

VLP Partner Scott Austin Quoted in Bloomberg BNA Article “‘Comic Con’ Trademark Genericness Dispute Heading to Trial”

VLP Intellectual Property Partner Scott Austin was quoted in the *Bloomberg BNA* article “‘Comic Con’ Trademark Genericness Dispute Heading to Trial.”

The article reported on a dispute involving the name “Comic Con.” A yearly event now known as the Comic-Con International: San Diego started in 1970, and its organizers have federal trademark registrations for “Comic-Con,” “Comic Con International,” “Anaheim Comic-Con,” and a logo incorporating the phrase “San Diego Comic Con International.” A Salt Lake City organization is claiming that the term “Comic-Con” has come to mean a type of service—rather than an event specifically put on by the same people who do the San Diego convention. The article noted that when consumers no longer understand a brand name to indicate the services of a specific provider, the trademark has become a victim of what is known as “genericide.”

Mr. Austin told *Bloomberg* that the argument that “Comic-Con” was already generic when the San Diego event first started is weak.

“Although the court found defendants’ evidence, case law and reasoning insufficient to undermine plaintiff’s registered marks as generic ab initio, defendants’ true defense, genericide, was able to survive plaintiff’s summary judgment motion,” Mr. Austin said. “Nothing comical about that to the holder of a presumptively valid trademark.”

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