

From: Shiner, Mark

Sent: 7/7/2011 5:35:24 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 77952263 - THE SLANTS - N/A -
Request for Reconsideration Denied - Return to TTAB - Message 4 of 29

Attachment Information:

Count: 6

Files: bigwowo-13.jpg, bigwowo-14.jpg, bigwowo-15.jpg, bigwowo-16.jpg, bigwowo-17.jpg, bigwowo-18.jpg

Simon,

I'm not trying to draw out a gigantic battle either, and as I said, I appreciate you coming here to discuss the issue. But I do think it's worth your time to at least examine some perspectives that you may not be seeing. Do you agree? Maybe I won't change your views, but maybe you could look at some points that I and many others are making, and then come to your own decision.

1. You could have simply registered a logo and not gone for the offensive name. A good lawyer could have recommended this as a first step, and you would have easily won your trademark. It could have been something as easy as a font. I'm not sure why your lawyer didn't recommend this, or whether you just didn't take his advice. I'd be willing to recommend a different lawyer if you like, and she could help you win your trademark. (But please read below before continuing with this action...)

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.

Okay, we're getting WAY ahead of ourselves here. **THIS is why I thought you may have purposely taken the hard loss rather than the easy win.** Was your purpose to "determine the future for all minority groups," or was it to take action that created controversy with a government organization, or was it simply to get your name trademarked? Do you see where I'm coming from? I think many of us are reading into this the same way.

2. Trademarking "NWA" is different from trademarking "Niggaz With Attitude." If you had tried to patent, for example, "The Magical S's" instead of "Slants," you probably would've won.

Law is practical, and I think you need to think practically when it comes to the Redskins. They've been building up their brand for over eighty years, and it probably wasn't disparaging when it was first used. They may have simply been grandfathered in, especially with the money involved in the franchise. Besides, Indian American groups are not unanimous in disapproval of the name:

<http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&node=&contentId=A40891-2002Jan25¬Found=true>

And the API movement started during the 1970's. I refer you to Mr. Frank Chin (not Mr. Vincent Chin). I bring this up not to nit-pick over history, but to show you where the thinking began. I think it's worth checking out. Read Aiiieeeee to learn about how AA's began to conceptualize themselves as Asian people in America. It's good stuff.

3.

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.

Simon, Simon, you're comparing apples and oranges, two completely different situations. What Jin said/did is nothing compared to what you're saying/doing. Just look at his name: Jin the MC. Not Jin the Slant. Not Jin the Chink. Not the Chinkees. Not Chinks With Attitude. It's all about context, Simon. I think that's what you're failing to see. You call yourselves "the Slants." That's entirely different from what any of these other artists do with their names. They're just using lyrics to set context. And while I wouldn't say that I'm supportive of Jin using the word "chink," it's an entirely different context that he sets up through his lyrics. It makes more sense than simply making it his name.

I'd have less of a problem if you had lyrics that referenced Slants or Chinks or whatever. But to call yourself a "Slant" as your entire identity is tacky. It does NOTHING to change perceptions of Asian Americans, mostly because the deeper thinkers will run the other way when they see how you see yourself.

Another thing—just because people aren't complaining doesn't mean they think it's a good idea. I, for example, don't think it's good to call oneself a Slant, but I've never formally registered any complaints about you with any organization. You have the right to call yourself what you want, and I support your freedom of

speech—I just think it's tacky and unhelpful for the message that you say you want to spread. **I think you could do that much more if you weren't relying on this name thing.**

Give it some thought. In the end, it's not about winning the argument, it's about doing what is best for your own stated mission statement. I think changing your group's name will take you in the right direction.



bigWOWO says:

May 5, 2011 at 10:21 am

Casey,

Your comment demonstrates exactly what I'm talking about. Get yourself away from stereotypes. Stop defining yourself by what someone else says you are.



Casey Bui says:

May 5, 2011 at 10:48 am

BigWoWo, stop taking everything so serious. So what if they want to call themselves the Slants? Why would you take anything that is positive for the API community (even if you don't agree with the term) and knock it down. You should support all fronts of the equality movement even if it seems radical or different to you. If one kid is getting just a little pride and not feeling alone about being picked on or teased for the color of their skin or the shape of their eyes, then it's a good thing. And damn, at least people are talking about it.

The whole PC thing is so dumb. "Love see's no color?"

The color is the beauty of what makes love so cool...

The Slants seem to be making a difference in a different way than say you would. So what? What press have you generated on the issue of equality as large as this? Besides your own bubble of people who might read your blog or committee's your involved with?



Simon Tam says:

May 5, 2011 at 11:20 am

Byron,

Again, no need to get into Intellectual Property law here but you're way off on the logo registration/image issue.

You're reading way too much into the issue. Again, as I mentioned before, we registered to the trademark to protect our name. There was no ulterior motive for making a big issue out of it. In fact, we kept it a private battle for over one year (including our re-filing). It became a public issue when we began asking for more awareness.

I'm not going to go into the history of every mark or even the law because it's a pointless discussion here. If you want to read about it, the documents on our case are public and by next month, it will be a case file of over 500 pages. Neither of us are lawyers so let's not pretend to understand the law.

Same with API history. Of course it began organizing earlier in the decade but it was the events surrounding Vincent Chin that launched the Asian community to really rally together. See Helen Zia's work "Asian American Dreams" or Frank Wu's "Yellow" for that discussion. The exact year when API's started working together doesn't matter in this instance. As stated above, I said arguable it didn't formalize until fairly recently.

It's your opinion that you say our name is tacky and not helping our message spread. I would argue otherwise. Like I said, we perform for over 500,000 API's every year. The band's been associated with positive references of Asian pride and culture in and on over 1200 radio stations, tv shows, magazines, and websites. As an internationally reaching brand, our albums are being sold in over 150 countries. We've raised over \$750,000 for API charities. All of this occurred in less than four years.

Like you said, it's all about context. What the band has done for API's has only been positive. Our use of the term, like Slant Film Festival, like Theatre Group "The Slant," like TV show "Slant TV," like Asian magazine "Slant," and dozens of other groups has been a positive, self-referential term that has injected pride into a

...and groups has been positive, but I certainly don't think the rejected press are an antiquated term.

I'm very proud of the achievement and think that we're doing something right. Hundreds of thousands of API's around the country agree with that. You can't discount that.



bigWOWO says:

May 5, 2011 at 1:12 pm

If one kid is getting just a little pride and not feeling alone about being picked on or teased for the color of their skin or the shape of their eyes, then it's a good thing.

So now they're rescuing little kids? Casey, man, much respect, but I think you need to lay off the ganja pipe and listen to what you're saying! I love overstatement, but even I'm having trouble with the rescuing little kids angle!

What press have you generated on the issue of equality as large as this? Besides your own bubble of people who might read your blog or committee's your involved with?

Read my op above. I haven't seen any discussion about equality from their work. None. Zero. Have you? I see a LOT more discussion here and in my committees regarding the question of equality. With the Slants, I just see discussion over the name they chose. And that's the irony--by choosing a less offensive name, they could be more effective. (assuming, of course, that they raise the pertinent issues.)



bigWOWO says:

May 5, 2011 at 1:16 pm

Simon,

I actually spoke with an API lawyer friend this morning. I told her about your case. She said she could probably get it through, but she also said she didn't like the

name of your band. 😊 So I guess there probably isn't a point in discussing it. Again, my friend isn't complaining about it, but I only wish you could see how people really are reacting to your name. Again, much respect to your excitement and promotion, but it may make sense to step back and hear what people really think.

Also, think about what YOU want for the future of Asian America. What proactive steps are you taking for people?

Of course it began organizing earlier in the decade but it was the events surrounding Vincent Chin that launched the Asian community to really rally together. See Helen Zia's work "Asian American Dreams" or Frank Wu's "Yellow" for that discussion.

Here's another difference. By discounting their work simply because people didn't rally, you're essentially rating people by popularity. It's kind of like saying that Royce Gracie mattered less than Chuck Liddell, since Liddell was the first mainstream star. Do you see what I'm saying? It's not good to categorize a person's work based only on how popular they are because it negates the substance of what they contribute.

And for the record, people did rally around the early Asian American lit pioneers. Not to the same degree as they rallied around Vincent Chin, but that shouldn't negate the early contributions of AA lit pioneers. By evaluating people based only on what other people think about them, you're putting your decision making abilities into the hands of other people. I think it's better to take a more historical approach. Examine what they are saying, irrespective of what others say and think.



bigWOWO says:

May 5, 2011 at 1:56 pm

One other point—*reacting* to a hate crime is reactive. Writing literature is *proactive*. Creating music is proactive. Using a name that is a racial slur is reactive. Why not just be proactive? Music certainly is.
