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Trademark case: Hamilton International Ltd. v. Vortic LLC, USA

Robert B. Barnett (Wolters Kluwer Legal & Regulatory US) · Thursday, October 28th, 2021

Full disclosure of the identity of the restorer and the used nature of the product protects a seller of second-hand goods from liability for a trademark infringement claim.

Hamilton International Ltd., a well-known pocket watch parts manufacturer, failed to prove the likelihood of consumer confusion in its suit alleging that Vortic LLC infringed its trademark by selling a wristwatch that contained refurbished antique pocket watch parts that retained Hamilton's original trademark, the U.S. Court of Appeals for the Second Circuit has ruled, affirming a New York district court's ruling in a one-day bench trial. In so ruling, the Second Circuit reiterated that the plaintiff rather than the defendant in a trademark infringement claim bears the burden of proving the likelihood of consumer confusion, and that no particular order of analysis is required as long as the court considers all appropriate factors (Hamilton International Ltd. v. Vortic LLC, September 14, 2021, Cronan, J.).

Case date: 14 September 2021

Case number: No. 20-3369

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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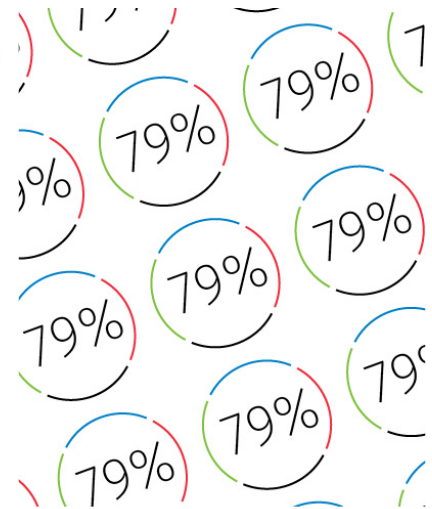
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