

Intellectual Property Office of Singapore Case Summary: Louis Vuitton Malletier v Human Horizons Holding (Shanghai) Co., Ltd. [2021] SGIPOS 13

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Human Horizons Holdings Co., Ltd., which transferred its trade mark ownership to Human Horizons Holding (Shanghai) Co., Ltd. on 24 June 2021 (“the Applicant”), applied to register the trade mark

HUMAN HORIZONS (“the Application Mark”) in Singapore on 15 October 2018 under Trade Mark No. 40201821074P-02 in Classes 18 and 25. The specifications of goods relevant to this opposition are:

Class 18

Leather laces; Walking sticks; Backpacks; Travelling trunks; Key cases; wallets incorporating card holders; Umbrellas; Luggage tags; Tool bags, empty; Leather, unworked or semi-worked.

Class 25

Clothing; Headgear for wear; Gloves [clothing]; Sashes for wear; Scarfs; Girdles; Footwear; Hosiery; Neckties; Masquerade costumes.

Louis Vuitton Malletier (“the Opponent”) opposed the registration of the Application Mark, citing its own earlier registered

mark “**HORIZON**” registered in respect of:

Class 18

Luggage; straps for luggage; straps for handbags; vanity cases, not fitted; leather cases; key cases of leather and skins; trunks and suitcases; small clutches [handbags]; pouches of leather; credit card holders [wallets]; business card holders; wallets; saddle bags adapted for use with briefcases; bags; rucksacks; handbags; wheeled bags; travelling bags; bags for sport; garment bags for travel; briefcases; travelling sets [leatherware].

On the ground of opposition under Section 8(2)(b) of the Trade Marks Act, the Opponent succeeded in establishing that “HUMAN HORIZONS” is similar to “HORIZON”. The respective goods were also found to be similar. As for the third element of a likelihood of confusion, the IP Adjudicator found that there is a reasonable likelihood that the consumer may incorrectly perceive that the marks originate from the same business, or from sources that are linked or associated commercially; that the Application Mark may be wrongly perceived as a sub-brand of the Opponent’s “Horizon” line. As such, the ground of opposition under Section 8(2)(b) succeeded.

On the ground of opposition under Section 8(4), the Opponent was required to prove that “HORIZON” was well known to the relevant sector of the public; and, alternatively, to the public at large. The IP Adjudicator found that an appreciable number of consumers would have been educated by articles in the media, and by the Opponent’s online shop, and thus understand that the relevant Opponent’s goods are sold by reference to the “Horizon” mark. The mark is therefore well known to the relevant sector of the public; but there was no proof that the mark was well known to the public at large. Given that marks-similarity and a likelihood of confusion had been found under Section 8(2)(b), and the element of a likelihood of damage was found here, the ground of opposition under Section 8(4)(a) and (b)(i) also succeeded (but not the other ground under Section 8(4)(a) and (b)(ii) where the earlier mark must be well known to the public at large).

On the ground of opposition under Section 8(7)(a) of the Act, the IP Adjudicator found that the Opponent had established goodwill and actionable misrepresentation. He also agreed with the Opponent that the use of the Application Mark would foreseeably cause damage by (a) blurring; (b) a restriction on the Opponent’s expansion; and (c) tarnishment.

As such, the opposition succeeded under Sections 8(2)(b), 8(4)(a) and (b)(i) and 8(7)(a), and the application to register the Application Mark was refused.

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/docs/default-source/resources-library/hearings-and-mediation/legal-decisions/2021/louis-vuitton-malletier-v-human-horizons-2021-sgipos-13.pdf>.