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Trademark case: VI Carnival Committee Inc. v. VI Department of Tourism, USA

Thomas K. Lauletta (Wolters Kluwer Legal & Regulatory US) · Friday, November 17th, 2023

The marks are generic both as to “Carnival” and the geographic locations “St Thomas” and “Virgin Islands.”

The U.S. Court of Appeals for the Third Circuit affirmed a lower court decision denying the Virgin Island Carnival Committee (“VICC”) preliminary injunction to enjoin the Virgin Island Department of Tourism from using the phrases “St. Thomas Carnival” and “Virgin Islands Carnival” in connection with the annual carnival held in St. Thomas, U.S. Virgin Islands. Although the VICC owned U.S. trademark registrations for each of these terms, the appellate court held the marks were unprotectable because “Carnival” is a generic term, and “Virgin Islands” and “St. Thomas” are geographic descriptors of a generic term. Further, VICC failed to establish that its two marks had acquired secondary meaning (VI Carnival Committee Inc. v. VI Department of Tourism, September 21, 2023, Restrepo, F.).

Case date: 21 September 2023

Case number: No. 22-2658

Court: United States Court of Appeals, Third Circuit

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

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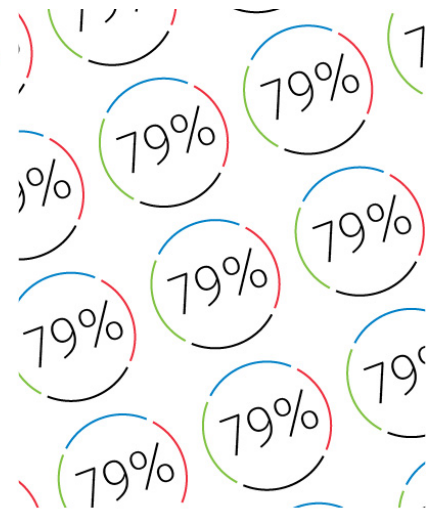
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