## KP Permanent Make-up v. Lasting Impression

"micro colors" mark

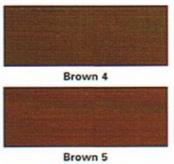
80 different Shades Match over 300 Skin Tones

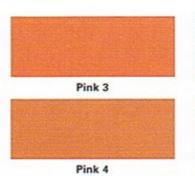


Highest Quality Pigment
For Cosmetic and Paramedical Procedure



Beige 2







## KP Permanent Make-up v. Lasting Impression

- Fair use by KP Permanent Make-up
  - "which is descriptive of and used fairly and in good faith only to describe the goods or services of such party, or their geographic origin" Lanham § 33
- What if there is still confusion as to source?
  - No burden on alleged infringer to prove no confusion
  - Allow some degree of confusion ("mere confusion")