



AT THE BAR WITH BOWDITCH

A Legal Blog for the Craft Brewing Community

Federal Circuit Decision May Change Trademarking Limits For Craft Brewers

BY AIVI NGUYEN • JUNE 17, 2015

The Federal Circuit has taken upon itself the task of hearing a case that could turn trademark law on its head. The question before the court is whether banning someone from trademarking an offensive mark is a violation of that person's constitutional right to freedom of speech. As of right now, if your trademark is disparaging, scandalous or immoral, the USPTO will probably reject it. That could change if the court rules that a trademark is speech for the purposes of the First Amendment. I know some craft brewers who would love to register a scandalous or immoral trademark, and this may be their big chance.

If you have any trademark issues or concerns, you know where to [find us](#).

Read more about the scandalous trademark controversy in my recent article on [GoLocalWorcester.com](#).