

# U.S. patent office agrees: 'Redskins' is racist



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**WATCH VIDEO:** The U.S. Patent Office in a landmark decision canceled six federal trademark registrations for the Washington Redskins' name.

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**D**ealing a blow to efforts by Washington Redskins owner Dan Snyder and the National Football League to defend the team's nickname, a panel of administrative judges at the U.S. Patent and Trademark Office on Wednesday canceled the team's trademarks.

The ruling may be a turning point in what has regressed into a bizarre saga of commercial obstinacy. It's time for Snyder to concede defeat.

In their 2-1 ruling, the judges noted that trademark law "expressly prohibits registration of disparaging terms" and that there was sufficient evidence in the record that one out of three Native Americans viewed "Redskins" that way when the trademark registrations were issued between 1967 and 1990.

They didn't buy the argument that common usage has stripped the term of its demeaning connotations: "The recognition that this racial designation based on skin color is disparaging to Native Americans," wrote patent judge Karen Kuhlke for the majority, "is also demonstrated by the near complete drop-off in usage of 'redskins' as a reference to Native Americans beginning in the 1960s."

The ruling doesn't mean the team can't continue to call itself the "Redskins" or market Redskins merchandise. But it won't be able to claim an exclusive right to the name or insignia canceled by the ruling, such as the profile of an Indian that adorns the team's helmets, when used in conjunction with the name. (The team can keep its exclusive right to the trademarks while it appeals the ruling.)

Nor will the team be able to enforce its right to the trademarks against supposed infringers. That could hit the NFL where it lives--on the revenue line. Don't be surprised if the league shifts from giving Snyder support, albeit tepidly, to pressuring him to give up. In this league, money talks.

Objections to the "Redskins" name reached critical mass long ago. The patent agency's trademark trial and appeal board canceled the trademarks in 1999, but that decision was overturned on technical grounds by an appeals court. A group of Native American complainants revived the case, incorporating the entire record of the previous complaint and adding a few new points.

It's a mystery why Snyder has continued to stand his ground, other than to preserve his reputation as a contrary cuss. He's thrown the kitchen sink at his adversaries. In October he issued an open letter to the fans, appealing to their sense of the team's traditions: "Our past isn't just where we came from--it's who we are," he wrote.

But he carefully glossed over the part of that past about how in the 1960s the team's openly racist owner, George Preston Marshall, was the last NFL owner to integrate the roster, falling into line only when the Kennedy administration threatened to revoke its right to play in its government-owned stadium.

Some news organizations already refuse to use the term "Redskins" to identify Washington's pro football club. Although Snyder's asinine defense of the name included tracking down "70 different High Schools in 25 states" that called themselves the "Redskins," many others have dropped the nickname.

Over time, many pro, semipro, and college teams have dropped racially insensitive nicknames. Most of these had Native American connotations, perhaps a reflection of the extreme marginalization of Native Americans in the first part of the 20th century. Some clubs have kept innocuous names but retired offensive mascots and caricatured insignia, though the process is incomplete--witness the survival of the Cleveland Indians' 1951-vintage "Chief Wahoo," who is probably overdue for retirement.

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