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Trademark case: The Unified Buddhist Church of Vietnam v. Unified Buddhist Church of Vietnam – Giao Hoi Phat Giao Viet Nam Thong Nhat, USA

Deirdre Kennedy (Wolters Kluwer Legal & Regulatory US) · Monday, May 3rd, 2021

Lengthy use by the Unified Buddhist Church of Vietnam of its unregistered marks was not enough, by itself, to raise a triable issue as to the marks' protectability.

A church that calls itself the Unified Buddhist Church of Vietnam (the "Unified Church") failed to show that its asserted trademarks had acquired secondary meaning and therefore could not go forward with infringement claims against a Texas nonprofit with disputed connections to that church, an entity that calls itself Unified Buddhist Church of Vietnam – Giao Hoi Phat Giao Viet Nam Thong Nhat ("UBCV Texas"). According to the U.S. Court of Appeals in New Orleans, the only evidence supporting the contention that the unregistered marks had acquired distinctiveness was the length and manner of use of the Unified Church's asserted marks. This would not be enough, however, for a reasonable jury to find in its favor, given the lack of sufficient evidence regarding sales success, advertising expenditures, and other factors relating to secondary meaning (*The Unified Buddhist Church of Vietnam v. Unified Buddhist Church of Vietnam – Giao Hoi Phat Giao Viet Nam Thong Nhat*, December 14, 2020, per curiam)

Case date: 14 December 2020

Case number: No. 19-20544

Court: United States Court of Appeals, Fifth Circuit

A full summary of this case has been published on [Kluwer IP Law](#).

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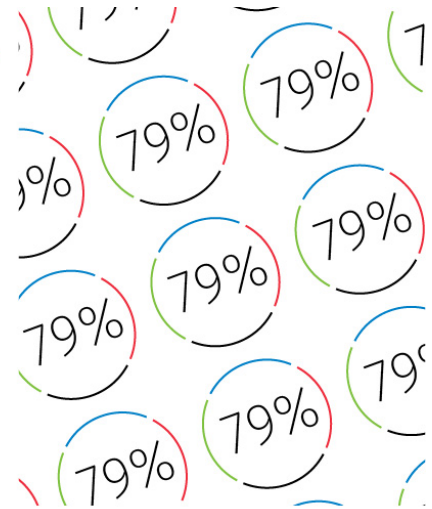
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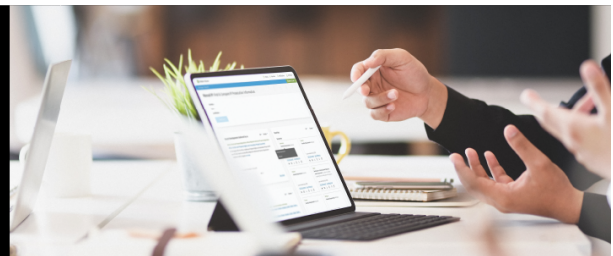


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