

Firm News

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Michael Kelber Quoted in *Bloomberg Law* Article on Gibson Guitar-Shape Trademarks

Michael Kelber, Co-chair of the Intellectual Property practice group, was quoted in the article “In ‘Unique’ Case, Gibson Blocks Guitar Sales Despite Suit Delay,” which was recently posted on *Bloomberg Law*. The report explores an exceptional case in which the court held that Gibson’s 40-year delay in enforcing the trademarks on the body designs of its Flying V and Z-shaped guitars doesn’t preclude an injunction. The court found that Armadillo Distribution Enterprises, which makes Dean Guitars, had engaged in counterfeiting – but awarded Gibson only \$4,000 because of its delay in bringing suit. (The court also awarded \$335,000 in costs.)

Michael Kelber declared that the ruling may encourage brand owners who believe they have allowed infringement to go on for too long to seek relief. Calling the decision a “pretty unique case,” he added, “I do think this pushes the ability of folks that might not have been as proactive. It might give them some hope as long as their mark is still well-known, that their claim has not been lost. It’s a big victory for Gibson.”

Click [here](#) to read the article.

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