

If You Trademark It, Then You Better Put a Ring on It

☒ The iconic jewelry store Tiffany & Co. is a model for trademark enforcement, aggressively and successfully policing its brand in the courts. Last year, Tiffany filed a lawsuit against Costco Wholesale Corp., claiming that the warehouse giant sold more than \$6 million of ersatz Tiffany engagement rings and improperly used the jeweler's name on at least 200,000 in-store signs. This week Tiffany prevailed by winning a \$19.4 million judgment in federal court.

Dallas lawyer **Chris Schwegmann**, a partner at **Lynn Pinker Cox & Hurst** who tries intellectual property cases, has been following the Tiffany v. Costco dispute.

"This type of litigation not only discourages counterfeiters, but also ensures that Tiffany's luxury brand doesn't get diluted over time. I find it interesting that Costco argued that 'Tiffany' represents a generic term used to describe a ring setting, and not just a brand name. That's a tough case to make against a company that aggressively defends its brand.

"Based on the sizable judgment, it is unlikely that other companies in the industry will try to make the same arguments against Tiffany & Co. That's the benefit of aggressive trademark enforcement."

Join Our LinkedIn Group