

Don't Even Think About Advertising a SUPER BOWL Party! re: Trademarks

Article By:

Susan Neuberger Weller

As we all know, [Super Bowl XLIX](#) will be played this Sunday in Phoenix, Arizona between the defending Champion Seattle Seahawks and the New England Patriots. There will be events of all kinds organized all around the country focused on this football game. If you are planning something, just remember: do not use "Super Bowl" by itself or in conjunction with other words or terms in any commercial promotions of any kind including your own events, third-party events, contests, games, product promotions, or sales. You just can't do it.

"SUPER BOWL" is a federally registered trademark owned by the National Football League for use in connection with products and services related to this athletic event. This gives it exclusive nationwide rights to use the term on and in connection with these goods and services and prohibits anyone else from using the term in any way that would suggest any type of association, affiliation, sponsorship, endorsement, licensed status or other connection between it and the NFL, when in fact no such status exists. And the NFL takes this very seriously as do its official licensed partners and sponsors, who pay a great deal of money for the right to use the registered trademark SUPER BOWL for various commercial purposes.

Although the NFL's SUPER BOWL mark does not enjoy the very specific protected status provided to the Olympic trademarks under federal statute, [36 USC 220506\(c\)](#), its level of protection is extremely broad given its long-term use, registered status, notoriety and fame. Thus, the NFL has a great deal of legal muscle behind it when it pursues third parties for unauthorized use of the SUPER BOWL mark.

The fact that the NFL and its officially licensed partners and sponsors may not always use the ® federal registration symbol in connection with the SUPER BOWL mark, does not diminish the scope or strength of its exclusive rights in this phrase.

You may notice various third-party references to "THE BIG GAME" around the time the SUPER BOWL is scheduled. This is an effort to refer to the game without having the NFL swoop down to assert trademark infringement.

In past years, the NFL has been very aggressive in going after third party use of other words or phrases associated with the SUPER BOWL, such as the ["Who Dat" controversy](#) involving the New

Orleans Saints in 2010. Whether it will attempt to assert proprietary rights in any words or phrases associated with this SUPER BOWL, including the current “Deflategate” scandal, remains to be seen. (At least as of this writing, no one had filed any trademark applications for “Deflategate”.)

As for all the businesses out there, unless you have inked a licensing agreement with the NFL to use SUPER BOWL for any commercial purpose, consider yourself warned not to do so. “THAT BIG GAME SUNDAY” will have to do.

©1994-2025 Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. All Rights Reserved.

National Law Review, Volume V, Number 26

Source URL: <https://natlawreview.com/article/don-t-even-think-about-advertising-super-bowl-party-re-trademarks>