

# World Trademark Review Daily

**Dairy manufacturer wins appeal over use of 'refined' for cheese**  
**Israel - Gilat, Bareket & Co, Reinhold Cohn Group**

**Confusion**

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In *Tnuva Agricultural Cooperative for the Marketing of Agricultural Products v Arava Foods Ltd* (CA 2460/10, March 31 2011), the Supreme Court has reversed the district court's refusal to enjoin Arava Foods Ltd from using the image of a country house and the word mark MEUDENET (Hebrew for 'refined') for cream cheese.

The appellant, [Tnuva Agricultural Cooperative for the Marketing of Agricultural Products](#), is a large dairy manufacturer. Tnuva holds several trademark registrations for the image of a country house and a registration for the word mark MEUDENET for dairy products. Tnuva markets several types of soft cheese under the country house mark and one type under the mark MEUDENET.

Tnuva brought suit for trademark infringement and passing off against Arava, a dairy manufacturer. Arava had started using, in connection with goat cheese, the image of a country house and the adjective '*meudeneṯ*'. These were used without reference to the generic name of the product, in conjunction with the word '*izim*' ('goats').

The district court rejected Tnuva's claim, holding, among other things, that:

- the country house on Arava's products was not confusingly similar to that of Tnuva; and
- it had not been proven that consumers associated the concept of a country house with Tnuva in connection with dairy products.

As to the word mark, the district court held that MEUDENET was descriptive and, therefore, use of the mark in conjunction with '*izim*' was not infringing (for further details please see "[No exclusive rights in use of country house image](#)").

Tnuva appealed to the Supreme Court, arguing that, under the proper application of the confusing similarity test (in particular, the conceptual similarity/mental impression test), the defendant had infringed its country house mark. It further argued that the mark MEUDENET had acquired a secondary meaning through long-term, extensive use to denote white soft cheese - as opposed to the use of the word '*meudeneṯ*' as an adjective (eg, 'refined cheese', which is open to the trade).

As a result of Tnuva's appeal, the Supreme Court granted a judgment by consent and reversed the district court's decision. The Supreme Court ordered that the defendant:

- remove the country house image from its products within a six-month phase-out period; and
- use the word '*meudeneṯ*' only in conjunction with the word 'cheese' or 'goat cheese'.

Each party bore its own costs.

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