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Obama Campaign Sues to Protect Trademarks

November 8, 2011 by [Tiffany Blofield](#)

President Obama campaigned hard to win his presidency. Only a trademark attorney would ignore his excellent oratory skills and attribute his success to his campaign trademarks. However, even pundits attribute some of President Obama's success to his use of social networking and marketing prowess. In connection with his campaign, President Obama for America ("OFA") registered several trademarks including the famous [Rising Sun](#) and [2012 Rising Sun](#) trademarks. The sale of the merchandise featuring the Rising Sun logos makes up a significant portion of OFA's revenue.

Demstore.com and Washington Promotions & Printing, Inc. (collectively the "Demstore.com entities") operate the website www.demstore.com where they sell election and campaign merchandise bearing the Rising Sun trademarks. OFA sent cease and desist letters to them. Yet, the Demstore.com entities continued using the trademarks on merchandise.

The Demstore.com entities alleged that the trademarks were invalid based on laches. This means that the company argued that OFA had unreasonably delayed pursuing its claim in a manner that was prejudicial to Demstore.com. OFA countered that a laches defense was not available because the Demstore.com entities had intentionally infringed the trademark.

OFA is likely wanting to use the Rising Sun trademarks for President Obama's reelection campaign. It will be interesting to see if OFA can restrain the Demstore.com entities from using the trademarks.

