

## **"REDSKINS" - New Ruling Could Help Trademark and Broadcasting Efforts**

Ruling Supports Changing "Redskins" Name

PTO Tells Asian Band "Slants" is "Offensive" to Asians and Can't be Trademarked

WASHINGTON, D.C. (October 21, 2013): In a ruling which could impact two legal battles against the "Redskins" name – one at the Patent and Trademark Office [PTO], and the other involving federal broadcasting law – the PTO ruled that the term "Slants" could not be trademarked because it was "offensive," "scandalous" and/or "immoral," even though the applicant band was made up entirely of Asian American who performed pieces with names like "Slanted Eyes, Slanted Hearts," "Slants! Slants! Revolution," and "The Yellow Album."

"If a group composed entirely of Asians, which sings about "slants," can't trademark its own name because it is arguably offensive to other Asians, it's very hard to see how another group, which doesn't contain any of the offended individuals, can have a valid trademark of the even more offensive term "Redskins" when the name wasn't chosen by the group of that ethnicity, argues public interest law professor John Banzhaf.

For similar reasons, the unnecessary use of the name "Redskins" on the air by broadcasters would seem to be offensive and profane, and therefore in violation of the broadcasting law which requires stations to operate in the public interest, to refrain from unacceptable speech or conduct (e.g., wardrobe malfunctions and even "fleeting expletives"), and which expressly prohibits the broadcasting of profane language except late at night when children are in bed.

Interestingly, the PTO did not rely upon what "Redskins" spokesman often cite: surveys of Asians, or fans of the band, to see if they found the word in question offensive. They simply relied upon Wikipedia and the Urban Dictionary – both of which reported that the term was derogatory.

Indeed, notes Banzhaf, the PTO rejected out of hand some of the same argument being made by spokesmen supporting the name "Redskins": a survey of Asian Americans, an analysis by a professor of linguistics, that the word actually refers to something else (e.g., "musical cords"), and that, as Asians, they are "reclaiming the term" to try to take the sting out of it. There are no "Redskins" players reclaiming this term for their own.

It seems, says Banzhaf, that the evidence against the "Redskins" is far stronger than that against "Slants." It includes numerous official rulings, statements by every major Indian organization, etc.