



**Recent Developments in Trademark Law—Case Update Outline**

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**eCommerce & Intellectual Property Law Seminar**  
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## General Outline

- **The Downfall of the Defamation Clause of 15 U.S.C. § 1052(a)**
  - *Matal v. Tam*, (formerly *Lee v. Tam*) 137 S.Ct. 1744
- **Cases/Issues the Supreme Court Chose Not To Take/Address**
  - *Belmora LLC v. Bayer Consumer Care AG*, 819 F.3d 697 (4th Cir. 2016), *cert. denied*, 137 S. Ct. 1202 (Feb. 27, 2017) – Standing
  - *Int’l Info. Sys. Security Certification Consortium, Inc. v. Security University, LLC*, 823 F.3d 153 (2d Cir. 2016), *cert. denied* 137 S.Ct. 624 (Jan. 9, 2017) – Nominative Fair Use
  - *Romag Fasteners v. Fossil*, 29 F. Supp. 3d 85 (D. Conn. 2015), *aff’d*, 817 F.3d 782 (Fed. Cir. 2016), *cert. granted*, 137 S.Ct. 1373 (March 27, 2017) – Willfulness & Disgorgement
- **More to Watch For**
  - *Nantkwest, Inc. v. Matal*, 869 F.3d 1327 (Fed. Cir. August 31, 2017) (Payment of Attorneys’ Fees)
  - *Converse Inc. v. ITC*, No. 2016-2497, filed February 1, 2017 in the Federal Circuit, Appeal from ITC Investigation No. 337-TA-936—Secondary Meaning
- **What’s in a Name?**
  - Various cases addressing Surname disputes