

NIKE / NIKELINE

Nike International Ltd. vs. Sidar Tekstil Konfeksiyon San.ve Tic. Ltd. Sti.

**(*) 3rd Court of Istanbul on Intellectual and Industrial Rights
Case No.2006/165, Decision No.2007/168 (November 28, 2007).**

Nike International Ltd. instituted an action^(*) against Sidar Tekstil Konfeksiyon San.ve Tic. Ltd. Sti. for the cancellation of the defendant's trademark registration for NIKELINE¹ on grounds of its similarity with the plaintiff's trademarks NIKE² and notoriety of plaintiff's NIKE trademarks.

The defendant asserted that since the 10 years of lapse of time expired according to the Article 70 of the Decree Law no.556, the action shall be rejected and that the trademarks in question include distinguishable differences in respect of their essential parts.

The Court held that the plaintiff's trademarks were effective whereas the defendant's trademark was registered as of 16/11/2001 for a period of 10 years and that the plaintiff's trademark is well-known in the sense of Article 7/1 (i) of the Decree Law no.556.

The penal of experts has stated in its report that the defendant's trademark may take unfair advantage of the notoriety of plaintiff's trademark, that the plaintiff's request for the cancellation of defendant's trademark is justified and that it is not convinced that the reputation of plaintiff's trademark has been damaged.

Adopting the expert's report, the Court has decided that as being well-known the plaintiff's trademark is protected according to the Article 6 bis of Paris Agreement and Article 7/1 (i) of the Decree Law no.556, that without the authorization of plaintiff, any trademark, identical or similar to its trademark shall be registered in the name of third parties and that the defendant's trademark was formed through adding the wording "LINE" to the plaintiff's well-known trademarks NIKE and that there was risk of confusion between trademarks.

As a result the Court has accepted the action and ruled to the cancellation of defendant's trademark NIKELINE

¹ Registration No.2001 23822.

² Registrations no.115551, no.114946 and no.2002 15986.