



Go Walgreens!

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Speaking of logos ... As you are undoubtedly aware, the Washington Nationals have scaled previously unreachable heights and will be playing in their first World Series, beginning this coming Tuesday, against either the Houston Astros (likely) or the NY Yankees (unlikely).

It's a true feel-good story, a nice antidote to the many other feel-not-so-good stories that suck up a great deal of oxygen in our Nation's capital. There's the improbability of it; the Nats lost 31 of their first 50 games, and, should they win the World Series, would be the first team since the 1914 "Miracle Braves" to have dug themselves out of a hole that deep that late in the season. They had to overcome a history of postseason failure—four times in then last seven years they had reached an elimination game and lost, often in particularly soul-crushing ways—and they had to claw back from being three runs down in two of the elimination games this year (against the Brewers and Dodgers), becoming the first team in major league history to do in two consecutive postseason series.

With all the Nationals gear floating around town, many people have noticed that the Nationals' "curly W" logo bears a rather striking resemblance to the logo of the Walgreen's drug store chain; they are, as you can see above, almost (though not entirely) indistinguishable from one another.

Fortunately, it does not appear that Walgreen's, which has registered the logo with the PTO (Reg. No. 87678728), has any interest in contesting the Nationals' use of the logo—possibly from an excess of public-spiritedness, possibly from a recognition that the company actually benefits by having thousands of people walking around with "their" logo on their shirts and hats, or possibly from a recognition that while the logos are indeed quite similar, it would be difficult to show (as required under the federal Lanham Act) that consumers are "confused" or "misled" by the similarity, given the very different lines of commerce in which the two firms are engaged. The Walgreen's logo is associated, according to the trademark registration, with a variety of goods and services—"non-medicated hand soaps, nail polish remover, eye makeup remover, moisturizing creams, skin care preparations, pre-moistened cosmetic wipes, deodorant for personal use, cosmetic products, shampoos ..."—none of which is remotely related to the goods and services provided by the baseball team, and trademark law makes it extremely difficult to enforce exclusive rights across markets that are completely unrelated.

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