

Trademark case: Selah v. Sulka Trading Ltd., USA

Kluwer Trademark Blog

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The business owner's purported plans to expand to the United States market were vague and conclusory, and his filing of a U.S. trademark application had little bearing on his ability to expand his business to the United States.

A Manhattan federal district court did not err in dismissing a Thai resident's declaratory judgment action seeking cancellation of U.S. trademark registrations for the mark SULKA for failure to allege a genuine case or controversy sufficient to invoke federal subject matter jurisdiction, U.S. Court of Appeals in New York City has held. The plaintiff's online business activities in India and Thailand did not show an intent or ability to sell his apparel in the United States, and his purported plans to sell his goods in the U.S. were too vague and conclusory to support federal jurisdiction. While the plaintiff's filing of an application to register the SULKA mark in the United States was "certainly relevant" to intent to market products in the United States, it had little bearing on his ability to expand his business to the United States (*Selah v. Sulka Trading Ltd.*, April 30, 2020, per curiam).

Case date: 20 April 2020

Case number: No. 19-2461

Court: United States Court of Appeals, Second Circuit

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