

Registrability – Likelihood Of Confusion (Similarity Of Trademarks)

“GLASSCO-ARC/GLASSCO” Trademarks

VERRERIE CRISTALLERIE D’ARQUES

J.G. DURAND CIE

vs.

GLASSCO INSAAT SANAYI VE TICARET LTD. STI.

SOLMAZ EV GERECLERI SANAYI VE TICARET KOLL. STI.

(*) 9th Commercial Court of Istanbul

Decision No. 1997/475- 2000/382 (May 1, 2000)

() 11th Civil Chamber of the Supreme Court**

Decision No. 2000/8107-2000/9979 (December 12, 2000)

(Notified February 5, 2001)

The defendant appealed the decision (*) by the 9th Commercial Court of Istanbul ordering the cancellation of its trademark registration for GLASSCO-ARC and the removal of the word GLASSCO from its trade name.

The Supreme Court (**), overturned the initial decision (*) ruling that the removal of the word “GLASSCO” from the defendant’s trade name is not well-grounded, for the absence of evidence concerning the confusion due to the defendant’s trade name as such because of the existence therein of the word “GLASSCO”, since such a situation does not justify the exclusion from the trade name of the word “GLASSCO” which is not confusing in itself considering that action can always be taken against the confusion due to trademarks which might be created by adding suffixes or prefixes to the word “GLASSCO”.

On the matter of cancellation of the trademark registration “GLASSCO-ARC” the Supreme Court upheld the initial decision (*) the defendants having appealed further for the reconsideration of the Supreme Court’s decision (**) the case is not yet finalized.