

USA: Sturgis Motorcycle Rally, Inc. v. Rushmore Photo & Gifts, Inc., United States Court of Appeals, Eighth Circuit, No. 17-1762, 02 November 2018

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Plaintiff Sturgis Motorcycle Rally, Inc. (“SMRI”) did not provide the jury with sufficient proof that its unregistered marks “Sturgis,” “Sturgis Motorcycle Rally,” and “Sturgis Rally & Races” marks were valid marks that acquired secondary meaning, the United States Court of Appeals for the Eighth Circuit has ruled, reversing a district court’s judgment that a gift shop and three individuals willfully infringed and diluted the marks. Although SMRI subsequently obtained registration of the mark “Sturgis” in 2011, the presumption of validity did not apply at the time of the defendants’ alleged infringement and SMRI failed to offer sufficient proof for the jury to find secondary meaning. The Eighth Circuit, however, affirmed the district court’s judgment of trademark infringement and dilution pertaining to SMRI’s registered “Sturgis Bike Week” mark and its registered “Monahan” design mark for the rally because the marks were entitled to a presumption of validity when the infringing use occurred (Sturgis Motorcycle Rally, Inc. v. Rushmore Photo & Gifts, Inc., November 2, 2018, Arnold, M.).

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