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# Kluwer Trademark Blog

## Trademark case: Heron Development Corp. v. Vacation Tours Inc., USA

John W. Scanlan (Wolters Kluwer Legal & Regulatory US) · Tuesday, July 14th, 2020

While it is appropriate for a district court to adopt the findings of fact of a magistrate judge's report and recommendations when deciding a motion for a preliminary injunction, it cannot do so when deciding a motion for summary judgment.

A district court's summary judgment order ruling that a vacation tour company violated the Anti-Cybersquatting Consumer Protection Act and directing it to transfer 40 purportedly infringing domain names to a hotel and resort operator was vacated and remanded by the U.S. Court of Appeals in Atlanta. The district court erred when it adopted factual findings made by a magistrate judge while deciding a motion for summary judgment because the magistrate judge had weighed the evidence (*Heron Development Corp. v. Vacation Tours, Inc.*, May 13, 2020, per curiam).

Case date: 13 May 2020

Case number: No. 19-10784

Court: United States Court of Appeals, Eleventh Circuit

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

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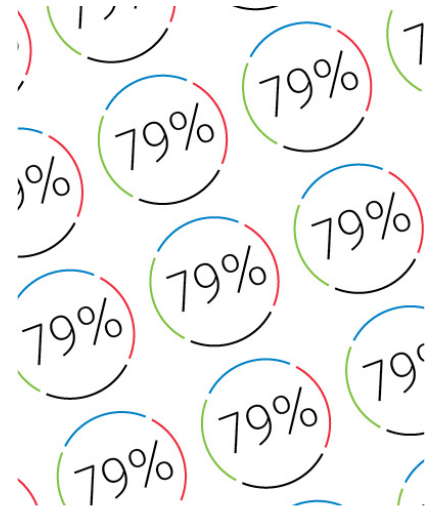
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