



Reliable Fame and Awareness Surveys Reinforce Trademark Dilution

The Case Challenge

The Blue Cross Blue Shield Association (BCBSA) is one of the largest and most recognized healthcare insurance organizations in the United States. BCBSA filed a lawsuit against Sisters of Charity of Leavenworth, a Colorado-based nonprofit and faith-based healthcare provider, alleging that Sisters of Charity infringed on and diluted its federally protected word and design marks.

To support claims of trademark recognition and distinctiveness, BCBSA retained our consumer survey experts to evaluate fame, awareness, and brand association of the BCBSA word and design marks.

The Expert Solution

Our team designed a survey to measure consumer perception regarding 1) the Blue Cross word mark, 2) the solid Blue Cross design mark, and 3) the Blue Cross with Vitruvian Man design mark.

We employed a methodology aligned with established standards for trademark fame and awareness research. The survey tested a combination of known and fictitious marks, ranging from widely recognized national brands to smaller or regional names, alongside the disputed BCBSA marks. The inclusion of fictitious names and logos served as controls to assess baseline recognition and ensure the validity of the results. Survey participants were presented with logo stimuli in two sizes: one resembling large-scale brand uses such as building signage or billboards, and another simulating everyday use cases such as insurance cards, invoices, or patient documents. The dimensions of the images replicated real-world conditions, visibility, and prominence, as explained by BCBSA.