

Football Hooligan Trade Marks Kicked Out by UK Registry

In a decision issued in November 2005, the UK Trade Marks Registry provided helpful and interesting guidance on the registrability of trade marks which could be considered “contrary to public policy, or to accepted principles of morality”, as referred to in Section 3(3)(a) of the Trade Marks Act 1994. In brief, the decision makes clear that trade marks having associations with violence, or extreme anti-social behaviour are unlikely to be registrable, on the basis that registering such marks could be seen as glorifying or promoting dangerous or highly undesirable activities.

The specifics of the case were that Sporting Kicks Limited applied to register a word/device mark featuring the words “INTER CITY FIRM”, which referred to the infamous West Ham supporters who had acquired a reputation for violent football hooliganism and whose activities had been reported across the country. Sporting Kicks had applied to register the mark for a range of clothing in class 25 and a variety of badges and the like in class 26. Having been unsuccessful in overcoming objections by written argument, Sporting Kicks took their case to a hearing, at which the Hearing Officer refused the application on the ground that it would be seen to promote football hooliganism.

Sporting Kicks’ main argument, in favour of the application being accepted, was that the violence linked with the Inter City Firm was in the distant past and that the logo had now come to be something of a fashion symbol, pointing out, in addition, that allegedly “comparable” marks such as HOOLIGAN and FIGHT CLUB had been registered successfully. The Hearing Officer did not accept this line of argument, concluding that the mark was little more than a “badge of antagonism” and pointing out that the use of the mark on fans’ clothing could well lead to violence in the event that the logo was spotted by groups of rival supporters. In summary, the Hearing Officer found that the mark constituted a form of “anti-social branding”, and that it was against public policy to register any trade marks which could be seen to condone the vicious and violent brand of football hooliganism with which the Inter City Firm had become synonymous.