

VICTORY FOR VALENTINO ON VALENTINE'S DAY

by Srila Thongklang and Suebsiri Taweepon

On February 14, 2008, Valentino S.P.A. ("Valentino") won a court case against the Department of Intellectual Property ("DIP") in relation to the DIP's refusal of Valentino's new trademark application in Thailand, "VALENTINO & V in Ellipse."



The application for this mark was filed to reflect a minor change to the company's previous V logo, which has been registered in Thailand for over ten years. The new mark represented only a slight variation on the existing mark, introducing a more curved appearance to the logo. In examining the new

revised mark, the Trademark Registrar was of the opinion that this new application was similar to two prior registered marks, "VALENTINO & A Man Smoking Pipe Device" and "valantimo (word mark)."



After this decision was upheld by the Board of Trademarks, Valentino filed a civil suit with the IP&IT Court for reconsideration of the DIP's opinion.

During the trial, the issue was raised that there are many trademarks



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registered with the Trademark Office comprising the word "VALENTINO" for use with apparel products in Class 25. In most of these applications, however, a disclaimer for the word "VALENTINO" was required because the Registrar claimed that it is the name of a famous saint, St. Valentine, which is commonly used and recognized for Valentine's Day.

Nevertheless, the IP&IT Court ultimately held that the Plaintiff's mark is not similar to the prior registered trademarks and reversed the decisions made by the Trademark Registrar and the Board of Trademarks. The Court ordered that the mark "VALENTINO & V in Ellipse" proceed to registration in Class 25. ♦