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[Quote] Hail to the Washington Commanders – and the power of the trademark

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Hail to the Washington Commanders – and the power of the trademark

Sports team rebranding is about money, not social justice

BROOKE MASTERS



After the name change, Washington Commanders' new jerseys were the top sellers on Fanatics, the NFL's gear website © Patrick Semansky/AP

Brooke Masters 16 HOURS AGO

When the American football team based in the US capital announced last week that it will now play as the Washington Commanders, I thought of Suzan Harjo.

The advocate for Native American rights spent decades trying to get the team to change its moniker from the Redskins. In 1992, she took aim at their wallet, petitioning the US Patent and Trademark Office to cancel official protection of the name because it is a racial slur. I wrote about one of her [early victories](#), but the team later beat back this and other challenges in the courts.

Still, Harjo was on the right track. Trademarking is essential for sports franchises because it allows them to charge higher prices for gear and crack down on knock-offs. The Washington team is the fifth most valuable franchise in the National Football League, worth more than \$4bn, with fanatical local supporters and a storied history with three Super Bowl victories. That's value worth protecting.

The old name finally became financially unsupportable after the 2020 anti-racism protests following the killing of George Floyd by police. Nike pulled the team's gear from its online store and FedEx, which sponsors the local stadium, [asked for a name change](#). The franchise has played as the Washington Football Team for two seasons while it searched for a new identity.

The team has paid for this failure to change its name. [Surveys by FinanceBuzz](#) suggest Washington fans spend an average of \$103 annually on merchandise and gear, much less than the \$300 shelled out by boosters of the Houston Texans and Los Angeles Rams.

The long court fight and delayed renaming also created an opening for trademark squatters, who registered all sorts of combinations of "Washington" and various nouns in the hope of front-running the team's choice. A local man, Martin McCauley, spent more than \$20,000 trademarking dozens of names and even set up basic websites selling branded gear to strengthen his claims. Last year, the PTO turned down the team's initial effort to register "Washington Football Team" because it was too close to one of McCauley's names.

Such clashes are common and teams planning to rebrand set aside money to resolve them. If they go to court, teams have a good chance of prevailing over such squatters because usage matters.

However, the Cleveland Major League Baseball team learnt last year not to take victory for granted. After deciding to replace "Indians" with "Guardians", it secretly offered a nominal payment to a local roller derby team that was already using the name. Though the offer was rejected, the baseball team ploughed ahead and found itself staring at a lawsuit. The two sides settled on undisclosed terms, but presumably it involved a lot more cash.

Washington's search for a new name was similarly complicated: team executives liked both "Red Wolves" and the "DC Football Club" enough to [design potential logos](#). But a Michigan soccer team calls itself the DCFC and uses the same burgundy and gold colours while Arkansas State University plays as the Red Wolves.

And so Commanders, a tribute to Washington’s military ties, got the nod. Like other franchises, the team used a treaty dating from 1883 to keep the preparations secret. The Paris Convention allows a company that registers a trademark in one country to rely on that date everywhere else if it applies within six months. Picking an obscure jurisdiction lets a team prepare gear without alerting fans or squatters. [Cleveland went to Mauritius](#); Washington filed in Trinidad and Tobago last August.

Still, the Washington team rebranding — unveiled on national television — was bumpy. A fabled alumnus [let the moniker slip early](#) and many older fans publicly mourned the lost name. Wags noted that the new one could be shortened to the “Commies”, inspiring parody shirts that featured a hammer and sickle logo. “The rollout was a disaster,” says Christine Farley, an American University law professor who followed the dispute. “Two years we waited for this name. This is the best they could do?”

The franchise’s challenge now is to create a new ethos to go with the new name. It needs more than a rebranding. Over the past 15 years, Washington has drawn more attention for [front office sexual misconduct claims](#) than its mediocre on-field play. But the early signs seem positive. After the announcement, the team’s new jerseys were the top sellers on Fanatics, the NFL’s gear website.

As for Harjo, who won a presidential medal of freedom for her work, she’s thrilled. “You never know when the tipping point will come, but it has tipped,” she says. “It’s about time.”

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