

If you Trademark it, They will Come

**By Reg P. Wydeven
October 15, 2017**

Football season is finally here. This past Saturday night I was flipping through the channels and found a college football game. As my TV screen filled with a gigantic blue football field, I knew instantly that the game was being played at Boise State University's Albertsons Stadium, home of the blue turf. I first remember the small school's rise to national prominence during their 2006 dream season.

In the 2007 Fiesta Bowl, the Broncos upset perennial powerhouse Oklahoma on a last second trick play. After the game, running back Ian Johnson proposed to his girlfriend, Chrissy Popadics, Boise State's head cheerleader, on national television.

Wanting to capitalize on the university's fairy tale season, president Robert Kustra hired Rachael Bickerton as the school's director of trademark licensing and enforcement. Bickerton was born in London and practiced in the area of music licensing before moving to Idaho. She was hired despite never having seen a football game.

Bickerton was tasked with protecting Boise State's brand. In an unbelievably creative move, she filed for trademark protection for the football team's blue field with the U.S. Patent and Trademark Office. Bickerton argued that like me, most of America immediately associates blue turf with Boise State University, which requires protection. In support of her application, she submitted 141 pieces of evidence, including articles, travel guides and marketing materials explaining the history and relevance of the blue field.

In 1986, the school needed to update their field. Gene Bleymaier, who was athletic director at the time, was upset that it was going to cost \$600,000 for new artificial turf. The school would have to shell out over half a million dollars for a field that looked like every other one in the country. Irked, he suggested getting blue turf to stand out.

Despite trepidation by traditionalists, the ploy worked. The quirky turf garnered national attention and attracted more and better players. Enrollment at the school tripled since it was installed.

But the government balked, claiming a "lack of distinctiveness." The trademark was approved a year later, however, after Bickerton showed that the university spent \$2.2 million on advertising to promote the field.

So now, if you want a football field in a color other than green, you need Boise State's permission. Because of the national exposure, other schools have followed suit. Eastern Michigan has a gray field, Eastern Washington's red turf is known as the Inferno, while Central Arkansas' surface has purple and gray stripes.

While there are about 30 blue football fields around the country, Boise State made sure that they are the only Division I school to have one. The school has received about 40 requests for a colored field, such as from Coastal Carolina, which has a teal field. Bickerton has approved other schools' fields retroactively in order to preserve the integrity of their trademark.

Bickerton says she approves a request "as long as it doesn't prevent Boise State from getting the best students and the best student-athletes that we're looking for." The license has no cost, but schools cannot in any way liken themselves to Boise State.

The university also trademarked the word Bronco, although the NFL's Denver franchise has permission to use the moniker. So while NFL may have Broncos, don't expect any colored fields. At the owners' meeting in 2011, the NFL passed what's known as the "Boise State Rule," which says that all teams' field colors must be approved by the league and must be a shade of green.

After washing my kid's football pants about a million times this year, I suggest that Kimberly install white turf.

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