

# Phyllis Schlafly Family in Beer Trademark Spat

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ST. LOUIS (AP) — To many older Americans, the Schlafly name is most closely associated with Phyllis Schlafly, the conservative commentator known for her campaign to defeat the Equal Rights Amendment in the 1970s.

A younger generation knows Schlafly as the brand of an up-and-coming St. Louis brewery co-founded by Schlafly's nephew.

Now the federal agency that oversees trademarks is being asked to wade into a dispute within the prominent family and decide whether Schlafly is primarily a last name or a commercial brand that deserves legal protection.

With a growing national profile and new owners who might want to expand, the brewery started by Tom Schlafly more than two decades ago is seeking a trademark that would give it the exclusive right to use the Schlafly name to sell craft beer. But Phyllis Schlafly has asked the U.S. Patent and Trademark Office to deny the request, lest any implied association with beer sully her 60-year political career.

"There are tens of millions of Americans who oppose alcohol," said Andrew Schlafly, a New Jersey lawyer who represents his mother in the matter. "Certainly alcohol has a connotation that is the opposite of conservative values."

Phyllis Schlafly, now 89, lives in a St. Louis suburb and continues to lead the Eagle Forum, the group she created to prevent ratification of the proposed constitutional amendment on women's rights. These days, the forum fights issues such as same-sex marriage and federal education standards.

Her official biography touts Schlafly as a "leader of the pro-family movement" and "successful opponent of the radical feminist movement." Her daily, syndicated radio commentaries are heard on more than 500 stations. She's written 20 books and continues to produce a monthly newsletter and a syndicated newspaper column.

Schlafly, who is not involved in the beer company, did not respond to several telephone messages seeking comment. Andrew Schlafly said his mother, who like her beer-making nephew is a lawyer, was speaking at the Conservative Political Action Conference last week and was not available for an interview. She is a Schlafly by marriage, not birth: Her late husband was a brother of Tom Schlafly's father.

Andrew Schlafly has filed his own papers opposing the trademark. So has brother Bruce, an orthopedic surgeon in St. Louis. Each petition asserts that the word Schlafly when standing alone "has no usage or meaning other than as a surname."

Phyllis Schlafly's petition says supporters commonly assume she's connected to the

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beer company. Dr. Bruce Schlafly says his patients make the same mistake.

Nearly 18 months after Phyllis Schlafly filed her complaint, settlement talks continue. The brewery filed its application in 2011, not long before Schlafly and his partner, Dan Kopman, sold a majority of the brewery to Sage Capital LLC, a local private equity firm.

"I would like to get this settled and move on with selling beer," said Tom Schlafly, who remains the company's largest shareholder and its board chairman.

Schlafly beer is brewed in downtown St. Louis and in suburban Maplewood by the St. Louis Brewery Inc. The company produced 56,000 barrels of beer in 2013, making it the 44th largest craft brewery in the country, according to industry tallies.

As the company explores entry into new markets, the new ownership group decided to take steps to protect its brand.

"If we're going to make a significant investment and build the brewery, we want to add this," Tom Schlafly said in an interview at his downtown law office overlooking the Gateway Arch. "The bigger you are, the more likely you are to have other people copy you."

Opposition to the trademark may not be limited to members of Schlafly family. Anheuser-Busch has been given an extension through early April to file its own protest. Spokeswoman Lisa Weser said the makers of Budweiser have yet to decide on the issue but are keeping their options open.

"As the largest St. Louis brewery with more than 150 years of heritage in the city, we believe 'The Saint Louis Brewery' should not be trademarked by any one brewer," she said in a written statement.

Tom Schlafly declined to discuss the legal issues raised in the trademark dispute. He said the flap has not spilled over into a full-blown family feud and that he remains friendly with his aunt and cousins, whom he typically sees once or twice a year at holiday gatherings or weddings.

Nor does Schlafly want to insert his business into a political squabble.

"She has fans and critics," he said. "I want to sell to both of them. The last thing I want to do is antagonize her followers because I hope they drink Schlafly beer, too."

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