

## 15 U.S.C. § 1125. False designations of origin, false descriptions, and dilution forbidden

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### (c) Remedies for dilution of famous marks

- (1) The owner of a famous mark shall be entitled, subject to the principles of equity and upon such terms as the court deems reasonable, to an injunction against another person's commercial use in commerce of a mark or trade name, if such use begins after the mark has become famous and causes dilution of the distinctive quality of the mark, and to obtain such other relief as is provided in this subsection. In determining whether a mark is distinctive and famous, a court may consider factors such as, but not limited to—
  - (A) the degree of inherent or acquired distinctiveness of the mark;
  - (B) the duration and extent of use of the mark in connection with the goods or services with which the mark is used;
  - (C) the duration and extent of advertising and publicity of the mark;
  - (D) the geographical extent of the trading area in which the mark is used;
  - (E) the channels of trade for the goods or services with which the mark is used;
  - (F) the degree of recognition of the mark in the trading areas and channels of trade used by the marks' owner and the person against whom the injunction is sought;
  - (G) the nature and extent of use of the same or similar marks by third parties; and
  - (H) whether the mark was registered under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register.
- (2) In an action brought under this subsection, the owner of the famous mark shall be entitled only to injunctive relief as set forth in section 1116 of this title unless the person against whom the injunction is sought willfully intended to trade on the owner's reputation or to cause dilution of the famous mark. If such willful intent is proven, the owner of the famous mark shall also be entitled to the remedies set forth in sections 1117 (a) and 1118 of this title, subject to the discretion of the court and the principles of equity.
- (3) The ownership by a person of a valid registration under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register shall be a complete bar to an action against that person, with respect to that mark, that is brought by another person under the common law or a statute of a State and that seeks to prevent dilution of the distinctiveness of a mark, label, or form of advertisement.
- (4) The following shall not be actionable under this section:
  - (A) Fair use of a famous mark by another person in comparative commercial advertising or promotion to identify the competing goods or services of the owner of the famous mark.
  - (B) **Noncommercial use of a mark.**
  - (C) All forms of news reporting and news commentary.

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