

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

[Primitive & Impolite, But Non-Vulgar Trademark & Naming Technique?](#)

Posted on October 9, 2010 by [Steve Baird](#)



On a recent pilgrimage to my home town to visit the [University of Iowa](#) and to see the Hawkeyes play football again in hallowed [Kinnick Stadium](#), I discovered that a rather rudimentary and perhaps impolite (or [potty mouth](#)), yet passionate ([sorry Nancy](#)) branding technique, is alive and kicking in Iowa City. I also learned what now appears to go hand-in-hand (or, perhaps leg-in-hands as opposed to a single hand) with Hawkeye football games, at least those played on their [home turf](#):



Somehow the static sign doesn't do justice to the in-person-experience, so try the [YouTube video](#).

[Once again](#), I'm reminded of Anthony Shore's [succinct naming insight](#):

There was a time when a simple, honest name was good enough.



Anthony, it appears those times are alive and well (or at least kicking) in the middle of the heartland.

Having said that, I'm also reminded of [Liz Goodgold's caution over "Potty Mouth Marketing: Six Reasons Why Vulgar Language is the Curse of Your Brand"](#).

Trademark Office insights below the jump.

Oh, and in case you're wondering whether the first two words of this mark require a disclaimer as being "merely descriptive," or whether they fail the [scandalous and immoral](#) registration prohibition found in [Section 2\(a\) of the Lanham Act](#), it appears not, on both counts, so apparently none of these federally-registered marks are considered "vulgar" by the USPTO:

- [Kangaroo's Big Ass Wines](#) for wine;
- [Big Ass](#) for beer (note the different owner)
- [Big Ass](#) for wine (note the brand extension)
- [Big Ass Surf Wax](#) for surfboard wax;
- [Big Ass Fans](#) for ceiling fans;
- [Big Ass & Design](#) for clothing
- [Big Ass Basketball](#) for clothing (note the different owner);
- [Big Ass Soap](#) for personal soap;
- [Big Ass Grill & Design](#) for marinades;
- [Big Ass Burrito](#) for restaurant services

With that discovery, it appears we have uncovered a [suggestive](#) and immediately protectable alternative to the descriptive phrase "[Super Size](#)" [McDonalds](#), you have just been trademark supersized.

