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Kanye West pulls out of presidential race: could a lack of trademark activity have predicted it?

- **Kanye drops out of presidential campaign weeks after announcing it on Twitter**
- **Lack of filings for campaign slogans atypical of West's usual business strategy**
- **Legal expert states campaign-related marks are of limited value**

Kanye West has pulled out of his attempted run for US president, just weeks after announcing his plan to join the 2020 race. After first revealing his intentions, many news outlets quickly pointed out that West had [missed crucial state deadlines](#) to file as an independent candidate. However, research conducted by *WTR* also reveals a lack of trademark applications related to his campaign, leading to the question of whether he was ever fully in the race.

Although an unlikely candidate, this is not the first time that West has shared his ambition to run for the Oval Office – the rapper and fashion designer first using an [acceptance speech](#) at the 2015 MTV Video Music Awards to reveal his intention to run in 2020. His recent announcement on running, as is typical nowadays for presidential candidates, was made via a [tweet](#): “We must now realize the promise of America by trusting God, unifying our vision and building our future. I am running for president of the United States Flag of United States! #2020VISION” The tweet received over a million likes and half a million retweets, including by Elon Musk who [wrote](#): “You have my full support!”

Recent polls found that West was generating small levels of support. One [national poll](#) revealed that 2% of US citizens would vote for him, the [figures](#) indicating that it was largely President Trump's voter base that he was appealing to. Today, though, West is [reportedly out of the presidential race](#).

Notably, no trademarks related to his campaign appear on the USPTO registry, aside from one abandoned mark ([KANYE2020](#), from 2015) owned by a third party. This is unusual for West, who has historically been a prolific filer. “Given how often Kanye does file trademarks – and how aware his legal team appears to be about the need to do so, it did seem surprising that he had not yet filed anything related to his 2020 run,” considers [Josh Gerben](#), founder of Gerben Law Firm.

Gerben suspects that the lack of KANYE4PRESIDENT trademark applications may be to do with the quick turnaround of his decision, stating: “If this was a serious effort to run for presidency, I would have expected to see filings come in relatively soon.”

By comparison, Joe Biden's campaign filed a selection of campaign marks on 24 April 2019, the day before he officially announced his candidacy. Four marks were filed by BFPCC, Biden's presidential campaign company, and the mark [BIDEN 2020](#) was first published on 28 January 2020. For each of the marks, the BFPCC filed a consent to use of name form signed by Biden.

“Presidential campaigns often file trademarks around the name and logo associated with a candidate,” explains Gerben. “This enables the campaign to police the marketplace for any counterfeit merchandise being sold and also ensures the campaign can conduct the normal forms of trademark policing that go on with any business enterprise.”

While the lack of filing would therefore point to a lack of serious interest on West's part, Potomac partner [Julia Anne Matheson](#) disagrees. “Trademark registrations for a presidential campaign don't make a lot of sense since it takes about 18 months (best-case scenario) to obtain a registration and the campaign is over by that point.”

With more time to develop a campaign, logo and name, the decision can make more sense, she adds. This has been the case for Biden, whose trademarks represent the amount of gestation time his campaign has had. However, with his marks filed on an intent-to-use basis, most will not have sufficient evidence of use to reach registration before the campaign is over. “So there really isn't a lot of value there,” Matheson opines.

In terms of enforcing a campaign name or slogan trademark, Matheson is also suspect of how useful an application would be. Free speech concerns would likely nullify much of the work that a campaign could do to halt third-party actions. The exception, as always, is Trump, who has historically used his name as front and centre branding for all his business enterprises: “His ability to enforce his rights is a bit different from regular people who have not developed extensive trademark rights in their names.”

How likely, then, was West's presidential bid based solely on his trademark activity? “The fact that Kanye West hasn't filed trademark applications with the USPTO tells us nothing about his campaign other than he isn't an incumbent, he has come to decide to run relatively recently, and he recognises the limitations around registration from a timing perspective,” explains Matheson, talking before West dropped out of the race.

Although a trademark portfolio is not an essential part of a presidential campaign – especially such a short notice one – it is still part and parcel of the normal running of things. Biden and previous Democrat competitors Pete Buttigieg, Tulsi Gabbard, Amy Klobuchar and Bernie Sanders have [all filed marks](#) for their campaigns. West may have intended to (and his track record suggests that he would have) but his withdrawal makes that academic now.

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