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Trademark case: Martin v. E.C. Publications Inc., USA

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Wednesday, May 26th, 2021

Widow of longtime MAD artist Don Martin can go forward with mark infringement, publicity rights claims over publications that occurred within Florida's four-year catch-all statute of limitations.

The widow of MAD Magazine cartoonist Don Martin is not time-barred from pursuing trademark infringement and publicity rights claims against the publisher of MAD and DC Comics, to the extent her claims relating to infringing conduct taking place within four years prior to filing suit, the U.S. Court of Appeals in Atlanta has been held. The claims were governed by Florida's general-purpose four-year limitations period, rather than the five-year period applicable to suits alleging breach of written contract. A district court erred in disposing of the claims entirely because at least some of the complained-of publications fell within the applicable limitations period; summary judgment in the defendants' favor with respect to those publications was vacated. The appellate court affirmed, however, the grant of summary judgment with respect to publications occurring prior to March 2015 (*Martin v. E.C. Publications, Inc.*, March 10, 2021, per curiam).

Case date: 10 March 2021

Case number: No. 20-10785

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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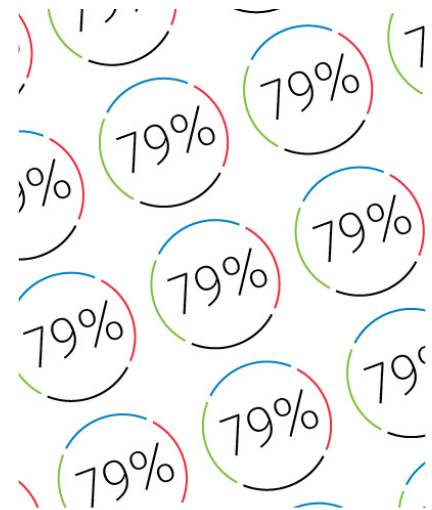
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