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Trademark case: Bacardi & Co. Ltd. v. USPTO, USA

Robert Margolis (Wolters Kluwer Legal & Regulatory US) · Friday, July 26th, 2024

District court improperly dismissed Bacardi's challenge to the PTO decision for lack of subject matter jurisdiction.

Finding no provision in the Lanham Act that expressly precludes judicial review of a trademark registration renewal decision by the USPTO Director, the United States Court of Appeals for the Fourth Circuit in Richmond, Virginia has reversed a district court decision dismissing for lack of subject matter jurisdiction a lawsuit brought by Bacardi & Company, Ltd. under the Administrative Procedure Act ("APA") challenging the Director's decision to renew a trademark some ten years after it had expired for the failure to pay the renewal fees. The case is the latest chapter in the long-running trademark ownership dispute over the HAVANA CLUB trademark, between Bacardi and a company owned by the Cuban government (Bacardi & Co. Ltd. v. USPTO, No. 22-1659 (4th Cir. June 13, 2024)).

Case date: 13 June 2024

Case number: No. 22-1659

Court: United States Court of Appeals, Fourth Circuit

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

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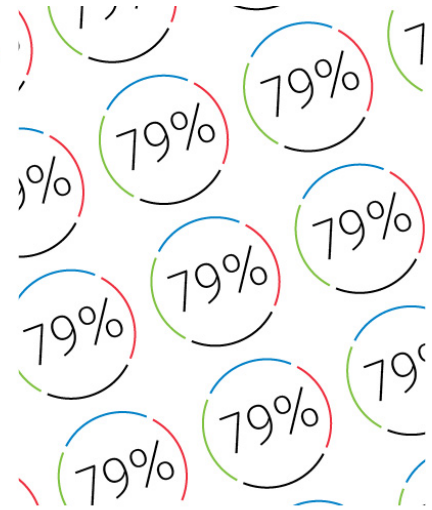
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