
Carvel Corp. v. The Ice Cream Bakery, Inc.

1999 TTAB LEXIS 217 (T.T.A.B. May 19, 1999)

We represented Carvel Corporation in its successful opposition against a former licensee's attempt to register the mark THE ICE CREAM BAKERY. The applicant argued that Carvel had abandoned THE ICE CREAM BAKERY through naked licensing, [More](#)

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We represented Carvel Corporation in its successful opposition against a former licensee's attempt to register the mark THE ICE CREAM BAKERY. The applicant argued that Carvel had abandoned THE ICE CREAM BAKERY through naked licensing, because Carvel's licensee's use of the mark was not identical to Carvel's use. The Board held that although the uses were not identical, there was no abandonment where Carvel had the contractual right to inspect its current licensee and had done so numerous times, and where the applicant itself admitted that consumers continued to associate the mark THE ICE CREAM BAKERY with Carvel.