

USA: Joules Limited v. Macy's Merchandising Group Inc, United States Court of Appeals, Second Circuit, No. 16-3037-cv, 21 June 2017

Kluwer Trademark Blog

July 3, 2017

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Please refer to this post as: Thomas Long, Thomas Long, 'USA: Joules Limited v. Macy's Merchandising Group Inc, United States Court of Appeals, Second Circuit, No. 16-3037-cv, 21 June 2017', Kluwer Trademark Blog, July 3 2017, <http://trademarkblog.kluweriplaw.com/2017/07/03/usa-joules-limited-v-macys-merchandising-group-inc-united-states-court-of-appeals-second-circuit-no-16-3037-cv-21-june-2017/>

The U.S. Court of Appeals in New York City has affirmed a district court's decision that Macy's Merchandising Group's MAISON JULES line of women's clothing—a private brand sold almost exclusively in Macy's stores—did not infringe the trademark JOULES, owned by clothing retailer Joules Limited. Consumer confusion between the parties' marks was not likely. Although the district court erred in finding that the factor of "competitive proximity" weighed strongly in MMG's favor, the district court reached the correct ultimate conclusion as to the likelihood of confusion. Survey evidence showed a lack of actual confusion, the JOULES mark was commercially weak, and the parties' marks were more dissimilar than similar (Joules Limited v. Macy's Merchandising Group Inc., June 21, 2017, per curiam). A full summary of this case has been published on [Kluwer IP Law](#).