
2d Circuit: Merck Eprova AG v. Gnosis S.p.A Affirms the Use of Legal Presumptions of Consumer Confusion and Injury for the Purposes of Finding Liability in Certain Lanham Act Cases

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The United States Court of Appeals for the Second Circuit recently held that, where literal falsity and deliberate deception have been proved in the context of a two-player market, it is appropriate to use legal presumptions of consumer confusion and injury for the purposes of finding liability in a false advertising case brought under the Lanham Act.

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