
Kluwer Trademark Blog

Trademark case: Brooklyn Brewery Corp. v. Brooklyn Brew Shop LLC, USA

Brian Craig (Wolters Kluwer Legal & Regulatory US) · Wednesday, November 24th, 2021

The Board erred by failing to consider whether the registered BROOKLYN BREW SHOP mark has acquired distinctiveness for beer-making kits.

In an effort by the owners of the mark BROOKLYN BREWERY to cancel registration of the mark BROOKLYN BREW SHOP, the U.S. Court of Appeals for the Federal Circuit has held that the Trademark Trial and Appeal Board erred by failing to consider whether the BROOKLYN BREW SHOP mark has acquired distinctiveness involving beer-making kits. While the Federal Circuit largely affirmed the Board's decision denying the petition for cancellation under the likelihood of confusion test because of laches and acquiescence with a four-year delay, the Federal Circuit vacated the Board's decision, in part, because the Board erred in its acquired distinctiveness analysis (*Brooklyn Brewery Corp. v. Brooklyn Brew Shop, LLC*, October 27, 2021, Dyk, T.).

Case date: 27 October 2021

Case number: No: 20-2277

Court: United States Court of Appeals, Federal Circuit

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

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