Fross Zelnick Partner Karen Lim Speaks to Law360

Karen Lim is quoted in *Law360* regarding the Trademark Trial and Appeal Board's recent rejection of an Alibaba subsidiary's bid to register a trademark that sounds out a Chinese word. This precedent demonstrates the challenges that trademarks involving non-Latin languages face at the Board.**More**

Karen Lim is quoted in *Law360* regarding the Trademark Trial and Appeal Board's recent rejection of an Alibaba subsidiary's bid to register a trademark that sounds out a Chinese word. This precedent demonstrates the challenges that trademarks involving non-Latin languages face at the Board. The company, Advanced New Technologies Co. Ltd. ("ANT"), wanted to register ZHIMA for a variety of goods and services, but the TTAB rejected the application on the basis that ANT did not provide a statement that the mark translates into English as "sesame."

The TTAB took note that ZHIMA is the Pinyin romanization (a system for rendering Chinese words into the Latin alphabet) of the Chinese characters for "sesame," and that there were many examples of ZHIMA appearing in news articles and third-party online advertisements showing that ZHIMA means "sesame." Accordingly, Karen tells *Law360* that it was reasonable for the board to require that ANT provide a statement that ZHIMA translated into English as "sesame." "Otherwise, a loophole would be created whereby an applicant could evade the doctrine of foreign equivalents by claiming exclusive rights to a transliteration that relevant U.S. consumers would directly translate to an English word that might be descriptive of the claimed goods [or] services, or that might cause likelihood of confusion with a prior English mark."

The TTAB's decision reminds applicants trying to register trademarks derived from non-Latin languages that they should consider the ramifications of the required translation statement from inherent distinctiveness and likelihood-of-confusion perspectives.

Read more here.

Primary Contacts

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