



Federal Circuit Review: *In re Bayou Grand Coffee Roasting Co.*

June 8, 2026

The Doctrine of Foreign Equivalents after *In re Bayou Grand Coffee Roasting Co.*

It is well established under U.S. trademark law that a generic term is never registrable as a trademark, and that a merely descriptive term is only registrable once it has obtained secondary meaning. Under the doctrine of foreign equivalents, this rule applies even if the word is a non-English word if, when translated into English, the word is generic or merely descriptive. The doctrine of foreign equivalents can become murky, however, when the non-English word has a well-established alternative English meaning.

Introduction

In *In re Bayou Grand Coffee Roasting Co.*, No. 2024-1118 (Fed. Cir. Dec. 9, 2025)[precedential], the U.S. Court of Appeals for the Federal Circuit reviewed a denial of registration by the United States Patent and Trademark Office (USPTO) for the mark KAHWA for cafés and coffee shops.

During prosecution, the mark was refused as being generic or merely descriptive under the doctrine of foreign equivalents because KAHWA was allegedly Arabic for "coffee." The applicant noted that KAHWA was not Arabic for coffee and the doctrine of foreign equivalents cannot apply because KAWHA has an alternative English-language meaning as a particular type of Kashmiri green tea. The examining attorney maintained the prior refusals based on the coffee meaning and added new grounds of refusal based on the tea meaning. The applicant appealed to the Trademark Trial and Appeal Board (the "Board"), which affirmed the examining attorney's refusals based on the Kashmiri green tea meaning of KAHWA, but did not address the Arabic meaning.

On appeal, the Federal Circuit reversed the Board on all grounds and found the mark registrable.

The Reversal of the TTAB Decision

On the issue of genericness and mere descriptiveness, the Federal Circuit determined that the Board's findings were not supported by substantial evidence. There was no record evidence of any café or coffee shop in the United States ever selling kahwa (the Kashmiri green tea), and there was no evidence that selling kahwa was a key aspect of café and coffee shop services, thus KAHWA cannot be generic for such services. The Federal Circuit further concluded that this analysis similarly applies to the descriptiveness refusal.

On the issue of the doctrine of foreign equivalents, the Federal Circuit noted that this doctrine does not apply "when ordinary customers would not stop and translate the mark, even if they are familiar with the foreign language," including when a well-established alternative English meaning exists. The Federal Circuit concluded that, because KAHWA has a well-established alternative English meaning (Kashmiri green tea), the doctrine of foreign equivalents did not apply as a matter of law, and accordingly there is no need to consider a translation of the foreign word into English.

How the Decision Impacts Applicants

The Federal Circuit's ruling is a major win for trademark applicants. First, the USPTO cannot deny registration of a trademark based on speculation about what goods or services *might* be offered in the future. Rather, refusals based on genericness or descriptiveness must be supported by marketplace evidence that the term is used and understood by U.S. consumers to describe the goods or services. Second, when a term has an existing meaning in the English language (e.g., kahwa as a type of green tea), the USPTO cannot rely on a translation to an alternative language (e.g., kahwa as "coffee" in Arabic) to deem it descriptive. This essentially prohibits the USPTO from automatically translating a word into a foreign language to find it "merely descriptive." By emphasizing that a mark must be translated by the "ordinary American purchaser" in the context of the U.S. marketplace, it prevents terms from being refused registration just because they have a literal dictionary meaning in another language.

This case summary is not intended to provide legal advice, and no legal or business decision should be based on its content. Questions about this case summary should be directed to:

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