

CLIENT ALERTS

Foreign-Language Trademarks Face Scrutiny Under US Doctrine of Foreign Equivalents

Client Alert

9.17.2025

Businesses seeking US trademark protection for foreign-language terms should be aware of the *doctrine of foreign equivalents*, which may result in refusal of registration if the English translation is deemed generic, descriptive, or confusingly similar to an existing mark.

Recent decisions from the US Trademark Office and federal courts underscore the importance of understanding how foreign-language trademarks are evaluated under US law. The *doctrine of foreign equivalents* allows examiners to translate non-English words in a proposed mark to assess whether the English meaning affects registrability.

What Is the Doctrine of Foreign Equivalents?

Under this doctrine, a foreign term in a trademark application may be translated into English to determine whether it is:

- **Generic** (e.g., common name for the goods),
- **Merely descriptive**, or
- **Confusingly similar** to an existing registered mark.

This analysis turns on whether the "ordinary American purchaser" would likely translate the term into English. However, the definition of this consumer group remains fluid and context-dependent.

Recent Examples of Refusals

Several recent cases illustrate how this doctrine is applied:

- **VETEMENTS** (French for "clothing") was deemed **generic** for apparel. The Trademark Trial and Appeal Board (TTAB) and the Federal Circuit upheld the refusal, citing the prevalence of

Related People

Maya Smith
Associate

Mitchell Zajac
Shareholder

Daniel G. Vivarelli, Jr.
Shareholder

Related Services

Intellectual Property

CLIENT ALERTS

French in the US and the applicant's failure to prove that consumers would not translate the term.

- **SAPORITO** (Italian for "tasty") was found **merely descriptive** for dry sausage products.
- **GUEPARDO** (Spanish for "cheetah") was refused due to **likelihood of confusion** with an existing registration for CHEETAH, both used in connection with vehicle-related goods.

These cases demonstrate that even non-English terms can be refused if their English equivalents conflict with trademark rules.

Federal Circuit Affirms Vetements Refusal

In a notable 2025 decision, the Federal Circuit affirmed the TTAB's refusal to register VETEMENTS, emphasizing that French is widely understood in the US and that the applicant did not meet the burden of showing that consumers would not translate the term. The applicant has since petitioned the US Supreme Court for review, seeking clarity on the evidentiary standard required to overcome the doctrine.

Practical Guidance for Trademark Applicants

Until further guidance is provided, applicants should take proactive steps to avoid refusals based on foreign equivalents:

- **Conduct translation checks** for all non-English terms in proposed marks.
- **Assess consumer familiarity** with the language in question.
- **Evaluate potential conflicts** with existing English-language trademarks.

This is especially critical for international brands entering the US market, where a refusal could hinder expansion and brand protection.

For More Information

If you are considering a trademark application involving foreign-language terms or have questions about how this doctrine may affect your brand strategy, please contact our Intellectual Property Practice Department for tailored guidance.

Maya Smith

313.983.7495

smithmaya@butzel.com

Mitchell Zajac

313.225.7059

zajac@butzel.com

CLIENT ALERTS

Daniel Vivarelli

202.454.2841

vivarelli@butzel.com