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## Rabbinical Council Wins \$1M Kosher Trademark Dispute

By **Sarah Jarvis**

Law360 (June 9, 2020, 9:10 PM EDT) -- An Illinois federal judge found Tuesday that a Chicago grocery store infringed a trademark used by the Chicago Rabbinical Council Inc. to distinguish kosher products, enjoining the store and its related companies from using the mark and ordering it to pay \$1 million in damages.

U.S. District Judge Elaine E. Bucklo entered the order after previously granting the rabbinical council's motion for entry of default against Abdul Rehman Group Inc., which does business as Mounsef International Inc. and/or Al-Khyam Bakery and Grocery, according to court documents.

The Chicago Rabbinical Council said in its December complaint that it entered into a contract in 2011 that permitted Abdul Rehman Group to use its "cRc" mark, but Abdul Rehman breached the agreement in May 2019, and the CRC terminated the contract. The CRC said Abdul Rehman failed to pay for its kosher certifications.

Abdul Rehman continued using a counterfeit cRc mark on packaging and labels without permission from the CRC, according to the complaint.

"Defendant's continued unauthorized use of the cRc mark has been done and continues to be done with the intent to confuse and mislead the public into believing that the defendant's products are kosher and have been approved by the CRC," the CRC said in its complaint.

The CRC had requested statutory damages of \$2 million "per counterfeit mark per type of food" sold. The CRC also sought punitive damages, according to the complaint, which included various counts of state and federal trademark infringement and unfair practices.

Tuesday's order granted the CRC about \$1,000 in costs under the Lanham Act and more than \$16,000 in attorney fees, but awarded no money in punitive damages.

Christopher W. Niro, counsel for the CRC, said he and the council are pleased with the judge's order and that he hopes it serves as a deterrent for other entities against using the cRc mark on uncertified goods. He said a large swathe of the public has come to recognize the mark as a legitimate indication of kosher goods, and he hopes the case shows that the CRC takes their certification seriously.

Rabbi Sholem Y. Fishbane, Kashruth Administrator with the CRC, said in a statement provided by Niro that the council believes it is imperative that the cRc mark has "the utmost integrity to accurately certify kosher products, and we were pleased that the court recognized the potential damage that is caused by improper use of the certification mark."

A representative of Abdul Rehman could not be reached for comment.

The CRC is represented by Christopher W. Niro, Nathan H. Lichtenstein and Kristina D. Diesner of Aronberg Goldgehn Davis & Garmisa.

Counsel information for Abdul Rehman was not available.

The case is Chicago Rabbinical Council Inc. v. Abdul Rehman Group Inc., case number 1:19-cv-08290, in the U.S. District Court for the Northern District of Illinois.

--Editing by Haylee Pearl.

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