

A Winthrop & Weinstine blog dedicated to bridging the gap between legal & marketing types.

Onesie of a Kind?

September 9, 2011 by [Dan Kelly](#)

I have been a parent for a little less than a year now, and I made a shocking discovery this week: ONESIES is a registered trademark. I found this out from a news article that [Gerber Childrenswear](#) is suing [California Christiania Republic](#) ("CCR") for infringement of of the ONESIES mark for CCR's "one*Z" adult, er, onesie product, which you can see pictured at right. There is really too much to say here, but since this is not a fashion blog, I'll do my best to constrain my comments to trademark issues. My fashion commentary [is pictured elsewhere](#).

My principal question about "onesies" is this: if onesie is not generic, what is the proper generic term for a onesie? It is a ONESIES® brand . . . ? It's not a t-shirt, not quite a [leotard](#), not a pant suit. What is it? According to Gerber's website, it is ONESIES® brand one-piece underwear, or just underwear. (Competitor [Carter's](#) calls them "bodysuits." I have it on good authority that Carter's bodysuits are superior to ONESIES® brand one-piece underwear.)

Unfortunately for Gerber, there are currently forty-one U.S. trademark registrations for marks used in connection with "onesies," often among other goods. That's right, even the U.S. Trademark Office is using "onsies" generically in describing goods (or allowing trademark applicants to do so). The first hit on an Internet search for "onesie" is for a Wikipedia article titled, "[Infant bodysuit](#)." These things are not necessarily fatal to Gerber's claims or rights, but it does merit placing ONESIES on [Genericide Watch](#). Perhaps Gerber can keep this brand from the genericide graveyard, like ROLLERBLADE and XEROX.

Jesting aside, and as always, I wish Gerber luck in its suit, and hope that they can get an injunction against the CCR garments themselves, if not the trademark.

