



## NEWS RELEASE

CONGRESSMAN

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**DATE: March 20, 2013**

**FOR IMMEDIATE RELEASE**

**WASHINGTON, D.C. – FALEOMAVAEGA & COLLEAGUES INTRODUCE BILL TO CANCEL FEDERAL TRADEMARK REGISTRATIONS USING THE WORD “REDSKIN”**

Congressman Faleomavaega and colleagues introduced today H.R. 1278, the Non-Disparagement of Native American Persons or Peoples in Trademark Registration Act of 2013. This bill seeks to clarify certain protections provided by the Trademark Act of 1946 (Lanham Act), which prohibits registration of trademarks that use disparaging terms like “redskin.” The following Members of Congress are original cosponsors of H.R. 1278: Tom Cole (R-OK), Betty McCollum (D-MN), Eleanor Holmes Norton (D-DC), Raul Grijalva (D-AZ), Karen Bass (D-CA), Gwen Moore (D-WI), John Lewis (D-GA), Michael Honda (D-CA), and Donna Christensen (D-VI).

“For decades, our nation’s indigenous peoples have fought to protect themselves from the public humiliation and discrimination associated with the racial slur ‘redskin,’” Faleomavaega said. “Despite the Native Americans’ efforts before administrative agencies and the courts, the term ‘redskin’ remains protected as a federally registered trademark. The use of the word is hurtful and insulting to our nation’s first inhabitants and their descendants. Now is the time to end this injustice.”

The Lanham Act requires the U.S. Patent and Trademark Office (PTO) to refuse to register any trademark that “[c]onsists of or comprises . . . matter which may disparage . . . persons, living or dead . . . or bring them into contempt, or disrepute.” 15 U.S.C. § 1502(a). The PTO has denied registration of trademarks using the word “redskin” on four separate occasions on grounds of disparagement – three times in 1996 and once in 2002.

Additionally, in 1992, seven Native American leaders petitioned the Trademark Trial and Appeal Board (TTAB) to cancel the federal registrations over six trademarks using the term “redskin.” The TTAB in 1999 ruled that the term “redskin” may, in fact, disparage American Indians, and cancelled the registrations. On appeal, the federal court reversed the TTAB’s decision, holding that the petitioners waited too long after coming of age to file their petition. A new group of Native American young people petitioned the TTAB to cancel the registrations of the offending trademarks in 2006. The TTAB held a hearing on March 7, 2013. A final decision has yet to be made.

The following organizations have endorsed this bill: National Congress of American Indians (NCAI), Native American Rights Fund, Morning Star Institute, International Indian Treaty Council, American Indian Movement – West, American Indian Higher Education Consortium, Americans for Indian Opportunity, Capitol Area Indian Resources, Inc., American Indian Studies – University of Illinois at Urbana-Champaign, Program on Information Justice and Intellectual Property – American University, Alianza Indigena Sin Fronteras (Indigenous Alliance Without Borders), National Indian Education Association, Native American Finance Officers Association, and Tulsa Indian Coalition Against Racism.

“H.R. 1278 would cancel existing federal registrations for trademarks using the term ‘redskin.’ It would also deny registration for new trademarks incorporating the term ‘redskin.’ As in the decision made by TTAB in 1999, they ruled, in fact, that the term ‘redskin’ was a disparaging term.”

“Some may say that this legislation is an attempt to censor or remove the freedom of a professional team in naming its franchise. However, this legislation merely reinforces federal law that prohibits the use of disparaging terms towards a group of people, such as ‘redskin.’ It is unfortunate that the federal government continues to protect the use of ‘redskin’ knowing that the term is degrading and humiliating.”

“I want to thank my colleagues for their support of this historical legislation. I am hopeful that the Congress will move expeditiously on ensuring that disparaging terms such as ‘redskin’ is not protected by the federal government,” Faleomavaega concluded.