

An example of forensic morphology

The search for a new brand-name that does not contravene existing trademarks can involve a consideration of word structure. In 1988, McDonald's claimed ownership of *Mc* as a prefix before an unprotected noun (as in *McNuggets*, *McChicken*, etc), in response to a proposal by Quality Inns to open a chain of motels under the name *McSleep*, on the grounds that it had originated this generic use of *Mc*.

Linguist Roger Shuy, called as an expert witness for Quality Inns, argued for its common usage outside of the McDonald's context by collecting journalistic and commercial uses of the prefix in contexts unrelated to fast food, such as *McFuneral*, *McMedicine*, *McArt*, *McMovies*, *McGod*, *McEverything*, and derived a list of 27 contextual definitions for the prefix:

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|-------------------------------|--------------|
| highly advertised | franchise |
| easy access | inexpensive |
| high volume | everyday |
| prepackaged | quick |
| specialty chain | convenient |
| reduces choices | self-service |
| standardized | low-brow |
| uniform | simple |
| handy location | comfortable |
| positive attitude | honest |
| working man | looks okay |
| assembly-line precision | |
| lacks prestige, comfort, cost | |
| market dominance formula | |
| mass merchandising | |
| state-of-the-art marketing | |

He reduced these to four terms characterizing the definition of *Mc* as a generic prefix: *basic*, *convenient*, *inexpensive*, *standardized*.

Linguist David Lightfoot, called on behalf of McDonald's, argued that *Mc* was not generic because it did not have a single identifiable meaning, as many of the contexts did not comfortably fit into the condensed definition. All the other uses were referencing the McDonald's usage in an allusive and playful way. Rather, McDonald's had created an original formulaic combination, illustrated by the way the company had called its family of marks *McLanguage*.

Additionally, surveys were carried out in which people were asked which company they would associate *McSleep* with, if they saw such a sign on a highway. Almost one-third of the respondents said *McDonald's*.

The court reviewed the evidence and concluded that *Mc* had not become a prefix with a single meaning that had become part of the English language and beyond McDonald's control. There was also sufficient likelihood of confusion if another company used the *Mc* prefix. It therefore ruled in favour of McDonald's right to enforce its family of marks characterized by the combination of the prefix *Mc* with a generic word.

(After US District Court for the District of Maryland, 1988.)