

Contact Persons:

8 AUGUST 2017

**IP & TMT**

Bahari Yeow Tien Hong  
**Partner**  
DID: +603 6208 5856  
Fax: +603 6201 0122  
Email: [yth@lh-ag.com](mailto:yth@lh-ag.com)

Adlin Abdul Majid  
**Partner**  
DID: +603 6208 5816  
Fax: +603 6201 0122  
Email: [aam@lh-ag.com](mailto:aam@lh-ag.com)

Eunice Chan Wei Lynn  
**Partner**  
DID: +603 6208 5872  
Fax: +603 6201 0122  
Email: [cwl@lh-ag.com](mailto:cwl@lh-ag.com)

**UniFi v UniFi**

In Malaysia, “UniFi” is a household name synonymous with high-speed Internet access, Internet-related services and Telekom Malaysia (“TM”), whose registered trademark it is. Launched in 2010, “UniFi” is the largest National Strategic Project after the North-South Highway.

If you were to encounter a router or modem bearing the name “UniFi”, would it give you the impression that the product was supplied by TM?

Not necessarily so. TM discovered the existence of WiFi routers and Internet access points bearing the brand “UniFi” that were widely imported and distributed in Malaysia. These products were traced to a company called Ubiquiti based in the USA.

TM brought an action against a major importer and distributor, seeking injunctions and damages for trademark infringement and passing off.

The importer and distributor argued that there was no infringement or passing off, alleging that:

- (a) “UniFi” as a brand validly registered by Ubiquiti in the USA could not infringe on the “UniFi” brand of TM; and
- (b) the importer and distributor did not provide Internet services like TM, and TM was not supplying WiFi routers and access points similar to theirs.

Yesterday, the High Court gave judgment in favour of TM. Dismissing the entirety of the importer and distributor’s defence, the learned judge held that it could not be disputed that Ubiquiti’s products are Internet-related and that there was at least a likelihood of confusion which would suffice. The case reflects the established principle that trademark law is territorial in nature.

TM was represented by partner [Bahari Yeow Tien Hong](#), who heads the IP & TMT Practice Group, and senior associate Lim Zhi Jian.

**Lim Zhi Jian**

Solaris Dutamas  
No. 1, Jalan Dutamas 1  
50480 Kuala Lumpur  
Malaysia

T +603 6208 5888  
F +603 6201 0122/0136  
E [enquiry@lh-ag.com](mailto:enquiry@lh-ag.com)  
W [www.lh-ag.com](http://www.lh-ag.com)

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