

Registrability – Likelihood Of Confusion (Similarity Of Trademarks)

“GULLIVER” Trademark

E.I.DU PONT DE NEMOURS COMPANY vs. THE TURKISH PATENT INSTITUTE

**(*) 6th Commercial Court of Ankara
Decision No 1998/685-1999/567 (November 3, 1999)
(Notified February 13, 2000)**

() 11th Civil Chamber of the Supreme Court
2000/4541-2000/5500 (June 15, 2000)
(Notified September 11, 2000)**

An action (*) was instituted against the Turkish Patent Institute for the withdrawal of the administrative decision of refusal of the trademark application for “Gulliver” on grounds that this word being the name of a character in a well-known novel is of particular cultural public interest and therefore can not be registered as a trademark, pursuant to Article 7 parag. 1(h) of the Decree-Law No. 556 on Trademarks.

The court (*) stated that the “Gulliver’s Travels” is a famous literary work but that the fact that it is well known by the Turkish public does not imply that this work is of particular cultural public interest to the Turkish Public. In fact plaintiff has obtained the registration of this trademark in various countries around the world and the defendant has also registered in Turkey the trademark “Robinson Crusoe” that has the same particularity. Accordingly, the court ruled (*) that the decision of refusal rendered by the Turkish Patent Institute was not well grounded and ordered the cancellation of his decision.

The defendant’s appeal (**) was not favorably received and the Supreme Court has upheld the decision (*) of the first instance Court which has been finalized in the absence of a further appeal for reconsideration to the Supreme Court from the defendant’s end.