

Jockey Club Rules "Justify" Crazy Names at the Kentucky Derby

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by Jake Holt



A top favorite to win this weekend's Kentucky Derby is a colt named Justify, whose parents were Stage Magic and Scat Daddy. Other contenders include Free Drop Billy, Firenze Fire, Lone Sailor, and Magnum Moon. The strange names are as much a part of Derby history as the big hats, but what's the deal?

The Jockey Club maintains a registry for US and Canadian Thoroughbred horses, known as the American Stud Book (apparently not about Zac Efron?). In order to register and thus participate in the race, owners and

breeders must comply with a long list of naming rules established by the Club.

The rules are in fact quite similar to the Lanham Act rules regarding the registrability of trademarks in the United States. The similarities include the following prohibitions:

- Names ending with "filly," "colt," "stud," "mare," "stallion," or other horse-related terms. Compare to the Section 2(e) rule against trademarks consisting of merely descriptive terms.
- Names of living or deceased people (except with written consent). Compare to the Section 2(c) rule against marks featuring the names of particular living individuals (except with written consent).
- Names that are vulgar, obscene, or offensive. Compare to the Section 2(a) rule against marks containing "immoral, deceptive, or scandalous matter."
- Names that are currently active in racing or breeding, including similar spellings and pronunciations. Compare to the Section 2(d) rule against marks likely to cause confusion with other earlier registered or used marks.
- Names of famous horses or winners of high-profile races in the last 25 years. Compare to Section 43(c), which provides extra protections for the owners of famous

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marks in order to prevent dilution.

As with trademarks, the rules make it difficult to register common names – while unique and distinctive names are much more likely to get through. The full naming rules are available online at [The Jockey Club's website](#). Given the apparent similarities, should trademark lawyers be expanding their practice to include Derby horse naming issues? This author intends to at least thoroughly examine a mint julep over the weekend.