

Skee-Ball Challenges Brewskee-Ball Over Trademark

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Some Coloradans might be familiar with certain words, such as aspirin and elevator, which were once brand names but became common nouns. Thankfully, today's companies can seek trademark protection through the U.S. Patent and Trademark Office to prevent other companies from using their product names, which can eventually cause these names to become common nouns. Despite these federal protections, however, some trademark disputes are unavoidable.

Millions of people have enjoyed playing Skee-Ball in arcades for several years, but when Brewskee-Ball founders added its own twists to the game, it became a nationwide hit. After Brewskee-Ball received national press attention, however, Skee-Ball officials raised concerns over the naming of the now-popular bar game.

Although Brewskee-Ball founders allege that they met with the CEO of Skee-Ball and received consent to use the name, there is no written evidence of this agreement. The leaders of each company shook hands at an informal meeting. Skee-Ball has issued a cease-and-desist letter to the founders of Brewskee-Ball, who have done nothing to appease Skee-Ball. Brewskee-Ball owners argue that Skee-Ball is already a generic term for the arcade sport, and that it has a right to incorporate it into the name of its game.

Skee-Ball officials are reportedly concerned that if Brewskee-Ball is allowed to operate under this name, the term Skee-Ball could become common enough to lose its trademark protection. Unfortunately, in this case neither party has been willing to give in, and the matter will likely be settled in court.

It is important for the business leaders to do everything they can to protect their intellectual property. Anyone who needs guidance in this area may want to make an appointment with an attorney.

Source: NPR, "[Brewskee-Ball Founders Refuse To Be Sidelined By Trademark Case](#)," Joel Rose, May 6, 2014



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