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Thank you for reading the June 2023 issue of Sterne Kessler's MarkIt to Market® newsletter. This month, we begin a three-part series that closely examines ways to lose trademark rights; share an article that examines the application of the *Rogers* test in trademark infringement cases *Jack Daniel's Properties Inc. v. VIP Products LLC* and *Hermès International SA v. Rothschild*; and highlight a client alert on the Supreme Court's June 29 decision in *Abitron Austria GmbH v. Hetronic International, Inc.*

Our [Trademark & Brand Protection practice](#) here at Sterne Kessler is devoted to guiding companies of all sizes in developing and maintaining strong brands around the world. There is always something new and exciting happening in our unique IP niche, and we bring you updates each month to help you keep on top of it all. Thanks for your readership. If there is something you would like us to cover, please don't hesitate to reach out to us and let us know!

Kind Regards,

[Monica Riva Talley](#)
Editor

In This Issue:

- > How to Lose a Mark in 3 Ways – Part 1
- > News Flash: Trademark Infringement is No Laughing Matter
- > Supreme Court Vacates and Remands 10th Circuit's Decision in "Abitron"

How to Lose a Mark in 3 Ways – Part 1

By: Payton Miles and [Shana L. Olson](#)

There are plenty of fish in the sea when it comes to trademarks: from word marks to service marks; from symbols to surnames; from product packaging to product design. When the time is right, and you feel like you have found “the one,” it is important to lock it down.

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News Flash: Trademark Infringement is No Laughing Matter

By: [Monica Riva Talley](#)

The Bad Spaniels and MetaBirkin cases clarify that artistic expression is no foolproof defense to trademark infringement.

Brand owners welcomed the decision the US Supreme Court rendered in *Jack Daniel's Properties Inc. v. VIP Products LLC* wherein the Court rejected an expansive view of the interplay between the First Amendment and the Lanham Act, that would have made it more difficult for brand owners to enforce against so-called parody products based on trademark infringement.

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Supreme Court Vacates and Remands 10th Circuit's Decision in "Abitron"

By: [Monica Riva Talley](#)

The US Supreme Court ruled today in the closely watched *Abitron Austria GmbH v. Hetronic International, Inc.* case, which considered whether a party could recover in US courts for trademark infringement that occurred outside the US. Not unexpectedly, the Court vacated and remanded the lower court's decision finding liability for extraterritorial acts, confirming that §1114(1)(a) and §1125(a)(1) of the Lanham Act do not apply outside of the US.



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Editor & Authors



Monica Riva Talley
Director
mtalley@sternekessler.com



Payton Miles
Summer Associate
pmiles@sternekessler.com



Shana L. Olson
Associate
solson@sternekessler.com

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Sterne, Kessler, Goldstein & Fox PLLC, 1100 New York Avenue NW, Washington, D.C. 20005

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