

Intellectual Property Office of Singapore Case Summary: Intel Corporation v Intelsteer Pte Ltd [2015] SGIPOS 2

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Published: 16 January 2015


The Applicants, Intel Corporation, sought to invalidate the following registered trade mark T0903014D ("**Registered Mark**"):



in relation to the following goods in Class 42:

"Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software"

With respect to the ground of objection under Section 23 read with Section 8(2)(b) of the Trade Marks Act (Cap 332, 2005 Rev Ed) ("**TMA**"), the Registrar found that there is a low level of similarity between the Registered Mark and the Applicants' earlier marks which comprise of the Intel word mark as well as a stylised Intel word mark as follows:

S/N	Registered Mark
1	INTEL
2	

even though the Registered Mark is a composite mark. This is due, in this instance, to the distinctiveness of the word "Intel" inherently, and particularly, through use. However, there is no likelihood of confusion as, due to the technical nature of the services, the purchasing process would be an unhurried and considered one. For the same reason, the ground of objection under Section 23 read with Section 8(4)(b)(i) TMA is also not made out.

The ground of objection under Section 23 read with Section 8(4)(b)(ii) TMA is not made out as it has not been shown that dilution was caused in an unfair manner and it has also not been shown that there has been any unfair advantage taken. This is so even though the Registrar is prepared to hold that the Intel mark is well known to the public at large.

However, the ground of objection under Section 23 read with Section 8(7)(a) ie passing off succeeds. It is clear from the evidence that the Applicants have goodwill in Singapore. In particular, misrepresentation has been made out as there is proximity with regard to the parties' relevant fields of activity. In this instance, the proximity is between microprocessors / computers and the actual service which the Registered Proprietors dealt with, which was research in the field of energy efficiency. It is not difficult to envisage that the Applicants, who are engaged in the business of manufacturing microprocessors / computers, could expand into the area of energy efficiency locally, via tie-ups.

In fact there is evidence that the Applicants are already involved in the research and development of technologies in the area of energy efficiency and sustainability in the United States. There is also evidence, tendered via reports in the local media, of tie-ups between the Applicants and Singapore companies / companies which are based in Singapore. Finally, the element of damage has also been made out in light of the evidence, in that one instance of damage in this case would be restriction on expansion into the related field of energy efficiency.

Disclaimer: The above is provided to assist in the understanding of the Registrar's grounds of decision. It is not intended to be a substitute for the reasons of the Registrar. The full grounds of decision can be found at <https://www.ipos.gov.sg/resources/hearing-mediation>.