

MATRIX CASE SUMMARY

Jurisdiction:	Turkey
Subject Heading:	I.D.1. Likelihood of Confusion – Similarity of Marks
Case Name and Citation:	L'oreal vs. Gelisim Kozmetik San ve Tic. Ltd. Sti. , Case No.2009/257, Decision no.2010/36 (Bakirkoy Court of Intellectual and Industrial Rights, February 25, 2010)
Plaintiff:	L'oreal
Defendant:	Gelisim Kozmetik San ve Tic. Ltd. Sti
Marks Associated with Goods/Services:	MATRIX ¹ trademarks registered in class 3.
Nature of Case:	Court action instituted for the cancellation of defendant's G.L.S. MATRIX ² trademark on grounds of similarity, risk of confusion, risk of association and notoriety
Prior Decisions:	Plaintiff's objection for the refusal of G.L.S. MATRIX trademark at the application phase was rejected by the Turkish Patent Institute.
Overview of Decision and Ruling:	<p>The plaintiff claimed that G.L.S MATRIX trademark is confusingly similar to their MATRIX trademarks</p> <p>The defendant requested the rejection of the action on grounds that the trademarks are not similar</p> <p>The Court stated the denomination MATRIX constitutes the essential and distinctive part of defendant's trademark, that the wording "G.L.S" does not have any distinctive character. Therefore G.L.S. MATRIX trademark will lead to confusion in respect of consumers and deceive them as to the origin of trademarks.</p> <p>The Court accepted the action and decided the cancellation of G.L.S. MATRIX trademark</p>
Importance of Case:	-

¹ Registrations no.2005 39099 and no.2005 46348.

² Registration no.2006 47977.

G.L.S
MATRIX

MATRIX

Images/Description:

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