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INTELLECTUAL PROPERTY TEAM - INSTRUMENTAL IN THE 'BREAKING OF NEW GROUND' IN TRADEMARK LAW

We are pleased to inform you that our Intellectual Property team has been instrumental in the 'breaking of new ground' in Trademark law during a litigation matter in which we represented Red Bull GmbH. We represented our client in opposing the registration of a mark that was similar to our client's mark in the use of a bull device and the words 'energy drink' as well as having a high conceptual similarity to our client's well known mark such that it was likely to deceive or cause confusion to the average consumer of energy drinks in Kenya.

The Registrar of Trade Marks delivered a ruling in our favour agreeing with our submissions and held that there was a high degree of conceptual similarity between the opposed mark and client's (opponent) marks.

The Registrar further held that our client had adduced sufficient evidence to satisfy the threshold of what constitutes a well-known mark in Kenya. This is significant in that it is one of the very few cases where the Kenya Registrar of Trade Marks has positively held that a trade mark is well-known in Kenya.

We find that this is a great decision in that it expands the Kenyan jurisprudence in respect of the doctrines of "conceptual similarity" and "well-known marks".

We attach a copy of the ruling for your perusal. Please [click here](#) to read the full ruling.

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