

PROFESSIONAL SPORTS LEAGUES FILING LAWSUITS FOR IMPROPER USE OF TRADEMARKS

Hodgson Russ Intellectual Property Litigation Alert
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Professional sports leagues have taken the offense against online sellers hawking goods improperly using the leagues' trademarks. A National Hockey League ("NHL") affiliate filed a lawsuit and came out swinging in October. The NBA and MLB also filed similar lawsuits against online sellers in recent weeks.

The Lawsuit. N.H.L. Enterprises, L.P. ("NHLE"), the marketing affiliate for the NHL, recently filed a lawsuit in Illinois federal court alleging copyright and trademark infringement by online sellers located outside the United States. NHLE is the exclusive national licensee of NHL trademarks, including team names, logos, and uniform designs.

The online sellers are accused of facilitating the sale of counterfeit NHL products using e-commerce stores that target U.S. consumers. These stores utilize layouts, images, and content that are difficult to distinguish from legitimate NHL retailers, and NHLE alleges this is creating confusion with unwitting consumers.

Court Grants TRO Against Online Sellers. On October 12, 2022, NHLE sought emergency relief to stop the influx of the goods and use of the licensed NHL property. NHLE's application alleged that the online sellers' actions have harmed, and continue to harm, the league through "diminished goodwill and brand confidence," reputational damage, loss of exclusivity, and loss of future sales.

The Court granted a temporary restraining order, including a temporary transfer of domain names, a temporary asset restraint, and expedited discovery. On October 21, 2022, the Court extended the TRO for an additional fourteen days, recognizing the risk of offshore asset transfers by online sellers.

Takeaways. Counterfeit products are a multi-billion dollar industry. The proliferation of these products creates serious problems for trademark holders, e-commerce platforms, and consumers alike. Hodgson Russ's intellectual property team helps clients protect their intellectual property rights by prosecuting and defending claims of ownership. We help secure trademarks, copyrights, and other protections for businesses and individuals. For more information, please contact [Jodyann Galvin](#), [Pauline Muto](#), or any member of our [Intellectual Property Litigation Practice](#).

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