

PSALM WEST™: A Brand Is Born

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On May 9, 2019, Kim Kardashian West and Kanye West's fourth child, Psalm West, was born.

On May 18, 2019, Kim Kardashian West's company, fittingly named Kimsaprincess Inc., filed sixteen trademark applications for PSALM WEST for a litany of goods and services.

Psalm isn't the first child whose name Kim and Kanye have sought to trademark. Kimsaprincess Inc. has applications on file in the names of children North, Saint and Chicago. Kanye has already secured trademark registrations for his name, and Kim owns registrations for several variations of her name, as do the rest of the Kardashian/Jenner clan.

One word can explain this flurry of filings: *branding*. Public figures often commercialize their names and personas through cosmetic products, clothing lines, endorsement deals, etc. In other words, they leverage their celebrity to create a brand. Kim Kardashian West,

ever the savvy businessperson, clearly understands the power of branding, and knows that an important part of successfully building and exploiting a brand is ensuring that that brand is properly protected.

Trademark law is one of the most important tools a celebrity can turn to when looking to protect their personal brand. As a celebrity gains widespread recognition and begins to cultivate their persona, trademark law can help them to prevent others from exploiting that hard earned good will for the others' commercial gain, giving the celebrity a degree of commercial exclusivity and control over their own name or persona. This helps put the celebrity in a better position to reap the benefits of their valuable brand for themselves.

Of course, trademark rights are not without limits, **as Beyoncé learned earlier this year**. Trademarks cannot be wielded to prevent certain speech that is protected under the First Amendment, such as most uses of a trademarked name in news reporting. Nor can it be used to prevent fair uses of the trademark, such as uses of a trademarked name as part of a parody, which is a type of expression that is specifically protected under the U.S. Trademark Act. Moreover, trademark applications must specify the goods and services that are to be used in connection with the mark, and applicants must be able to demonstrate a *bona fide* intent to use with respect to any applied-for goods/services that they are not already using at the time of filing.

The Kardashian-Wests, along with the rest of the Kardashians/Jenners, are a testament to the power and promise of effective branding. The attention and resources that they've each committed to obtaining trademark protection for their names underscores the importance of integrating trademarks into an overall branding strategy. Kim may remember May 9, 2019, as the day her baby, Psalm West, was born, but we should also commemorate May 18, 2019, as the day Psalm West™, the brand, was born.