

## David Bell, Randall Brown and Mira Park in Law360: 'Hashing Out IP And Legality Questions on Delta-8 THC'

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**PRACTICES** CBD and Hemp, Patents, Trademark and Advertising, Copyright, Intellectual Property

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You've heard of CBD and THC, but what do you know about their cousin — delta-8 tetrahydrocannabinol, or delta-8 THC?

This compound may be on the cusp of taking over the legal hemp market. As is the case with most things cannabis, the legality of delta-8 THC is not straightforward. What makes hemp-derived delta-8 THC particularly interesting is that, like hemp-derived CBD, it might be legal under federal and some state laws, but, unlike CBD, it can produce a high.

Here, we provide an overview of the legal framework for delta-8 THC, as well as comment on the interesting intellectual property questions that it raises.

For instance, will the U.S. Patent and Trademark Office approve trademark applications for delta-8 THC-based products, such as vaping cartridges that can get a user high and are unabashedly marketed with that claim?

What types of resistance might a brand owner face in protecting its marks and designs, and what options are available to protect them?

Is delta-8 THC subject to any patent protection?

### **What is Delta-8 THC?**

Delta-8 THC is one of the hundreds of compounds known as cannabinoids that can be derived from the cannabis plant. Its psychoactive effect is estimated to be about one-half to two-thirds of that from its better-known cousin, delta-9 THC. For the chemists in the audience, CBD, delta-8 THC and delta-9 THC all have the identical chemical formula, and delta-8 THC only differs chemically from delta-9 THC in the location of a single double bond.

To read the full *Law360* article, click [here](#).