

# 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](#).

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