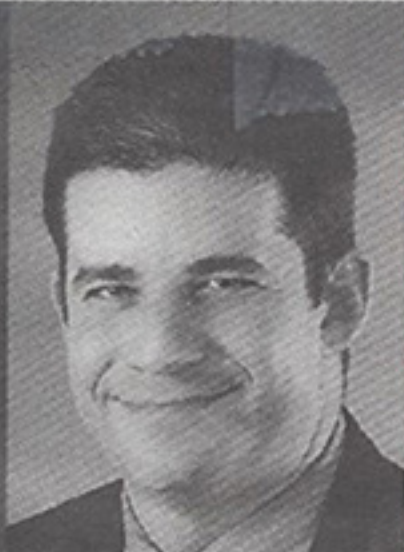


WHO'S WHO

in Intellectual Property, Labor Law

KEITH WELTSCH

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Keith Weltsch is a partner at Scully, Scott, Murphy & Presser, PC in Garden City. Weltsch specializes in U.S. and foreign trademark prosecution and clearance. He is experienced in oppositions and cancellations before the Trademark Trial and Appeal Board, as well as in federal trademark litigation matters. Weltsch is also experienced in the copyright registration, enforcement and counseling fields. He also has significant knowledge with respect to the rapidly expanding and changing domain name laws, as well as the important legal interplay between domain names and trademarks.

The ability to register trademarks that may be deemed to be "disparaging" is one of the hottest issues in intellectual property in 2016, Weltsch said.

"In the case of *In re Tam*, an individual named Simon Tam, who is of Asian descent, filed a trademark application for the mark THE SLANTS, referring to the name of a musical group of which he was a member," he said. "The Trademark Office refused the application on the grounds that the word 'SLANTS' was deemed to be disparaging of persons of Asian descent. Mr. Tam appealed his refusal to the Court of Appeals for the Federal Circuit, where it was reversed on the grounds that the statutory language preventing the registration of a mark that was considered 'disparaging' to be unconstitutional on the grounds that the Trademark Office's denial of registration of such marks constitutes a denial of important legal rights to protect private speech based on the Trademark Office's viewpoint-dependent disapproval of the message conveyed by the trademark."

"It will be very interesting to see the impact the Federal Circuit's ruling has on a more well-known trademark registration battle, namely, the on-going battle between several Native Americans and the Washington professional football team over the registrability of the term Redskins," Weltsch noted. "A petition to cancel the Redskins' trademark on the grounds that it is disparaging of Native Americans was granted by the Trademark Office, but has been appealed by the Washington professional football team to a separate Court of Appeals. A decision is expected later this year."

Weltsch earned a bachelor's degree in history from Pennsylvania State University and graduated with honors and with distinction, Phi Beta Kappa. He earned a juris doctor from George Washington University. For 4 years, he was a Trademark Examining Attorney at the U.S. Patent and Trademark Office. He is admitted to practice in New York and the U.S. District Court for the Eastern District of New York and District of Columbia, and is a member of AIPLA and INTA.

Celebrating its 43rd year as a pre-eminent intellectual property law firm, Scully, Scott, Murphy & Presser, PC sits at the crossroads of cutting edge science, technology and law where it offers detailed, insightful opinions and secures and enforces intellectual property for its clients. SSMP is consistently ranked among the top 10% of patent firms in the United States.

The firm continues to grow in the areas of biotechnology, material science, chemistry, electronics, electrical engineering, computer science, internet, business methods, mechanical arts, pharmaceuticals and nanotechnology.