

Trademark Doctrine of Foreign Equivalents

By Sujata Chaudhri*

I. INTRODUCTION

Much of the United States market place is a melting pot. Consumers speak, understand, and are exposed to brand names in numerous foreign languages. So how does trademark law serve the interests of consumers and trademark owners with regard to marks in languages other than English? The answer lies in the “doctrine of foreign equivalents.”

Under the doctrine of foreign equivalents, words from common foreign languages are translated into English to determine genericness and descriptiveness as well as similarity of connotation with English marks in determining likelihood of confusion. *Palm Bay Imports Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 73 U.S.P.Q.2d 1689, 1696 (Fed. Cir. 2005). However, the doctrine of foreign equivalents is merely a guideline, not an absolute rule. *Id.* Thus, the doctrine does not apply to every non-English word that appears in a trademark or service mark. *Sutter Home Winery, Inc. v. Madrona Vineyards, L.P.*, 2005 U.S. Dist. LEXIS 4581 (N.D. Cal. 2005) (quoting *In re Pan Tex Hotel Corp.*, 19 U.S.P.Q. 109, 110 (T.T.A.B. 1976)).

II. POLICY RATIONALES

There are two important policy rationales for the doctrine of foreign equivalents – the domestic competition rationale and the international comity rationale. The Second Circuit discussed the domestic competition rationale in *Otokoyama Co. v. Wine of Japan Import Inc.*, 50 U.S.P.Q.2d 1626 (2d Cir. 1999):

The same rule applies when the word designates the product in a language other than English. This extension rests on the assumption that there are (or someday will be) customers in the United States who speak that foreign language. Because of the diversity of the population of the United States, coupled with temporary visitors, all of whom are part of the United States marketplace, commerce in the United States utilizes innumerable foreign languages. No merchant may obtain the exclusive right over a trademark designation if that exclusivity would prevent competitors from designating a product as what it is in the foreign language their customers know best. *Id.* at 1629.

The Trademark Trial and Appeal Board (“T.T.A.B.” or “the Board”) explained the international comity rationale in *In re Le Sorbet, Inc.*, 1985 T.T.A.B. LEXIS 27 *9 (T.T.A.B. 1985):

The international trade foundation for the rule is significant from the standpoint of the protection of the United States trading interests in foreign countries. Since prior to the Lanham Act, the United States, through its Departments of State and Commerce, has protested the registration in foreign countries of terms considered to be generic names in the English language of products sold in the United States and sold or intended to be sold in export trade. The rationale of these protests is that registration of generic terms as trademarks would interfere with the free flow of international trade in products known by that generic term.... Obviously, to permit registration here of terms in a foreign language which are generic for products sold in a foreign country would be inconsistent with the rationale supporting these international protests. *Id.* at 30-31.

Courts have consistently referred to these two policy rationales in applying the doctrine of foreign equivalents. For instance, in *Enrique Bernat F., S.A. v. Guadalajara, Inc.*, 210 F.3d 439 (5th Cir. 2000), *reh’g and reh’g en banc denied*, 218 F.3d 745 (5th Cir. 2000), international comity weighed heavily in determining that the Spanish word “chupa” was generic for lollipops. The court stated:

Moreover, the policy of international comity has substantial weight in this situation. If we permit Chupa Chups to monopolize the term “chupa”, we will impede other Mexican candy makers’ ability to compete effectively in the U.S. lollipop market. Just as we do not expect Mexico to interfere with Tootsie’s ability to market its product in Mexico by granting trademark protection to the word “pop” to another American confectioner, so we cannot justify debilitating Dulces Vero’s attempts to market “Chupa Gurts” in the United States by sanctioning Chupa Chups’ bid for trademark protection in the word “Chupa.” *Id.* at 445.

III. WHEN IS THE DOCTRINE APPLICABLE?

The doctrine of foreign equivalents applies only to non-English words from modern languages that consumers are likely to translate into English. Moreover, courts have applied the doctrine irrespective of whether the non-English words have precise English translations.

Application to Non-English Words Likely to be Translated into English

The doctrine of foreign equivalents applies to non-English words that consumers are likely to translate into their English equivalents. *Palm Bay Imports*, 73 U.S.P.Q.2d at 1696. In *Palm Bay Imports*, the Federal Circuit upheld the T.T.A.B.'s holding that VEUVE ROYALE for sparkling wine and VEUVE CLICQUOT PONSARDIN and VEUVE CLICQUOT, both for champagne, were likely to be confused. However, the Court reversed the T.T.A.B.'s holding of likelihood of confusion between VEUVE ROYALE for sparkling wine and THE WIDOW for wine. *Id.*

In comparing VEUVE ROYALE with VEUVE CLICQUOT PONSARDIN and VEUVE CLICQUOT, the T.T.A.B. had found that “an appreciable number of purchasers” are unlikely to translate the marks into English. *Veuve Clicquot Ponsardin v. Palm Bay Imports, Inc.*, Opp. No. 115,438, 2000 W.L. 21953664 (T.T.A.B. August 4, 2003). However, in comparing VEUVE ROYALE with THE WIDOW, the T.T.A.B. found that “[A]n appreciable number of purchasers in the United States” speak and/or understand French and will translate VEUVE ROYALE as ROYAL WIDOW. *Id.*

On appeal, the Federal Circuit held that the T.T.A.B. was inconsistent in its application of the doctrine of foreign equivalents because “[a]n appreciable number of U.S. consumers either will or will not translate VEUVE into ‘widow.’” *Palm Bay Imports*, 73 U.S.P.Q.2d at 1696. It agreed with the T.T.A.B. that “it is improbable that the average American purchaser would stop and translate VEUVE into ‘widow.’” Thus, VEUVE ROYALE was not likely to be confused with THE WIDOW. *Id.*

It is notable that although the Federal Circuit agreed with the T.T.A.B. that consumers were not likely to translate VEUVE into “widow,” it used the phrase “average American purchaser” in contrast to the T.T.A.B.'s “appreciable number of U.S. consumers.” It appears that the Federal Circuit was using “average American purchaser” as a synonym for “appreciable number of U.S. consumers.”

In *In re Thomas*, 79 U.S.P.Q.2d 1021 (T.T.A.B. 2006), the T.T.A.B. held that MARCHE NOIR (French for ‘black market’) for jewelry and BLACK MARKET MINERALS (MINERALS disclaimed) for retail jewelry and mineral store services were likely to be confused. In that case, it held that the doctrine of foreign equivalents is applied when it is likely that “the ordinary American purchaser” would stop and translate a non-English word into its English equivalent. The “ordinary American purchaser” means an ordinary American purchaser who is knowledgeable in a foreign language. *Id.* at 1024.

In *Thomas*, the applicant reasoned that it was unlikely that the “average American buyer” would translate the French phrase MARCHE NOIR into BLACK MARKET because, according to the 1990 census, only 0.6% of the population in the United States spoke French “very well” or “well.” The T.T.A.B. rejected the applicant’s argument because “French is a common foreign language spoken by an appreciable segment of the population. Indeed, applicant’s own evidence shows that of the foreign languages with the greatest number of speakers in the United States, French is ranked second only to Spanish.” *Id.* Thus, concluded the Board, the “one and only meaning” of MARCHE NOIR is “black market” and “that is how it would be recognized and understood by the French-speaking public.” *Id.* at 1025.

In *Thomas*, the T.T.A.B. used the term “average American purchaser.” However, the decision also refers to the phrases “appreciable segment of the population” and “French-speaking public.” Thus, there seems to be confusion over the description of a relevant consumer under the doctrine of foreign equivalents.

It seems most logical to say that the relevant consumer in cases involving the doctrine of foreign equivalents is an average (as opposed to sophisticated) consumer (U.S. citizens and non-U.S. citizens) living in the United States who speaks and/or understands a common foreign language and is likely to stop and translate non-English wording in a mark into English.

Application Only to Words from Modern Foreign Languages

The doctrine of foreign equivalents applies only to modern languages. Thus, words from languages such as Italian, French, Spanish, German, Hungarian and Polish should be translated into English. 2 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 11.34 at 11-67 and 11-68. The Trademark Manual of Examining Procedures (T.M.E.P.) uses the terms “language familiar to an appreciable segment of American consumers” and “modern languages.” T.M.E.P. § 1207.01(b)(vi). Thus, only words in modern languages which are understood and/or spoken by the purchasing public must be translated into their English equivalents.

Consistent with the influx into the United States of immigrants from different parts of the world, the scope of the term “modern languages” has expanded over time. For instance, in *In re Oriental Daily News, Inc.*, 230 U.S.P.Q. 637 (T.T.A.B. 1986), the T.T.A.B. recognized Chinese as a contemporary language. *Id.* at 638. It stated that readers in the United States, including a sizable number of readers familiar with both the Chinese and English languages, will perceive Chinese characters which translate as “Oriental Daily News” as

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merely descriptive of a newspaper. In *Otokoyama Co. v. Wine of Japan Import Inc.*, 50 U.S.P.Q. 2d 1626 (2d Cir. 1999), the Court found that the doctrine of foreign equivalents applies to Japanese. In that case, the Japanese term “otokoyama” was held to be a generic term for sake. In *Consolidated Cigar Corp. v. Rembrandt Tobacco Corp. (Overseas) Ltd.*, 176 U.S.P.Q. 159 (T.T.A.B. 1972), the T.T.A.B. held that words in Afrikaans fall under the doctrine of foreign equivalents.

Application to Non-English Words With or Without Precise Translations

Moreover, the doctrine of foreign equivalents applies whether or not a non-English word in a modern language has a precise translation. If the non-English word has a precise English translation, courts generally do not have to go through extensive analysis to determine its registrability on relative or absolute grounds. For instance, in *Ex parte Odol-Werke Wien Gesellschaft M.B.H.*, 111 U.S.P.Q. 286 (Comm’r Pat. 1956), CHAT NOIR for eau de cologne was held confusingly similar to BLACK CAT for cosmetic items, including toilet waters and perfumes because “black cat” was the exact English equivalent of CHAT NOIR. *Id.* In *Blue & White Food Products Corp. v. Shamir Food Industries Ltd.*, 76 U.S.P.Q.2d 1940 (S.D.N.Y. 2004), the Court held that SHAMIR SALADS (dill in Hebrew) was not a generic term for vegetable salads, dips, spreads and herring products that may or may not contain dill. *Id.* at 1944-1945.

On the other hand, if a non-English word does not have an exact English equivalent, courts have to go through a more complicated analysis. In such cases courts look to the “primary and common translation” of the word. In *In re Sarkli, Ltd.*, 220 U.S.P.Q. 111, 113 (Fed. Cir. 1983), the Federal Circuit held that REPECHAGE for skin care products was not likely to be confused with SECOND CHANCE for face creams and other toiletries because none of the dictionary meanings of REPECHAGE made it the exact equivalent of SECOND CHANCE. *Id.* at 112-113. In *Burke v. Cassin*, 45 Cal. 467 (1873), the California Supreme court held that the German word “schnapps” was generic for gin, although its literal translation was “dram” or “drink.” *Id.* at 476. In *Enrique Bernat*, the Court held that “chupa” was generic for lollipops, despite the fact that its literal translation is “to lick” or “to suck.” 210 F.3d at 445.

Thus, if a word in a foreign language does not have an exact English translation, courts have applied the translation that is most likely to be used by a consumer who understands and/or speaks the foreign language.

IV. WHEN IS THE DOCTRINE INAPPLICABLE?

The doctrine of foreign equivalents does not apply to non-English words that consumers are not likely to

translate into English. Furthermore, words from dead languages and marks that combine English and non-English words are not within the ambit of the doctrine. Lastly, there is some inconsistency regarding the applicability of the doctrine when the marks being compared consist of foreign words.

Inapplicable When Consumers are Unlikely to Translate Non-English Word into English

The doctrine of foreign equivalents is inapplicable if an average purchaser is unlikely to stop and translate a non-English word into English. In *In re Tia Maria, Inc.*, 188 U.S.P.Q. 524 (T.T.A.B. 1975), the T.T.A.B. found that TIA MARIA for restaurant services was not confusingly similar to AUNT MARY’S for canned fruit and vegetables because a Spanish speaking consumer was unlikely to translate AUNT MARY’S into TIA MARIA. *Id.* at 526. In *Continental Nut Co. v. Le Cordon Bleu, S.A.R.L.*, 181 U.S.P.Q. 646 (C.C.P.A. 1974), the mark CORDON BLEU was found not confusingly similar to BLUE RIBBON although the English translation of CORDON BLEU is BLUE RIBBON. The court held that it was unlikely that a consumer would translate CORDON BLEU into BLUE RIBBON because CORDON BLEU has been adopted into the English language and has acquired a very different meaning from BLUE RIBBON. *Id.* at 647.

Inapplicable to Words from Dead Languages

The doctrine of foreign equivalents does not apply to words from dead languages such as Classical Greek or obscure languages such as those of the Hottentots or Patagonians or the Taino Indians of the Dominican Republic. 2 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 11.34 at 11-66 and 11-67. The determination of whether a language is “dead” is made on a case-by-case basis, based upon the meaning that the term would have to the relevant purchasing public. T.M.E.P. 1207.01(b)(vi). For instance, Latin is generally considered a dead language. However, if there is evidence that a Latin term is still in use by the relevant purchasing public, then a Latin term is not considered dead. *Id.*

Inapplicable to Mark that Combines English and Non-English Words

The doctrine of foreign equivalents does not apply when a mark is a combination of foreign and English words because a consumer is considered more likely to translate a mark in its entirety than to translate a part of a mark. This principle has been applied consistently by courts and the T.T.A.B. In *In re Universal Package Corp.*, 222 U.S.P.Q. 344 (T.T.A.B. 1984), the T.T.A.B. refused to apply the doctrine of foreign equivalents to the mark LE CASE for jewelry boxes and gift boxes not made of

precious metal. It held that because LE CASE combined the French article LE with the English word CASE, its commercial impression was different from that created by “the case.” *Id.* at 347. In another case involving the French article LE and the word SORBET, the T.T.A.B. applied the doctrine in holding that LE SORBET was generic for fruit ices because LE SORBET was a French term in its entirety. It rejected the applicant’s argument that “sorbet” was primarily an English term. In *In re Le Sorbet, Inc.*, 1985 T.T.A.B. LEXIS 27, at *4 (T.T.A.B. 1985). In *French Transit Ltd. v. Modern Coupon Systems Inc.*, 29 U.S.P.Q.2d 1626 (S.D.N.Y. 1992), the Court held that the doctrine of foreign equivalents was not applicable to the mark LE CRYSTAL NATUREL because the mark is a combination of an English word and two French words. *Id.* at 1626-1627.

Application When both Marks are Non-English Words Determined on a Case-by-Case Basis

There is some confusion about the application of the doctrine of foreign equivalents if both involved marks are foreign words. The T.M.E.P. states that although the doctrine of foreign equivalents is not “normally” invoked if the marks are both foreign words, application of the doctrine is not barred in every case where the marks consist of terms from different foreign languages. T.M.E.P. § 1207.01(b)(vi). In the absence of clear law, court decisions have been inconsistent on the issue. In *Safeway Stores Inc. v. Bel Canto Fancy Foods Ltd.*, 5 U.S.P.Q.2d 1980 (T.T.A.B. 1987), the T.T.A.B. held that the mark BEL ARIA for sauces, spreads and dried tomatoes was not likely to cause confusion with BEL-AIR for food and frozen concentrated juice products. The Board reasoned that it is not proper to take the French expression BEL-AIR and the Italian expression BEL ARIA and convert both into English, and compare the English translations to determine whether there is similarity as to connotation. *Id.* at 1982. The Board stated that the marks were “somewhat similar in appearance”, “only slightly similar in sound or pronunciation”, and “essentially dissimilar in terms of meaning or connotation.” *Id.* According to the Board, BEL-AIR conveyed a geographical connotation, whereas BEL ARIA conveyed an Italian connotation. *Id.* However, in *In re Lar Mor Int’l, Inc.*, 221 U.S.P.Q. 180 (T.T.A.B. 1983), the Board applied the doctrine of foreign equivalents in finding that two French language marks, TRES JOLIE and BEIN JOLIE, both for clothing, were not likely to be confused. In the more recent case of *DC Comics v. Pan Grain Mfg. Co.*, 77 U.S.P.Q.2d 1220 (T.T.A.B. 2005), the Board applied the doctrine of foreign equivalents in holding that KRYPTONITA for a prepared alcoholic fruit cocktail was likely to be confused with KRYPTONITE for clothing, toys and

sporting goods. The T.T.A.B. held that both marks were equivalents because “kryptonita” was the Spanish term for “kryptonite.” Thus, “Spanish-speaking people would clearly view the marks as the same.” *Id.* at 1225.

Thus, the applicability of the doctrine of foreign equivalents to two non-English marks must be determined on a case-by-case basis. Consumers are more likely to translate words from the same language than they are likely to translate words from different languages. Ultimately, however, courts should consider the commercial impressions conveyed by the marks in determining whether the doctrine should be applied.

V. APPLICATION OF THE DOCTRINE TO LIKELIHOOD OF CONFUSION REFUSALS

It is well settled that in determining likelihood of confusion, marks must be compared, in their entireties, for similarities/dissimilarities in sound, appearance and commercial impressions. *In re E. I. DuPont De Nemours & Co.*, 177 U.S.P.Q. 563 (C.C.P.A. 1973). The doctrine of foreign equivalents only requires translation and comparison of the non-English mark and its English equivalent as to meaning or connotation, not as to sight and sound. 3 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 23.37 at 23-124. However, any similarity in meaning or connotation must be weighed against the dissimilarity in appearance, sound and all other factors, before reaching a conclusion on likelihood of confusion as to source. *In re Sarkli, Ltd.*, 220 U.S.P.Q. at 113 (Fed. Cir. 1983).

In *In re Hub Distributing, Inc.*, 218 USPQ 284 (T.T.A.B. 1983), the T.T.A.B. affirmed the refusal to register EL SOL for wearing apparel on the ground of likelihood of confusion with SUN & Design¹ for footwear on the ground that the marks “evoke identical commercial impressions.” *Id.* at 286. In *In re Am. Safety Razor Co.*, 2 U.S.P.Q.2d 1459 (T.T.A.B. 1987), the T.T.A.B. held that BUENOS DIAS for bar soap and GOOD MORNING for shaving cream were likely to be confused because their overall connotations were similar. *Id.* at 1460.

Sometimes marks have identical or similar meanings, yet they are not likely to be confused because their commercial impressions are different. In *In re Ness & Co.*, 18 U.S.P.Q.2d 1815 (T.T.A.B. 1991), the T.T.A.B. refused to hold that GOOD-NESS and LABONTE (French for “the goodness”) for cheese were confusingly similar. It held that not only were GOOD-NESS and LABONTE different in appearance and sound, they also had different meanings. GOOD-NESS was a play on applicant’s trade name, Ness & Co. Thus, the mark indicated “goodness” and also indicated “good” Ness which would be perceived in a manner like “good Smith” or “good Jones.” *Id.* at 1816. In *Horn’s Inc. v. Sanofi Beaute Inc.*,

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43 U.S.P.Q.2d 1008 (S.D.N.Y. 1997), the Court found that addition of a design element distinguished the marks DECIDELA (translated into English as “here and there”) for perfumes and HERE & THERE & Design for fashion reporting and consulting services. In *Continental Nut*, the Court held that CORDON BLEU (BLUE RIBBON in English) was not likely to be confused with BLUE RIBBON because it had acquired its own meaning in English. 181 U.S.P.Q. at 647. Thus, under the doctrine of foreign equivalents, similarity in meaning is not the ultimate factor in deciding likelihood of confusion. Courts also look to all relevant circumstances, including the marks’ appearances and sounds.

VI. APPLICATION OF THE DOCTRINE TO SURNAME REFUSALS

The doctrine of foreign equivalents has also been applied to primarily merely surname refusals under Section 2(e)(4) of the Trademark Act. In *In re Isabella Fiore LLC*, 75 U.S.P.Q.2d 1564 (T.T.A.B. 2005), the Board considered the registrability of the term FIORE (meaning “flower” in English) in connection with bags and other items. The examiner contended that FIORE was primarily merely a surname. The T.T.A.B. held that whether a term is primarily merely a surname must take into consideration the meaning the term has in a foreign language. “[I]f there is a readily recognized meaning of the term apart from its surname significance, registration should be granted...if the term’s dictionary meaning is not obscure, it may be a significant factor in determining that the term is not primarily merely a surname.” *Id.* at 1569. Holding that the common meaning of the term FIORE is flower, the Board concluded that it is not primarily merely a surname because “it does have a meaning that detracts from the surname significance of the term.” *Id.* at 1570.

VII. APPLICATION OF THE DOCTRINE TO GEOGRAPHIC DECEPTIVE MISDESCRIPTIVENESS REFUSALS

The T.T.A.B. has also considered the doctrine of foreign equivalents in the context of geographic deceptive misdescriptiveness refusals under Section 2(e)(3) of the Trademark Act. In *In re Broyhill Furniture Industries Inc.*, 60 U.S.P.Q.2d 1511 (T.T.A.B. 2001), the Board considered the registrability of the term TOSCANA for furniture. It held that the term was not registerable since under the doctrine of foreign equivalents the term TOSCANA is an Italian word which means “Tuscany” in English and is the name of a region in Italy, and the furniture did not originate in that region. *Id.* at 1512. The doctrine should also be applicable to refusals on the ground of geographic descriptiveness.

VIII. PRACTICE POINTERS

From a practical standpoint it is important that attorneys ask their clients whether a proposed mark has a meaning in a foreign language. It may also be a good idea to do an internet search in this connection. If the proposed mark has a meaning in a foreign language, attorneys must ensure that the trademark search accounts for translations of the proposed mark.

Applications for marks that include non-English wording are required to include a statement translating the wording. T.M.E.P. §809. Applicants must provide the English meaning that has significance in the United States as the equivalent of the meaning in a non-English language. T.M.E.P. §809.01. It follows that an English translation of a non-English word is not required if the English translation does not have any significance to consumers. For instance, an English translation of the German word “Schwarzkopf” is not required because although the word “Schwarzkopf” literally translates as “black head”, its primary significance is that of a surname. English translations are also not required if the non-English word appears in an English dictionary or the non-English word is from a dead or obscure language. T.M.E.P. § 809.01.

If applicants do not provide a translation or do not provide an “accurate” translation, attorneys examining trademark registration applications at the USPTO (“Examining Attorneys”) are required to ask applicants for translations. T.M.E.P. §809. Thus, it is possible that applicants and Examining Attorneys disagree on translations. If so, applicants should provide evidence to support their translations. This evidence may be in the form of affidavits from certified translators and/or evidence from foreign dictionaries, research databases, newspapers and other publications. An interesting question is whether an Examining Attorney would accept a ruling from a foreign

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Trademark Office as evidence of registrability of a non-English word as a mark. The Second Circuit Court of Appeals, in *Otokoyama Co. v. Wine of Japan Import Inc.*, 50 U.S.P.Q.2d 1626 (2d Cir. 1999), allowed the defendant to submit a ruling of the Japanese Patent Office denying plaintiff trademark rights in the term “otokoyama” on the grounds of genericness. Would Examining Attorneys accept such rulings?

IX. SUMMARY AND CONCLUSION

The doctrine of foreign equivalents provides a guideline to analyze marks that incorporate foreign words from common languages. The doctrine has been applied in determining registrability of marks on absolute and relative grounds. Courts apply the doctrine of foreign equivalents when an average American purchaser who speaks and/or understands a foreign language is likely to stop and translate a word in that language into English. Courts have held that the doctrine is inapplicable if a mark is a combination of English and foreign words. Moreover, the doctrine may not be applicable if both involved marks incorporate non-English words.

The doctrine of foreign equivalents is not an absolute rule. Accordingly, there have been inconsistencies in its application and confusion still exists between courts and within the T.T.A.B. on issues such as the relevant consumer base and whether the doctrine should be applied in comparing two non-English marks.

The USPTO has also demonstrated inconsistencies in applying the doctrine of foreign equivalents.

For instance, it has allowed coexisting applications to register the word mark MITSU² (meaning NECTAR in Japanese) and NECTAR & Design³ for related goods. It has also allowed an application to register the word mark SWAD⁴ (meaning TASTE in Hindi, the national language of India) for food products. Arguably, an applicant for the mark TASTE for food products would have encountered descriptiveness problems in getting its application through the USPTO. Although the T.M.E.P. requires applicants to provide English translations of foreign wording in marks, the USPTO must examine such marks closely so that trademark law serves its purpose of enhancing market competition and preventing consumer confusion.

There is no doubt that as immigration to the United States continues its upward swing, the doctrine of foreign equivalents will continue to assume greater importance here. Moreover, the doctrine will continue to be important because the United States is part of the global market place, especially with the advent of the internet.

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¹ “& Design” indicates that the mark has a design component.

² Application Ser. No. 76/653,233

³ Application Ser. No. 78/633,713

⁴ Application Ser. No. 76/617,256



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