

# Trademark – Dilution Exceptions

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“(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

# SWAROVSKI

[illegible]

# *Swarovski v. Building #19*

- LOC Analysis
- Nominative Use -- Aff. Def.
  - (1) product identifiable without mark?
  - (2) defendant used more than necessary? and
  - (3) accurate portrayal of relationship?
- *Chanel No. 5?*

[illegible]

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