

## TRADEMARKS: LITIGATION

### OVERVIEW

In today's world where brand names are among a company's most valuable assets, protecting and enforcing trademark rights is critical to the success of every business. BCLP is uniquely positioned to help clients protect their essential brand identity, whether in the context of brick-and-mortar outlets or in cyberspace and whether in a traditional sale of goods or in a sweepstakes promotion.

We work closely with clients to uncover and prevent infringements and counterfeits. Watch services help us globally monitor our clients' marks to identify potential infringements. We act aggressively to put a halt to unauthorized use of our clients' marks – either voluntarily or through court intervention – and we obtain all relief to which our clients are entitled, including injunctions against further infringement and, in appropriate instances, monetary damages and legal expenses. We also work closely with U.S. Customs to stem the importation into the United States of counterfeit merchandise.

Because brand owners are also increasingly the target of “trademark entrepreneurs” who seek to preempt expansion of legitimate brands to new products and services and new geographic markets, our lawyers vigorously defend clients against unfounded claims of infringement. We also assist our clients in those instances where expansion results in conflicts with other legitimate brand owners.

Our lawyers litigate trademark and other intellectual property disputes in courts throughout the United States and around the world, as well as before governmental agencies, including the United States Patent and Trademark Office and the United States International Trade Commission (ITC). We try to resolve disputes quickly and in a cost-efficient manner using our extensive experience in negotiating settlement, trademark co-existence, and trademark licensing agreements.

We prosecute and defend internet domain name disputes before the appropriate panels under the Uniform Domain Name Dispute Resolution Policy (UDRP), and we represent clients in court in connection with domain name disputes under the U.S. Anti-Cybersquatting Consumer Protection Act.

Our IP lawyers work with BCLP's [International Trade Group](#) to represent clients in ITC Section 337 intellectual property proceedings against imports. Section 337 proceedings provide a powerful remedy to intellectual property owners in the United States seeking to halt competition from imports that infringe U.S. trademarks, as well as patents and copyrights.

## RELATED PRACTICE AREAS

- Food & Agribusiness
- Entertainment & Media
- International Trade

## EXPERIENCE

- We represented a well-known footwear manufacturer in an action against a party that had copied its famous trade dress. The action was resolved via a favorable, worldwide settlement agreement, which provided for, among other relief, entry of a consent judgment enjoining future infringement.
- BCLP represented a famous manufacturer of disposable razors in a successful opposition before the U.S. Trademark Trial and Appeal Board concerning registration of a competitor's confusingly similar mark for razors. In its precedential ruling, the Board specifically recognized that our client's mark is famous and, therefore, entitled to broad protection.
- We have established enforcement programs for producers of luxury goods such as watches, handbags, and writing instruments. These programs are tailored to the particular industry and involve court litigation and other enforcement action, including interdiction of infringing and counterfeit goods by U.S. Customs.
- We defended one of the world's largest food companies against allegations of trademark infringement brought by a leading restaurant chain. We obtained a favorable settlement for our client.
- Our attorneys defended a producer of high-quality beef in a trademark infringement action brought by another leading supplier of beef. The judge granted our motion for summary judgment for non-infringement, allowing our client to continue using the trademark on its products.
- On behalf of a ball bearing manufacturer, we obtained an ITC Section 337 investigation victory and a Federal Circuit affirmance in a trademark gray market goods case.
- We represented a large discount retailer against charges including trademark infringement, false designation of origin, and deceptive trade practices. The Court, in granting summary judgment, found that the plaintiff's asserted trademark was invalid and that our client did not commit any of the alleged wrongful acts.

- We defended an organic baby food manufacturer against allegations of trademark infringement brought by a competitor and obtained a favorable settlement for our client.

## RELATED INSIGHTS

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**BCLP partner weighs in on trademark infringement**

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