
Kluwer Trademark Blog

Trademark case: In re Steve Elster, USA

Matthew Hersh (Wolters Kluwer) · Saturday, March 12th, 2022

Traditional limitations on trademarking a personal name give way to free speech interests when it comes to prominent public officials.

The Trademark Trial and Appeal Board violated the First Amendment rights of a trademark applicant when it denied registration to his t-shirt that disparaged former President Trump, the U.S. Court of Appeals for the Federal Circuit has held. The court, wading into the increasingly heated debate over the boundary between trademark law principles and free speech rights, found that the government had no substantial interest in protecting a public official like the former President from having his name used without his consent (In re Steve Elster, February 24, 2022, Dyk, T.).

Case date: 24 February 2022

Case number: No. 20-2205

Court: United States Court of Appeals, Federal Circuit

A full summary of this case has been published on [Kluwer IP Law](#).

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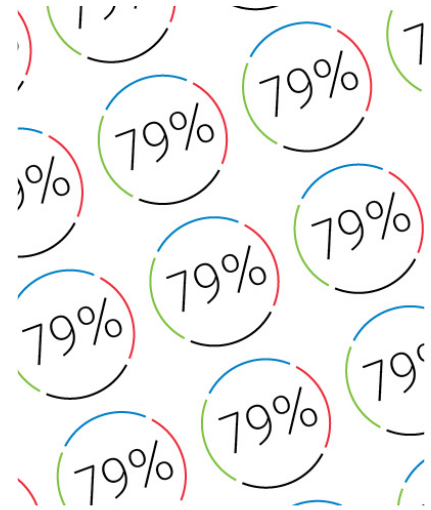
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