

"Area 51" Trademarks

From: **Damien Thorn**
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Subject: "Area 51" Trademarks

It was interesting that Glenn delved into the small controversy regarding the intellectual property rights (trademark) being claimed by Lockheed Martin involving the F-22 Raptor name, and then wrote:

>Sooooooo.... I assume that this means that the term "assets" extends to
>facilities as well as aircraft and ordinance. That would mean that the
>word "Area 51" could never be copyrighted by any one company.

Funny that Glenn should bring this up, as this was something we researched a few months back. There are actually MANY Area 51 registered trademarks. During our search on 3/3/97, we turned up 19 using MicroPatent's Trademark Checker (<http://www.micropatent.com>) - a pay-per-use site.

None of the trademarks were very revealing, and some had been abandoned, such as Atari Games Corporation's registration of the words "Area 51" for US Class 039 - Clothing.

Interestingly, a company called 800 Trekker, Inc., P.O. Box 13131, Reading, PA 19612 has registered a "word only" trademark for "AREA 51" in tons of categories ranging from jewelry and name pins on through brooms, prints and publications, glassware, crockery, clothing and the catch-all "merchandise not otherwise classified."

In another filing, they added "metal signs and license plates" to their filing.

Aside from this and the multitude of Atari Games filings, there is a band (as in musical) with a trademark registration pending for the name.

The two more interesting filings (still pending back in March) were these:

J.B. Universal Enterprise, 8201 SW 13 Terr., Miami, FL 33144 files on 02/20/96 (serial # 75-059520) for a trademark to the "AREA 51" word mark covering "Prerecorded video cassette tapes featuring materials directed at mountains, spaceships, deserts, and aliens."

The same company, on 01/30/96 (serial # 75-061741) filed another application covering "Toys, including toy spaceships, toy aircraft, and toy vehicles; board games; dolls; stuffed toy animals; scale toy models of mountains, spaceships, vehicles, trucks, autos, aircraft, and deserts; toy action figures and action figure accessories; skateboards and accessories for skateboards; roller skates and accessories for roller skates; toy walkie talkies; and toy guns."

Really looks like someone is hoping to cash in. Based on the many trademark applications and filings I've reviewed over time, this one is pretty poorly prepared, and does not show an attorney of record, so it was probably done after reading a "how to get a trademark" self-help legal book. Personally, I'd like to challenge their application, but I suspect Atari Games will deal with it.

The last application that I thought was kind of nifty was from San Francisco-based Jean-Claude Boisset Wines, USA, Inc. They have a registration pending for "alcoholized lemonade and hard cider" along with a separate application to use the AREA 51 trademark on "beer, lager, ale and malt liquor, and carbonated soft drinks, namely root beer."

Look for AREA 51 beer in your local tavern some day...

Damien Thorn

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