

Design Marks: Comparing and Tacking

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In this article, Intellectual Property national co-chair Karen Artz Ash and partner Bret Danow examine the US Court of Appeals for the Federal Circuit's decision in *Jack Wolfskin Ausrüstung Fur Draussen GmbH & Co KGAA v. New Millennium Sports, SLU*, which overturned a Trademark Trial and Appeal Board (TTAB) finding of a likelihood of confusion between two design marks. The decision is instructive in that it provides guidance on the issue of tacking and the factors considered when comparing two design marks for a likelihood of confusion analysis.

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