

Joe Lawlor Discusses GM's 'Cruise Control' Trademark Infringement Claims

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Haynes Boone Counsel [Joe Lawlor](#) talked with *World IP Review* about General Motors' lawsuit against Ford over the new "BlueCruise" technology and what it could mean for IP in the automotive industry.

Below is an excerpt:

General Motors (GM) has sued Ford, alleging that Ford's "BlueCruise" hands-free driver technology infringes its own system, Super Cruise.

The complaint was filed on Friday, July 23, at the U.S. District Court for the Northern District of California.

In an official statement, Ford countered that "drivers for decades have understood what cruise control is," that every automaker offers this capability.

WIPR spoke to Joseph Lawlor, counsel at Hayne and Boone in New York, to explore what this case might mean for IP in the automotive space.

What should IP lawyers keep an eye on as this lawsuit progresses? How might it play out?

"Cruise" has long been used to describe speed-holding technology and in recent years to describe smarter technology such as "adaptive cruise control." As we move into autonomous driving technology, it is not surprising to see the "cruise" descriptor follow.

Ford's position will be that the "cruise" portion of GM's Cruise (the name of its self-driving subsidiary), Super Cruise and other Cruise family marks is merely descriptive of the autonomous-type technology and unprotectable.

Ford will also argue that many others use "cruise" in the names of their autonomous or adaptive cruise control technologies. In media reports, Ford has already cited Hyundai's Smart Cruise Control and BMW's Active Cruise Control.

It is also important to remember that a trademark infringement analysis cannot be conducted in a vacuum. The critical question is whether Ford's marketplace use of BlueCruise is likely to cause consumer confusion. In the marketplace, one assumes that Ford will often use BlueCruise in close proximity to the strong FORD house mark so it is unlikely that consumers will mistakenly view BlueCruise as a GM product. Ford will argue that there is no likelihood that a consumer will confuse its BlueCruise product with the protectable portions of GM's marks.

It is difficult to dispose of these types of trademark infringement claims on a motion to dismiss, so it is likely that the case is poised for discovery. In discovery, GM will certainly be aiming to uncover

information that confirms some of the rhetoric in its complaint; namely that, “Ford knew exactly what it was doing” in infringing GM’s rights. Demonstrating “bad faith” on the part of the alleged infringer—Ford in this case—takes on heightened importance in a case where the legal merits are not as clear.

To read the full article, click [here](#).