
Kluwer Trademark Blog

USA: Gibson Brands, Inc. v. Viacom International, Inc, United States Court of Appeals, Ninth Circuit, No. 13-57050, 19 February 2016

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Wednesday, March 2nd, 2016

The maker of Gibson-brand guitars could not go forward with claims that media conglomerate Viacom International secondarily infringed trademarks related to Gibson's "Flying V" design by selling a ukulele with a V-shaped body and bearing Viacom's "SpongeBob SquarePants" and Nickelodeon trademarks, the U.S. Court of Appeals in San Francisco has held (*Gibson Brands, Inc. v. Viacom International, Inc.*, February 19, 2016, per curiam). A decision of the federal district court in Los Angeles, holding that Viacom lacked the requisite level of control over a licensee that made the ukuleles, British music merchandise distributor John Hornby Skewes & Co. Ltd. (JHS), was affirmed. However, the Ninth Circuit reversed and remanded the district court's ruling that jurisdiction was lacking over trademark infringement claims against JHS because the guitar maker failed to show "use in commerce" of its marks within the meaning of the Lanham Act.

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.

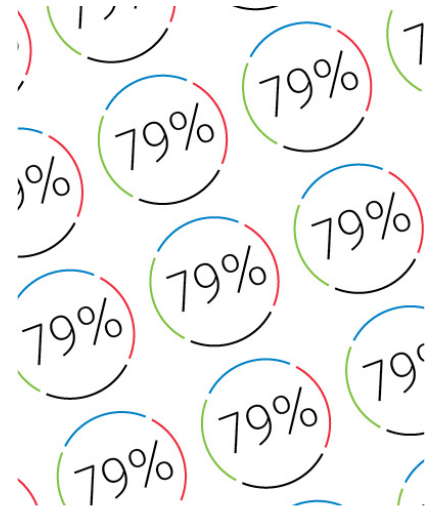
79% of the lawyers think that the importance of legal technology will increase for next year.

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



Experience how the renewed **Manual IP** enables you to work more efficiently



[Learn more →](#)



This entry was posted on Wednesday, March 2nd, 2016 at 9:31 am and is filed under [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.