

So, Nine Justices Walk into a Bar... SCOTUS to Consider Role of Humor in Infringement and Dilution Claims

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by Breanne Wernars and Evan Everist

Justices of the Supreme Court will soon put on their whiskey glasses to decide the proper tests for infringement and dilution claims involving humorous use of another's trademark. The Court granted certiorari in November to consider a dispute between VIP Products, LLC ("VIP") and Jack Daniel's Properties, Inc. ("Jack Daniel's") over VIP's "Bad Spaniels" dog toy, which Jack Daniels contends infringes and dilutes its famous trademarks and which VIP asserts is permissible under the First Amendment.

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- Breanne Wernars
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