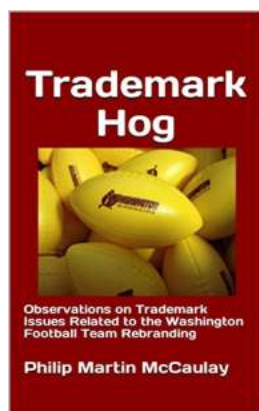


The Controversial Trademark Issues Surrounding the Washington Football Team: A Closer Look

Over the years, the Washington Football Team has found itself at the center of numerous trademark issues that have stirred controversy and raised questions about the team's branding. From legal battles to public outcry, the team's name and associated trademarks have been the subject of heated debates across the nation.

One of the most significant trademark issues faced by the Washington Football Team revolved around their previous name, which contained a racial slur towards Native Americans. Critics argued that the use of such a derogatory term as a trademark was offensive and disrespectful, perpetuating stereotypes and marginalizing an entire community.

The trademark issue gained significant media attention and led to widespread protests, prompting the team's ownership to reconsider its stance. Eventually, in 2020, the team officially announced that they were retiring their previous name and adopting a temporary name, the Washington Football Team, until a new permanent name could be chosen.



Trademark Hog: Observations on Trademark Issues Related to the Washington Football Team Rebranding

by Philip Martin McCaulay (Kindle Edition)

★★★★☆ 4.1 out of 5
Language : English
File size : 27604 KB
Text-to-Speech : Enabled
Screen Reader : Supported

Enhanced typesetting : Enabled
Word Wise : Enabled
Print length : 151 pages
Lending : Enabled



However, this change in name did not eliminate all trademark-related problems for the team. Shortly after the announcement, individuals and organizations came forward to challenge the Washington Football Team's right to trademark their new temporary name. These challenges raised questions regarding the team's eligibility to secure and hold exclusive rights to a simple and generic name, such as the Washington Football Team.

The United States Patent and Trademark Office (USPTO) has specific criteria that a trademark must meet in order to be registered. Generic terms or phrases that are widely used and directly descriptive of the goods or services being offered typically fail to meet these requirements. Critics argued that the Washington Football Team's temporary name fell into this category, as it lacked distinctiveness and was merely descriptive of the team's identity and purpose.

This controversy led to a lengthy legal battle between the team and those challenging their trademark application. The case highlighted the complexity and nuances involved in trademark law and forced a deeper examination of how trademarks should be evaluated and protected.

While the legal battle was ongoing, the Washington Football Team faced additional challenges regarding their branding. In an effort to distance themselves from their previous controversial name, the team began removing any imagery

and references associated with Native American culture from their branding and merchandise.

This move faced criticism from both sides. Some argued that the team was taking appropriate steps to rectify their past mistakes and promote inclusivity. Others believed that the erasure of Native American imagery diluted their brand identity and history, erasing important cultural references.

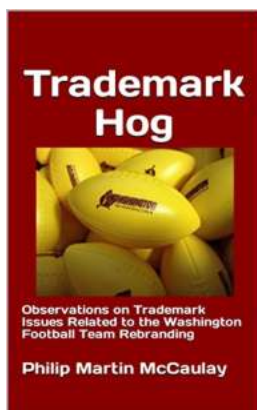
The trademark controversies surrounding the Washington Football Team have brought forth larger discussions about cultural appropriation, racial sensitivity, and the responsibilities of businesses in relation to their impact on marginalized communities. The fallout from these trademark issues has raised awareness and sparked debates not only within the sports industry but across society as a whole.

As the Washington Football Team continues its journey towards finding a new permanent name, the trademark issues they face will likely persist. The broader societal shift towards increased awareness and accountability reinforces the need for businesses and organizations to critically evaluate their brand identities, ensuring they are respectful and inclusive to all.

The trademark issues surrounding the Washington Football Team have not only highlighted the intricacies of trademark law but have also sparked important conversations about cultural sensitivity and inclusivity. The team's decision to retire their previous name and adopt a new one reflects a significant step towards rectifying past mistakes.

However, the ongoing legal battles and challenges faced by the team demonstrate that the process is complex and multifaceted. It calls for a deeper understanding of trademark law and the role of businesses in promoting diversity and respect within society.

The Washington Football Team's journey serves as a reminder that trademarks are not merely symbols or logos but also carry significant cultural and societal implications. Through these observations, we can hope to see a continued shift towards brands that prioritize inclusivity and foster a more respectful and diverse society.



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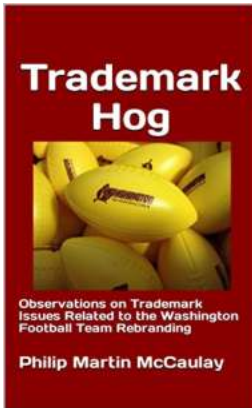
Philip Martin McCaulay went viral globally in July 2020 when the Washington Football Team announced they were changing their controversial name. He had dozens of trademarks for potential replacement names that he had registered five years earlier in 2015 such as Washington Americans, Washington Veterans, Washington Red-tailed Hawks, Washington Sharks, Washington Pandas, and Washington Football Club. In 2015, the NFL sent him a letter notifying him that they were aware of his trademark activity, and they would allow it, but they were keeping an eye on him. In 2015, the Washington football team issued a statement that read, “We have no concerns related to Mr. McCaulay’s actions. They will have no impact on the Washington Redskins and its organization.”

Lawsuits trying to get the team's trademarks revoked for being disparaging to Native Americans had been going on for decades. In November 2015, the Washington football team's attorneys filed a court brief stating that their name was no more offensive than other trademarked names, including MIDGET MAN condoms and inflatable life-sized dolls used in sexual activity; BOOTY CALL adult sexual stimulation aids, namely, vibrators and massage devices; and BIG TITTY BLEND coffee. The team's argument was successful. They were allowed to keep their trademarks.

Five years later, following the murder of George Floyd in May 2020, companies started changing their racist branding and packaging. A group of investors put pressure on the football team sponsors, FedEx asked that their name be removed from the stadium unless the name was changed, and Nike removed the team's products.

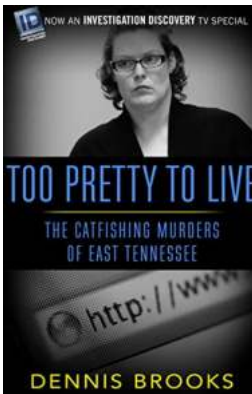
Before the team announced they were changing the name in July 2020, McCaulay offered in writing to let the team have his trademarks for free to help facilitate their rebranding. He gave interviews with reporters around the world nonstop for the next week. He used his platform to state that the time is now to change the name, Native people are not mascots. Some people were upset with his trademarking activity and made threats. He hired sports attorney Darren Heitner who deflected the threats. The team rebranded as the "Washington Football Team".

Then in June 2021, the United States Patent and Trademark Office (USPTO) found that the name "Washington Football Team" was confusingly similar to McCaulay's registered trademark for "Washington Football Club". McCaulay was able to register trademarks for the fans' first choice for a name, "Washington Wolves", but the team rebranded as the "Washington Commanders".



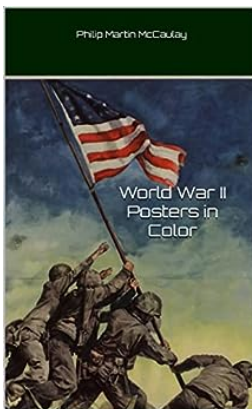
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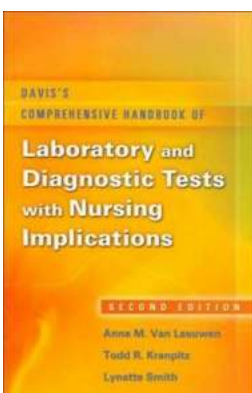
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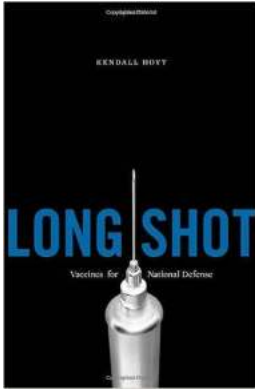
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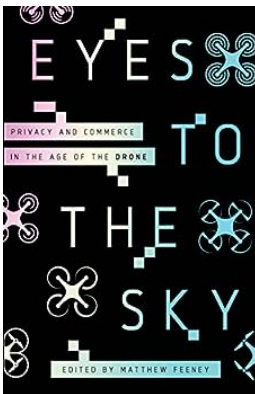
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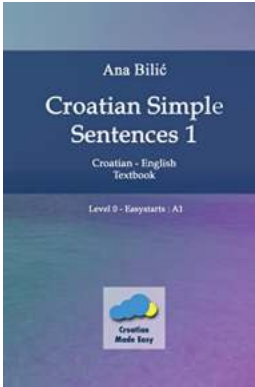
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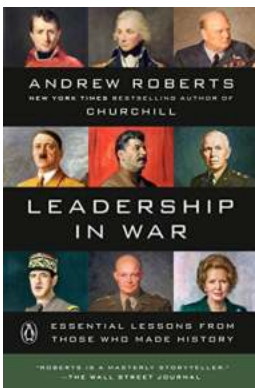
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