

SIMILARITY OF MARKS

**“BIG JORDAN & DEVICE/JORDAN DEVICE + AMERICAN” and “CASUAL WEAR”
Trademarks**

Yardim Tekstil Sanayi ve Dis Ticaret Limited Sirketi

vs.

**Sateksa Tekstil Urunleri Ithalat Ihracat Sanayi ve Ticaret Limited Sirketi and and the Turkish
Patent Institute**

**Ankara Court on Intellectual and Industrial Rights,
Case no. 2004/941, Decision no. 2006/475, (July 26, 2007)**

Yardim Tekstil Sanayi ve Dis Ticaret Limited Sirketi instituted an action against Sateksa Tekstil Urunleri Ithalat Ihracat Sanayi ve Ticaret Limited Sirketi and the Turkish Patent Institute for the withdrawal of Turkish Patent Institute’s decision rejecting the plaintiff’s opposition and if matured into registration the cancellation of the defendant’s trademark on grounds that the defendant’s trademark JORDAN DEVICE + AMERICAN CASUAL WEAR¹ would lead to confusion with the plaintiff’s trademark BIG JORDAN & DEVICE².

The trademark specimens are attached herebelow for ease of reference:

The Court stated that the device component existing in the defendant’s trademark JORDAN DEVICE +AMERICAN CASUAL WEAR clearly refers to the letter “R”, that the denomination JORDAN constitute the essential component of both trademarks, that since both trademarks cover identical goods in class 25 as well, in accordance with the Article 8/1-b of the Decree Law No. 556 the coexistence of the subject trademarks would create likelihood of confusion including likelihood of association on the part of the public.

The Court ruled the withdrawal of Institute’s decision and rejection of plaintiff’s request with regard to the cancellation of the trademark JORDAN DEVICE + AMERICAN CASUAL WEAR on grounds that the trademark was not matured into registration yet.

1 Application No. 2001/27365

2 Registration No.187328