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# **A Linguistic Approach to Analyze Trademark Dilution —The Applicability to Geographical Certification Marks Under Trademark Law**

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## Abstract

Any kinds of vehicles that can convey information could be considered symbols, including words, languages and marks. This article applies semiology and linguistics to analyze the issue in new trademark law that passed in 2011, focusing on “geographical certification mark” which only roughly stipulates as that “trade-marks shall apply *mutatis mutandis* to certification marks.” However, due to various differences between geographical certification marks and trademarks, difficulties have arisen when applying dilution articles to geographical certification marks. This article begins by examining the meaning and function of geographical certification marks, and then applies Saussure’s semiology to identify the legal interest that “likelihood of confusion” and trademark dilution aim to protect. Moreover, this article proposes a rationale to determine whether the trademark dilution occurs, and

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highlights several split opinions among courts which resulting from having an unclear perception of the legal interests that the dilution articles seek to protect. This article also addresses the issue by analyzing the “metonymy” from a linguistic approach and proposes the conclusion that the dilution is not applicable to geographical certification marks. Furthermore, this article suggests other mechanisms based on “externality” in economic’s concept to protect geographical certification marks under trademark law.

**Keywords:** Geographical Certification Marks, Trademark Dilution, Metonymy, Salience, Free-riding, Externality