



Laches

Trademark & Unfair Competition
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Laches defense

- an equitable doctrine like the statute of limitations
- i.e., the plaintiff waited too long
- some courts say laches is not available as a defense for injunctions (which are forward looking, as opposed to damages, which are backward looking)
- it's helpful to the plaintiff if the defendant can be said to have intentionally infringed, because that can be said to be unclean hands (and having "unclean hands" disentitles you to help from equity)
- it's helpful if the other side can be said to have acted in bad faith
- it's helpful to you to show you'd be prejudiced by a remedy or lack of it
- it's helpful to you to show reliance (on either side)