

Erin Hennessy on WFPL Radio: A Trademark Dispute in Butchertown Raises Questions. Can You Own a Neighborhood Name'

July 31, 2020 Erin Hennessy

PRACTICES Intellectual Property, Trademark and Advertising, Trademark Litigation

Haynes Boone Partner [Erin Hennessy](#) talked with WFPL News Radio in Louisville, Ky., about a trademark dispute involving the owner of a small brewery who wants to name his business after a local neighborhood and is being challenged by a larger brewery with the same name.

Here is an excerpt of the interview:

On April 29, Andrew Cobb received a cease and desist letter, informing him that he could not use the word “Butchertown” in the name of his new business because it had already been trademarked by a Louisville-based distillery.

Cobb has plans to open a small-batch craft brewery in the Mellwood Art Center and he’d like to name it Butchertown Brewing after the Louisville neighborhood east of downtown. He said he was disappointed and surprised to get a notice from Copper & Kings American Brandy Company, informing him that the company owns the registered trademark of “Butchertown” in several categories of goods and services, and Cobb could not use it.

Erin Hennessy, a partner at Haynes Boone law firm in New York and acting counsel for the INTA board, said after looking through Copper & Kings’ 2013 application to register the trademark, she’s “surprised to see that the application made it through without the examiner raising an issue based on the fact that the term potentially had a geographic connotation.”

“The general concept, in terms of your everyday sort of geographical terms, those should not be proprietary... if the geographic term conveys a geographical location to a reasonable consumer,” she said. “Everybody needs to be able to describe where their businesses are, so that’s the underlying trademark law concept as to why you can’t claim proprietary rights or exclusive rights to geographic terms.”

Litigation over the Butchertown trademark dispute could be a long process, maybe a year or more.

To read the full article about the interview, click [here](#).