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Thank you for reading the November 2022 issue of Sterne Kessler's Markt to Market® newsletter. This month, we address a precedential TTAB decision that presents interesting priority issues relating in particular to the effective date of cannabis applications, and share the open gTLD Sunrise period. We also feature articles from *Law360* and *Law.com* that discuss the Jack Daniel's trademark case headed to the Supreme Court.

Our [Trademark & Brand Protection practice](#) here at Sterne Kessler is devoted to guiding companies of all sizes in developing and maintaining strong brands around the world. There is always something new and exciting happening in our unique IP niche, and we bring you updates each month to help you keep on top of it all. Thanks for your readership. If there is something you would like us to cover, please don't hesitate to reach out to us and let us know!

Kind Regards,

Monica Riva Talley
Editor

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Priority Pitfalls

By: [Lauriel F. Dalier](#)

The Trademark Trial and Appeal Board's recently issued precedential [decision](#) dismissing

an opposition alleging a likelihood of confusion between the registered mark SMOK and a pending application for the mark SMOKES and Design presents a number of interesting priority issues, including: 1) priority as it uniquely impacts applications for marks filed for goods for which federal legality has changed, such as via the 2018 Farm Bill; and 2) properly pleading priority of marks.

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gTLD Sunrise Period Now Open: November 2022

By: [Monica Riva Talley](#)

As first reported in our December 2013 newsletter, the first new generic top-level domains (gTLDs, the group of letters after the "dot" in a domain name) have launched their "Sunrise" registration periods. Please contact us or see our [December 2013 newsletter](#) for information as to what the Sunrise period is, and how to become eligible to register a domain name under one of the new gTLDs during this period.

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Trademarks at the U.S. Supreme Court

On November 21, 2022, the U.S. Supreme Court granted certiorari in *Jack Daniel's Properties Inc. v. VIP Products LLC*. This case involves VIP Products' dog toy that parodies a Jack Daniel's whiskey bottle, meaning the high court will weigh trademark protection and free speech when it eventually issues a ruling.

Director [Monica Riva Talley](#) was quoted in various media outlets' coverage of this news. Read the articles from [Law360](#) and [Law.com](#) for



Monica's commentary and more information and analysis on the case.

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