

Trademark case: Really Good Stuff LLC v. BAP Investors L.C., USA

Kluwer Trademark Blog

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Thomas Long (Wolters Kluwer Legal & Regulatory US)

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The preliminary injunction was vacated, however, with respect to products the licensee held in inventory and that the mark owner did not seek to repurchase under the parties' license agreement.

A former licensee's continued use of various marks for science toys after the license expired was likely to cause consumer confusion, the U.S. Court of Appeals in New York City has determined. A district court did not abuse its discretion in granting the mark owner a preliminary injunction barring the former licensee from further acts of infringement. Harm to the mark owner's goodwill would be irreparable and not redressable by money damages. The appellate court held, however, that the injunction's scope was overbroad in that it prohibited the licensee from selling off products it held in inventory and that the mark owner opted not to repurchase under the terms of the license agreement. Accordingly, the appellate court vacated the preliminary injunction to the extent that it enjoined the sale of products that the mark owner chose not to buy back, and it remanded the case for reexamination of which product lines were covered by the injunction (Really Good Stuff, LLC v. BAP Investors, L.C., June 1, 2020, per curiam).

Case date: 01 June 2020

Case number: No. 19-3395-cv

Court: United States Court of Appeals, Second Circuit

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