

Official United States Patent and Trademark Office Statement on the Trademark Trial and Appeal Board's (TTAB) Decision in *Blackhorse v. Pro Football, Inc.* (TTAB Cancellation No. 92046185)

Find the TTAB decision and other resources at
<http://www.uspto.gov/news/DCfootballtrademark.jsp>

The United States Patent and Trademark Office's (USPTO) Trademark Trial and Appeal Board - an independent administrative tribunal within the USPTO -- has determined, based on the evidentiary record in the proceeding before it and on applicable law, that the petitioners met their burden to establish that the term "Redskins" was disparaging of Native Americans, when used in relation to professional football services, at the times the various registrations involved in the cancellation proceeding were issued. Thus, the federal registrations for the "Redskins" trademarks involved in this proceeding must be canceled.

The decision to cancel the registrations means that, if not appealed or if affirmed following a possible review by a federal court, the trademark owner (Pro Football, Inc.) will lose the legal benefits conferred by federal registration. These benefits include the legal presumptions of ownership and of nationwide scope of rights in these trademarks, as well as the ability to use the federal registration ® symbol, and to record the registrations with the U.S. Customs and Border Patrol Service to block importation of infringing or counterfeit foreign goods.

The decision does not, however, require the trademarks in the involved registrations to be changed or no longer be used by Washington, D.C.'s pro football team. The Trademark Trial and Appeal Board does not have jurisdiction in a cancellation proceeding to require that a party cease *use* of a mark, but only to determine whether a mark may continue to be *registered*.

This decision can be reviewed by a federal court. The registrations will not appear in the USPTO's records as cancelled until after any judicial review is completed.