

Investor gets okay for CHIPSY KINGS trademark from EU's lower court

11 Dec 2024 | 18:12 GMT | Insight

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Investor András Lénárd can register “CHIPSY KINGS” as a trademark, an EU court ruled today, upholding a decision from the EUIPO. The court rejected a German food manufacturer’s claims that consumers might confuse CHIPSY KINGS with its “Curry King” trademark.

The European Union General Court rejected German food manufacturer Meica Ammerländische Fleischwarenfabrik Fritz Meinen’s attempt to prevent investor András Lénárd from protecting “CHIPSY KINGS” as a trademark today.

The case dates to March 2021 when Lénárd applied to register “CHIPSY KINGS” for various food products and retail services. Meica opposed Lénárd’s registration, claiming the mark was confusingly similar to its own international trademark for “Curry King” registered in 2015.

The decision highlights aspects of nuanced consumer perception and trademark distinctiveness, clearing the way for Lénárd to continue with the process to register CHIPSY KINGS with the EU Intellectual Property Office.

Lénárd sought to register CHIPSY KINGS for goods and services in three classes: 29 — foods of animal origin and vegetables and other horticultural comestible products; 30 — foodstuffs of plant origin, except fruits and vegetables; and 35 — business services. Meica’s Curry King trademark is registered in classes 29 and 30 of the Nice classification of goods and services for registration of marks.

Finding no likelihood of confusion between “CHIPSY KINGS” and “Curry King,” the General Court held that despite both marks having the word “king,” they differed visually, aurally, and conceptually. The court said it applied a global approach to assess public perception and differences between the two marks.

The court ruled the word “king” has a weak distinctive character and merely suggests the superior quality of products being sold.

Meica also argued that the word “chipsy” is descriptive in Polish, where it means chips, and lacks distinctive character as a result.

The General Court ruled the differences between the two marks were clear enough to prevent any confusion, however, even among consumers in Poland.

The Court further noted that “Curry King” would be understood by people as referring to curry of superior quality, while CHIPSY KINGS might be perceived as a playful reference to the musical band Gipsy Kings or a description of kings associated with chips.

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Areas of Interest: Intellectual Property

Industries: Consumer Products

Geographies: Europe, European Union Member States

Topics:

Trademarks