



## Handout 1 - Trademark Portfolio of the Grateful Dead

*From Daniel S. Kirshner, Attorney at Law*

As is expected, most well-known rock bands have an extensive portfolio of trademarks registered in the United States Patent and Trademark Office. (Most likely, there are foreign registrations as well, which is beyond the scope of this discourse.) This is a look at the trademark registrations of The Grateful Dead, and related entities.

The Grateful Dead was an American rock band founded in the 1960's, who recorded and toured extensively until the death of its lead guitarist, Jerry Garcia, in 1995. Mainly through touring, but also its recordings, the Grateful Dead generated a loyal and devoted following of fans, colloquially known as "Deadheads". Following the death of Garcia, merchandising became a more important aspect of their business model.

A search of the Federal Trademark Register for marks owned by the Grateful Dead reveals over 25 registrations which are still alive, some dating back as early as the 1970's.

Naturally, the name Grateful Dead is protected by several trademark registrations. Since as early as 1974, the band registered the trademark for its name. For example, the U.S. trademark registration bearing registration number 0982352 protects the name in connection with live performance by a musical group. This registration, as it is for a standard character mark, is broad in its scope of protection. After the band formed its own record label, another standard character mark registration was obtained in the 1980's for use with sound recordings. The name has been protected by the band many times since, and in connection with a wide variety of goods and services. Examples of these goods and services include t-shirts and other articles of clothing, stickers, posters, decals, etc. Even after the death of Garcia, the band has continued its merchandising enterprises by registering the band's name in connection with loungewear, neckwear and the like.

Likewise, the band, which is well known for its associated artwork and iconography, has multiple trademark registrations to protect its logos. Familiar Grateful Dead logos such as the Skull and Lightning, Skeleton and Roses, Dancing Bears, Space Your Face and Lightning Bolt are the subject of trademark registrations, both in connection with music and also in connection with merchandise.

As is evident, the Dead have an extensive portfolio of trademark registrations and appear to be well protected. It is doubtful that anyone beside the band could profit from the use of the Grateful Dead's trademarks, or anything similar, without the risk of trademark infringement. This model should serve well to instruct other musical acts on the protection of their brands and extension into merchandising.