

## Out of Bounds?: NCAA Challenges DraftKings' Use of 'March Mania' Branding

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The National Collegiate Athletic Association (“NCAA”) has filed a federal trademark lawsuit against DraftKings, Inc. alleging unauthorized use of the NCAA’s iconic basketball tournament trademarks, including MARCH MADNESS®, FINAL FOUR®, ELITE EIGHT®, and SWEET SIXTEEN®, in connection with online sports betting and gambling services.

On March 20, 2026, the NCAA sued DraftKings, Inc. in the U.S. District Court for the Southern District of Indiana asserting claims for: Trademark infringement (15 U.S.C. § 1114); False association and unfair competition (15 U.S.C. § 1125(a)); and Federal trademark dilution by tarnishment (15 U.S.C. § 1125(c)).

According to the complaint, DraftKings allegedly:

- Used the NCAA’s registered tournament marks—and allegedly confusingly similar variants such as “March Mania” in betting menus, promotions, and advertising tied to the men’s and women’s NCAA basketball tournaments;
- Deployed the marks across websites and mobile apps in a manner that allegedly suggested an affiliation, sponsorship, or approval by the NCAA, which the NCAA denies exists;
- Used the marks during the tournaments, when consumer attention and goodwill are at their peak; and
- Linked the NCAA’s brands to commercial gambling activity, which the NCAA alleges conflicts with its long-standing policies opposing sports betting and player-specific proposition wagers.

The NCAA further alleges that its basketball marks are federally registered, incontestable, and famous, and that associating those marks with gambling services tarnishes their reputation and undermines the NCAA’s stated mission of protecting the integrity of collegiate athletics. The complaint emphasizes that the NCAA has historically avoided commercial relationships with sports wagering companies and has adopted policies prohibiting gambling advertising in connection with NCAA events and marks. The NCAA alleges that it has never authorized DraftKings—or any sportsbook—to use NCAA trademarks in connection with betting services.

The NCAA has moved for a temporary restraining order granting immediate relief during the ongoing men’s and women’s NCAA basketball tournaments. The motion underscores the heightened need for injunctive relief where alleged trademark misuse occurs during marquee events and in an industry the trademark owner has expressly disavowed. For brands and advertisers operating in regulated or high-visibility contexts, the filing highlights how timing, platform placement, and event-specific marketing may factor into courts’ assessments of irreparable harm and urgency.

This lawsuit highlights that trademark law can reach beyond source confusion to address the reputational fallout that occurs when a third party leverages a well-known brand in a way that drags it into an unwanted context. If your mark is famous, you do not have to wait for consumer confusion. A trademark dilution claim may let you stop uses that rely on your brand equity and tie it to conduct with which you do not want to be associated.

If you have questions about this development, please contact your Miller Canfield attorney or one of the authors of this alert.