

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 1



Brown 4



Pink 3



Blonde 2



Ebony 3



Beige 2



Brown 5



Pink 4



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")