



## Asian Americans Divided Over Band's Trademark Battle

Kat Chow

January 19, 2017

ROBERT SIEGEL, HOST:

This week, the Asian-American rock band The Slants was at the Supreme Court. The band has been fighting to register its name as a trademark. The U.S. Patent and Trademark Office has denied them registration, saying the name is disparaging. Band members say in choosing their name, they've tried to reclaim a slur. Well, some Asian-American advocates are questioning The Slants fight. Kat Chow of NPR's Code Switch team has more.

KAT CHOW, BYLINE: Standing on the steps of the Supreme Court right after the oral argument yesterday, Simon Tam, the frontman of The Slants, was fired up.

SIMON TAM: If the government truly cared about fighting racist messages, they would have canceled the registrations for numerous white supremacist groups before they even approached our case.

CHOW: He says he's fighting this case to take back an offensive word and, in doing so, trying to pave a path for others.

TAM: And those bystanders in this case would be the marginalized groups who've been trying to get their own trademarks registered.

CHOW: Like LGBTQ groups and Native Americans trying to fight a certain football team.

TAM: To me, it's more important to protect those communities than to worry about one racist guy getting his football team.

CHOW: But that approach is exactly the concern for some advocates. While other groups, including the Cato Institute, the ACLU and the Asian American Legal Defense Fund, have filed amicus briefs backing The Slants, Cecilia Chang is concerned this would set a precedent.

CECILIA CHANG: There's a real-world cost to normalizing that kind of speech, particularly in a country of immigrants.

CHOW: Chang is legal director of Asian Americans Advancing Justice. Her group took a middle-of-the-road approach and filed an amicus brief in support of neither The Slants nor the trademark office. In its brief, the group acknowledged that many of its members are fans of The Slants, but don't believe, quote, "socially progressive reclamation movements are worth opening the law." Free speech is good in a democracy, Chang says, but that doesn't mean the use of slurs should be taken lightly.

CHANG: On the other hand, we don't think that the existing way, necessarily, that the government considers whether a mark is disparaging is perfect.

CHOW: There could be ways, Chang says, to address some of Tam's concerns. The law could be modified to determine if a trademark is part of a reclamation effort, the potential harmful effects and how artistic it is.

UNIDENTIFIED MAN #1: All right.

CHOW: Just hours after the oral argument, Simon Tam and the band members are at a gathering in Northwest D.C. After Tam tells a small crowd about his journey into Asian-American activism and to the Supreme Court, The Slants do what they like to do best.

UNIDENTIFIED MAN #2: Three, four.

(SOUNDBITE OF SONG, "FROM THE HEART")

THE SLANTS: Sorry if my notes are too sharp. Sorry if my voice is too raw.

CHOW: Instead of being known as the band going to the Supreme Court, Tam hopes The Slants can be known for their songs - songs like this one from their recent album "The Band Who Must Not Be Named." Cat Chow, NPR News. Transcript provided by NPR, Copyright NPR.