

## **United States Olympic Committee v. Toy Truck Lines, Inc.**

237 F. 3d 1331 (Fed. Cir. 2001)

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In 1995, Toy Truck Lines, Inc. filed an application to register a trademark for use on its toy trucks. The United States Olympic Committee ("USOC") filed an opposition to Toy Truck Lines' registration for the mark, arguing that the USOC both owned and used the mark. While this issue was pending, the Olympic and Amateur Sports Act of 1998 ("OASA") was enacted, replacing the Amateur Sports Act of 1978. The U.S. Patent and Trademark Office's Trademark Trial and Appeal Board ("TTAB") failed to consider the effect of the new statute on the issue and ruled initially in favor of Toy Truck Lines. The Court of Appeals for the Federal Circuit ruled that the Board should have decided the case in light of the more recent statute which demanded that the USOC prevail as a matter of law.

The USOC opposed Toy Truck Lines' trademark application, citing the Amateur Sports Act of 1978 which granted to the USOC exclusive rights to the use of trademarks, trade names, signs, symbols or insignia associated with the Olympics. Ultimately, the U.S. Patent and Trademark Office determined that there had not been any trademark violations as the mark Toy Truck Lines intended to use would not confuse a connection to the Olympics

The appellate court reversed the previous decision, ruling that the TTAB should have considered the effect of the 1998 statute, which granted to the USOC exclusive rights to signs and symbols associated with the games. Generally, tribunals must apply the law existing at the time of the decision. Furthermore, the unambiguous language of the 1998 statute reserves to the USOC the use of any associated mark without showing the likelihood of confusion or false connection required by the 1978 statute.

The court held that the USOC was not required to show that Toy Truck Lines use of the mark would likely cause confusion and that it was incorrect for the Board to dismiss the opposition presented by the USOC. As a matter of law, the USOC must prevail in such controversies after the passage of the 1998 statute. As a result, the case was reversed and remanded for further determinations in accordance with the decision of the Federal Circuit Court of Appeals.