

22-704 VIDAL V. ELSTER

DECISION BELOW: 26 F.4th 1328

LOWER COURT CASE NUMBER: 2020-2205

QUESTION PRESENTED:

Section 1052(c) of Title 15 provides in pertinent part that a trademark shall be refused registration if it "[c]onsists of or comprises a name * * * identifying a particular living individual except by his written consent." 15 U.S.C. 1052(c). The question presented is as follows:

Whether the refusal to register a mark under Section 1052(c) violates the Free Speech Clause of the First Amendment when the mark contains criticism of a government official or public figure.

CERT. GRANTED 6/5/2023