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## USA: Kroma Makeup EU, LLC v. Boldface Licensing + Branding, Inc, United States Court of Appeals, Eleventh Circuit, No. 15-15060, 18 January 2017

Mark Engstrom (Wolters Kluwer Legal & Regulatory US) · Thursday, January 26th, 2017

Kim, Kourtney, and Khloe Kardashian could not force the arbitration of trademark infringement claims that Kroma Makeup EU had brought against them, the U.S. Court of Appeals in Atlanta has ruled. The court found that Florida's doctrine of equitable estoppel allowed a non-signatory to an agreement—in this case, a licensing agreement between Kroma EU and By Lee Tillett Inc.—to compel arbitration, under the agreement, but only if the claims at issue fell within the scope of the agreement's arbitration clause. Because the trademark dispute between Kroma EU and the Kardashian sisters was not covered by the arbitration clause in the Tillett-Kroma licensing agreement, a trial court had properly found that Kroma EU could refuse to arbitrate its trademark claims (*Kroma Makeup EU, LLC v. Boldface Licensing + Branding, Inc.*, January 18, 2017, Carnes, E.).

A [full summary](#) of this case has been published on [Kluwer IP Law](#).

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