

Carter Ledyard Client Vaad L'Hafotzas Sichos Wins Trademark Victory After Trial

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Carter Ledyard client Vaad L'Hafotzas Sichos recently prevailed after a four day bench trial in Brooklyn federal court. The trademark case, *Vaad L'Hafotzas Sichos v. Kehos Publication Society, et al*, arose out of attempts by Defendant Merkos L'Inyonei Chinuch, one of the major Chabad corporations, to stop Vaad's publication of books with a particular logo. Vaad, the editors and publishers of the Lubavitcher Rebbe's discourses, had been given permission by the Rebbe to use the logo on their publications almost 40 years ago, and had spent millions of dollars publishing the works, known as the Likkutei Sichos. On January 14, 2016, Judge Frederic Block ruled that the trademark (the Kehos logo) was relatively weak and that the principle of laches applied, preventing Merkos from stopping Vaad's use of the logo. In reaching that holding, the Court found that Vaad had acted in good faith when it continued to use the logo during the decades since the physical passing of the Lubavitcher Rebbe, in 1994. The dispute arose when Vaad refused Merkos's demands that they use the appellation "of blessed memory" after the Lubavitcher Rebbe's name on the cover and title page of the books. Rabbi Zalman Chanan, the Director of Vaad, stated "one of the highlights of the trial was when our lead trial lawyer, Mitchell C. Shapiro, cross-examined Rabbi Yehudah Krinsky, and elicited the admission that the Rebbe had dictated a will of succession leaving others in charge of Merkos, that Rabbi Krinsky did not know the criteria that the Rebbe used in granting permission to use the Kehos logo, or the capacity in which the Rebbe was sitting when making such decisions. Shapiro was effectively representing the Rebbe and enforcing the Rebbe's will as his emissary."

Litigation partner Mitchell C. Shapiro and associate Brandon J. Isaacson represented Vaad L'Hafotzas Sichos at trial.