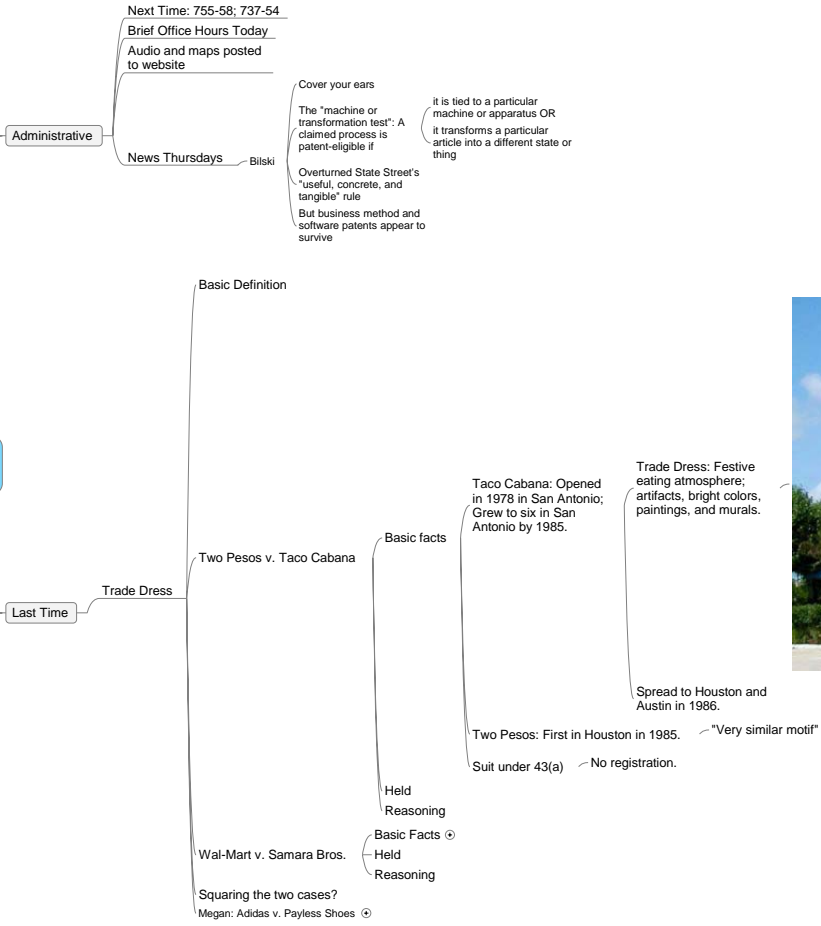


**Class 21: Trademark Use And Likelihood Of Confusion**



**Class 21: Trademark Use And Likelihood Of Confusion**

Likelihood of Confusion

The essential test for TM infringement. The use of a similar mark is only infringement if it is likely to confuse the consuming public.

Threshold: The closer the market segments, the less similar the marks need to be to confuse. ⊕

Basic Facts

AMF sells Slickcraft Boats

Since 1954.

Target market: General Family Recreation

fishing, water skiing, pleasure cruises, sunbathing.  
Promotional material: family fun.

Nescher sells "Sleekcraft" boats.

Since late 1968.

Target market: high speed recreation.

"Not for families"  
No kids in promotional photos.

Both successful.

Sleekcraft

The Eight Factors

1. Strength of the Mark
2. Proximity of the Goods
3. Similarity of the Marks
4. Actual Confusion
5. Marketing Channels
6. Type of Goods / Purchaser Care
7. Intent
8. Likelihood of Expansion

Result:

WHO must be confused?

Problems ⊕