

# Fun IP

Prof. Roger Ford  
Wednesday, April 27, 2016  
Trademarks: Fair Use and Defenses

**15 U.S.C. § 1115 — Registration on principal register as evidence of exclusive right to use mark; defenses**

\* \* \*

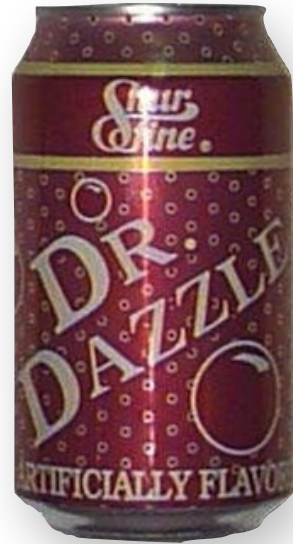
**(b) Incontestability; defenses**

\* \* \* Such conclusive evidence of the right to use the registered mark shall be subject to proof of infringement as defined in section 1114 of this title, and shall be **subject to the following defenses** or defects:

\* \* \* (4) That the use of the name, term, or device charged to be an infringement is **a use, otherwise than as a mark**, of the party's individual name in his own business, or of the individual name of anyone in privity with such party, or **of a term or device which is descriptive of and used fairly and in good faith only to describe the goods or services of such party, or their geographic origin;** \* \* \*

\* \* \*





Made for  
 iPod  iPhone  iPad

