

Use of Competitor's Trademarks as Meta Tags is Basis for Personal Jurisdiction

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Including a competitor's trademarks or website in the meta tags for your website can result in claims of trademark infringement. Based on a recent decision of a federal court in Oregon, it could also result in your being subject to personal jurisdiction in the competitor's forum.

Plaintiff L&A Designs, LLC, based in Oregon, and Defendant Xtreme ATVs, based in Connecticut, are each in the all-terrain vehicle (ATV) parts business. Plaintiff sued Xtreme ATVs along with Andrew and Natalie Clunan, the sole owners of Xtreme ATVs, alleging trademark infringement, unfair competition and unfair trade practices regarding defendants' use of plaintiff's trademark "L&A Designs."

Ms. Clunan, vice president and secretary of Xtreme ATVs, designed and maintained the company's website. She designed the website to include meta tags of plaintiff's trademark. Ms. Clunan filed a motion to dismiss plaintiff's case against her based on lack of personal jurisdiction, stating that she did not have sufficient contact with the state of Oregon to be called to defend herself there.

The court denied the motion, finding that by inserting plaintiff's trademark as meta tags into the company's website design, Ms. Clunan "purposefully directed her activities to Oregon." The court's decision can be found at <http://law.justia.com/cases/federal/district-courts/oregon/ordce/3:2010cv00627/97972/92>