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## [Tripartite Branding Trouble: The Name is Suk?](#)

Posted on October 4, 2010 by [Steve Baird](#)

"The name is Bond, James Bond," said Sean Connery, Roger Moore, and Daniel Craig, among others, countless times in film, as part of the famous [007 series](#). An ideal name for a secret agent. A name and line not easily forgotten, as brands and taglines should be.

And then, there are some names you'd like to forget, but can't, especially if they are associated with personal injury lawyers, who [probably "suk"](#) even more than [trademark lawyers](#) (who *merely* have been dubbed [the most basic figure](#)), right?

Well, using [Dan's post from Friday](#), as a catapult (or, perhaps a hole-digger) for discussion, I'm thinking the jury is still out on [3 being the magic number](#), at least as it pertains to the 3 letters forming a rather [rare surname](#) (Suk) and the same number of words forming a curious (and hopefully misdescriptive) law firm name ([Suk Law Firm](#)), so, sorry Dan, I'm not sure there is any way to pull a rabbit out of the hat on this troubled tripartite branding combination:



Seeing the signage here, *I'm thinking* that any new or temporary receptionists at this law firm automatically require more intense phonetic training than your average law firm receptionist. In fact, this little gem (hat tip and photo credit to Max) probably rivals those spotted by Mark Prus in his recent guest post entitled: "[Name Development Faux Pas, a.k.a. What Were They Thinking?!](#)"

Ironically, the tagline for the Suk Law Firm is composed of these 3 words too: "[Think About It.](#)"

So, I'm assuming they followed their own advice and did, but nevertheless, it [probably came down the same way the Drury Inns name did](#), since the surnames in question no doubt have a great deal of goodwill associated with and emotional attachment to their founders. Might a naming consultant, nevertheless have said, [forgetaboutit?](#)

In any event, one of the things I'd be inclined to *think about* is how the brand name might sound when spoken, especially in a world where [word-of-mouth](#) marketing is key, and also how it might be perceived by those in the relevant public, [given the possible truncation from its four-letter cousin](#). Apparently Suk, when the surname meaning is intended, sounds like "cook" or "book," not "pluck" or "stuck." Oh, the things phonetic punctuation symbols can and should be used to do, to help guide the intended meaning by signaling long and short vowel sounds!

On a related note, it reminds me of the unintended meanings that can result when critical spacing is omitted, as was the case, between the branded words "[LA MER](#)" to yield LAMER.

Although mispronouncing the Suk surname may be bad enough, when one examines the derivation of the name, it doesn't appear to improve much on the meaning front either, since Suk apparently is not only a [nickname for a "powerful, unyielding man," but also a "stubborn, awkward one"](#). Hmmm, it's all beginning to make sense now.

For those with any modicum of lingering interest, the Trademark Office's treatment of SUK appears below the jump.

There are several marks containing the Suk term that have failed to federally register, suggesting to me that they flunked the prohibition on registration of scandalous, immoral, and disparaging trademarks under Section 2(a) of the Lanham Act:

1. [SUK DIK](#) for musical and sound recordings (basis for refusal not online);
2. [U SUK](#) for clothing (basis for refusal not online); and
3. [SUK-IT](#) for apparel (bingo, check out the basis for refusal).



Having said that, it appears these all have passed Section 2(a) scrutiny:

1. [SL SUKLESS](#) for clothing;
2. [SUKFACE](#) for aromatized beverages;
3. [SUK](#) for orthopedic instruments; and
4. [SUKUP](#) for agricultural implements.

While for this one, it's too early to say, because it hasn't been examined yet:

1. [SUK-IT SUK-IT SUK-IT SUK-IT](#) for clothing.

I'm thinking Section 2(a) may pose a problem here, what do you think?

And, to take this discussion a little further, what is worse, having your Suk mark refused registration under Section 2(a) as scandalous, immoral, or disparaging, or having it refused under Section 2(e)(4) because it is primarily merely a surname?

I'd say the former, because Section 2(a) is an absolute bar to registration; neither [acquired distinctiveness](#) nor [secondary meaning](#) will save such a mark, in stark contrast to registrable surnames that have acquired distinctiveness or secondary meaning. In addition, even without sufficient use or recognition for a valid showing of acquired distinctiveness or secondary meaning, there is still some hope of overcoming an otherwise well-grounded Section 2(e)(4) refusal by arguing that the surname is sufficiently rare to make such a refusal unwarranted (i.e., Suk having only [978 occurrences in 2000 Census](#)).

By way of example, the rarity of the Bovis surname ([158 occurrences in the 2000 Census](#)) recently saved it from registration refusal under Section 2(e)(4) of the Lanham Act, see John Welch's report from last week at the TTABlog, [here](#).

