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Once Generic, Always Generic

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In this article, Intellectual Property national co-chair Karen Artz Ash and partner Bret Danow discuss the results and implications of *Solid 21 v Hublot of America, et al*. The US District Court for the Central District of California held that once a term becomes generic, it is always generic and cannot be the subject of trademark protection under any circumstances, even if the purported owner can demonstrate a secondary meaning. Karen and Bret note that the case serves as a warning for entities interested in adopting a previously generic term as a brand name. Additionally, it shows that even an incontestable trade mark registration can be invalidated on a claim of genericness.

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