



## Floyd Mandell Comments on Offensive Trademarks in Law360

October 17, 2016

Floyd Mandell, national co-chair of Katten's Intellectual Property department, was quoted in Law360 regarding the US Supreme Court's grant of certiorari in *In re Tam* to decide whether to uphold the Federal Circuit's finding that Lanham Act's Section 2(a), barring registration of "disparaging" marks, violates the First Amendment. Floyd notes that he believes it is constitutional to refuse registration to disparaging marks. He stated, "Registration is a privilege, not a right, provided application of the law is provided equally to all. The provision would be different in my view if it governed 'use,' but as it only provides rights vested by registering I believe it is constitutional." ("[Offensive Trademark Ban Going Down? It Probably Should Not](#)," October 17, 2016)

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