

From: Shiner, Mark

Sent: 7/7/2011 5:35:21 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 77952263 - THE SLANTS - N/A -  
Request for Reconsideration Denied - Return to TTAB - Message 3 of 29

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Attachment Information:

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Files: bigwowo-08.jpg, bigwowo-09.jpg, bigwowo-10.jpg, bigwowo-11.jpg, bigwowo-12.jpg

discrimination, and advocate for API rights. Every week, I receive letters from Asian Americans thanking us for our work because we show that it's ok to present a bold depiction of API culture. You can't google "The Slants" these days without stumbling across thousands of links sharing our positive message about Asian culture. We've raised valuable funds for dozens of API organizations and helped bring awareness on the cancer rates of Asian American women to the American Cancer Society so that they'd continue funding research dedicated to API cancer prevention. We helped bring attention to the attacks on Asian students at South Philadelphia High School and provided support for the immigrant students there. We're doing good work for the community and have never received a message of hate because of the name.



**bigWOWO says:**

May 4, 2011 at 11:58 pm

Simon,

As always, your views are appreciated. I also appreciate the fervor you put into promoting your band.

So I just have a few points to make. Actually a question, and then some points to make.

1. If you REALLY wanted to patent this, you would have patented a visual logo because they would have approved it right away. Instead, you tried to get a word mark, which, given the USPTO's criteria, they were almost definitely going to reject. So here's my question: **when you applied for this mark, were you doing so with the idea that they would reject it and give you ammunition to claim the government is acting in a bad manner?**

I'm just curious because you could have easily patented an image or logo, but instead you decided to go the hard route where you would almost definitely be denied. I really am curious **why you took the route that would surely fail when there was an equally easy route that would surely succeed.**

2. You can look up trademarks [here](#). I just looked up Niggaz with attitude, and they didn't come up. Washington Redskins does. but c'mon. man. they're an exception

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didn't come up. Washington Redskins does, but c'mon, man, they're an exception since they've been playing since the 1930's. That was thirty plus years before the Civil Rights Era, and they've built up a name for all that time. It would be hard to deny them that name. Have you been playing bass guitar since the 1930's?

3. You're missing the point of objection. You argue that you've done good here and there, and that you speak to people, and that you get letters from people...but that's not the point of objection. No one is saying that you're a bad person. No one is saying that you don't do good things. The point is that "Slants" looks like a gimmick, and it looks like an extremely tacky gimmick. It obviously works—I wouldn't be blogging about it, and you wouldn't have received so much publicity from the AAYLC and OCAA if it didn't work. But you could do good things without resorting to such gimmicks. Look at all the other Asian American bands who don't resort to these tactics—the Morning Benders, Jin, Far East Movement, David Choi...I could go on and on.

So why not go that route instead? Instead of calling yourself a "slant," why not give yourself a name. Or use your own name! Have people recognize you for your individuality rather than a racial slur. You might find that more empowering.

Here...check out this blog post by another Asian American on the same topic. I think he says it well:

<http://benefsanem.blogspot.com/2011/04/chinkies-and-gooks-and-slants-oh-my.html>



**Simon Tam** says:

May 5, 2011 at 9:17 am

Byrin,

In answer to your questions:

1. when you applied for this mark, were you doing so with the idea that they would reject it and give you ammunition to claim the government is acting in a bad manner?

Without going too much into Intellectual Property law, yes we did submit an image with it. It's part of the process. And no, we did not have a clue that it would be rejected because of the overwhelming positive response we've had with the Asian American community. We've never found the name to be offensive, we're of Asian descent, and we've had unilateral support from the API press – we didn't even think it'd be an issue. Trust me, no one in their right mind would want to retain a lawyer for over a year, spend countless hours of research each night, and do everything that we needed to do fight this. It's been an emotionally, mentally, and financially draining situation that has exhausted us. But it's an important one because what happens with our case will determine the future for all minority groups who want to trademark a term that can be seemingly disparaging, even if in fact, they are not.

2. You can look up trademarks here. I just looked up Niggaz with attitude, and they didn't come up. Washington Redskins does, but c'mon, man, they're an exception since they've been playing since the 1930's. That was thirty plus years before the Civil Rights Era, and they've built up a name for all that time. It would be hard to deny them that name. Have you been playing bass guitar since the 1930's?

Niggaz Wit an Attitude, the 1980's rap group, has the trademark under "NWA." The Redskins has been loudly objected to by Native Americans, with countless lawsuits and is such a controversial term that even the Oregonian refuses to print their name. Just because it has been used for a long time doesn't justify its use. To ask me if I have been playing guitar since the 19030's is a non-sequitur argument. One can infer from the thought that because "The Trademark Office doesn't approve of racial slurs" that it would be acceptable to call Native Americans "Redskins" because it has been used for so long by a football team. Unlike "Slant," or "Queer" it is not a term that has been widely accepted by the community it refers to.

The Slants has been playing since 2006, even with the modern API rights movement formally (which arguably didn't exist until after Vincent Chin in the early 80's) with a very well built name and very little controversy. Again, we've performed at the largest API events in the world such as the Asian Street Heritage Celebration with over 80,000 participants and they did not receive a single complaint about the band's name. Our API events' audience totals over 500,000 each year and none of those events have received complaints about the band. There are no massive court cases against The Slants like there have been with

There are no massive court cases against the slants like there have been with NWA or the Redskins. The USPTO even trademarked the all Caucasian group, "Uncle Cracker," they gay pride event "Dykes on Bikes," and a number of other arguably offensive groups.

The other API groups that I mentioned above also have never received complaints from the community. "Slanted Screen" has been screened at numerous API student groups, public libraries (we've also performed at state libraries), etc.

3. But you could do good things without resorting to such gimmicks. Look at all the other Asian American bands who don't resort to these tactics—the Morning Benders, Jin, Far East Movement, David Choi...I could go on and on.

You mentioned these artist and most of them use racial reclamations. For example, Jin the Emcee referred to himself as "the original chink-eyed MC" in numerous songs (including his biggest single "Learn Chinese.") He also refers to himself as "slant" in many of his freestyle rap battles and songs, always using the term with deep pride.

David Choi as well as many other well known Asian comedians all refer to their Asian upbringing, ethnicity, and stereotypes in a light-hearted humorous manner. Almost every comedian in the recent "Cocky Asians Tour" used the terms "chink," "gook" and "slant" in a positive and humorous manner.

The fact is that words have the power that you choose to give to them. One can attribute a hateful, derogatory meaning to anything. American soldiers used to use the term "Charlie" quite frequently when referring to Vietcong and for some time it was a racial slur used against the name. Yet no one is asking that people change their names or that brands be changes because of this.

At one time, years ago "Slant" was used as slur. But it was not widely used and nowadays the more common use is as a positive, self-referential manner. It is not a gimmick but a term of pride.



**Simon Tam** says:

May 5, 2011 at 9:25 am

Byron,

I don't want to draw this out in some gigantic battle on the comments section of your blogsite. You're entitled to your opinion and you have reasons for having issued with our name, just as we're entitled to ours and we have good reasons and support from the API community for it. We don't expect every single person to agree with what we do.

If you're curious for some more history of why I deliberately chose the term "slant" and why we're getting widespread support from the API community, try this blog from the Asian American Legal Defense and Education Fund. You're probably familiar with them since they have done more in API rights than anyone out there on broad level:

<http://aaldef.org/blog/my-slant-on-the-slants-and-other-asian-american-words.html>

Feel free to disagree with what we do but please don't ever mistake our work as a "gimmick" or a publicity stunt. Our focus has always been and always will be to change perceptions about Asian Americans, to empower the community, inspire API's who have felt like outsiders to be proud of their heritage, and to partner with other organizations to do the same.



**Casey Bui** says:

May 5, 2011 at 10:13 am

I have to agree with Simon here. I've never considered "Slant" a racial slur towards myself. I've only been called Chink or Jap or sometimes they get it right and call me Gook! And here's the funny part, I do have slanted eyes! Maybe BigWoWo should have a one man band called "SmallWeWe" Or is that not PC enough for ya? Anyways, go Simon!



**bigWOWO** says:

May 5, 2011 at 10:19 am