

# HOW SUPER 7 INFRINGES THE TRADEMARKS OF GIRLS' GENERATION

*Ping-Hsun Chen*

Graduate Institute of Intellectual Property, National Taipei  
University of Technology  
No. 1, Sec. 3, Chung-hsiao E. Rd., Taipei City 10608, Taiwan

## ABSTRACT

In 2011, Super 7, a Taiwan-based girl group, was created and was intended to copy Girls' Generation. Super 7's first single features the outfit that copies Girls' Generation's outfit for "Hoot." Super 7's album also features a title of "少女時代." This paper analyzes how Super 7 infringes Girls' Generation's trademark. The infringement exists because Super 7 uses "少女時代," which is S.M. Entertainment's trademark, in the music CD product for marketing purposes of characterizing Super 7 as Girls' Generation.

## 1. INTRODUCTION

"Girls' Generation", also known as "少女時代" (pronounced as Shao Nu Shi Dai) or SNSD (So Nyeo Si Dae, 소녀시대), is a famous girl group which has a world-renowned single "GEE." They had the first debut in Korea and performed "Into the New World" in SBS's Inkigayo on August 5, 2007[1]. In 2009, "GEE" was a remarkable song that brought Girls' Generation into the international market. The song won No. 1 straightly for nine weeks on KBS's Music Bank[2].

Girls' Generation is managed by S.M. Entertainment Co., Ltd. which registered two trademarks "Girls' Generation" and "少女時代" in the Taiwan Intellectual Property Office (TIPO). The registration application was filed in 2007.

The success of Girls' Generation causes other's plagiarism in the Taiwan music industry. On October 20, 2011, one Taiwanese girl group "Super 7" debuted with a single "Mai Luo Suo" (麥囉唆)[3]. The outfit for the song almost copied the outfit in Girls' Generation's "Hoot." Super 7's choreography for their single had some similar arm movements as used by Girls' Generation for "Hoot." The record company of Super 7, Giant Records (Ju Ren Chang Pian, 巨人唱片), even claimed the group as a Taiwanese version of Girls' Generation[4].

This paper is intended to explain why Super 7 infringes the trademark rights associated with Girls' Generation.

## 2. TRADEMARK RIGHTS OF S.M. ENTERTAINMENT

In 2007, S.M. Entertainment filed two trademark applications for "少女時代" (Application No.

096032091) on July 6 and for "GIRLS' GENERATION" (Application No. 096037431) on August 6. "少女時代" was approved by TIPO and registered on March 1, 2008 with Trademark No. 01303712. "GIRLS' GENERATION" was approved and registered on May 15, 2008 with Trademark No. 01311865. Both trademarks are designated to tapes, CDs, costume videos, music CDs, recording tapes, movie CDs, film cassettes, and e-books (downloadable), which record audios or visual images, as well as to books, magazines, post cards, calendars, and ball pens.

## 3. SUPER 7'S INFRINGING ACTS

Under Article 68, Clause 1 of the Taiwan Trademark Act, a person is liable if he uses the same trademark as S.M. Entertainment owns for marketing purposes in the same product, or service, as S.M. Entertainment's trademark is designated to[5]. The liability can be broken down into three elements: (1) the usage of the same trademark; (2) the usage in the same product; (3) marketing purposes. According to the packages or activities of Super 7, Super 7 does infringe S.M. Entertainment's trademark.

### 3.1. Super 7's usage of "少女時代"

The first element is met. Figure 1 shows the cover of Super 7's album. They name themselves as a Taiwanese version of "Girls' Generation." The cover page uses "少女時代" that is S.M. Entertainment's registered trademark.



Figure 1 The cover of Super 7's album[3].

### 3.2. Super 7's usage in music CD products

The second element is also met because the usage of “少女時代” is in Super 7's CD products that is a product S.M. Entertainment's trademark is designated to.

### 3.3. Super 7's marketing purposes

Finally, the third element is met because Super 7 wants to promote themselves by passing off the reputation of Girls' Generation. Figure 1 shows the outfit for their first single “Mai Luo Suo.” Compared with Figure 2 showing Girls' Generation's outfit for their single “Hoot,” Super 7 substantially covers the style of Girls' Generation by using the same type of outfit including clothes and shoes. That was a direct copying which triggered media's attentions.



Figure 2 The outfit of Girls' Generation for “Hoot”[6,7].

After raising the controversial discussions of their copying of Girls' Generation, Super 7 even publicly attacked Girls' Generation as a product of plastic surgery to draw more attentions[7]. Besides, Super 7 was invited to perform the choreography of “Hoot” in the 2011 Golden Bell Awards (Jin Zhong Jiang, 金鐘獎)[8]. The Golden Bell Awards definitely served as a marketing strategy because the show was broadcasted to national audiences. Therefore, the usage of “少女時代” is definitely for Super 7's marketing purposes.

### 3.4. Comments

Until now, S.M. Entertainment has never taken any action against Super 7. Maybe it is because Super 7 is not a threat to Girls' Generation. Although the existence of Super 7 may harm the reputation of Girls' Generation, the direct action against Super 7 may not be the best choice because it will help Super 7 draw more attentions to achieve their market goals.

Nonetheless, the creation of Super 7 is a shame because this demonstrates that the music industry in Taiwan tolerates less-innovative acts of copying foreign music groups. Even a government-endorsed award supports such copying act.

## 4. CONCLUSIONS

Super 7 infringes Girls' Generation's trademark under Article 68, Clause 1 of the Taiwan Trademark Act. This is because Super 7 uses “少女時代,”

which is S.M. Entertainment's trademark, in the music CD product for marketing purposes of characterizing Super 7 as Girls' Generation. While S.M. Entertainment has not initiated legal actions against Super 7, the existence of Super 7 is still a shame of Taiwan.

## 5. REFERENCES

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