

## Similarity Of Marks

### “PIYABEBE/BEBE BISKUVI, ULKER SUTLU BEBE & BABY + MOTHER LOGO, ÜLKER BEBE & BABY LOGO, BEBE” Trademarks

**Yıldız Holding A.S vs. Turkish Patent Institute & Gidasa Sabancı Gıda Sanayi ve Ticaret A.S.**

**3rd Ankara Court of Intellectual and Industrial Rights,  
Case no. 2006/27, Decision no. 2007/50, (March 20, 2007)**

YILDIZ HOLDING A.S has instituted an action against the TURKISH PATENT INSTITUTE and GIDASA SABANCI GIDA SANAYI VE TICARET A.S. for the withdrawal of Institute’s decision and for the cancellation of trademark **PIYABEBE** based on the prior trademarks consisting of the denomination **BEBE** namely BEBE BISKUVI, ULKER SUTLU BEBE & BABY + MOTHER LOGO, ÜLKER BEBE & BABY LOGO and BEBE in the name of the plaintiff.

The plaintiff claimed that the denomination BEBE is a distinctive word that they use as a trademark on baby biscuits since many years and that due to the high reputation of their BEBE trademark, the Turkish courts have accepted the actions instituted against several companies which have previously obtained trademarks registrations including the denomination BEBE and these registrations have been cancelled.

The defendant asserted that the denomination PIYABEBE is the combination of the word PIYALE and BEBE, that PIYALE being a well-known trademark in Turkey for food products and the denomination BEBE is used as an indicative of the destined use of the goods upon which the trademark is to be used and therefore no exclusive rights shall be accorded to the plaintiff on the word “bebe”.

The court held that the trademarks are not confusingly similar in the sense of Article 8/1-b considering that the defendant’s trademark consist of the original word PIYABEBE and furthermore the baby logos and other graphical representation used are not similar. The court decided that the word BEBE is not an original word since this word was being used in Turkish as another version of the word BABY

well before the use by plaintiff and that no exclusive right to use a common word can be granted to the plaintiff.

As a result, the Court REJECTED the action 3.