

# 'FragranceNet' Bolsters Case Law on Keyword Ads

Michael C. Lynch

February 23, 2010

The article addressed trademark infringement claims based on keyword advertising. The article examined the Eastern District of New York's ruling in *FragranceNet.com, Inc. v. les Parfums, Inc.*, which indicated that a plaintiff will be able to get past a motion to dismiss in a case alleging trademark infringement through the use of a competitor's name as a keyword. (Keywords are words used to search for information on the Internet.) In this case the trademark at issue was a generic mark. The article reviewed how the ruling falls in line with the Second Circuit's *Rescuecom v. Google* decision. It also discussed whether Google's AdWords advertisements are likely to cause confusion among consumers and whether "initial interest analysis" should be applied to keyword advertising cases.