# WHEN A REBRAND LEAVES TRADEMARKS BEHIND: LESSONS FROM THE X/TWITTER DISPUTE

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A recent federal court ruling in the trademark dispute between X Corp. and social media startup Operation Bluebird highlights an important consideration for businesses undergoing a major rebrand: what happens to the trademarks associated with the old brand?

On September 3, 2026, a federal judge in Delaware preliminarily barred Operation Bluebird from using the “Twitter” name and related word marks, finding that X Corp. was likely to succeed in showing that the startup’s use would cause consumer confusion. Operation Bluebird was co-founded by a former Twitter attorney, adding another layer to the dispute over the former Twitter brand. The court rejected, at this stage of the litigation, the argument that X had abandoned its rights in the Twitter name.

The court reached a different conclusion regarding the original bluebird logo and the “Tweet” mark. It declined to enjoin Operation Bluebird’s use of those marks, finding the startup likely to succeed in establishing that X had abandoned them. The court considered, among other things, X’s discontinuation of the former branding and public statements made during the transition from Twitter to X.

The split ruling illustrates that trademark abandonment can be evaluated on a mark-by-mark basis. A company may retain rights in certain elements of a former brand even when other marks are no longer protected.

For businesses contemplating a rebrand, the dispute is a reminder that decisions about discontinued names, logos and other brand assets can have lasting intellectual property consequences. Public statements regarding an old brand, continued use of individual marks and residual consumer recognition may all become relevant when determining whether trademark rights have been abandoned.

Berger Singerman's Intellectual Property Team advises businesses on trademark protection, enforcement and brand strategy throughout the business lifecycle.

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