


# INSPIRATION OR IMITATION

INTERESTING TRADEMARK CONTENTIONS



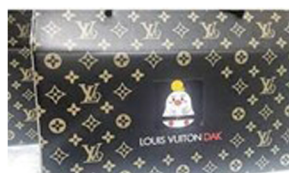
FOR MORE INFO :

 (+267) 391 2397



We hope that the previous articles provided enough insights to help you better understand what a trademark is, how you can register and what constitutes infringement. We wrap up our segment on trademarks with interesting trademarks debacles.

## Can't afford a Louis Vuitton Bag ? Get a doggy bag - Louis Vuitton vs Louis Vuiton Dak



The South Korean Seoul district Court dealt with a matter where the well-known fashion brand, Louis Vuitton sued a restaurant known as Louis Vuiton dak for trademark infringement

The owner of the restaurant feigned ignorance of the fashion brand and that he played around with the Korean word “TonDak” which translates to “whole chicken”.

The court found that the “Louis Vuiton dak” name is similar to the Louis Vuitton trademark, which was likely to confuse the public. The court also found that the LV monogram was similar to that of the fashion brand. The court ordered the restaurant to change its name. It changed its name to “ChaLouisVui Tondak”. Louis Vuitton was not happy with the name change on the basis that it was still comparable to its brand. The restaurant owner was slapped with over \$12,000.00 for each day the name was used.

Well that doggy bag is gone.

## Red bull vs Bighorn



Red Bull approached the UK High court to claim an infringement of its trademark . It claimed that Big Horn's use of its sign, gave it an unfair advantage and was "free-riding" on its reputation.

The court found that while Big Horn's use of the sign would not lead to any confusion, the average customer would link the sign and the Red Bull mark as communicating that Big Horn's products were a cheaper or alternative version of Red Bull

**Leave a comment below and tell us what you think about the above cases.**

**Article by – Olebile Muzila & Reginah Ntala**

*Our firm is your one-stop shop for all matters corporate and commercial and if you wish to schedule an appointment on any of our offerings you can reach us on **+267 391 2397***