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[Great American Pancakes](#)

Posted on September 8, 2010 by [Karen Brennan](#)

Over the Labor Day weekend, my family traveled to a cabin in northern Minnesota, as many families must have done, based upon the amount of traffic coming back into Minneapolis on Monday. On our return trip, our caravan of cars decided to look for a [Perkins](#) for breakfast (I grew up in Iowa and for my sister and me, Perkins = childhood. Remember the wishing well?) Rather than using our phones to locate one, we simply looked for a large American flag.



My husband asked an interesting question – could Perkins stop other restaurants from using a large American flag since “everyone knows it means Perkins?” While Perkins could not claim exclusive rights to the American flag itself, could they claim trade dress rights in the size of the flag or the placement of the flag, if done consistently for each restaurant? Even if Perkins couldn't actually protect its use of the flag, it appears they are gaining a "trademark" benefit since I would have to agree that the public, at least the Midwestern public, associates its use with Perkins.

