

“CrossFeet” Finds Its Footing: IPOS Rejects CrossFit's Confusion Claims

In the case *CrossFit LLC v. Play Distribution Pte Ltd.*, the Intellectual Property Office of Singapore (“IPOS”) addressed a trademark dispute between CrossFit LLC (“CrossFit”) and Play Distribution Pte Ltd. (“Play Distribution”). CrossFit, a well-known fitness company, sought to invalidate the registration of Play Distribution’s trademark, “CrossFeet,” which was used for fitness apparel and accessories. CrossFit argued that the “CrossFeet” mark was too similar to its own “CrossFit” mark and was likely to cause confusion among consumers.

IPOS considered several factors in its analysis. It first looked at the visual similarity of the marks, noting that both marks shared the word “Cross” and the letter “F.” At the same time, IPOS also noted that the “ee” in “Feet” gave visual prominence to that word, making it less likely to be overlooked by consumers. In terms of aural similarity, IPOS found that the marks shared an identical first syllable and a similar second syllable, making them aurally more similar than dissimilar. However, IPOS found that the marks were conceptually dissimilar, as “CrossFeet” evoked the idea of crossed feet rather than the concept of functional fitness associated with CrossFit.

IPOS also considered whether CrossFit’s mark was “well known” in Singapore, which would afford it a higher degree of protection. Despite CrossFit’s evidence of its global presence and recognition, IPOS determined that the company had not sufficiently demonstrated that its mark was well known in Singapore at the time of Play Distribution’s trademark application.

Ultimately, IPOS concluded that while the “CrossFeet” mark was visually and aurally similar to the “CrossFit” mark, the conceptual differences between the two were significant enough to avoid consumer confusion. This, coupled with the determination that CrossFit’s mark was not “well known” in Singapore, led IPOS to reject CrossFit’s application for a declaration of invalidity, allowing Play Distribution to maintain its “CrossFeet” trademark registration.

Our Comments

This decision highlights the complexities involved in trademark disputes, particularly in assessing the likelihood of confusion between similar marks. IPOS’s emphasis on conceptual differences, despite visual and aural similarities, underscores the importance of considering all aspects of a mark’s impression on consumers. It also demonstrates that even when two marks share common elements, the overall impression created by each mark can be distinct enough to avoid confusion.

The decision also emphasizes the significance of establishing a mark’s “well-known” status in a particular jurisdiction. CrossFit’s extensive evidence of its global reputation and recognition was not sufficient to establish its mark as “well known” in Singapore, highlighting the importance of tailoring evidence to the specific jurisdiction in question.

From a practical perspective, this case serves as a reminder for businesses to carefully consider the potential for confusion when selecting and registering trademarks. It also highlights the importance of actively promoting and establishing a mark’s reputation in relevant markets to enhance its protection.



The case also demonstrates the importance of conceptual distinctiveness in trademark protection. Even if two marks share visual and aural similarities, a clear conceptual difference can be a decisive factor in avoiding consumer confusion.

For trademark practitioners, this decision provides valuable guidance on the factors considered by IPOS in assessing the likelihood of confusion and the criteria for determining a mark’s “well-known” status. It also underscores the importance of developing a comprehensive trademark strategy that takes into account both legal and marketing considerations.



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