

Chicago Daily Law Bulletin®

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October 9, 2019

'Absurd' trademark infringement claims

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Four trademark infringement scenarios. Spot the real one:

1. Late one winter night, an old pickup gives out and the driver is forced to pull off onto the shoulder of a desolate country road. Fortunately, he belongs to the Automobile Association of America. Pulling out his cellphone, the cold, tired driver accidentally dials the “other” AAA, the American Arbitration Association. He later reports his confusion to the driving group, leading one AAA to file suit against the other.
2. So excited are a newly engaged couple with their honeymoon plans that they mistakenly try booking their flights to Rome on the Alcoholics Anonymous website instead of with American Airlines. Upon learning this confusion is not at all uncommon, AA, the world’s largest airline asserts a high-flying damages claim against the nonprofit AA.
3. The 1980s actor and native South Sider Mr. T is outraged to learn that a marijuana strain called “Mr. Tusk” is listed on a cannabis website as “Mrt.” He files suit, alleging that the continued use of his identity on the website damages what’s left of his brand.
4. Looking to cut costs, the Catholic Diocese of Las Brisas, which has long published an influential church newsletter known as “El CDLB,” considers circulation via Twitter instead, only to discover that the Chicago Daily Law Bulletin already uses the @CDLB handle. The diocese sends a cease-and-desist letter to the newspaper, complaining that the continued tweeting by a Chicago legal publication into its southern Mexico coastal region will confuse and alienate its parishioners.

The answer is revealed in this denial of the allegations, issued by the only actual defendant: “We pity the absurdity of this claim.”

Leafly Holdings Inc., the cannabis website sued by Laurence Tureaud, better known as Mr. T, stands accused of committing trademark infringement and violating Mr. T's right of publicity.

Leafly doesn't sell the cannabis itself, it merely lists offerings sold by third-parties on its site.

Mr. T's complaint, recently filed in Los Angeles federal court, alleges that consumers lawfully purchasing recreational cannabis — presumably, those old enough to remember his roles in "The A-Team" and "Rocky III" — will grow confused by the online listing and feel deceived into believing the product carries his endorsement.

Interestingly, Mr. T seeks only injunctive relief, not monetary damages. Equally interesting, the complaint makes no mention of his brief 2017 turn on "Dancing with the Stars."

Leafly's view of the litigation as "absurd" is not difficult to understand.

Many if not most of Leafly's consumers were born well after Mr. T's star dimmed decades ago. Today's Mrt cannabis purchasers cannot grow confused when they have never heard of Mr. T the actor and certainly lack familiarity with his body of work.

And by suing the website that merely lists information about the cannabis product, never taking possession of, selling or distributing it, rather than the entity that produces, markets, sells and dubs it "Mrt," where Mr. T grew and harvested his liability theory appears up in smoke.

Further, although his complaint includes the claim that Mr. T is "known for his role in" the sitcom "Silver Spoons," how many Mrt smokers today, even those older than 30, remember that '80s show, and in particular his one episode from 1982?

Now, hold it right there. Occasionally, these Glazed Eyes must take a second look.

It's worth considering that Laurence Tureaud, a cancer survivor, might just be on to something. Perhaps legally changing his name to Mr. T back in '82 should give him superior rights to that initial.

From this perspective, consider the inevitable confusion were Mr. T's fans to ever encounter the poetry of the suspiciously named Mr. T.S. Eliot. Seeking injunctive relief would prove futile when Mr. T.S. conveniently passed more than 50 years ago.

However, an injunction against further infringement by the Nobel laureate's estate would serve another purpose.

Mr. T stands to garner legions of new high school-age fans for enjoying the further teaching of Mr. T.S.' confusing poems (case in point: "Eyes I dare not meet in dreams/In death's dream kingdom/These do not appear:/There, the eyes are/Sunlight on a broken column" from "The Hollow Men.")

Additionally, certain hedge fund shares promoted by the late magnate, Mr. T. Boone Pickens, were no doubt purchased by fans who mistook him for the real Mr. T. Any losses suffered were surely preventable — had only such confusion been enjoined.

The same can be said for the investors who purchased reckless growth funds with Mr. T. Rowe Price, no doubt investing based on Mr. T's implied endorsement. Fans of the actor readily believed

their funds were managed by Mr. T, renowned for battling Rocky Balboa, not Mr. T. Rowe, famous for battling load fee mutual funds.

If anything, Mr. T's legal team should have struck much earlier to stop others from flagrantly ripping off his good name. Had only the shameless infringing by another '80s show, the eponymous cop drama centered on Mr. T. J. Hooker, been enjoined, a whole nation might owe him a debt.

Interestingly, the police sergeant Mr. T.J. was played by William Shatner, who may have previewed the infringing approach of his television work by teasing a middle initial in his iconic James T. Kirk character decades earlier.

If anyone is flirting with an injunction, however, it's those reckless producers of the "Jurassic Park" franchise, taunting Mr. T by constantly resurrecting the Mr. T Rex characters. Injunctive relief and royalties are long overdue for appropriating both the name and the likeness of Mr. T in the menacing dinosaurs featured in each blockbuster film.

Mr. T's present target, the Mrt cannabis strain, amounts to only a small weed in the ample garden of infringers. Once he teaches the pitiable fools at Leafly a much-needed lesson, look for Mr. T to dial up the grand orchid of infringers — Mr. T-Mobile.

Millions must have subscribed to Mr. T-Mobile to join the same phone service as its namesake. Surely, these smart people signed up for their smartphones silently relying on Mr. T's implied endorsement.

T-Mobile, much like Leafly, might proffer some technical defense to the brazen exploitation of his initial, such as the risk of confusion is actually nonexistent, but this amounts to legalistic jibber-jabber. And as Mr. T himself famously said, "I got no time for the jibba-jabba."

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