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Happy to report that our litigation partner David Donahue and our associate Parker Eudy were among the co-authors of an amicus brief for the International Trademark Association (INTA) arguing that the USPTO's rejection of the mark TRUMP TOO SMALL under Section 2(c) of the Lanham Act should be upheld,[More](#)

Happy to report that our litigation partner David Donahue and our associate Parker Eudy were among the co-authors of an amicus brief for the International Trademark Association (INTA) arguing that the USPTO's rejection of the mark TRUMP TOO SMALL under Section 2(c) of the Lanham Act should be upheld, a position that the U.S. Supreme Court essentially adopted in a unanimous ruling in *Vidal v. Elster*, 602 U.S. ____ (2024). Somewhat unexpectedly in light of other recent Supreme Court decisions challenging provisions of the Lanham Act on First Amendment grounds, the Court ruled that Section 2(c) of the Lanham Act, which prohibits the registration of a mark that "[c]onsists of or comprises a name. . . identifying a particular living individual except by his written consent. . . ," does not violate the First Amendment.

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