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[Gibson's Case Strikes Chord with Court](#)

Posted on January 14, 2011 by [Dan Kelly](#)

[In November I commented](#) on [Gibson Guitar Corp.'s](#) suit against the makers and retailers of [PAPER JAMZ](#) toy guitars. To recap briefly, past efforts by both Gibson and [Fender Music](#) to enforce trademark interests in their respective guitar body shapes have been largely unsuccessful.

Until now.

On December 21, 2010, the [U.S. District Court for the Central District of California](#) granted a preliminary injunction to Gibson enjoining the defendants from selling, promoting, distributing, etc. the Paper Jamz goods. (PDF of order [here](#).) The Court did not issue a memorandum decision with the order. The defendants appealed on December 22, and on December 23, the [Ninth Circuit Court of Appeals](#) stayed the injunction pending appeal and ordered the District Court to provide, orally or in writing, its reasons for granting the injunction, which reasons were due on January 6.

But then, on January 7, everything came to a screeching halt. The parties settled. The only report I can find is [here](#), and it says precious little.

While I had been salivating to see another judicial opinion on the protectability of guitar body shapes--particularly one that might have softened the current panoply of cases that have variously cut against the likes of Gibson and Fender in their ongoing efforts to secure stronger protection for their guitar body shapes--this case is a good reminder that most cases do, in fact, settle.

As to the settlement terms, we probably can only speculate, as confidentiality is often a standard settlement term. Gibson clearly had momentum in the court proceedings, and the WowWee folks seem to be doing fairly brisk business at retailers all over, so my best guess is that WowWee bought a license and peace.

We will, of course, report developments.

