

Intellectual Property Advisory: Limits to Flag Designs in Registered Trademarks

Americans love to proudly show off their red, white and blue. Businesses, too, love to adopt the flag for logos and marketing, but there are limits to what they can do with that symbol.

U.S. law is clear that any trademark which “consists of or compromises” the American flag or any other state, municipality or foreign nation [shall be refused registration](#).

There are notable distinctions in how flags can be used, as outlined by the [U.S. Patent and Trademark Office](#). Understanding them is important for businesses who want to display their patriotism – and want trademark protection, too.

For example, a flag incorporated into a design can be registrable, such as in this mark:



A design mark where a flag is substantially obscured also can be registered, such as here:



Our firm’s Intellectual Property Group represents clients in all aspects of intellectual property protection, acquisition, and enforcement. We represent individuals, universities, small to mid-sized companies, start-ups, and national corporations. The Intellectual Property Group strives to meet the needs of our clients with quality legal representation in the most cost-efficient manner possible.

If you have questions on this advisory topic or any other intellectual property matter, please contact any member of the group listed below.

David G. Oberdick	dgo@muslaw.com	412-456-2881
Michael G. Monyok	mgm@muslaw.com	412-456-2817
Chiara F. Orsini	cfo@muslaw.com	412-456-2848

