

Media Mention: 'The Supreme Court, free speech and trademark law'

July 18, 2017



Raleigh intellectual property attorney Erica Rogers recently wrote an article for WRAL TechWire that was published on July 18 and can be viewed at [this link](#).

Rogers' article continues an earlier discussion of the application of the Latham Act's disparagement provision to bar trademark registration. At the time the first article was written, the United States Patent and Trademark Office ("USPTO") had requested review by the United States Supreme Court of [In re Tam](#), a case in which the United

States Court of Appeals for the Federal Circuit ("Federal Circuit") held that the disparagement provision constituted viewpoint discrimination in violation of the First Amendment's Free Speech Clause. The Supreme Court agreed, recently announcing its decision in the case, now captioned [Matal v. Tam](#). As a brief reminder of the issue in [In re Tam](#), The Slants, an Asian-American rock group, had been fighting since 2010 to register the name of their band with the USPTO. Their federal trademark application was initially refused because the USPTO determined that the term, "slants" disparages Asian-Americans.