Name

Professor name

Subject

May 07, 2019

Assignment

Trademark is a distinctive mark that protects the product of the company and restrict others from copying it. This limits other companies from using the same trademark is used for maintaining the originality of the products. In the current scenario, Janine Hiller owns a yoga store "Hot Girls Hot Boys Hot Yoga" that is European Union trademark registered since 2014. She plans to open a new store at NYC Boston but not filed a trademark. Sean Oslon can stop Janine from using "Hot Girls Hot Boys Hot Yoga" only by registering that trademark himself. This requires that Sean should register to the same trademark before Janine gets it registered. By using the trademark he can convince the citizens and the customers to believe that it represents his business. This will restrict Janine from using the same trademark.

This can lead to the situation of trademark dilution in which the defendant (Sean) will use the trademark by diluting the famous mark. This can be claimed as legal because the distinctive mark is not registered by Janine yet. Trademark registration is crucial for protecting the company's name. This requires that the owner must register for protection under federal trademark law. If Sean registers the trademark the office will give notice to the nationwide basis that the trademark belongs to the registrant (Cross).

If Janine later finds that Sean has been using her trademark she will need to prove that the use of a trademark has created confusion about the origin of the defendant's business. Janine will have to prove that the infringement occurred intentionally. Sean can prove that he was unaware of the trademark used by Janine in EU so he registered the trademark unintentionally. Also, Janine has not registered the trademark in the US so this will prove Sean innocent.

Work Cited

Cross, Clarkson Miller. Business Law Text and Cases 14th edition. Cengage Learning, 2018.