

The Slants Set To Rock at the U.S. Supreme Court

October 3, 2016 – The TMCA

by J. Michael Keyes



Simon Tam and The Slants now have a gig at the biggest judicial venue in the country: The U.S. Supreme Court. On September 29, 2016, the Court decided it will take the case of Lee v. Tam.

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At issue in the case is whether Mr. Simon Tam is entitled to a federal trademark registration for the name of his all Asian-American rock band, “The Slants.” The Trademark Trial and Appeal Board denied the registration holding that such a name would be disparaging to Asian Americans. A panel of the Federal Circuit upheld that decision. Late last year, however, the full Federal Circuit reversed that panel decision and found that denying Mr. Tam his registration was an unconstitutional content-based restriction.

Ms. Michelle Lee, the Director of the USPTO, petitioned SCOTUS to take the case and presented the following question for the High Court’s consideration back in April: “Whether the disparagement provision in 15 U.S.C. 1052(a) is facially invalid under the Free Speech Clause of the First Amendment.” We will soon know the answer.