

Trademark Ownership: Distributors Versus Manufacturers

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This article discusses the test established by the Third Circuit Court of Appeals in *Covertch Fabricating, Inc. v. TVM Building Products, Inc. et al* for determining whether a manufacturer or its exclusive distributor is the proper owner of a trademark when no written contract is in place between the two parties. In *Covertch*, the court held that in such situations, there is a presumption that the manufacturer is the owner, but that the distributor can rebut such a presumption based on the consideration of a multi-factor test, discussed further in the article. The case serves as an important reminder for companies to formalize distribution arrangements and memorialize ownership of a trademark. (Read "[Trademark Ownership: Distributors Versus Manufacturers](#)," Mid-Year 2017)

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