

18-302 IANCU V. BRUNETTI

DECISION BELOW: 877 F.3d 1330

LOWER COURT CASE NUMBER: 2015-1109

QUESTION PRESENTED:

Section 2(a) of the Lanham Act, 15 U.S.C. 1052(a), provides in pertinent part that a trademark shall be refused registration if it "[c]onsists of or comprises immoral * * * or scandalous matter." The question presented is as follows:

Whether Section 1052(a)'s prohibition on the federal registration of "immoral" or "scandalous" marks is facially invalid under the Free Speech Clause of the First Amendment.

CERT. GRANTED 1/4/2019