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# Kluwer Trademark Blog

## Trademark case: Landau v. Eisenberg, USA

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Friday, May 17th, 2019

District court properly “looked through” an arbitration agreement between two groups competing over rights to the name to determine that it had subject matter jurisdiction under federal trademark law to adjudicate the dispute.

A federal district court did not err in confirming an arbitration award pursuant to the Federal Arbitration Act (FAA), 9 U.S.C. §9, in favor of a group of individuals from the Bobov Hasidic Jewish community in Brooklyn who claimed exclusive trademark rights to the mark BOBOV, the U.S. Court of Appeals in New York City has held. Pursuant to an arbitration agreement, the parties—two groups with competing claims to the “Bobov” name—had agreed to arbitrate the dispute before a rabbinical tribunal, which ruled in favor of the petitioning group. According to the appellate court, the district court properly “looked through” the arbitration petition to the underlying controversy to determine whether subject matter jurisdiction would have existed over the dispute in the absence of an arbitration agreement. The underlying dispute involved questions of federal trademark law, over which district courts had subject matter jurisdiction. Therefore, the district court had jurisdiction to confirm the arbitration award. The Second Circuit affirmed the district court’s finding that there was no indication that the award was procured through fraud or dishonesty, or that any other basis for overturning the award existed (*Landau v. Eisenberg*, May 1, 2019, per curiam).

Case date: 01 May 2019

Case number: No. 17-3963.

Court: United States Court of Appeals, Second Circuit

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

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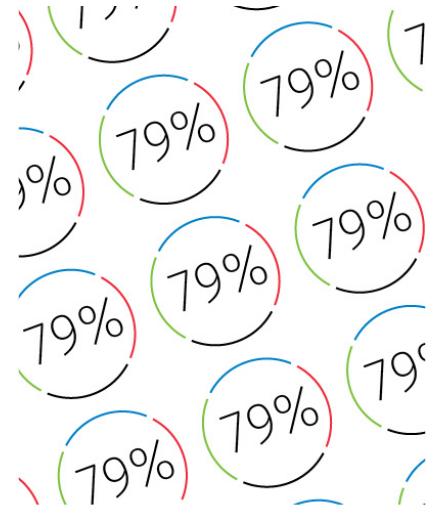
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