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Amid Cultural Debate on Political Correctness, Trademarks with Racial Overtones Look Set for Supreme Court

IP Watchdog

APRIL 27, 2016

Two cases making their way through the Federal courts may force the Supreme Court to consider the issue of what sorts of trademarks should be considered “disparaging,” and whether the government may lawfully prevent the registration of such trademarks. Currently, the Federal Lanham Act Section 2(a) allows the United States Patent and Trademark Office (“USPTO”) to refuse to register any mark that “[c]onsists of or comprises immoral, deceptive, or scandalous matter; or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute….”
