In the Supreme Court of the United States

MICHELLE K. LEE, UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE,

Petitioner,

V.

SIMON SHIAO TAM,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Federal Circuit

BRIEF FOR RESPONDENT

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QUESTIONS PRESENTED

The disparagement clause in section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), prohibits the registration of a trademark that "may disparage ... persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute."

The Questions Presented are:

- 1. Whether the disparagement clause bars the registration of respondent's trademark.
- 2. Whether the disparagement clause is contrary to the First Amendment.
- 3. Whether the disparagement clause is unconstitutionally vague under the First and Fifth Amendments.

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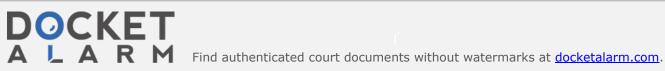


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