

4 Effective Appeal Strategies When a Trademark is Refused in Cambodia and Insights for International Investors

KENFOX IP & Law Office successfully assisted its client, Tianjin Pharmaceutical Da Ren Tang Group Corporation Ltd., in overturning the provisional refusal of the International Registration for the trademark “達仁堂” (Da Ren Tang) in Cambodia. The Cambodian Department of Intellectual Property (DIP)'s initial decision to refuse the trademark was reversed on March 24, 2025, paving the way for the protection of this prestigious brand.

Background: Trademark Refused for "Confusing Similarity"

On September 19, 2024, the Cambodian DIP issued a [Notification of Provisional Refusal](#) for International Registration No. 1765517 for Tianjin Pharmaceutical Da Ren Tang Group Corporation Ltd.'s trademark “達仁堂”. The refusal was based on the grounds of identity or confusing similarity with the trademark “同仁堂” (Tong Ren Tang) – a trademark previously registered for similar services in Class 35. The core concern for the DIP was the shared "REN TANG" textual element and the perceived phonetic similarity (/Da/Ren/Tang/ versus /Tong/Ren/Tang/).

No.	Applied-for trademark	Cited trademark
1	 (Da <u>Ren</u> Tang, device)	 (TONG <u>REN</u> TANG, device)

Approach Strategy: How Was the Refusal Successfully Appealed?

KENFOX focused on the following key arguments to appeal the Cambodian DIP's Notification of Provisional Refusal:

1. Clear Differences in Trademark Attributes:

- Structure:** KENFOX demonstrated that the applied-for trademark “達仁堂” (Da Ren Tang) features a linear, minimalist design, with a circular emblem containing two simple geometric symbols positioned next to the Chinese characters “达仁堂”, creating a horizontal layout. In contrast, the cited trademark “同仁堂” (TONG REN TANG) is a circular layout with more intricate design elements such as dragon motifs, calligraphic [Chinese characters](#), and Latin text, creating the impression of an artistic calligraphy piece. This distinct visual difference helps reduce the likelihood of consumer confusion.
- Pronunciation:** Despite the shared “仁堂” (Ren Tang) component, KENFOX proved that the first syllables “達” (Da) and “同” (Tong) are completely different in pronunciation, phonemes, and semantic fields. The trademark name “達仁堂” when spoken produces a completely different sound sequence than “同仁堂”. These syllables have entirely different lengths and pronunciations, with no similar vowels or consonants, creating a clear auditory distinction that helps consumers easily differentiate them in practice.
- Meaning/Connotation:** The applicant's trademark "Da Ren Tang", although comprising characters with individual meanings ("Da" meaning "to reach/attain", "Ren" meaning "benevolence/virtue", "Tang" meaning "hall"), does not convey a unified or special meaning as a whole when combined. Similarly, "Tong Ren Tang" (with "Tong" meaning "same/harmony," "Ren" meaning "kindheartedness", "Tang" meaning "hall") also lacks a specific combined meaning. While both share the "Tang" element common in traditional Chinese trade names, their prefixes ("Da" vs. "Tong") fundamentally differ in meaning and connotation, reflecting distinct brand identities.
- KENFOX emphasized that the name “達仁堂” originates from a Chinese enterprise with over 500 years of history, reflecting the philosophy of "attaining benevolence". Meanwhile, “同仁堂” conveys an image

of unity and universal kindness. These two names, though culturally similar, carry distinct concepts and brand values that are not easily confused.

2. Evidence of Long-Standing Coexistence and International Registration:

- KENFOX provided authentic evidence showing that both Tianjin Pharmaceutical Da Ren Tang Group Corporation Ltd. and CHINA BEIJING TONG REN TANG GROUP CO., LTD. possess significant historical depth, over 500 years and since 1669 respectively, and have coexisted in the market for a long time under their distinct trade names without causing consumer confusion.
- Notably, KENFOX also provided a detailed list of countries where both "Da Ren Tang" and "Tong Ren Tang" trademarks have been legally recognized and registered, including China, Hong Kong, Taiwan, the Philippines, Singapore, Algeria, Austria, Belarus, the EU, France, and others. The fact that both trademarks have been accepted for registration in numerous countries, including those known for strict [examination procedures](#), serves as clear evidence that international intellectual property offices have recognized the distinctiveness and ability of these two trademarks to coexist in the global marketplace.

3. Specificity of Related Goods/Services:

- Another crucial argument was that pharmaceutical and medical preparations (under Class 35, related to retail/wholesale services for medical preparations) are not ordinary consumer goods. [cite_start]Consumers of these products typically require prescriptions or consultation from doctors/medical staff/nutrition experts, who possess specialized knowledge to differentiate between products. [cite_start]Therefore, KENFOX argued that the risk of confusion in this sector is very low.

4. Precedent from the Cambodian DIP Itself:

- KENFOX presented specific examples of previous cases where the Cambodian DIP had accepted the registration of trademarks with similar structures or elements after reviewing responses, such as "Ding Tea" and "Din Tai Fung" (Class 43) [cite_start], "Raysonic" and "Sonic" (Class 20) [cite_start], and "Potant" and "PONSTAN" (Class 5). [cite_start]This demonstrated flexibility in applying the law and created a precedent for accepting the "Da Ren Tang" trademark.

Lessons for International Investors in Cambodia

The success in this case offers valuable insights for [international investors](#) facing trademark refusal notices in Cambodia:

- **Detailed and Comprehensive Analysis:** Always conduct a thorough analysis of the attributes of the applied-for trademark versus the cited trademark, including appearance, pronunciation, meaning, and concept.
- **Utilize International Precedent:** Gather evidence that your trademark has been protected and coexisted with the cited trademark in other countries, particularly those with stringent intellectual property legal systems.
- **Emphasize Product/Service Specificity:** If your goods or services are specialized, argue about the specific consumer group and their high ability to differentiate, thereby reducing the likelihood of confusion.
- **Refer to Local Precedent:** Research previous decisions by the Cambodian DIP in similar cases to build arguments based on existing precedents.

Closing thoughts

KENFOX IP & Law Office's success in overturning the refusal of the “達仁堂” trademark registration in Cambodia is not merely a legal victory. It is a clear testament to their professional competence, deep understanding of international intellectual property law, and flexible application of appeal strategies.

In an increasingly competitive brand landscape and growing cross-cultural business interactions, protecting a trademark – especially long-standing brands with heritage value – demands not only legal knowledge but also keen analytical skills, strategic thinking, and the ability to persuade authorities.

This case sends a strong message to international businesses: Do not hastily accept a refusal; instead, see it as an opportunity to prove your brand's unique identity. Invest in a well-structured legal strategy, as it forms the foundation for brand expansion. And most importantly, choose the right legal partner to accompany you on the journey of protecting and developing intellectual property assets sustainably.

In the future, the lessons learned from the “達仁堂” case will continue to serve as a guide for businesses that are and will be expanding their operations in Cambodia and other emerging markets.

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