
Kluwer Trademark Blog

Trademark case: Sunless, Inc. v. Palm Beach Tan, Inc., USA

Cheryl Beise (Wolters Kluwer Legal & Regulatory US) · Saturday, August 27th, 2022

Manufacturer of “Mystic Tan” machines failed to show consumers were likely to be confused by salon’s use of its own solution in Mystic Tan booths.

The federal district court in Akron, Ohio, did not err in finding that a manufacturer of tanning booths under the mark “Mystic Tan” failed to show a likelihood of success on its trademark infringement claims against a tanning salon chain that decided to use its own tanning solution inside Mystic Tan machines, the U.S. Court of Appeals in Cincinnati has held. The district court found that the manufacturer had not laid a sufficient factual predicate to show that consumers would view Mystic Tan booths and the solutions they spray as a single, integrated product, rather than two distinct products that can be mixed and matched. The district court’s denial of a preliminary injunction was affirmed (*Sunless, Inc. v. Palm Beach Tan, Inc.*, May 6, 2022, Larsen, J.).

Case date: 06 May 2022

Case number: No 21-3616

Court: United States Court of Appeals, Sixth Circuit

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

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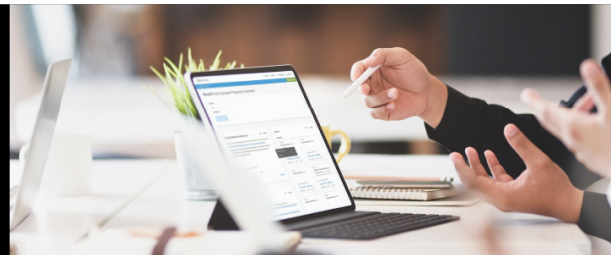
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