

## CLIENT ALERT

### Trademark Infringer Gets the Boot

May.13.2019

These boots were made for walkin'—no not your ugg boots, my UGG® boots.

On May 10, 2019, an eight-person jury in Illinois federal court found Sydney-based company Australian Leather Ltd. and owner Adnan Oygur liable for willful infringement of the “UGG” trademark (U.S. Reg. No. 3,050,925), registered to Deckers Outdoor Corporation since 2005.

In *Deckers Outdoor Corporation v. Australian Leather Pty Ltd*, 1:16-cv-03676 (N.D. Ill.), Oygur, accused of selling 12 pairs of boots called “ugg boots” online to U.S. customers, was ordered to pay Deckers \$450,000 in statutory damages and possibly millions more in attorney’s fees. During the four-day trial, Oygur tried—but ultimately failed—to convince the Illinois jury that in Australia, “ugg” is a generic term for the sheepskin boot style of footwear, claiming it should never have been granted trademark protection in the first place. He based this argument, in part, on his 35 years of experience in the sheepskin industry and 20 years of manufacturing the “ugg boots.”

Deckers’ victory perhaps showcases the importance for brand owners to actively and aggressively police and protect their trademarks, lest a rogue infringer, however sympathetic, chip away at their brand—and its attendant intellectual property rights.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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