

In re Old Glory Condom Corp., 26 USPQ2d 1216 (TTAB 1993)

- Filed in 1989
- Registered in 1993
- Cancelled in 2004



unassigned

In re Marsha Fox (Fed. Cir. 2012)

- Serial No. 76315793
- Since 1979, Fox has used this mark to sell rooster-shaped chocolate lollipops
- LaLonde on TTABlog: “The unrelated word mark GAMECOCK SUCKER for lollipops, Ser. No. 85054752, was published for opposition on November 23, 2010 and a statement of use was filed on November 18, 2011, just three days after the decision in *In re Fox* was issued.”

Applicant:
Marsha Fox
2716 Oaklawn Street
Henderson, NC 27532
USA
Date of First Use Anywhere: 08/01/1979
Date of First Use in Commerce: 11/15/1979
Goods and Services:
Chocolate suckers molded in the shape of a rooster.
Mark:



Other examples . . .

APPENDIX A

Words Usually Registrable

- BALLS
- BASTARD
- BITCH
- BOOBS
- CRAP
- FECEs
- HEROIN (few applications)
- HO
- MARIJUANA (since 2009)
- PENIS
- PISS
- POOP
- SEMEN
- SKANK
- SLUT
- TATAS
- VAGINA
- WHORE

Unpredictably Registrable Words

- A**HOLE (1 instance allowed, 1 barred per 2(a))
- ASS (usually permitted, with 2 exceptions)
- COCAINE (usually disallowed outside of addiction treatment contexts, *but see* COCAINE COWBOYS)
- COCK (permissible where possible to construe as meaning other than 'penis')
- CUM (only allowed where clearly latinized, such as 'summa cum laude')
- DICK (permissible where possible to construe as meaning other than 'penis')
- JIZZ (conflicting approvals and 2(a) rejections)
- PUSSY (permissible where can be construed as 'cat' or no other evidence of reference to female genitals; especially permissible where paired with cat illustration)
- TITS (only permissible where second possible meaning exists)
- WANKER (conflicting approvals and 2(a) rejections)

Words Usually Unregistrable

- ASSHOLE
- COCKSUCKER
- CUNT
- FUCK
- JACK OFF
- MASTURBATE
- SHIT
- TWAT

In re Heeb Media, LLC (TTAB 2008)



Meet Gerson.

Model. Poet. Writer. An employee of Jewish American Apparel's West Hollywood store, Gerson is going to help us open a retail location in Boca Raton.



Come see what we're doing:

Our goal is to assure that everyone touched by our business practice has a positive experience. From employees, to clients, to the general public.

Employing over 1500 people, Jewish American Apparel's American Los Angeles facility has an 800-1-HEEB toll-free number for our clients behind you.

Consumers can buy our products 24/7 online for immediate delivery or visit one of our stores (at least once in a while).

Promoters showcasing an event, band, or film that you're backing — prefering your clients' contributions to what the client would prefer to see behind you.

This is a Heeb parody ad. So don't file a lawsuit against us. Or feel us up.

Jewish American Apparel™
Made in Downtown LA • Sweatshop Free



McDermott v. San Francisco Women's Motorcycle Contingent, 240 Fed. Appx. 865 (Fed. Cir. 2007), cert denied, 552 U.S. 1109 (2008)

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 3,323,803

Registered Oct. 30, 2007

SERVICE MARK
PRINCIPAL REGISTER

DYKES ON BIKES

SAN FRANCISCO WOMEN'S MOTORCYCLE
CONTINGENT (CALIFORNIA CORPORATION)
633 CASTRO STREET
SAN FRANCISCO, CA 94114

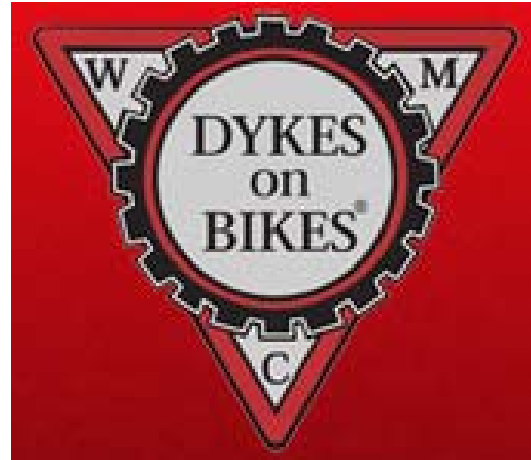
FOR: EDUCATION AND ENTERTAINMENT
SERVICES IN THE NATURE OF ORGANIZING,
CONDUCTING, AND PROMOTING PARADE CON-
TINGENTS, COMMUNITY FESTIVALS, EVENTS,
STREET FAIRS, FORUMS, SEMINARS, PARTIES
AND RALLIES TO SUPPORT, ORGANIZE AND
MOTIVATE WOMEN MOTORCYCLISTS EVERY-

WHERE TO DO THE SAME, THEREBY FOSTERING
PRIDE IN A WIDE VARIETY OF SEXUAL ORIE-
NTATIONS AND IDENTITIES, NAMELY LESBIAN,
BISexual AND TRANSGENDER, IN CLASS 41
(U.S. CLS. 100, 101 AND 107).

FIRST USE 6-0-1976; IN COMMERCE 6-0-1976.

SER. NO. 78-281,746, FILED 7-31-2003.

SHARON MEIER, EXAMINING ATTORNEY



In re Tam (Fed. Cir. 2015)



Impact on . . . ?

Int. Cl.: 41
 Prior U.S. Cl.: 107
 United States Patent Office
 Reg. No. 1,085,092
 Registered Feb. 7, 1978

SERVICE MARK
 Principal Register

REDSKINS

Pro-Football, Inc. (Maryland corporation)
 Dulles International Airport, P.O. Box 17247
 Washington, D.C. 20041

For: ENTERTAINMENT SERVICES—NAMESLY,
 PRESENTATIONS OF PROFESSIONAL FOOTBALL
 CONTESTS—in CLASS 41 (U.S. CL. 107).
 First use 1932; in commerce 1932.
 Owner of Reg. Nos. 978,824, 986,668, and 987,127.
 Ser. No. 107,873, filed Nov. 26, 1976.
 FREDRIC GUSHIN, Examiner

Ivan Ross, a market research and consumer psychologist, described the methodology and results of a telephone survey that he designed and supervised on behalf of petitioners. He stated that the purpose of the survey was to determine the perceptions of a substantial composite of the general population and of Native Americans to the word "redskin(s)" as a reference to Native Americans. . . .

Individuals in both population groups were read a list, in varying order, of the following terms: "Native American," "Buck," "Brave," "Redskin," "Injun," "Indian," and "Squaw." With respect to each term, participants were asked whether or not they, or others, would be "offended" by the use of the term and, if so, why. Dr. Ross testified that he chose these terms as representative of a spectrum of acceptability, positing that, in general, "Native American" would be likely to be considered acceptable and "Injun" would be likely to be considered pejorative. Dr. Ross testified that, for the question, he chose the word "offensive" as most likely to reflect, to those unfamiliar with trademark law, the behavioral concepts embodied in the terms "scandalous" and "disparaging" in the trademark law. Dr. Ross stated that asking participants whether others might be offended is an accepted additional means of obtaining the speaker's opinion, based on the assumption that the speaker may be circumspect in answering a direct question. . . .

Following is the tabulation of only those responses indicating that the speaker was personally offended.

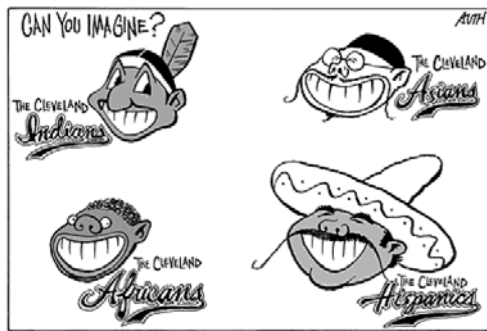
Number and percentage answering "yes, offensive to me":

	General Population Sample (total sample=301)	Native American Sample (total sample=358)
INJUN	149 (49.5%)	181 (50.6%)
REDSKIN	139 (46.2%)	131 (36.6%)
SQUAW	109 (36.2%)	169 (47.2%)
BUCK	110 (36.5%)	99 (27.7%)
BRAVE	30 (10.0%)	25 (7.0%)
INDIAN	8 (2.7%)	28 (7.8%)
NATIVE AMERICAN	6 (2.0%)	10 (2.8%)

Cases for the REDSKINS mark

- Pro-Football, Inc. v. Harjo, 415 F.3d 44 (D.C. Cir. 2005)
- Blackhorse v. Pro-Football, Inc., 98 USPQ2d 1633 (TTAB May 5, 2011)

The Redskins



In re Nieves & Nieves LLC (TTAB 2015)

- Proposed Intent-to-Use mark:
 - ROYAL KATE
- To determine whether Applicant's ROYAL KATE mark falsely suggests a connection with Kate Middleton under Section 2(a), the Board analyzes whether the evidence of record satisfies the following four-part test:
 - Whether Applicant's mark ROYAL KATE is the same as or a close approximation of Kate Middleton's previously used name or identity;
 - Whether Applicant's mark ROYAL KATE would be recognized as such by purchasers, in that the mark points uniquely and unmistakably to Kate Middleton;
 - Whether Kate Middleton is not connected with the goods that will be sold by Applicant under its mark; and
 - Whether Kate Middleton's name or identity is of sufficient fame or reputation that when Applicant's mark is used on Applicant's goods, a connection with Kate Middleton would be presumed.



Prince William and his wife Kate, Duchess of Cambridge, stand outside of Westminster Abbey after their royal wedding in London, April 29, 2011. (AP / Martin Meissner)