

# Taco Bell Scores a Win Over TACO TUESDAY™

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by Brok Humbert

When Taco Bell announced its intention to eliminate all exclusive trademark rights in the phrase TACO TUESDAY, it invoked the Declaration of Independence, claiming that any restriction on the right to use it “violates an American ideal: ‘the pursuit of happiness.’”

Though the fast-food giant’s most recent victories are perhaps smaller in scale than winning the Revolutionary War, it certainly had reason to celebrate after successfully cancelling another trademark registration for the popular phrase.

In May 2013, Yum! Brands’ subsidiary Taco Bell filed a number of petitions before the Trademark Trial and Appeal Board (“T.T.A.B.”) to cancel third-party registrations for TACO TUESDAY in connection with restaurant services. Trademark registrations are not absolute, but provide a presumptively exclusive right to use a trademark in connection with the registered good and services. In its petitions, Taco Bell overtly stated it did not seek monetary damages (which the T.T.A.B. does not have the authority to award anyway), but rather that no one party should have an exclusive right to use TACO TUESDAY: “[a] win for Taco Bell [] is a win for all.” In addition to these legal filings, the company began an extensive PR campaign, issuing press releases and releasing a commercial starring LeBron James where each of his attempts to say TACO TUESDAY is “bleeped.”

## Related People

- Brok Humbert

## Related Capabilities

- Trademark, Copyright + Advertising
- Intellectual Property Litigation



