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ARTICLE

When Your Trademark Is a False Advertisement

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As a follow up to his Law360 article "Your Trademark Could Be a False Advertisement," Katten Intellectual Property partner Michael Justus recently published "When Your Trademark Is a False Advertisement." Building on the former, which detailed the various forums and different legal tests for false advertising challenges to brand names and trademarks, the new article discusses the recent legal trends in this area, as false advertising issues continue to plague brand names and trademarks in a variety of contexts. These trends include:

- "Selfie Certification" Marks
- Product Names Allegedly Conveying Health Claims
- Slogans as Advertising Claims
- No Brand or Brand Owner Spared: High-Profile and Established Trademarks Fall Victim

The article concludes with best practices with regard to the risks posed by trademarks under false advertising laws and steps to take to help protect today's businesses.

Read "When Your Trademark Is a False Advertisement" in its entirety.

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