Kluwer Trademark Blog

Trademark case: Beach Mart Inc. v. L&L Wings Inc., USA

Robert Margolis (Wolters Kluwer Legal & Regulatory US) · Thursday, August 8th, 2019

A licensor's failure to disclose in discovery an agreement acknowledging that a third party owned the mark was properly sanctioned.

Two beach merchandise retailers asserting rights to use the mark "WINGS" in connection with their stores will have to go to trial to sort out their competing rights, the U.S. Court of Appeals in Richmond has held. The court reversed summary judgment dismissing a claim by Beach Mart, Inc. that the federal registrations owned by L&L Wings, Inc. for that mark, which Beach Mart had licensed from L&L, should be cancelled because L&L, in fact, itself was a licensee of the mark from a third-party. The court also affirmed a district judge's order sanctioning L&L for failing to disclose its third-party license agreement in discovery (Beach Mart, Inc. v. L&L Wings, Inc., August 1, 2019, Keenan, B.).

Case date: 01 August 2019 Case number: No. 18-1477

Court: United States Court of Appeals, Fourth Circuit

A full summary of this case has been published on Kluwer IP Law.

To make sure you do not miss out on regular updates from the Kluwer Trademark Blog, please subscribe here.

Kluwer IP Law

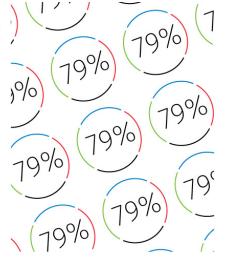
The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how Kluwer IP Law can support you.

79% of the lawyers think that the importance of legal technology will increase for next year.

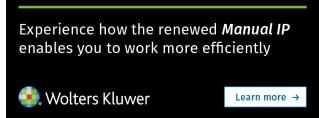
Drive change with Kluwer IP Law.

The master resource for Intellectual Property rights and registration.



2022 SURVEY REPORT
The Wolters Kluwer Future Ready Lawyer
Leading change







This entry was posted on Thursday, August 8th, 2019 at 1:17 pm and is filed under Case law, United States

You can follow any responses to this entry through the Comments (RSS) feed. You can leave a response, or trackback from your own site.