Insights: Publications

A Comic-Con by Any Other Name

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“What's in a name?” When Shakespeare's Juliet posed the rather forlorn question, she was undoubtedly not contemplating U.S. trademark law, but perhaps she should have been. As it turns out, quite a lot is in a name. While it is possible that “a rose [b]y any other name would smell as sweet,” everyone ought to be able to call the flower by its common, or generic, name. This notion is woven into trademark law, which prohibits trademark ownership and rights in generic terms. Such a mark belongs not to Juliet or Romeo, but to the general public.

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