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Trademark case: Car-Freshner Corp. v. American Covers LLC, USA

Cheryl Beise (Wolters Kluwer Legal & Regulatory US) · Tuesday, December 29th, 2020

The record, however, supported that “Bayside Breeze” mark was not infringed by “Boardwalk Breeze” as a matter of law.

In a trademark infringement suit between competing sellers of automotive air freshener products, a federal district court erred in finding on summary judgment that “Little Trees” brand products with a scent called “Black Ice” was not likely to be confused as a matter of law with a competitor’s use of “Midnight Black Ice Storm” as the name of a scent on its “Refresh Your Car!” brand fresheners, the U.S. Court of Appeals in New York City has ruled. However, the district court correctly found that the defendant’s “Boardwalk Breeze” mark was not likely to be confused with the plaintiff’s “Bayside Breeze” mark given that the asserted mark was weak and the common word “breeze” and use of a similar sailboat image was offset by other differences in the parties’ packaging. The appeals court reversed the district court’s grant of summary judgment to American Covers, LLC on Car-Freshner Corporation’s claims for trademark infringement and unfair competition under the Lanham Act and on its state law unfair competition and dilution claim. The district court’s judgment was affirmed in all other respects (Car-Freshner Corp. v. American Covers, LLC, November 19, 2020, Newman, J.).

Case date: 19 November 2020

Case number: No. 19-2750

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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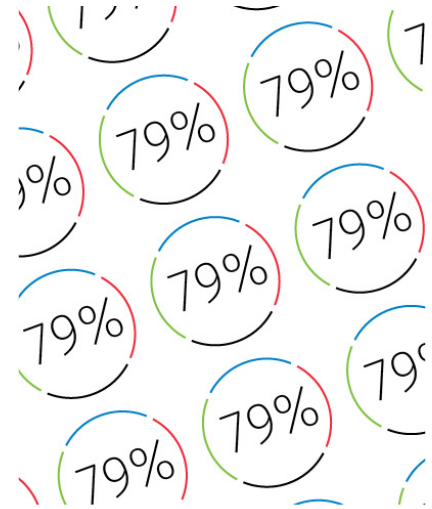
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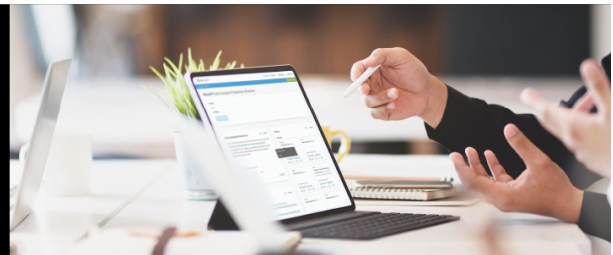
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