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# Kluwer Trademark Blog

## Trademark case: Vans, Inc. v. MSCHF Product Studio, Inc., USA

Matthew Hersh (Wolters Kluwer Legal & Regulatory) · Monday, December 18th, 2023

The parodist could not rely on First Amendment protection because it used the famous sneakers as a source identifier.

The maker of a sneaker that parodied a famous brand of skateboard-friendly kicks was not entitled to First Amendment protection against a claim of trademark infringement because it used the trade dress of the original as a source identifier in the promotion of sales, the U.S. Court of Appeals for the Second Circuit has held. The court, in affirming a district court's grant of a preliminary injunction freezing sales of the parody shoe, also found that the district court acted within its discretion in weighing the traditional likelihood of confusion factors (*Vans, Inc. v. MSCHF Product Studio, Inc.*, December 5, 2023, Jacobs, D.).

Case date: 05 December 2023

Case number: No. 22-1006

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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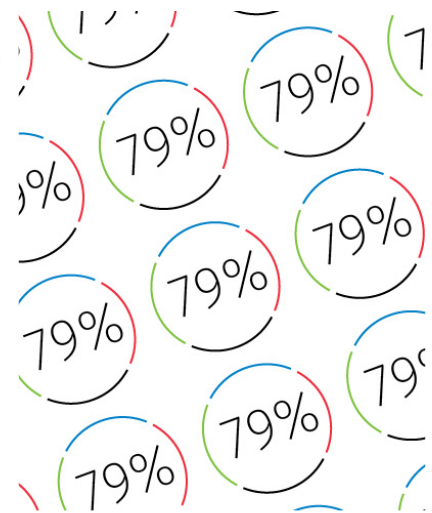
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This entry was posted on Monday, December 18th, 2023 at 4:23 pm and is filed under [\(Preliminary\) Injunction](#), [Case law](#), [Infringement](#), [United States](#)

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