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Of Sea Lions and Seat Leons

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Of Sea Lions and SEAT Leons: Swiss Court Weighs in on Automobile Trademarks

How different do “animal trademarks” need to be to coexist in the Swiss market? A recent decision from the Swiss Federal Administrative Court offers a compelling answer, resolving a dispute between SEAT S.A. and the trademark “Sea Lion” (fig.), both registered for vehicles and related components under Class 12.

SEAT opposed the registration of “Sea Lion,” arguing that it infringed on its established trademark “SEAT LEON.” On the surface, the case seemed straightforward: both marks contain the word “lion” (or its Spanish equivalent “LEON”), relate to similar goods, and carry strong, evocative imagery. However, the court found that these commonalities did not amount to a likelihood of confusion.

The court emphasized that Class 12 goods, motor vehicles and their components, are expensive, durable, and typically purchased with a high level of consumer attention. This significantly lowers the potential for confusion, even where some similarities between trademarks exist.

Although “Sea Lion” covered goods related to SEAT’s offerings, the court focused on the distinctiveness of the marks. It examined the protection granted to the “SEAT LEON” trademark. While SEAT is a well-known car brand in Switzerland, this did not automatically extend enhanced protection to “SEAT LEON.” The term “LEON” was seen as a model designation rather than a core brand element. In contrast, “Sea Lion” evoked an image unrelated to vehicles. The court found the distinctiveness of “SEAT LEON” to be average. SEAT’s attempts to prove broader recognition of “LEON” lacked strong evidence, relying mostly on media references and marketing materials without consumer studies or substantial sales data.

The court’s analysis also delved into the phonetic and visual aspects of the trademarks. While acknowledging that both “SEAT LEON” and “Sea Lion” share certain auditory overlaps, particularly with the repetition of “lion,” it determined that these similarities were insufficient to confuse a discerning consumer. The juxtaposition of “SEAT,” a recognized automotive brand component, against “Sea,” a term indisputably tied to marine imagery, created a stark conceptual divide. Similarly, the visual representation of “Sea Lion,” which incorporated symbolic elements evocative of aquatic life, further distanced the mark from any automotive connotations tied to SEAT’s brand. Consequently, SEAT’s opposition was dismissed, and the “Sea Lion (fig.)” trademark proceeded to registration under the Madrid Protocol.

This ruling is a powerful reminder that in trademark law, not all creatures are treated equal, especially when sea lions and Spanish horse- or rather lion-power swim in the same legal waters. The decision seems notably strict, given the undeniable visual similarities between the signs and the awareness of the brand/car model SEAT LEON. It emphasizes the importance of conceptual differences for Swiss Courts and the need to present strong evidence of a brand's awareness and increased distinctiveness. This is crucial in opposition proceedings, even if you think your trademark is well-known. Convincing Swiss-specific evidence, particularly for the exact product brand and solid sales figures, is essential.

Written by Peter Schramm and Linda Cetkovic on Thursday June 5, 2025

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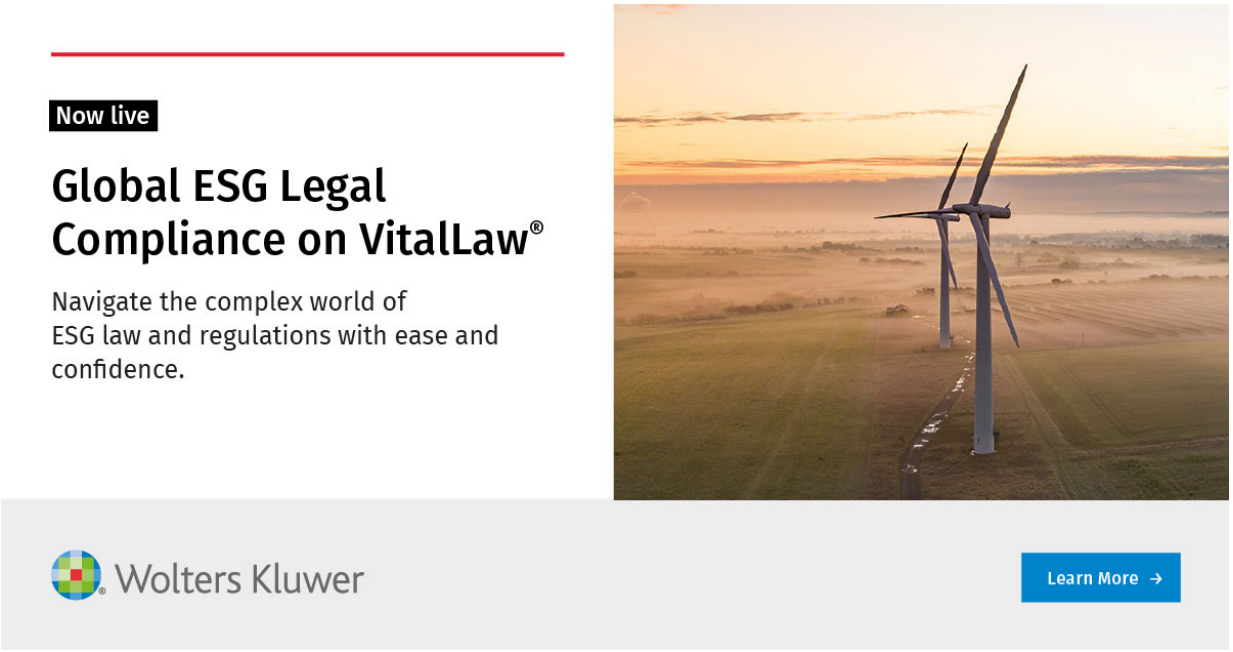

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