

Client Alert: It's That Maddening Time of Year Again: March

Related Services

Intellectual Property

Trademarks

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Now that March is here we want to take a moment to remind you that MARCH MADNESS is a registered trademark of the National Collegiate Athletic Association (NCAA). Other terms commonly used in connection with the college basketball tournament like, ELITE EIGHT, FINAL FOUR, and MARCH MAYHEM are also registered trademarks owned by the NCAA. Use of these terms in an advertising campaign or promotion of a good or service may constitute trademark infringement. To avoid being on the receiving end of a demand letter or lawsuit, you should avoid using these terms. The NCAA enforces its rights aggressively and often challenges marks containing the words MARCH or MADNESS such as:

- MARKDOWN MADNESS for use in connection with an *automobile dealership services*,
- APRIL MADNESS for use in connection with *sweepstakes*, and
- MUNCH MADNESS for use in connection with *various snack foods*.

The NCAA has even taken the position that it owns trademark rights to “images of brackets, and marks consisting of or referring to the term BRACKET.”¹

While there may be arguments that certain uses of these or similar marks are not infringement, before proceeding with use you must weigh the benefits of use and potential costs in light of the extensive enforcement efforts of the NCAA. If you would like assistance with this or other trademark matters, please do not hesitate to contact us.

¹ Notice of Opposition, Opposition Number 91220749 (TTAB 2015)