



## “THANKSGIVUKKAH” Convergence of Thanksgiving and Hanukkah—The Latest Pop Culture Trademark Sensation

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By [Belinda Scrimenti](#), Partner

Many media outlets are asking: Where is Adam Sandler when you need him?<sup>1</sup> His well-known Hanukkah Song is due for a new verse that celebrates a hot new holiday “trademark.”

Popular culture events frequently are reflected in trademark filings. The latest: “THANKSGIVUKKAH” – This year’s rare convergence of Thanksgiving with the first full day of Hanukkah. According to reports, the last time the overlap occurred was in 1888, and physicist Jonathan Mizrahi has calculated that the event will not occur for another 79,000 years.<sup>2</sup>

Indeed, this “once-in-eternity” event has brought a “cornucopia of money-making” opportunities as described by *USA Today*.<sup>3</sup> And where there’s a money-making opportunity, there must be a trademark.

Reportedly, the “THANKSGIVUKKAH” term was coined by a Boston resident, Dana Gitell,<sup>4</sup> who had the foresight to protect the mark by obtaining trademark registrations for the term, in Class 16 for greeting cards and other party goods, and in Class 25 for t-shirts and baby garments. The applications, based on a stated first use date of December 3, 2012, were filed one day later, but nearly a year before the 2013 holiday.<sup>5</sup>

In another oft-reported story, a 9-year-old New York boy, Asher Weintraub, “invented” the “MENURKEY” – a turkey-shaped menorah – and with his parents’ help, raised more than \$48,000 on Kickstarter for the product.<sup>6</sup> They have already filed for a federal trademark registration.<sup>7</sup>



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Anxious to get in on the “THANKSGIVUKKAH” trademark action? Despite many media references to “GOBBLE TOV,” as of this writing nobody has sought to register a trademark for it. Also available: “HANU-GIVING” and “CHALLAHDAY GREETINGS,” the latter of which was first registered back in 1985 and has long since expired.

The trademark office is often a reflection of popular culture, but not surprisingly, many of these marks either never make it to registration, or are quickly forgotten and abandoned. Government and historical events often spawn these filings. For example, seven applications have been filed that incorporate the term “OBAMACARE” – mostly related to insurance services. Three have already been abandoned, and four have pending office actions. Nevertheless, this volume of filings pales in comparison to the adoption of other government catchphrases.

Remember the Iraq War’s “Shock & Awe”? Within hours and days following the initial attack on Baghdad, applications for “SHOCK & AWE” in various formulations started flooding in to the USPTO. Not counting applications for other marks incorporating the terms, 36 “SHOCK & AWE” applications were filed for everything from golf clubs to pesticides, lingerie to fireworks, and even “infant action crib toys.” Of that, only four were eventually registered and remain on the register today.

During the same period, the ire over France’s lackluster support of the United States in the Iraq War led to another pop culture trademark spat. French fries became “Freedom Fries.” Within 60 days of the controversy, six companies sought to obtain a trademark registration for the term, and one tried two years later. The first user of the mark ultimately prevailed in the registration battle, but years later, allowed the registration to go abandoned for failure to file the Section 8 maintenance declaration.<sup>8</sup>

The king of pop culture filings, however, occurred at the 2000 year millennium. USPTO records reflect over 320 filings for trademarks incorporating the term “Y2K.” Of that number, only 27 ultimately registered. Today, only one registration remains on the register – for business consulting and information services.<sup>9</sup>

In contrast, the USPTO records may well be a good barometer of what is highly unpopular in the United States – as no one sought to register “FISCAL CLIFF,” “DEBT CEILING” or “GOVERNMENT SHUTDOWN”!

With no threats of the fiscal cliff, debt ceiling negotiations or a government shutdown hanging over the month of November, that brings us back to Thanksgiving. A far more enjoyable government event remains free of trademark interlopers – no one has applied to register “TURKEY PARDON.”

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<sup>1</sup> See, e.g., <http://www.miamiherald.com/2013/11/12/3748399/this-year-thanksgiving-hanukkah.html>; <http://mainstreetmusingsblog.com/2013/11/04/thanksgiving-and-hanukkah-makes-thanksgivukkah/>; <http://www.kansascity.com/2013/11/11/4614193/this-year-thanksgiving-hanukkah.html>

<sup>2</sup> <http://jonathanmizrahi.blogspot.com/2013/01/hanukkah-and-thanksgiving-once-in.html>; see <http://bigstory.ap.org/article/gobble-tov-american-jews-ready-thanksgivukkah>

<sup>3</sup> <http://www.usatoday.com/story/news/nation/2013/11/14/thanksgivukkah-products/3516299/>

<sup>4</sup> [http://en.wikipedia.org/wiki/Thanksgivukkah#cite\\_note-22](http://en.wikipedia.org/wiki/Thanksgivukkah#cite_note-22)

<sup>5</sup> See U.S. Registration Nos. 4,371,793 and 4,379,381.

<sup>6</sup> <http://bigstory.ap.org/article/gobble-tov-american-jews-ready-thanksgivukkah>; <http://www.usatoday.com/story/news/nation/2013/11/14/thanksgivukkah-products/3516299/>; <http://online.wsj.com/news/articles/SB10001424052702304176904579112022682954300>

<sup>7</sup> See U.S. Application Serial No. 85/956314.

<sup>8</sup> See U.S. Registration No. 3,220,999

<sup>9</sup> See U.S. Registration No. 3,677,414