

Louis Vutton v. Haute Diggity Dog



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- Likelihood of Confusion
 - Factors
 - How Parody influences
- Dilution
 - Blurring?
 - Tarnishment?
 - Exceptions?



Trademark – Dilution Exceptions

“(c) . . . (3) Exclusions The following shall not be actionable as dilution . . . :

(A) Any fair use, including a nominative or descriptive fair use, . . . other than as a designation of source for the person’s own goods or services, including use in connection with—

(i) advertising or promotion that permits consumers to compare goods or services; or
(ii) identifying and parodying, criticizing, or commenting upon the famous mark owner or the goods or services of the famous mark owner.

(B) All forms of news reporting and news commentary.

(C) Any noncommercial use of a mark.” Lanham Act § 43

Trademark – Injunction

“(a) Jurisdiction; service

The several courts vested with jurisdiction of civil actions arising under this chapter shall have power to grant **injunctions**, according to the principles of equity and upon such terms as the court may deem reasonable, to prevent the violation of any right of the registrant of a mark registered in the Patent and Trademark Office or to prevent a violation under subsection (a), (c), or (d) of section 1125 of this title.” Lanham § 34

Trademark – Damages

“(a) Profits; damages and costs; attorney fees
When a violation of any right of the registrant of a mark registered in the Patent and Trademark Office, a violation under section 1125 (a) or (d) of this title, or a willful violation under section 1125 (c) of this title . . . the plaintiff shall be entitled, . . . to recover
(1) defendant’s profits,
(2) any damages sustained by the plaintiff, and
(3) the costs of the action.” Lanham § 35