

Washington Football Team to Change Its Name: Some Lessons on How Not to Get Sacked

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The Washington, D.C. professional football team recently announced plans to cease using the name “Redskins” in favor of a new name. The “Redskins” name has been the source of both cultural and trademark conflict through the years. This sort of name change raises a number of legal issues that are germane to all types of companies who are considering rebranding. We have highlighted a few of these in brief below:

1) **Trademark clearance searching:** Comprehensive searches should be conducted in key jurisdictions to ensure there will be no conflicts with existing rights that are associated with the new name. It is generally not sufficient only to search the federal trademark register in the United States, as common law (unregistered) rights could exist that will impact the ability to use the new name. Clearance searches are not limited to the new name, by the way. If there will be logo elements, those should be searched separately.

2) **Meaning or connotation of the new name:** In the case of a change from a name like “Redskins,” special attention should be paid to whether the new name presents a conflict

at a cultural level. For example, is it a word that is considered derogatory of any particular race or nationality? Does the word translate to an unsavory term in a commonly-spoken foreign language?

3) **Domain names and social media accounts:** Once a name or potential alternate names are selected, the corresponding domain names and social media accounts should be obtained before any applications for the name are filed or the name is publicly announced.

4) **Trademark applications:** Intent-to-use applications should be filed as early as possible to lock down prospective rights in the new name. If there are alternate names being considered and budget allows, applications should be filed for the alternate names as well. Note that trademark applications in the United States are public record, so there will be no way to keep the name or alternate names secret once the applications are filed.

5) **Additional trademarks:** In the case of the Washington football team, will there be a new mascot? If so, steps (1) through (4) above should be followed for the name or potential names of the mascot.

6) **Copyright ownership:** If there will be any logo elements to the new branding that are not created by employees, make sure the designer(s) sign a written assignment assigning their rights to the company.

The foregoing are just a few of the legal issues that must be considered before embarking on a rebranding effort. Here at The TMCA, we will follow the renaming developments in D.C. and will let you know if anything interesting happens along the way.