ADOPTED

RESOLUTION

RESOLVED, That the American Bar Association: supports recognition of a rebuttable presumption of irreparable harm for purposes of the availability of injunctive relief in a trademark infringement action in which there is a finding of a likelihood of success on the merits of an infringement claim (for a preliminary injunction or temporary restraining order) or a finding of infringement (for a permanent injunction); and

FURTHER RESOLVED, That the American Bar Association further supports amending Section 34 of the Lanham Act, 15 U.S.C. § 1116, to provide for such a presumption.