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Supreme Court's New Profits Awards Standard Unlikely to Affect Trademark Litigation Strategy

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In Romag Fasteners Inc. v. Fossil Inc., No. 18-1233, 2020 WL 1942012 (U.S. Apr. 23, 2020), the U.S. Supreme Court held that, in a trademark infringement suit, a finding of willful infringement is not a prerequisite to an award of the infringer's profits, pursuant to Section 35(a) of the Lanham Act, 15 U.S.C.A. § 1117(a). This article considers how to use nonjudicial settlement agreements in connection with trust administration, estate planning, and related disputes.

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