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Trademark case: Punchbowl, Inc. v. AJ Press, LLC, USA

Matthew Hersh (Wolters Kluwer Legal & Regulatory) · Tuesday, March 5th, 2024

A news publication could not rely on First Amendment protection for its use of a mark even though it made no attempt to parody the original.

A news publication named with a common English language word could not invoke the First Amendment to protect it against a trademark claim against the owner of that mark—even though the publication did not parody or otherwise intend to refer to the original mark, the U.S. Court of Appeals for the Ninth Circuit has held. But the court, in adopting an expansive reading of a recent Supreme Court precedent, cautioned that the news publication might have a strong defense on the likelihood of confusion analysis (*Punchbowl, Inc. v. AJ Press, LLC*, January 12, 2024, Bress, D.).

Case date: 12 January 2024

Case number: No. 21-55881

Court: United States Court of Appeals, Ninth Circuit

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

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