

GOOGLES Wins Right to Sue Google

“The US Court of Appeals for the Second Circuit vacated and remanded a district court’s dismissal of a trademark dispute for lack of subject matter jurisdiction, noting that the dispute arose under contractual standing, which is not a jurisdictional issue. *SM Kids, LLC v. Google LLC, Alphabet Inc.*,” reported by Jodi Benassi in *McDermott, Will & Emery’s Trademarks*.

“In 1997, Googles Children’s Workshop registered the trademark GOOGLES and the internet domain name www.googles.com. The website launched in 1998 and focused on children’s education and entertainment. That same year, Google adopted its name, and in 2004 it registered the GOOGLE mark. In 2005, the founder of Googles Children’s Workshop sued Google for trademark infringement.”

“In 2007, the Googles Children’s Workshop founder assigned all rights in the mark GOOGLES to Stelor Productions. In 2008, Stelor and Google settled the trademark infringement dispute, with Google agreeing to not intentionally make material modifications to its then-current offering of products and services in a manner that would likely create confusion in connection with the Children’s Workshop mark GOOGLES. Specifically, Google agreed not to create, develop and publish children’s books and fictional children’s content with the title of ‘GOOGLE or a GOOGLE-.’”

Read the article.