

Scenario #3

In 1993 a logo was designed by George Paderer for the exclusive use of the Mercado Neighborhood Association.. The logo is registered as a service mark with the office of the Kentucky Secretary of State and has been assigned Certificate #016598.

In 2005 a historic building, which had the feature from which the logo was based, sold and another building was built on the site. The newer building is condominiums and the older building is to be converted into condos upon the completion of the sale all condos in the newer building. As the realtor was promoting the condos, they began using a logo that seemed very similar to the Mercado's logo. Because the logo used in advertisements is substantially identical to the logo registered to the association, such use appears to constitute an impermissible infringement on the rights to a registered mark under KRS 365.601. See attached KRS 365.601 and copies of the logos.

The issue of the condos being built was a very divisive issue among the neighbors and caused many hard feelings within the neighborhood association. Therefore the use of the logo caused some old feelings to surface.

What are the possibilities?

Are there any steps that might resolve this?