

## **Proposal: For Occupy Wall Street To Protect Its Name, and the Movement, through Trademark**

### **Factual Background:**

On the requests of the Finance committee and individual occupiers involved in other working groups, Attorneys Wylie Stecklow and Samuel Cohen filed an application to trademark “Occupy Wall Street” on behalf of Occupy Wall Street on an emergency basis on October 24, 2011. Occupy Wall Street’s trademark application for “Occupy Wall Street” seeks to defend Occupy Wall Street’s rights to use its own name, and to prevent others from using it for merchandising or disinformation purposes.

The emergency filing was preceded by the filing of a Long Island couple to register “Occupy Wall St.” on October 16, 2011. The couple in question are OWS allies, and they graciously abandoned their application once it became clear that OWS was protecting its own interests. The emergency filing had the additional positive effect of pre-empting the filing of Vince Ferraro of Fer-Eng Investments, an Arizona businessman with no affiliation to OWS, who filed for the “Occupy Wall Street” mark for purely commercial purposes several hours after OWS’ own filing. Other businesses have expressed interest in attempting to profit off OWS, and it is uncertain how many more will step forward attempting to profit from the movement.

### **What is Trademark, and What Does Trademark Registration Mean?**

Trademark is not like other forms of intellectual property. Trademark rights are available to establish that the mark is associated with its user as a “source identifier,” so that, for example, people can be confident that a website with the banner “Occupy Wall Street” actually contains information from “Occupy Wall Street.” Trademark protections is automatically provided to users of marks to a limited extent, but it can be difficult to prove that a particular mark user should have priority use of the mark without a trademark registration showing that they were the first to use the mark. A trademark registration serves as a form of proof that establishes the registrant’s priority in use and ownership of the registered mark nationwide.

### **Proposed Actions:**

1. GA Authorization of the Emergency “Occupy Wall Street” Trademark Filing
2. GA Authorization to file “Occupy Wall St.” Trademark for OWS
3. GA Authorization to extend thanks to the Long Island couple.
4. GA Authorization to reimburse filing fees from emergency filing (\$1,300.00)
5. GA Authorization of further filing fees for “Occupy Wall St” mark.