

Tweeting Contempt: Trademark Infringement on Twitter

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The Plaintiff, an established 15-year-old moving company, brought a lawsuit against the Defendant for trademark violations, libel, and other unfair competition causes of action. *Tdc Int'l Corp. v. Burnham*, 2010 U.S. Dist. LEXIS 4646 (E.D. Mich. Jan. 21, 2010).

A settlement agreement was entered (after a default) requiring the Defendant to cease using the Plaintiff's mark, including one of the Defendant's domain names and other restrictions. *Id.*

The Defendant was also required to donate money to a junior sailing program. The settlement was codified as a court order. *Id.*

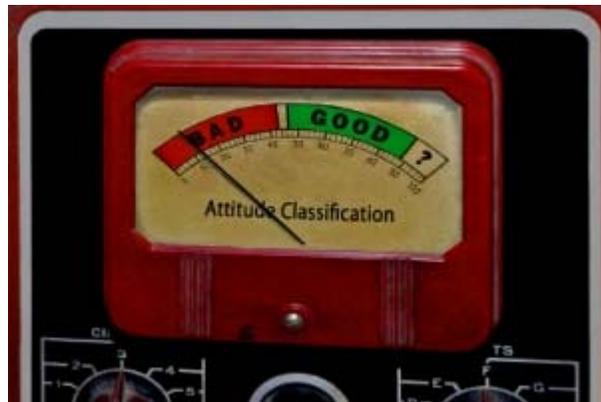
None of that happened according to the agreement and order. The Plaintiff brought a motion enforce judgment and an order to show cause for contempt.

The Court found that the "most troubling" evidence of the Defendant's contempt was the Defendant's EXACT usage of the Plaintiff's trademark on Twitter. *Tdc Int'l Corp.*, at *7.

The Court's findings included evidence from the Twitter profile, with the Plaintiff's mark, that listed the Defendant's domain name. *Tdc Int'l Corp.*, at *7-8.

The Court additionally relied on evidence from the Defendant's Yelp.com and Squidoo.com profiles in establishing the Defendant's contemptuous conduct. *Tdc Int'l Corp.*, at *7.

The evidence of contempt even included online testimonials on the Defendant's services, including one posting made the day before the Plaintiff filed their motion. *Tdc Int'l Corp.*, at *8.



The Court ReTweeted the Plaintiff's view of contempt and ordered the Defendant to appear in person to explain why he should not be held in contempt for violating the Settlement Agreement and Consent Judgment. *Tdc Int'l Corp.*, at *9.

Bow Tie Thoughts

This case highlights the ease with which someone can engage in Trademark infringement on Twitter. More importantly, it illustrates how savvy Courts are becoming with social media litigation.