

R*DSK*NS CASE: LEGAL TIMELINE

AZ TO RALLY AGAINST NATIVE MASCOTS

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SEPTEMBER 1992

Suzan Harjo and seven other Native Americans filed Harjo, et. al. vs. Pro-Football, Inc. in the Trademark Trial and Appeal Board (TTAB) under the U.S. Patent and Trademark Office (USPTO). This case petitioned that the TTAB to cancel the "R*dsk*ns" trademark based on the fact the R*dsk*ns mascot is disparaging to Native Americans.

AUGUST 2006

Suzan Harjo organized a group of younger Native Americans and they filed their petition, Blackhorse, et.al. vs. Pro-Football Inc., with the TTAB. This petition was put on hold pending outcome of the Harjo case.

NOVEMBER 2009

SCOTUS refused to hear the Harjo case. The Blackhorse case proceeded in court.

JULY 2015

U.S. District Judge Gerald Bruce Lee upholds the June 2014 decision in the Blackhorse case to cancel the team's trademark registrations.

APRIL 2016

The Washington Team ask the Supreme Court to review their appeal of July's trademark cancellation, but only if it's consider alongside the SI*nts case.

JUNE 2016

The R*dsk*ns file an amicus brief on behalf of the SI*nts (Matal vs. Tam)

JUNE 2017

The Supreme Court rules in favor of the Tam Plaintiffs striking down section 2(a) of the Lanham Act that bars the use of disparaging trademarks. The court's opinion states the First Amendment does in fact protect "speech that demeans on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground." This results in restoration of the Washington Team's racist trademark of R*dsk*ns.

APRIL 1999

The plaintiffs in Harjo, vs. Pro-Football, Inc. win their 1992 case, resulting in the TTAB cancelling the Washington R*dsk*ns trademark. The Washington team appeals this ruling.

JULY 2008

U.S. District Court ruled the Doctrine of Laches apply to the Harjo Plaintiffs citing they waited to long before turning the age of majority before filing their case. Harjo Plaintiffs appeal to the U.S. Supreme Court (SCOTUS).

JUNE 2014

The plaintiffs in the Blackhorse case win their case. The TTAB cancel, for the second time, the 6 federal registrations of the Washington NFL team, including the name and logo of the team. The team shortly appeals this ruling.

DECEMBER 2015

Meanwhile, a federal appeals court rules 10-2 in favor of an Asian rock band called "The Slants", (Lee vs. Tam) ruling the federal statute at the center of their case, section 2(a) of Lanham Act (1946) violates the free-speech provisions of the First Amendment and should not have been used to deny trademark protection for their name. The Tam Plaintiffs, ironically, seek to reclaim the stereotype of the "slanty eyed" Asians. Both the Harjo and Blackhorse cases depend on the legality of the Lanham Act.

JANUARY 2017

The U.S. Supreme Court hears the SI*nts case.

CURRENT

Although the legal battle against the Washington team has been exhausted using the Lanham Act, the grassroots movement of protesting and advocating against the Washington Team continue. These grassroots efforts continue to provide education and bring attention to the racist logo and it's negative impacts on Native communities.

The struggle agains the dehumanization of Native people has been fought since the establishment of the United States. This struggle has taken many forms from protests to legal battles. Above is a snapshot of the legal battle against the Washington R*dsk*ns.