Katten IP Team Wins "Mickey" Trademark Infringement Case

February 15, 2018

Katten successfully represented Kohl's Department Stores, Inc., Forever 21 Inc. and The Walt Disney Company against a trademark infringement claim brought by Toni Basil, the singer of the 1981 song "Mickey," in which she accused all three companies of using her image and voice to advertise their own products. This included allegedly violating trademark law by falsely designating the origin of her hit song in ads for clothing lines. A California federal judge granted motion to dismiss on behalf of the firm's clients, stating that the Lanham Act cannot be used to extend rights governed by copyright laws, stating that Ms. Basil had merely alleged the defendants used the recording of her song and issued a press release identifying it as hers, actions that constitute nominative fair use and are protected under the Copyright Act.

Read "Disney, Others Beat 'Mickey' Singer Toni Basil's TM Claims" in its entirety.

CONTACTS

For more information, contact your Katten attorney or any of the following attorneys.

Floyd A. Mandell
+1.312.902.5235
floyd.mandell@katten.com

David Halberstadter
+1.310.788.4408
david.halberstadter@katten.com

Camille A. Brooks
+1.310.788.4519
camille.brooks@katten.com

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