

U.S. Trademark Dilution Law Reform is Imminent

The Trademark Dilution Revision Act of 2006 (H.R. 683) recently passed both the U.S. House and Senate. Legislators are working on a final revision of the bill before sending it to President George W. Bush for signature. The existing Act is being amended for several reasons. "First, a 2003 Supreme Court decision involving Victoria's Secret...is contrary to what Congress intended when it passed the dilution statute and is at odds with the concept of dilution," according to the sponsor of H.R. 683, Rep. Lamar Smith (R-Tex). The new bill will clarify that dilution can occur "regardless of the presence or absence of actual, or likely confusion, competition or actual economic injury." It also more distinctly defines the terms "blurring" and "tarnishment" and specifies what marks are eligible for particular protection because they are considered "famous." Finally, the bill will strengthen the concept of fair use defenses and will offer greater protection for trademarks when used in parody and criticism. According to Senniger Powers attorney Julie Jennings, clarification in this area of trademark law is much needed and will greatly assist trademark owners in defining and enforcing their rights. Click the link <http://thomas.loc.gov/cgi-bin/bdquery/z?d109:h.r.00683>: for bill summary and status.