



One Simply Shall Not Trademark a Princess or a Prince for That Matter

Feb 2, 2015

Reading Time : 1 min

The applicant attempted to argue that PRINCESS KATE is not a close approximation of KATE MIDDLETON'S name or identity because she is not, in fact, a princess. The applicant offered evidence that, in particular, Catherine Middleton has communicated to the media on several occasions that her proper title is Duchess of Cambridge, not Princess. Nevertheless, the board pointed out that "a term may be considered the identity of a person even if his or her name or likeness is not used. All that is required is that the mark sought to be registered clearly identifies a specific person." Because the examiner discovered numerous American media references to Kate Middleton as "Princess Kate" and referencing Kate Middleton as a "Royal," the marks PRINCESS KATE and ROYAL KATE were close approximations of the identity of Kate Middleton, demonstrating that the U.S. public associates the terms with Kate Middleton and, therefore, a connection to Kate Middleton would be presumed without her written consent as required under Section 2(c) of the Trademark Act. Finally, the board analogized this use to a case involving her fatherinlaw's namesake: PRINCE CHARLES. In the TTAB decision of *In Re Steak & Ale Rest. Of Am., Inc.*, the board affirmed the refusal of issuance of a trademark for PRINCE CHARLES because the wording identified an actual wellknown living individual whose consent was not of record. The board reasoned that "the addition of a given name or a surname to the word 'PRINCE' could well serve as a name or 'nickname' for a particular living individual who could be identified and referred to in the various walks of life with this appellation." The same is true for the mark PRINCESS KATE.

In re Nieves & Nieves LLC, Serial Nos. 85179243 and 85179263 (January 30, 2015).

Categories

Trademark Trial & Appeal Board

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