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Trademark case: Commodores Entertainment Corp. v. McClary, USA

Robert B. Barnett (Wolters Kluwer Legal & Regulatory US) · Tuesday, August 25th, 2020

A permanent injunction preventing an ex-band member from touring as “The Commodores featuring Thomas McClary” extended extrajudicially to European performances.

In a long-running dispute in which Commodores Entertainment Corp. (CEC) has repeatedly prevailed in its efforts to stop former Commodores member Thomas McClary from using the “Commodores” name in musical performances, the U.S. Court of Appeals in Atlanta in an unpublished opinion has once again affirmed the lower court’s ruling, this time that CEC was entitled to damages from McClary’s profits resulting primarily from European performances because McClary was on notice as far back as 2014 that CEC’s judgment covered European performances. In addition, the Eleventh Circuit confirmed the lower court’s ruling that denied McClary’s right to modify the permanent injunction resulting from his having obtained licenses to use the name in Mexico, New Zealand, and Switzerland because the motion to modify was not timely filed (Commodores Entertainment Corp. v. McClary, July 23, 2020, per curiam).

Case date: 23 July 2020

Case number: Nos. 19-10791

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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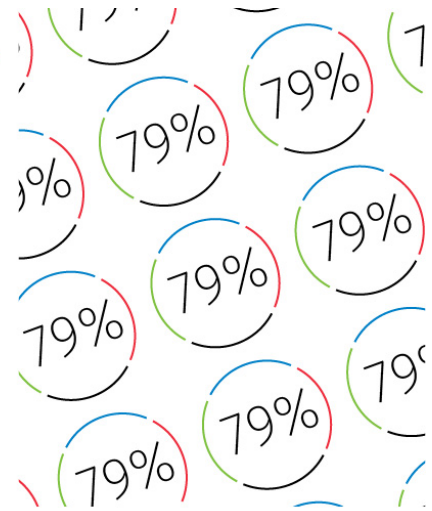
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