

FEBRUARY 2010 Vietnam: GE wins trade mark opposition

01 Feb 2010

The National Office of Intellectual Property of Vietnam (NOIP) has issued an official Notice in favour of General Electric, who lodged an opposition against Vietnamese trade mark application GE mancy & Device for real estate services in Class 36 under the name of Phong Thuy One-Member Co. In the Notice, the examiner concluded that the representation of GE mancy & Device would certainly result in association between the mark and General Electric in the minds of the public. The application was refused in accordance with Article 74 of the Vietnamese Law on Intellectual Property.

In the Application, Phong Thuy One-Member Co described its trade mark GE mancy & Device as the stylised word Geomancy with the letter "O" represented by a globe device. Geomancy is translated as phong thuy in Vietnamese, which is the company name of the applicant. However, the examiner did not accept this description. In consideration of the mark as described, the examiner found that the letters GE are the main, prominent component of the mark GE mancy & Device, which attracts the attention of consumers. Further, the remaining parts of the mark are not remarkable and/or not distinctive.

In analysing the case, the NOIP recognised that the trade mark GE of General Electric has acquired worldwide recognition. The use of GE by others, even in conjunction with other elements, will cause consumers to confuse the source of products and services with those of General Electric. In the Notice, the NOIP stated: "General Electric conducts business in various fields, such as technologies, communications, financial services... throughout the world. All of its subsidiaries use "GE" as part of their names, such as GE Energy Infrastructure Commercial Finance, GE Technology Infrastructure, GE Aviation. The representation and the components of GE mancy & Device certainly cause association with General Electric".

This notice confirms that Vietnamese examiners place emphasis on the strength of a mark, as the strength of the GE mark was a factor in determining the likelihood of confusion between the two marks GE and GE mancy & Device.



Duong Trung Hieu and Jennifer Sloan

Tilleke & Gibbins Consultants Limited

HAREC Building, 4th Floor

4A Lang Ha Street

Ba Dinh District

Hanoi, Vietnam

Tel: +84 4 3772 6688

Fax: +84 4 3772 5568

thuylie.v@tillekeandgibbins.com

www.tillekeandgibbins.com