

EXPLAINER

The Wild, Wild West of Trademarks



By Victoria Bekiempis, who writes about courts and crime for Vulture and other outlets

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In 2018, Wyn Wiley was on a backpacking trip when they put on a pair of high heels. During that trip, Pattie Gonia, Wiley’s drag personality, was born. Since then, Pattie Gonia has not only amassed 1.8 million Instagram followers but launched a nonprofit for “allyship in the outdoors.” She has talked about climate change at drag shows across the U.S., raising nearly

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reported \$1.47 billion in sales during the 2024–25 fiscal year, filed a trademark lawsuit against Pattie Gonia and her growing brand on January 21, 2026.

Patagonia has claimed it filed suit “in response” to her recent trademark application. Its court papers claim that she wants to trademark Pattie Gonia for items such as clothing and online marketing services to promote environmental causes and LGBTQ rights, as well as “community sporting and cultural events ... and conducting trail and hiking events” and entertainment. The 53-year-old company claims that its brand identity is at stake, alleging that Pattie Gonia’s merch could confuse costumers. After months of silence on the lawsuit, Pattie Gonia recently hit back, telling her loyal fans, “This is not a brand conflict. This is a corporation trying to erase an activist.” Patagonia, she insists, is trying to “take away” her activism and career. The Patagonia–vs.–Pattie Gonia court case and Pattie Gonia–vs.–Patagonia public-opinion case are very different and mired in their respective intricacies. Vulture spoke with several intellectual-property experts to figure out what is Pata-going on.

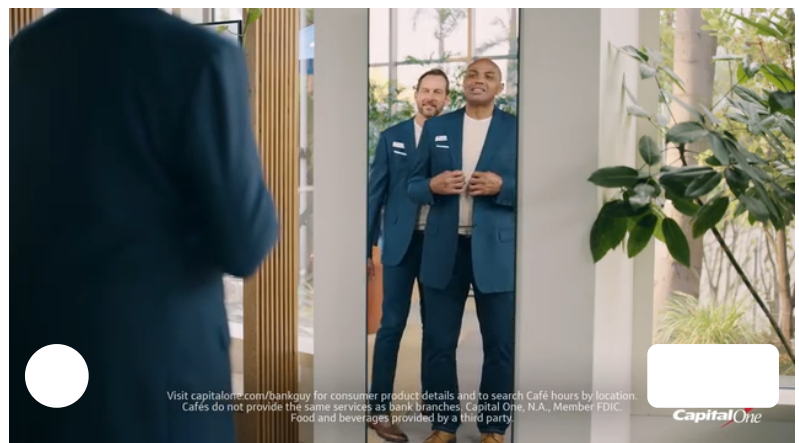


What is Patagonia’s beef with Pattie Gonia?

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activism” and an intent “to launch a wideranging commercial enterprise under the PATTIE GONIA brand.” The company made sure to note that it has no issue with her “drag and advocacy,” but claims it had reached a deal with Pattie Gonia for her to not use the Pattie Gonia name on products because Pattie’s move toward merch “has already confused consumers, and will continue to confuse consumers, about Patagonia’s role in producing or sponsoring Pattie Gonia’s products, events and public appearances.” Patagonia included several photos in its lawsuit showing several apparel items with the name “Pattie Gonia,” which allegedly invoke the company’s rainbow mountain-ridge logo.

A water-bottle company allegedly told Patagonia about a potential collaboration with Pattie Gonia, which big Patagonia did not like. The apparel company claims that everyone then discussed restrictions on “the use of” Pattie Gonia to prevent confusion. “Pattie Gonia confirmed an understanding that she must refrain from selling PATTIE GONIA–branded products or using fonts or designs that copy, or are substantially similar to, Patagonia’s logos,” the company said in its civil complaint. Patagonia alleges that Pattie Gonia ignored this agreement, “culminating in her trademark application.” Patagonia included a screenshot of Pattie’s October 2025 Instagram video where she wears gloves that have a very similar logo to the brand’s. Pattie Gonia maintains that the company’s depiction of their agreement isn’t correct.



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“When I was collaborating with a third party, Patagonia asked me to follow certain terms, and I did. That wasn’t a broad agreement about my future,” she said on Insta. For what it’s worth, Patagonia said, “We wish this lawsuit had not been necessary, and we want to acknowledge any hurt it has caused, especially in the LGBTQ+ community.” The company said it wants to resolve things if Pattie Gonia withdraws trademark applications and stops selling clothing as Pattie Gonia. “If we can agree on this, we can work out everything else, and Pattie Gonia could continue as a performer and activist. We share common ground with them, including the goal of saving our home planet and creating a more inclusive outdoors.”

Can Pattie Gonia claim parody instead of trademark infringement?

Intellectual-property experts say that parody has specific parameters when it comes to surviving infringement claims. “If you’re going to parody a mark, you’re usually making fun of what it is that the brand does,” said Mark Mizrahi, a partner with firm Saul Ewing with almost three decades of experience. A parody of Gucci, for example, might poke fun at consumerism. But “using someone else’s name or brand as a springboard for popularity is not necessarily parody.” This is why culture-jammers can get away with invoking company logos or brand names — they’re making a social commentary. “You’re using the brand, the famousness of the brand, to get your message out,” he said.

How does this relate to clothing?

Tim Holbrook, a professor at University of Denver Sturm College of Law, voiced similar sentiments, noting that this lack of brand critique might undermine Pattie Gonia’s ability to sell custom merchandise. “Parody requires two seemingly inconsistent things. It’s making the consumer aware of the original brand, but also making clear that the parodist is not the original brand,” Holbrook said. “In that sort of weird dynamic, the parody needs to be commenting on the original brand ... some sort of critique. If they’re just alluding to the original brand, that approaches satire and not parody.” Holbrook said that “from what I’ve seen from her apparel, there’s nothing where she’s taking the apparel company to task for anything or criticizing them.” Rather, it appears that she is “advocating for sort of environmental causes, but that is actually in alignment with Patagonia, the apparel company.

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parody and fan art and tries to spin those into some kind of vast use of their logo.” “Drag is built on parody puns and jokes, but I’m willing to never parody their logo ever again, a.k.a. never give them free PR ever again.” In a video posted on Instagram, Pattie Gonia said that she sought trademark protections after seeing another drag performer’s name was stolen. She also offered to give up her trademark application if Patagonia backed off and dropped the suit.

Where does satire fall into the intellectual-property discourse?

“Satire is using the original for criticism, but the original is not the target of the criticism,” Holbrook said. “Parody is using the original to critique or comment on the original. A successful parody must both bring to mind the original while also making clear it is not the original via the critique.” He referred to a legal dispute involving *The Cat NOT in the Hat!: A Parody*. The book detailed O.J. Simpson’s murder trial in the style of Dr. Seuss’s classic *The Cat in the Hat*. A court determined that the former infringed on Seuss’s intellectual-property rights. “That was just the way that they introduced the subject matter, it was not commentary on Dr. Seuss, so that approach is more of satire,” he said. That usually fails when it comes to intellectual-property rights claims, he said, and “is not deemed protected by the First Amendment, because you didn’t need to use the IP rights holders’ rights in order to make that

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Can Patagonia actually claim people would be confused by Pattie Gonia's nature-related merch?

As much of a stretch as it might seem for people to confuse Pattie Gonia and Patagonia, the company is trying to make that case. Peter Nicolas, the William L. Dwyer endowed chair in law at the University of Washington, said that trademarks involve things such as “a word, a name, a symbol, a logo, or some combination of those” used in commerce to sell goods, “and for a very particular purpose to identify and distinguish your goods and indicate the source of those goods.” Nicolas said a person “can make a trademark infringement claim if consumers might be confused, if they’re going to look at your product and they’re going to think it came from me.” Consumers might think that what they’re buying is associated with the high quality an original brand is known for, “then maybe they’re going to be surprised or disappointed when they get home and find out it’s not actually from you — that’s kind of a traditional trademark infringement case.” There are variations of this. Even if there’s no confusion — and the trademark is so well known it might be considered famous — someone could be liable for watering down the original brand. “Patagonia, the apparel brand company, is making both claims.” Nicolas said that to be fair, it is true that if you don’t sue when one person uses it, then “it becomes a lot harder to sue other people later on, where the infringement may be more significant.” That said, this legal dispute doesn’t seem to be all that great for Patagonia. “It’s a bit of a PR nightmare for the clothing company,” he said. A “friendly resolution” that ends things quickly might well be Patagonia’s best move.

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By Chris Lee

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