



## United States: USPTO Grants Registration of SCOTCH WHISKY as Certification Mark

Timothy J. Lockhart

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The United States Patent and Trademark Office (USPTO) has granted the application of the Scotch Whisky Association (SWA or Association) to register SCOTCH WHISKY as a certification mark for “whisky produced in Scotland according to specific standards.” Registration No. 6763223 (issued June 21, 2022). The SWA’s registration came after it had made a use-based application to register the mark under U.S. Class A, the certification class for goods. SCOTCH WHISKY joins other marks such as NAPA VALLEY for “wine” and TEQUILA for “distilled spirits, namely, spirits distilled from the Blue Tequilana Weber variety of agave plant” as a U.S. certification mark for alcoholic beverages.

Mark Kent, the SWA’s chief executive, is quoted in an article for *Food & Wine Magazine* as saying, “The registration of the ‘Scotch Whisky’ certification trademark in the United States is a milestone for Scotland’s national drink in our largest global market.” “‘Scotch Whisky’ Gets Official Trademark in the U.S.,” Mike Pomranz, June 29, 2022. The article added: “Scotch sales in the United States were around [US] \$1 billion in 2021, a huge chunk of the total [US] \$5.5 billion worth of annual Scotch Whiskey [sic] exports around the globe from the United Kingdom.”

Although U.S. law already required any alcoholic beverage sold in the United States under the name “Scotch Whisky” to be produced in Scotland, the SWA reportedly sought registration of that name as a U.S. certification mark to increase the Association’s ability to go after counterfeiters. In the same article, Mr. Kent is also quoted as saying,

“Scotch Whisky—the UK’s largest food and drink export—is a firm favorite in the US, which was the industry’s first billion-pound market in 2019 before the impact of tariffs and the Covid-19 pandemic.”

Many sources report that, in Scotland, whisky (without the “e” used to spell U.S. whiskey) was originally known as *uisge beatha*, the Scottish Gaelic translation of the Latin term for distilled alcohol: *acqua vitae* or “water of life.” Although SCOTCH WHISKY is often referred to, especially in the United Kingdom, as simply “whisky,” there are also Canadian, Irish, Japanese, and other whiskeys. The best-known U.S. whiskey is probably bourbon, which, contrary to accepted wisdom, does not have to be made in Bourbon County, Kentucky, or even in that state.

### Timothy J. Lockhart

Chair, Intellectual Property Group

Willcox Savage

440 Monticello Avenue, Suite 2200

Norfolk, Virginia 23510

[tlockhart@wilsav.com](mailto:tlockhart@wilsav.com)

(757) 628-5582