

## USPTO Cancels Washington Redskins' Trademark Registrations

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In a landmark case, the United States Patent and Trademark Office cancelled six trademark registrations associated with the National Football League team, the Washington Redskins, finding that use of the term "redskin" is disparaging to Native Americans.

Federal trademark law does not allow registration of trademarks that may disparage individuals or groups or bring them into contempt or disrepute.

The cancellation action, which was on appeal to the Trademark Trial and Appeal Board (TTAB), was filed eight years ago on behalf of five Native Americans. Importantly, the TTAB's ruling does not prevent the team from continuing to use its name. It is unclear how this may affect the team's ability to prevent others from using it and whether this will affect any of the team's existing license agreements.

If this story sounds familiar, it's because it is. The USPTO first cancelled the Redskins' marks, some of which date back to the 1960s, in 1999. The team and the NFL, however, appealed to federal court and the judge overturned the cancellations, finding the plaintiffs, a group of Native Americans, did not have standing to bring it. The team has indicated that they will also appeal the recent decision.

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