

Is Pattie Gonna Get Out Of This? Patagonia's IP And PR Pickle

By Theresa Schliep

Law360 (June 4, 2026, 8:17 PM EDT) -- Patagonia's trademark infringement suit against drag queen and environmental activist Pattie Gonia has caught the attention of both intellectual property attorneys and popular culture aficionados, with lawyers saying the action highlights how IP enforcement and public relations management aren't always in perfect harmony.

Patagonia filed **suit** in California federal court in January, taking issue with a trademark application Pattie Gonia filed for their full drag name for the purposes of selling merchandise. Patagonia said while it supports Pattie Gonia's advocacy for issues like environmentalism and LGBTQ+ rights, the clothing the drag artist is selling risks confusing consumers and interfering with the Patagonia brand.

"For all these reasons, Patagonia must protect its iconic trademarks, even when it supports or agrees with Pattie Gonia's views, message, or objectives," the complaint says.

The IP issue is now a matter of public interest, with both Patagonia the company and Pattie Gonia the artist exchanging statements over the merits of the case over the last two weeks. Trademark attorneys say companies must do a delicate dance to enforce their IP, particularly when it comes to trademarks and even if it means causing some PR headaches.

"Trademark rights are only so good as you use them and enforce them, so if you let one thing go, it's the classic legal slippery slope," said Preetha Chakrabarti of Crowell & Moring LLP.

"A complaint in a lawsuit — depending on the industry and depending on what's going on, but especially for IP rights and especially, especially for trademark rights — is like a branding tool itself," Chakrabarti added.

Patagonia seemingly acknowledged this dynamic in its complaint, saying "Patagonia has no alternative but to protect its goodwill and famous trademark."

Patagonia's complaint named as defendants Entrepreneur Enterprises Inc., doing business as Pattie Gonia Productions, and Wyn Wiley, who works professionally under the Pattie Gonia name and uses she/her and they/them pronouns while in drag. In it, the company said it thought it had an understanding that Pattie Gonia wouldn't use the full Pattie Gonia name, but that Pattie Gonia "has not honored that agreement" in filing the trademark application and selling merchandise emblazoned with the full name.

The complaint includes photos of the merchandise, as well as screenshots of the drag queen wearing clothing or accessories with a logo featuring a mountainscape, rainbow background and the "Pattie Gonia" name, which Patagonia alleges has been incorporated into Pattie Gonia's personal brand and business.

Pattie Gonia has pushed back on the case, saying in an Instagram post on May 27 that while Patagonia is suing for nominal damages, the company is seeking legal fees.

"This is not brand conflict. This is a corporation trying to erase an activist," the artist said.

Pattie Gonia also has taken issue with Patagonia's factual assertions, saying, "I have never used their logo, font or anything from their brand on our merch website. Instead, the lawsuit cherry-picks a few examples of playful 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."

Indeed, drag artists — who comment on and subvert social norms regarding gender, sexuality, consumerism and other subjects — often use brand names as inspiration for their performances and identities. The drag queen Trixie Mattel, for example, leverages the brand behind Barbie. And Jan Sport, a drag queen, chose a name that is a play on the backpack brand and had a partnership with the company for a line of products. There's also a drag artist going by the name of Brita Filter, based on the water filtration products.

While attorneys told Law360 they think Patagonia has a strong case, they cautioned that trademark matters are often highly fact-specific and turn on the issue of consumer confusion. Jeffrey A. Wakolbinger of Bryan Cave Leighton Paisner LLP said the fact that other drag artists play around with corporate names could help Pattie Gonia defend against Patagonia's claims if consumers in the marketplace know this is a common practice.

"If it's known that that's what [drag artists] do, you're less likely to be confused," Wakolbinger said.

He noted that that's just one potential argument of many. Parody is at the heart of drag, and it's also often a defense to trademark infringement cases like Patagonia's. In April, Pattie Gonia filed an **answer** to the complaint, arguing that they're protected by the First Amendment and by the fair use doctrine, and there's no likelihood of confusion.

But making those works and products into commercial endeavors is often the trigger for infringement lawsuits.

"There is a right to parody, there's a right to have a persona on a stage or a performer name and to express yourself under the First Amendment," Gregory P. Feit of Reavis Page Jump LLP told Law360. "But when someone starts crossing the line into commercializing the name or using the name of a famous mark [or] highly distinctive mark of a big corporation, and crossing the line into commercialization of the name ... then I think the law steps in, and Patagonia has a right to protect its brand."

For now, Patagonia has its legal fight and its PR fight, and they're not completely separate. Rights holders sometimes look the other way when it comes to uses of their names or branding by fans. Sports leagues don't always go after people who put their own spin on team merchandise, and some authors let audiences write and publish popular fan fiction, rather than aggressively enforcing their IP rights and

risking angering fans.

"You always have some choice," Wakolbinger said. "It's not like a statutory penalty that if you don't go after every target, then you lose your mark."

But there are risks that the mark gets weaker, that a "crowded field" of brands grows using a similar mark or that a defendant can succeed with a laches defense, among others, Wakolbinger said.

Bryan Sullivan of Early Sullivan Wright Gizer & McRae LLP noted that this enforcement pressure in trademark law might not be obvious to the general public.

"Nonlawyers and nontrademark people would probably jump in and accuse Patagonia of being a bully, but [the company is] obligated to enforce their trademark," Sullivan said. "If there are too many instances of them not enforcing the trademark, there are arguments against them if they try to enforce it. It can't be selective enforcement."

For those reputational concerns, Wakolbinger noted that lawyers can keep in mind the possibility that private communications might become public, as Patagonia included in its suit images of presuit emails with Pattie Gonia and the drag artist's team.

"Every cease-and-desist letter that I write and that any client writes should be written with the understanding that it may be online, and you want to be able to stand behind not just the arguments you're making, but the tone as well," Wakolbinger said.

Legal counsel for Pattie Gonia did not respond to requests for comment. But the drag artist said in an "open letter" to Patagonia leadership posted May 27 that the suit "hurts not only me and everything I've built but also the people I employ, the millions of people I try to inspire, and dozens of nonprofit organizations that I have supported."

"When Patagonia Inc. sued me without warning in January, I started immediately pursuing an amicable settlement. I have believed from the beginning that there is room for an agreement that protects your trademark while letting me keep my name and my work. I believe that still today," the drag artist said.

They've also said on Instagram on June 2 that they're willing to drop their still-pending trademark application and won't use the company's logos, but the company's third request — that the drag artist stop selling and promoting products as "Pattie Gonia" — is the sticking point.

In a statement, Patagonia said it tried to reach an agreement with Pattie Gonia, but those "genuine efforts" were unsuccessful.

"This matter is not about seeking financial gain, nor is it about challenging anyone's identity or right to advocacy, protest, or creative expression," the statement said. "The last thing we wanted was a legal fight with someone who shares our values, but we must protect our business and employees."

--Editing by Amy French.