

If US Court Says Delta-8 Product Is Lawful And Trademark Valid, Will Federal Agencies Listen?

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Jonathan Gale was quoted in HBW Insight discussing a recent 9th Circuit ruling that upheld granting a firm preliminary injunction stopping competitors from using its trademarked brand for delta-8 THC products. "In evaluating the legality of delta-8 THC, the [court] took a pragmatic, sensible approach by interpreting the plain language and meaning of the statute. While the 2018 farm bill specifically identifies and addresses delta-9 THC, it is silent with respect to delta-8 THC," said Jonathan. From its narrow focus, the 9th Circuit "held that delta-8 THC products are not prohibited under federal law (as long as they are derived from hemp and not cannabis), and therefore delta-8 THC products may receive trademark protection," he said.

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