

Albers in USA Today: Taylor Swift 'The Life of a Showgirl' Case Heads to Key May Hearing

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PRACTICES Trademark and Advertising, Intellectual Property

In an *USA Today* piece, Trademark and Advertising Partner [Purvi Patel Albers](#) breaks down the legal mechanics behind Taylor Swift's latest trademark clash – clarifying why the USPTO's refusal and the federal lawsuit are unfolding on separate tracks, what that refusal actually means and the trademark rights Swift retains even without a registration.

Read an excerpt below.

Purvi Patel Albers, a partner and trademark attorney at Haynes Boone, said the pause at the USPTO and the lawsuit operate on separate tracks.

"On the USPTO level, essentially her trademark application was refused. But that doesn't have any real bearing on the lawsuit," Albers said. "USPTO refusal is not a finding of infringement. It's a paper review of, 'Hey, in a vacuum, do the two marks look similar and touch the same space where consumers might think they come from the same source?'"

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"It's important to note, the USPTO only refused the application with respect to certain classes tied to entertainment services," Albers said.

Even without a federal registration, Albers said the singer's team still has enforceable rights and her lawyers can still challenge third parties selling unauthorized merchandise.

"In the United States, you accrue trademark rights by virtue of commercial use," she said. "What a trademark registration gives you is nationwide presumption of validity. So the registration itself doesn't create rights, it just enhances them."

Read the full *USA Today* article [here](#).