

THE NAME GAME:

WHY GLOBAL GIANT SONY LOST A TRADEMARK BATTLE IN KENYA



In a surprising legal twist, the world-famous electronics giant, **Sony Corporation**, in ***Sony Corporation v Sony Holdings Limited (Civil Appeal 399 of 2019) [2026] KECA 698 (KLR) (25 March 2026) (Judgment)*** recently lost a major court battle in Kenya against a local company called **Sony Holdings Limited**. While most people assume a brand as big as Sony is known everywhere, this case highlights a tough lesson in law: **it doesn't matter how famous you are globally if you cannot prove your status locally.**



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The Heart of the Dispute

The conflict began when Sony Holdings Limited, a Kenyan company, applied to register "Sony Holdings" as a trademark for several categories of goods and services, including clothing, vehicles, and real estate. Sony Corporation quickly objected, arguing that they are the owners of the "Sony" brand worldwide and that the local company's name would confuse customers into thinking the two were related.

Sony Corporation argued that their brand is so famous that it deserves special protection under Kenyan law as a "well-known mark".

The "Well-Known" Hurdle

To the surprise of many, both the High Court and the Court of Appeal ruled that Sony Corporation failed to prove that the "Sony" name was officially "well-known" **within Kenya**. Even though the brand is a household name for televisions and PlayStations, the judges pointed out that the company provided a lot of evidence about its status in foreign countries but failed to provide enough **direct evidence of its market presence in Kenya**, such as specific sales records, client lists or the extent of its local promotion. The court noted that a judge's personal knowledge that a brand is famous cannot replace the requirement for solid, legal proof.

A Split Decision on Confusion

The case also looked at whether the name "Sony Holdings" would cause "likelihood of confusion". The court used a "middle ground" approach:

- **Where they were stopped:** The court blocked Sony Holdings from using the name for services that were too similar to what Sony Corporation already does (such as certain business and repair services in classes 35 to 39).
- **Where they were allowed:** The court allowed Sony Holdings to keep the name for very different products, like clothing and cars, because it felt customers wouldn't expect a tech company like Sony to be selling those items.

The Final Verdict

Sony Corporation appealed the decision, but the Court of Appeal ultimately dismissed their case in March 2026. The judges ruled that the lower courts had followed the law correctly and that Sony Corporation simply hadn't met the "burden of proof" required to claim their brand was famous enough to stop the local company entirely.

The Takeaways

- This case serves as a powerful reminder for international businesses. In the world of trademarks, territory is everything. Being a global titan is a great start, but when you step into a Kenyan courtroom, or any courtroom for that matter, you must be ready to prove- with specific data and local evidence- exactly how well-known you are to the Kenyan consumer.
- Trademarks are territorial rights- they are only protected in the countries or regions where they are registered.
- If you want protection in countries that are members of a regional trademark system [take for instance the **African Regional Intellectual Property Organization (ARIPO)** & **African Intellectual Property Organization (OAPI)** under the specific protocols], you may apply for registration, with effect in the territories of all member countries, by filing an application with the relevant regional office.
- For guaranteed worldwide Protection, **World Intellectual Property Organization (WIPO's) Madrid System** is a convenient and cost-effective solution for registering and managing trademarks worldwide. It allows you to file a single international trademark application and pay one set of fees to apply for protection in up to 130 countries. This allows international businesses to modify, renew or expand their global trademark portfolio through one centralized system

In case of any queries, we stand as your steadfast Advocates, expertly navigating the complex labyrinth of intellectual property law to fortify your commercial interests and secure the robust brand protection essential for your business's success.