



are virtual goods still goods for trademark purposes?

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In *Yuga Labs, Inc. v. Ripps, et al*, No. 2:22-CV-04355 (C. D. Cal. Apr. 21, 2023), Judge John F. Walter explored the use of trademarks in the world of non-fungible tokens ("NFTs"), which are tokenized assets that have been recorded on a blockchain. As intellectual property disputes continue to arise in the world of NFTs, the key issues that the court in *Yuga Labs* considered involved the scope of trademark protection for NFTs – including whether NFTs are "goods" for purposes of the Lanham Act; to what extent the sale of an NFT transfers ownership rights in its associated trademarks; and whether and to what extent the First Amendment and the test set forth in *Rogers v. Grimaldi* is a defense to the use of trademarks for NFTs.

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