



Identity & Origin
Trademark

Trademark Infringement

continued!

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Konomark
Most rights sharable

Likelihood of confusion factors (synthesized list)

- the strength of plaintiff's mark
- similarity between plaintiff's and defendant's marks
- the proximity of the products in the marketplace
- the likelihood that the senior user will bridge the gap by beginning to sell in the market of the defendant's product
- evidence of actual confusion
- the sophistication of consumers in the relevant market
- defendant's good faith (or lack thereof) in adopting its own mark
- the quality of the defendant's product



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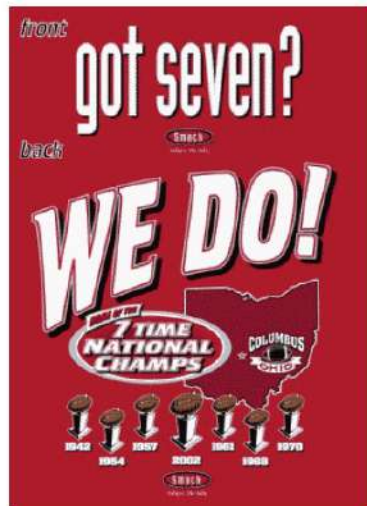


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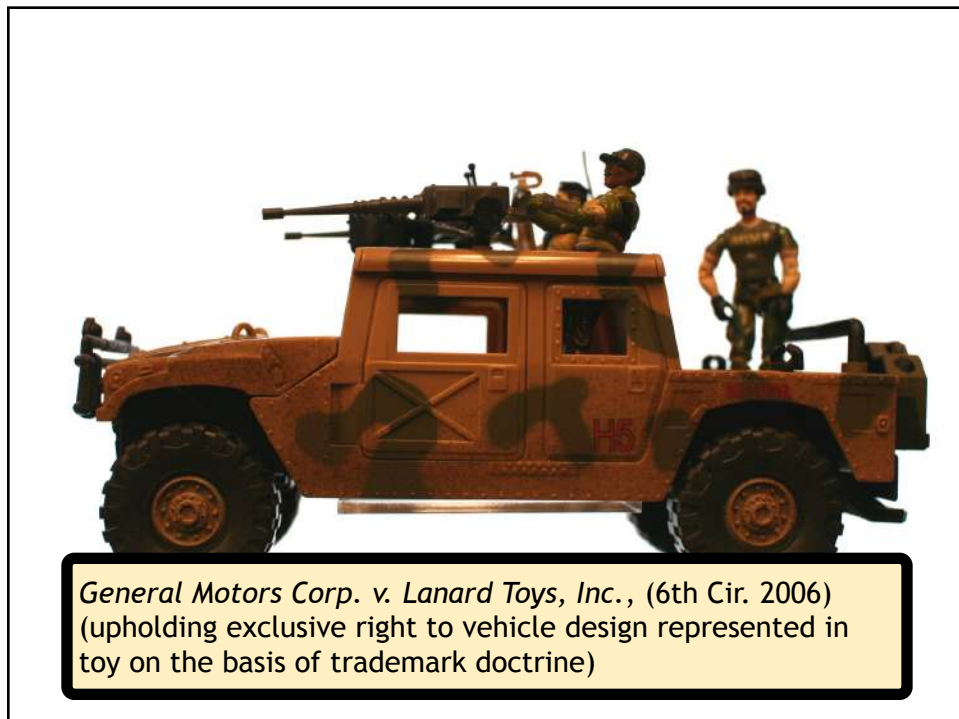


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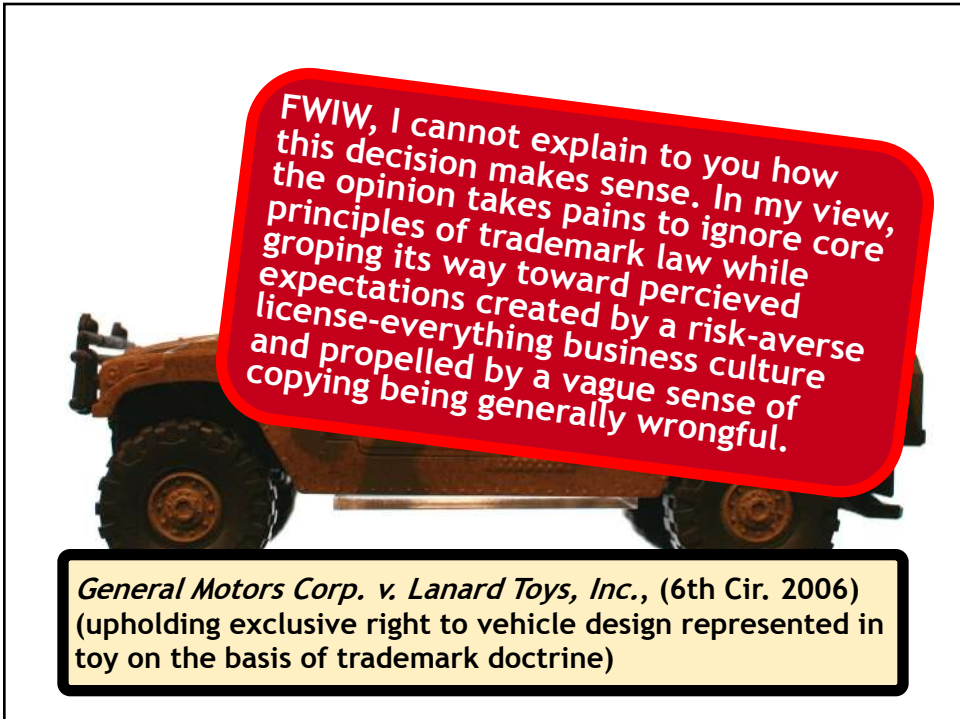








General Motors Corp. v. Lanard Toys, Inc., (6th Cir. 2006)
(upholding exclusive right to vehicle design represented in toy on the basis of trademark doctrine)





Merck got a preliminary injunction.