

Karen Artz Ash Comments on Recent US International Trade Commission Ruling

June 27, 2016

Karen Artz Ash, national co-chair of Katten's Intellectual Property department and co-head of the Trademarks and Trademark Litigation practice, was quoted in a Law 360 article on the recent US International Trade Commission (ITC) ruling concerning Converse athletic shoes. The ITC upheld certain aspects of the company's trademarks it sought to enforce, but also invalidated trademark protection for certain other design elements. She indicated that trademark and trade dress protection are still appropriate and strong means to protect design elements, but that if the source identifying function of a design diminishes over time, the strength of those rights would naturally be compromised. Karen stated, "I continue to think that trademark and trade dress protection for truly source-identifying aspects of apparel and footwear provides an appropriate enforcement method. In this case, and I believe other similar circumstances, certain features might lose their source-identifying capability over time as the particular feature or similar types of features become more common. When that happens . . . it is probable that those particular elements will lose their protectability." ("Winners And Losers In ITC's Chuck Taylor Trademark Ruling," June 27, 2016)

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