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from the **BENCH**

What's in a Name?

CrossFit HQ General Counsel Dale Saran explains why a local throwdown is not a "CrossFit competition."

By Dale Saran

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CrossFit's growth has produced a number of interesting side effects, most of them positive.

One byproduct of CrossFit's spread and the continued business success of CrossFit affiliates has been the growth of the Sport of Fitness. This has significant consequences for CrossFit Inc.'s intellectual property, all CrossFit affiliates and the entire CrossFit community.

There is a significant amount of confusion about the use of the CrossFit trademark and the distinction between “CrossFit the strength and conditioning program” and “CrossFit the Sport of Fitness.” As a result, Internet geniuses spout off about what the confusion means for the trademark, companies advertise “CrossFit competitions,” and many affiliates and athletes remain unaware that an issue even exists.

CrossFit Isn’t Baseball

One of the more common refrains is that a sport can’t be a protected trademark; for example, baseball or football. This is patently wrong.

It’s important to remember that CrossFit was a company and then a registered trademark before it ever became a sport, with the first CrossFit Games taking place in 2007, well after “CrossFit” was the name of the company as well as a federally registered trademark.

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Baseball was not a registered trademark, nor was any other sport. However, “Major League Baseball” is sure as heck a protected trademark, as is “National Football League.” In both cases, all each league did was add two commonly used words to the name of the sport, but what really happened was that the registration and protection of the terms created secondary meaning in the mind of the public.

Other sports outside the Big 4—basketball and hockey are the others—are trademarked. Take the well-known X Games. The trademark for the X Games consists primarily of the letter X, along with the words “the” and “games.” Yet it is both a registered and protected trademark, and, most importantly, it has secondary meaning to the public. None of the events in those Games are “protected” either, yet there is no confusion that someone is “doing the X Games” because he or she is riding a half-pipe on a snowboard.



CrossFit was well established as a company and trademark before the first CrossFit Games were held in 2007.



Just like NFL and MLB, CrossFit is a trademark that must be protected.

The CrossFit Games: Our Sporting Event

So what is and isn't a "CrossFit competition"?

"CrossFit" is a fanciful word that has no meaning in any language and is thus entitled to protection under federal trademark law. Protection under trademark law does not mean someone cannot use the term CrossFit to describe his or her workouts; trademark law protects the owner of a mark from having someone else use the mark in commerce to trade off of the goodwill CrossFit Inc. has built up and acquired through hard work and promotion of the brand.

CrossFit is a brand of fitness services, all conducted under the watchful eye of Level 1 trainers every day at more than 6,000 locations around the world.

The only CrossFit competitions are those directly organized and authorized by CrossFit HQ, such as the events of the CrossFit Games season and out-of-season events such as the CrossFit Invitational.

There's a difference between playing baseball in your backyard and playing second base in Major League Baseball, just as there's a difference between doing Fran and doing Fran at the Home Depot Center during the CrossFit Games.

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So what about some of the events that happen in our affiliates the world over—throwdowns, challenges and just plain old competitions where one person tries to beat someone next to him in the WOD?

These are not “CrossFit competitions.”

Affiliates are licensed to use the CrossFit name in a very specific manner by CrossFit Inc. They are allowed to host events that help grow their boxes and businesses and develop camaraderie and community, but those events cannot be called a “CrossFit competition” any more than a local basketball game at the YMCA can be called an NBA game.

Further, affiliate events have guidelines, including a requirement that affiliates only use their own name without addition of the terms “Games,” “Open,” “Regionals” or any other term that would imply a link to the CrossFit Games or sanction by CrossFit Inc.

I know there are a bunch of companies, people and, yes, sometimes even affiliates, that call a day devoted to some workouts and beer a “CrossFit competition.” Those events are not “CrossFit” competitions because they are not sponsored, endorsed or licensed by CrossFit Inc. These events are fitness competitions, just as the CrossFit Games are the premier fitness competition to determine the Fittest Man and Woman on Earth.

An unfortunate perversion of the term “fitness” means many fitness competitions involve minimal or singular aspects of fitness, as well as a lot of bikinis and oil.

One of the ancillary benefits of CrossFit Founder and CEO Greg Glassman’s creation has been returning meaning to words. CrossFit has precisely defined fitness, as well as what it means to be fit, and then provided events to determine who is actually the fittest. The CrossFit Games and their qualifying events are the best known of these events, and the winners of the CrossFit Games are declared the Fittest on Earth.



Local competitions can be “throwdowns,” “beat-downs” or “challenges,” but they can’t be “CrossFit competitions.”

Naming 101

When naming a fitness competition, consider the following examples of acceptable names:

- Fitness Throwdown hosted by CrossFit Anytown
- CrossFit Anytown presents the Fitness Beatdown
- CrossFit Anytown’s Ultimate Athlete Competition

The following names are not acceptable:

- CrossFit Anytown’s CrossFit Throwdown
- The CrossFit Anytown Games
- The CrossFit Anytown Open
- The CrossFit Anytown Regionals



Only events authorized and organized by CrossFit HQ can be called "CrossFit competitions."



Stated again, only CrossFit Inc. can decide which events are "CrossFit Competitions."

As for the rest of the events happening out there? Hopefully our community will get the word out and we'll restore some precision in the language surrounding the CrossFit trademark.



About the Author

Dale Saran is CrossFit HQ's General Counsel. CrossFit Inc's Legal Team are the "Defenders of the Faithful."