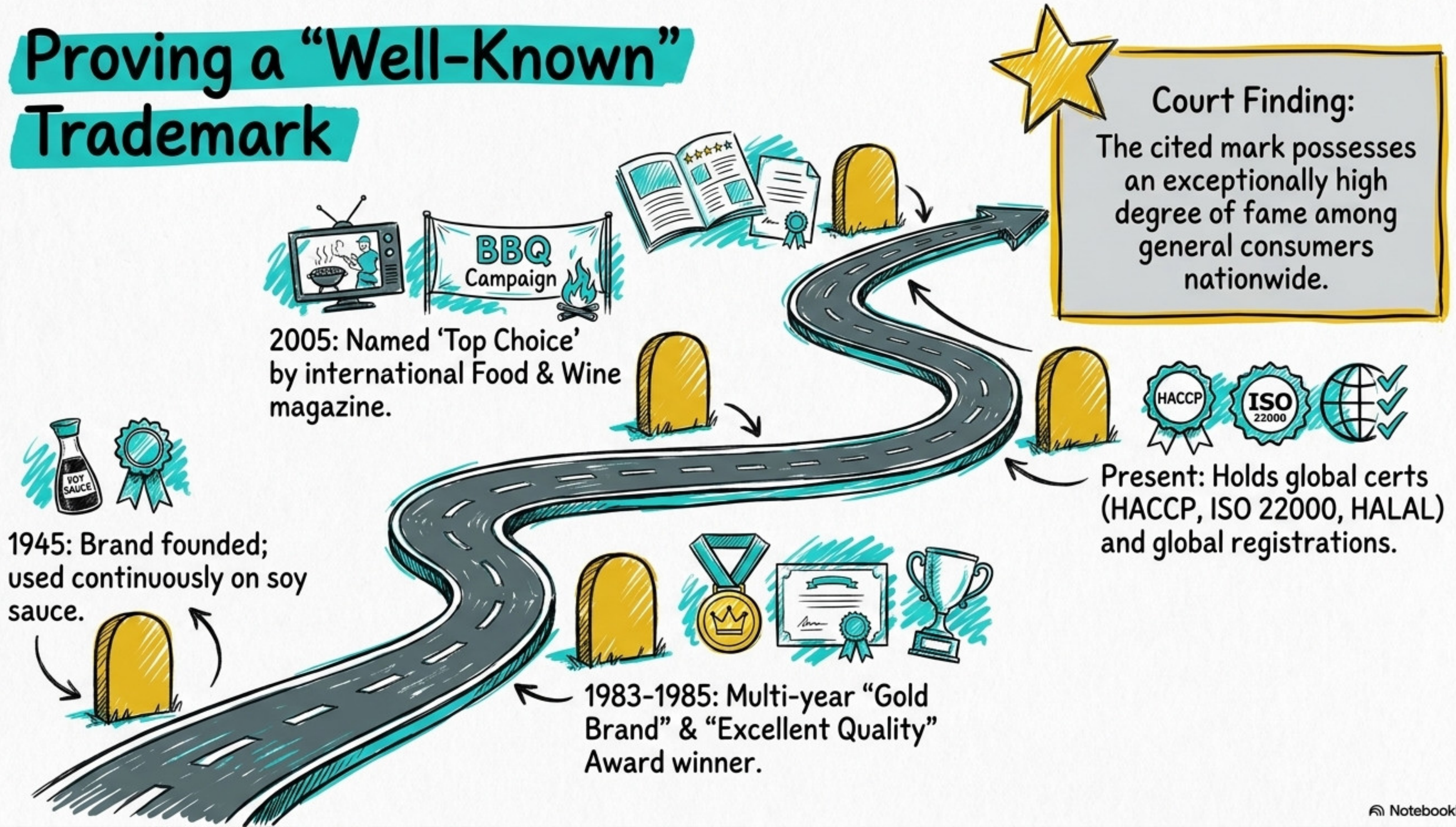
The Cited Mark (Reg. No. 187978 & 448955)



Text: Wan Jia Shan & Design

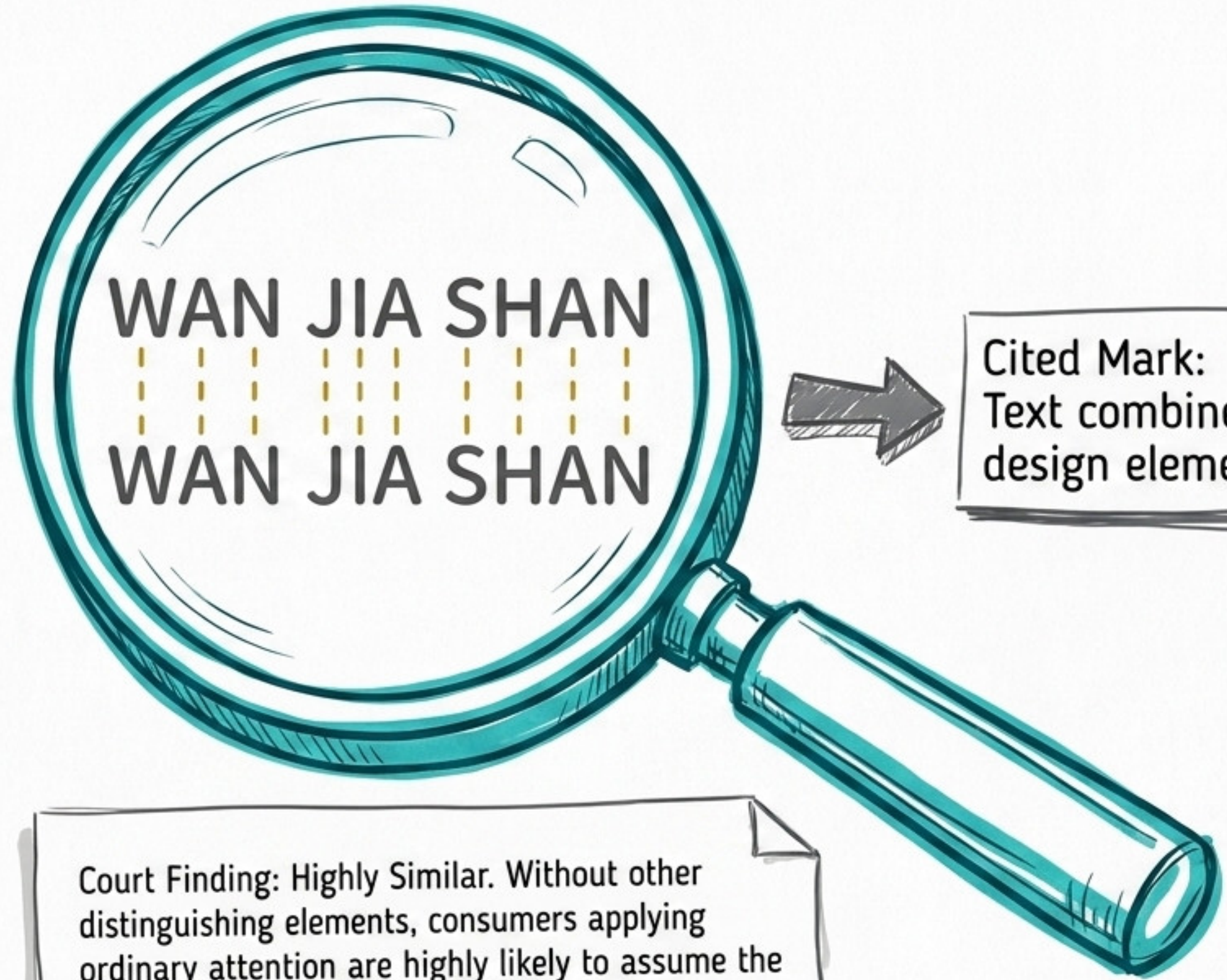
Goods: Class 023 & 021 (Soy Sauce, Vinegar, BBQ Sauce, Miso, Condiments).

Proving a "Well-Known" Trademark



The Assessment of Similarity

Disputed Mark:
Pure text
representation.



Cited Mark:
Text combined with
design elements.

Court Finding: Highly Similar. Without other distinguishing elements, consumers applying ordinary attention are highly likely to assume the marks share a common or affiliated source.

Distinctiveness & Market Reality

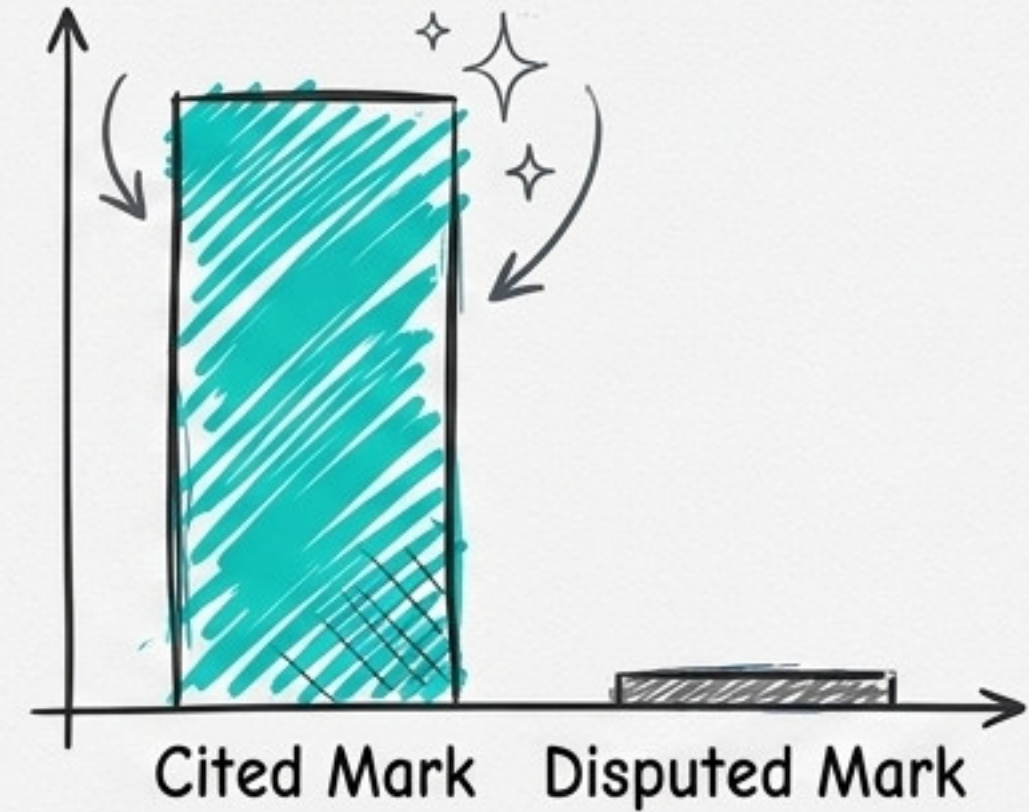
Inherent Distinctiveness



Arbitrary & Distinctive

The phrasing has no direct, descriptive connection to condiments. It acts as a pure indicator of source, leaving a profound and exclusive impression on consumers.

Asymmetrical Familiarity



Market Reality

Cited Mark: Decades of ubiquitous market presence.

Disputed Mark: Plaintiff evidence showed import values of merely ~\$300,000 USD (2018-2021), a volume deemed insignificant by the court to establish widespread familiarity.

The “BBQ Nexus”: Complementary Goods Doctrine



The court noted these distinct product categories are inextricably linked in function during outdoor cooking. Both are sold in identical retail channels, creating a high likelihood of consumer confusion regarding product origins.

Establishing Bad Faith & Intent

The legendary 1980s slogan: "One family barbecues, 10,000 families smell the fragrance."

E-commerce evidence (MOMO, PChome, Costco) proves algorithms automatically group these tools and sauces together under "BBQ supplies."

Plaintiff deliberately registers the exact identical text specifically for BBQ supplies.

Court Conclusion:

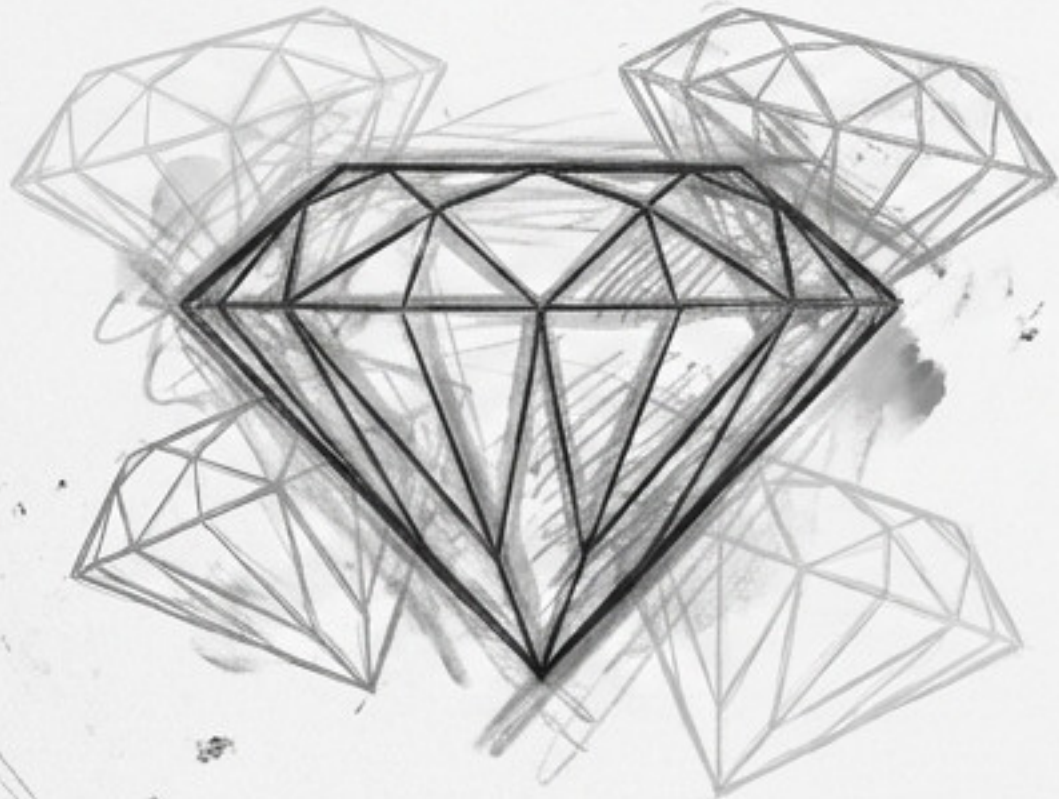
Not a coincidence. Applicant had clear knowledge of the famous mark and demonstrated an intent to free-ride on its established brand ecosystem.

The Risk of Trademark Dilution



Singular Brand Identity

A highly famous mark enjoys a unique, exclusive 1:1 association in the minds of the public.



Diluted Identity

Even if goods differ, allowing identical marks to proliferate weakens this unique connection. Registering the disputed mark would inherently diminish the distinctiveness and reputation of the prior famous mark.

Judgment Summary & Strategic Insights



The Ruling: The Intellectual Property and Commercial Court dismissed the Plaintiff's suit. The revocation of the disputed trademark registration was upheld.

Core Reasoning: Uncontested high similarity, bad faith application, complementary nature of goods (BBQ nexus), and unacceptable risk of consumer confusion and brand dilution.



- 1. Cross-Class Vulnerability:** Famous trademarks offer a halo of protection far beyond their registered classes if goods are functionally complementary (e.g., Coal & Sauce).
- 2. Cultural Context Matters:** Historical marketing slogans can legally cement the nexus between entirely different product categories.
- 3. The Free-Rider Trap:** Courts will rigorously analyze e-commerce platform behaviors and retail realities to penalize obvious attempts to capitalize on established brand ecosystems.