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Mealey's® Litigation Report: Trademarks

Mealey's Litigation Report: Trademarks offers specialized, in-depth coverage of trademark litigation, including infringement, the Lanham Act, Internet issues, trade dress, unfair competition, insurance coverage, and more.

Litigation Snapshot

The Federal Circuit's 2015 reversal of a refusal by the U.S. Patent and Trademark Office (PTO) to register "The Slants" undid a decades-old provision barring registration of disparaging trademarks. While the PTO's appeal awaits action by the Supreme Court, observers have turned their attention to a similar case pending in the Fourth Circuit, in which the "Redskins" trademarks were also canceled under Section 2a of the Lanham Act. Should the Fourth Circuit uphold the constitutionality of the provision, Supreme Court intervention seems likely. Bayer AG scored a win – also at the Fourth Circuit – in March 2016 in its effort to cancel a competitor's trademark registration, even though Bayer has no domestic rights to the mark in question. The case could have wide-ranging implications for foreign trademark owners who wish to enforce their marks within the United States.

Who Needs To Know

- Trademark litigators
- Attorneys who focus on intellectual property law
- Corporate counsel
- Judges and court staff across the entire U.S. federal judiciary
- Professors, students, and library staff at every accredited law school in the U.S.

Areas Of Coverage

- Trademark infringement
- Dilution
- Priority/registration
- Internet issues
- Trade dress
- Trade secrets
- Unfair competition
- False advertising
- Misrepresentation
- Sovereign immunity
- Jurisdiction
- Right of publicity
- Legislation
- Insurance coverage

How Lexis Legal News Can Help

Mealey's Litigation Report: Trademarks on Lexis Legal News and via email delivery features unbiased news stories, case summaries, attorney listings, and the PDFs of court and agency documents and regulations. Subscribers also receive expert commentary articles and email bulletins of breaking news. This valuable insight into current news and litigation trends helps subscribers to advise clients, prepare for trial, draft pleadings and briefs, develop case strategies, formulate arguments, and build compelling cases.

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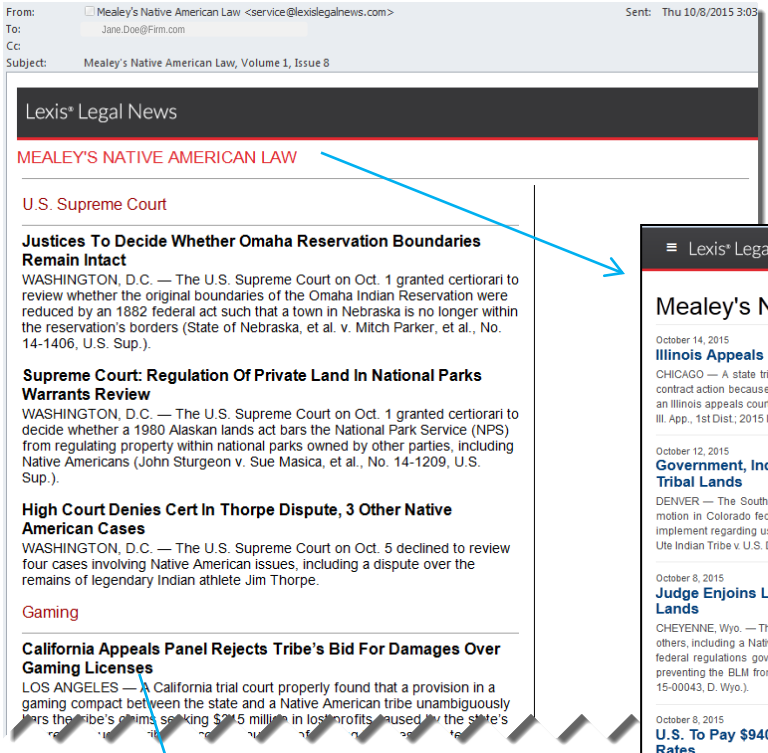
Sample Newsletter and Section News



From: Mealey's Native American Law <service@lexislegalnews.com> Sent: Thu 10/8/2015 3:03
To: Jane.Doe@Firm.com
Cc:
Subject: Mealey's Native American Law, Volume 1, Issue 8

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MEALEY'S NATIVE AMERICAN LAW

U.S. Supreme Court

Justices To Decide Whether Omaha Reservation Boundaries Remain Intact

WASHINGTON, D.C. — The U.S. Supreme Court on Oct. 1 granted certiorari to review whether the original boundaries of the Omaha Indian Reservation were reduced by an 1882 federal act such that a town in Nebraska is no longer within the reservation's borders (State of Nebraska, et al. v. Mitch Parker, et al., No. 14-1406, U.S. Sup.).

Supreme Court: Regulation Of Private Land In National Parks Warrants Review

WASHINGTON, D.C. — The U.S. Supreme Court on Oct. 1 granted certiorari to decide whether a 1980 Alaskan lands act bars the National Park Service (NPS) from regulating property within national parks owned by other parties, including Native Americans (John Sturgeon v. Sue Masica, et al., No. 14-1209, U.S. Sup.).

High Court Denies Cert In Thorpe Dispute, 3 Other Native American Cases

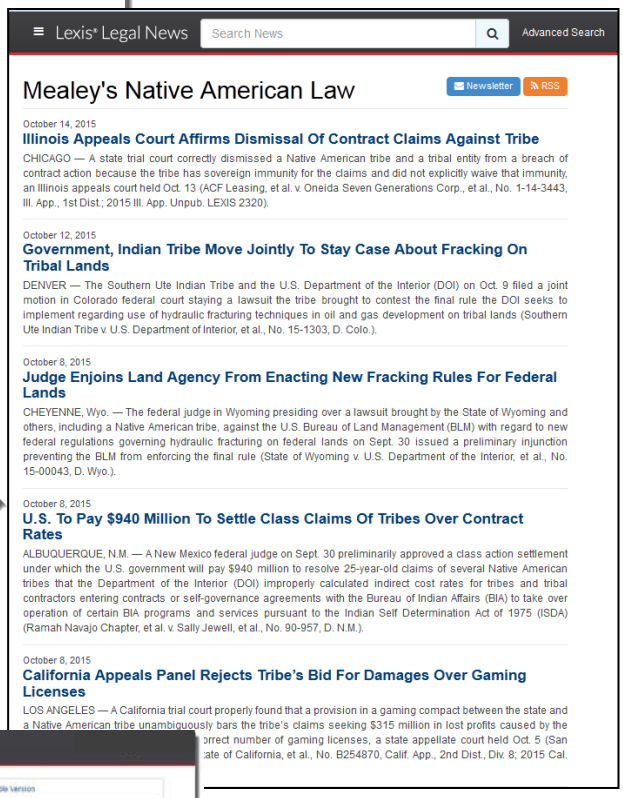
WASHINGTON, D.C. — The U.S. Supreme Court on Oct. 5 declined to review four cases involving Native American issues, including a dispute over the remains of legendary Indian athlete Jim Thorpe.

Gaming

California Appeals Panel Rejects Tribe's Bid For Damages Over Gaming Licenses

LOS ANGELES — A California trial court properly found that a provision in a gaming compact between the state and a Native American tribe unambiguously bars the tribe's claims seeking $315 million in lost profits caused by the state's

SECTION HEADER
Links to the topical section of Lexis Legal News.



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October 14, 2015
Illinois Appeals Court Affirms Dismissal Of Contract Claims Against Tribe
CHICAGO — A state trial court correctly dismissed a Native American tribe and a tribal entity from a breach of contract action because the tribe has sovereign immunity for the claims and did not explicitly waive that immunity, an Illinois appeals court held Oct. 13 (ACF Leasing, et al. v. Oneida Seven Generations Corp., et al., No. 1-14-3443, Ill. App., 1st Dist.; 2015 Ill. App. Unpub. LEXIS 2320).

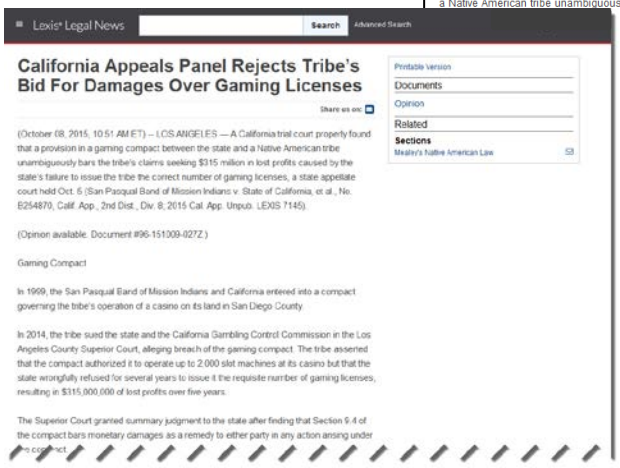
October 12, 2015
Government, Indian Tribe Move Jointly To Stay Case About Fracking On Tribal Lands
DENVER — The Southern Ute Indian Tribe and the U.S. Department of the Interior (DOI) on Oct. 9 filed a joint motion in Colorado federal court staying a lawsuit the tribe brought to contest the final rule the DOI seeks to implement regarding use of hydraulic fracturing techniques in oil and gas development on tribal lands (Southern Ute Indian Tribe v. U.S. Department of Interior, et al., No. 15-1303, D. Colo.).

October 8, 2015
Judge Enjoins Land Agency From Enacting New Fracking Rules For Federal Lands
CHEYENNE, Wyo. — The federal judge in Wyoming presiding over a lawsuit brought by the State of Wyoming and others, including a Native American tribe, against the U.S. Bureau of Land Management (BLM) with regard to new federal regulations governing hydraulic fracturing on federal lands on Sept. 30 issued a preliminary injunction preventing the BLM from enforcing the final rule (State of Wyoming v. U.S. Department of the Interior, et al., No. 15-00043, D. Wyo.).

October 8, 2015
U.S. To Pay $940 Million To Settle Class Claims Of Tribes Over Contract Rates
ALBUQUERQUE, N.M. — A New Mexico federal judge on Sept. 30 preliminarily approved a class action settlement under which the U.S. government will pay $940 million to resolve 25-year-old claims of several Native American tribes that the Department of the Interior (DOI) improperly calculated indirect cost rates for tribes and tribal contractors entering contracts or self-governance agreements with the Bureau of Indian Affairs (BIA) to take over operation of certain BIA programs and services pursuant to the Indian Self Determination Act of 1975 (ISDA) (Ramah Navajo Chapter, et al. v. Sally Jewell, et al., No. 90-957, D. N.M.).

October 8, 2015
California Appeals Panel Rejects Tribe's Bid For Damages Over Gaming Licenses
LOS ANGELES — A California trial court properly found that a provision in a gaming compact between the state and a Native American tribe unambiguously bars the tribe's claims seeking $315 million in lost profits caused by the [illegible] correct number of gaming licenses, a state appellate court held Oct. 5 (San [illegible]ate of California, et al., No. B254870, Calif. App., 2nd Dist., Div. 8; 2015 Cal.

ARTICLE HEADLINE
Links to the full article, related stories, related documents and comments section.



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California Appeals Panel Rejects Tribe's Bid For Damages Over Gaming Licenses

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Mealey's Native American Law

(October 08, 2015, 10:51 AM ET) -- LOS ANGELES — A California trial court properly found that a provision in a gaming compact between the state and a Native American tribe unambiguously bars the tribe's claims seeking $315 million in lost profits caused by the state's failure to issue the tribe the correct number of gaming licenses, a state appellate court held Oct. 5 (San Pasqual Band of Mission Indians v. State of California, et al., No. B254870, Calif. App., 2nd Dist., Div. 8; 2015 Cal. App. Unpub. LEXIS 7145).

(Opinion available. Document #96-151009-027Z.)

Gaming Compact

In 1999, the San Pasqual Band of Mission Indians and California entered into a compact governing the tribe's operation of a casino on its land in San Diego County.

In 2014, the tribe sued the state and the California Gambling Control Commission in the Los Angeles County Superior Court, alleging breach of the gaming compact. The tribe asserted that the compact authorized it to operate up to 2,000 slot machines at its casino but that the state wrongfully refused for several years to issue it the requisite number of gaming licenses, resulting in $315,000,000 of lost profits over five years.

The Superior Court granted summary judgment to the state after finding that Section 9.4 of the compact bars monetary damages as a remedy to either party in any action arising under [illegible] compact.