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# trademark liability for social media influencers? c.d. cal. court says it's possible.

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Written by Lillian Lee  
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## practice areas

entertainment & ip litigation  
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On August 6, 2021, the United States District Court for the Central District of California held that a trademark owner could proceed on a claim of direct trademark infringement against a blogger and social media "influencer." The court's ruling highlights the possibility that brand influencers may be held liable for trademark infringement in connection with the products they promote.

Petunia Products, the owner of the BROW BOOST® trademark—which is used for its "Billion Dollar Brows" eyebrow cosmetic product—filed a complaint against Rodan & Fields, LLC ("R+F") for allegedly infringing upon its trademark in connection with R+F's product called "Brow Defining Boost." Plaintiff also sued model and influencer/blogger Molly Sims for direct infringement, contributory infringement, false advertising, and unlawful and unfair business practices under Cal. Bus. & Prof. Code § 17200. Plaintiff alleged that R+F had engaged Sims to blog about and promote the allegedly infringing product. Plaintiff asserted that given the similarity between its "Billion Dollar Brows" and R+F's "Brow Defining Boost," consumers were likely to believe that the latter product was affiliated with or sponsored by Plaintiff.

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