

Google prevails in trademark spat with UK film distributor Shorts International

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Google won a trademark dispute with a UK film distributor last week when the UK High Court not only rejected Shorts International's allegations of infringement and passing off, but also invalidated trademarks for the "Shorts TV" brand. The term "shorts" extends beyond short films to other types of content like short-form audiovisuals, the UK High Court ruled, and there were no similarities or a likelihood of confusion from YouTube's use of the term.

Google won a trademark dispute with a UK film distributor last week when the UK High Court rejected Shorts International's allegations of infringement and passing off as well as invalidated trademarks for the "Shorts TV" brand.

Rejecting Shorts International's argument that Google's use of the word "shorts" damaged the distinctive character or reputation of Short International's marks, Michael Tappin KC, sitting as a Deputy Judge of the UK High Court held that the term "shorts" extends beyond short films to other types of content like short-form audiovisuals.

There were no similarities or a likelihood of confusion arising out of the use of the term by YouTube to define its shorts segment, he added.

In 2022, Shorts International claimed that logos used by Google for branding YouTube Shorts infringed five trademarks associated with "Shorts TV," the plaintiff's digital and TV network.

In its counterclaim, Google sought the invalidation of Shorts International's trademarks. It argued that the marks lacked distinctiveness, and consisted exclusively of signs or indications that may also imply other characteristics of goods or services, and words and signs that have become customary.

Google's use of the word "shorts" and its signs did not misrepresent its service or mislead people into believing that the segment was being provided by or in some way authorized by Shorts International, Tappin wrote. The judge said YouTube's strong brand recognition would enable consumers to clearly perceive YouTube Shorts as a service from YouTube and distinct from Shorts International's offerings.

Shorts International's trademarks lack inherent distinctiveness and were not extensively used, according to Tappin.

The judge also noted that if there had been confusion or damage to Short International's marks from YouTube's use of the word 'shorts,' Google's defense would have failed, but such evidence was lacking.

The judge declared four of Shorts International's trademarks fully invalid and its word mark 'SHORTSTV' partially valid only for the publication and distribution of computer games, virtual reality hardware and software content (see [here](#)).

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Areas of Interest: Intellectual Property

Industries: Media & Telecommunications

Geographies: Europe, Northern Europe, United Kingdom

Topics:

Trademarks