

# Stop Trying to Trademark COVID and CORONAVIRUS

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While the world deals with the growing global pandemic caused by the novel Corona Virus, SARS-CoV-2, and the COVID-19 disease that it causes, some out there are trying to take advantage of the crisis by seeking trademark protection over COVID and/or CORONAVIRUS. These attempts are not only in bad taste but are also unlikely to lead to trademark registrations.

As a starting point, it is important to recall that, fundamentally, trademark law is aimed at protecting consumers. That is, trademark law is aimed at protecting a consumer so that they will know that when they buy a Chevy brand truck, an Apple brand computer or a McDonald's cheeseburger, it will be of the quality that they have come to expect from that manufacturer or provider. Thus, trademark rights only extend to marks that serve to identify the source or origin of goods or services.

Applying that here, COVID or CORONA VIRUS, would only be a proper trademark for someone (or some business) claiming to be the source or origin of the virus. Given that no one can make that claim, these applications to register should be denied. Nevertheless, it has not stopped numerous people and entities from attempting to register some COVID or CORONA related marks. For example, Kenyonken Productions LLC has filed applications for COVID-19 SURVIVOR and COVID-19 INFECTED for t-shirts with an alleged first use in commerce of February 14, 2020. Another application, filed by an individual, appears to be attempting to take a lighter tone, seeks registration of FXCK COVID-19 for "Hats; Shirts and short-sleeved shirts; [and] T-shirts" and FXCK CORONAVIRUS for "Hats; [and] T-shirts." There are also numerous plays on I SURVIVED CORONA VIRUS (or COVID-19) that many are attempting to register for clothing or apparel.

Fortunately, given the underlying purpose of trademark law, these opportunistic applicants, seeking to "cash in" on a global pandemic, are unlikely to be successful in their attempts to register and profit from these "trademarks." We expect the Trademark Examiners will see that neither COVID nor CORONA VIRUS serve as the identifier of a source of either goods or services. The moral of the story is that you should consult with a qualified attorney before attempting to get a trademark.

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