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IPSILON U.S. Team Secures $1 Million Trademark Judgment Against LIV Golf

Significant result for Stinger Golf highlights protection for senior trademark owners in reverse-confusion cases and the critical role of properly designed consumer surveys.

NEW YORK - The U.S. practice team of IPSILON has secured a $1 million federal court judgment on behalf of Stinger Tees, Inc. d/b/a Stinger Golf in its trademark litigation against LIV Golf Inc. and Fairway TM Co 6, LLC (a Saudi backed league formed to compete with PGA) in the U.S. District Court for the Southern District of Florida.

The court-entered consent judgment requires the defendants to pay Stinger Golf a total of **$1 million** and provides continuing protection for Stinger Golf's brand as set forth in the judgment.

The litigation was handled for Stinger Golf by **Joseph Sofer**, Partner and Chief Executive Officer of IPSILON USA, and **John DiMatteo**, U.S. Trial and Appellate Attorney and Of Counsel to IPSILON, together with Florida litigation counsel.

The dispute arose from LIV Golf's adoption and extensive promotion of the **STINGER GC** name for one of its professional golf teams and related merchandise. Stinger Golf had used and developed rights in its **STINGER** trademarks for golf products before LIV Golf entered the market.

Reverse Confusion: Protecting the Senior Brand

The case presented an important example of reverse trademark confusion, a doctrine that can be particularly significant when a well-funded newcomer adopts a mark already owned by a smaller established business. Traditional trademark confusion asks whether consumers may believe the junior user is connected to the senior owner. Reverse confusion addresses the opposite risk: that the junior user's far greater advertising and market presence may overwhelm the senior user's identity, causing consumers to believe that the original trademark owner is affiliated with, sponsored by, or derived from the larger newcomer.

That distinction can affect virtually every aspect of a trademark case, including the evidence used to establish likely confusion and the way consumer perception is measured.

Daubert and Survey Evidence in Reverse-Confusion Cases

The litigation also included significant ***Daubert*** briefing challenging consumer-survey methodology. The motion underscored a practical point that extends beyond this case: selecting a well-qualified survey expert is only the beginning. The survey itself must be designed around the correct theory of confusion.

In a reverse-confusion case, a conventional forward-confusion survey may be vulnerable if it measures the wrong direction of association. The relevant inquiry may require testing whether consumers encountering the senior user's mark mistakenly associate that business with the much larger junior user. That difference can affect the appropriate **survey universe, stimuli, questions, controls and interpretation of the results**. Even an experienced expert can face a serious Daubert challenge if the methodology does not adequately account for the reverse-confusion theory actually being litigated.

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For companies confronting a larger entrant using a similar brand, recognizing that distinction early - and retaining survey experts who understand it - can be critical to developing a defensible evidentiary record.

> *"Reverse confusion is particularly important to smaller companies that have spent years building a brand, only to find themselves confronted by a newcomer with vastly greater advertising resources and market exposure. The size of the junior user should not permit it to overwhelm the identity of the senior trademark owner. This case also reinforced how important it is to develop the right evidentiary strategy from the outset, including consumer survey evidence specifically designed for the reverse-confusion theory being asserted."*
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> **— Joseph Sofer, Partner and Chief Executive Officer, IPSILON USA**

A Significant Result for Stinger Golf

The $1 million judgment represents a significant result for Stinger Golf and demonstrates the remedies available under U.S. trademark law when established trademark rights are threatened by a substantially larger market entrant.

For IPSILON, the matter also reflects the capabilities of its growing U.S. intellectual property practice, which works closely with colleagues across Europe to provide coordinated transatlantic representation in patent, trademark, copyright, enforcement and litigation matters.

Following the combination of IPSILON and NLO, the organization brings together more than 400 intellectual property professionals across multiple European jurisdictions, together with its U.S. practice in New York. The integrated team provides international clients with coordinated advice across IP prosecution, strategy, enforcement and litigation.

About IPSILON

IPSILON is an international intellectual property firm serving innovators and brand owners across Europe and the United States. Its multidisciplinary teams advise on patents, trademarks, designs, copyrights, domain names, IP strategy, prosecution, enforcement and litigation. IPSILON's New York office provides U.S. representation and works as an integrated part of the firm's international practice.

The litigation is *Stinger Tees, Inc. d/b/a Stinger Golf v. LIV Golf Inc., et al.*, Case No. 1:25-cv-22508-CMA, U.S. District Court for the Southern District of Florida.

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