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Trademark case: Applied Underwriters, Inc. v. Lichtenegger, USA

Brian Craig (Wolters Kluwer Legal & Regulatory US) · Wednesday, February 6th, 2019

The creators of a seminar critical of Applied Underwriters Inc.'s EquityComp insurance program did not infringe or dilute Applied's federally registered trademarks by using them in the name of their seminar or the promotional materials related to it, the U.S. Court of Appeals in San Francisco has held. In affirming a district court's dismissal because use of the marks constituted nominative fair use, the appeals court concluded that Applied's service was not readily identifiable without use of the trademarks, the seminar creators used only so much of the trademarks as was reasonably necessary, and use of the trademarks did not suggest sponsorship or endorsement (Applied Underwriters, Inc. v. Lichtenegger, January 15, 2019, Smith, M.).

Case date: 15 January 2019

Case number: No. 17-16815

Court: United States Court of Appeals, Ninth Circuit

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

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