

# Trademark – Dilution

---

“(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—

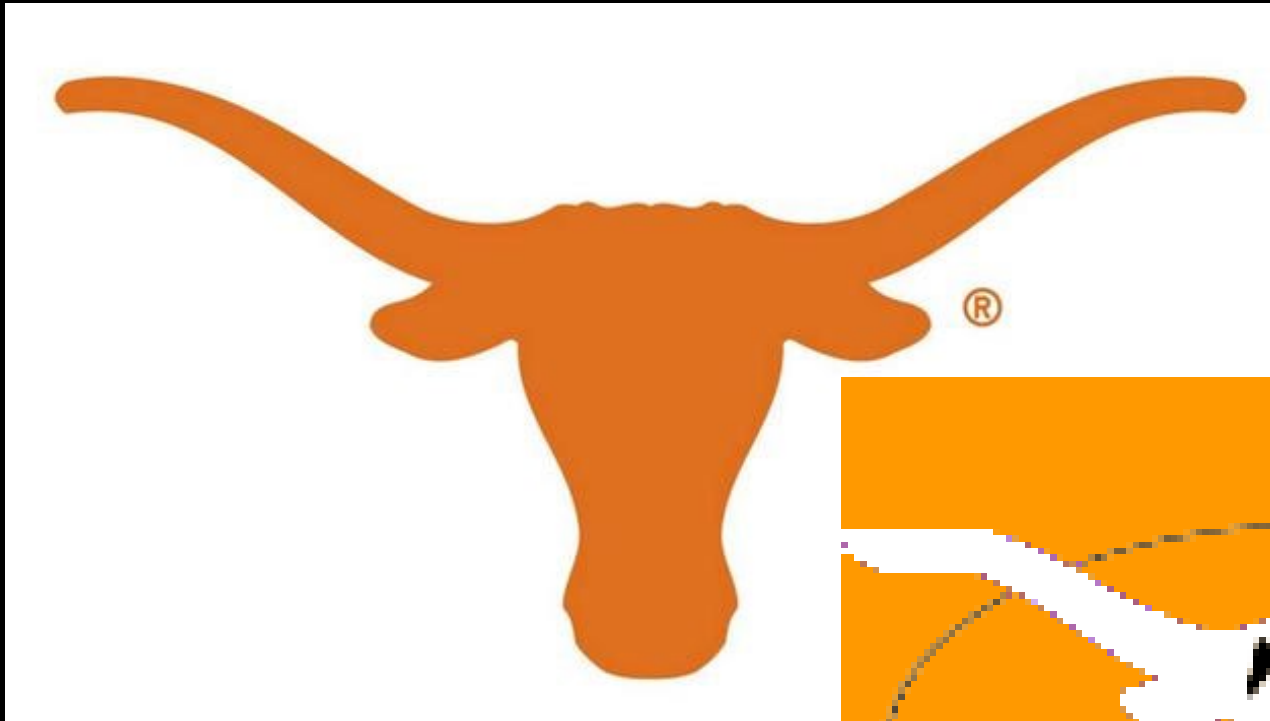
(i) advertising or promotion that permits consumers to compare goods or services; or  
(ii) identifying and parodying, criticizing, or commenting upon the famous mark owner or the goods or services of the famous mark owner.

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

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

# *Univ. of Texas v. KST Elec.*

---



# *Univ. of Texas v. KST Elec.*

---

“(c) . . . (2) Definitions (A) . . . a mark is famous if it is widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark’s owner. In determining whether a mark possesses the requisite degree of recognition, the court may consider all relevant factors. . . . :

(i) The duration, extent, and geographic reach of advertising and publicity of the mark . . . .

(ii) The amount, volume, and geographic extent of sales of goods or services offered under the mark.

(iii) The extent of actual recognition of the mark.

(iv) Whether the mark was registered . . . .” Lanham Act §