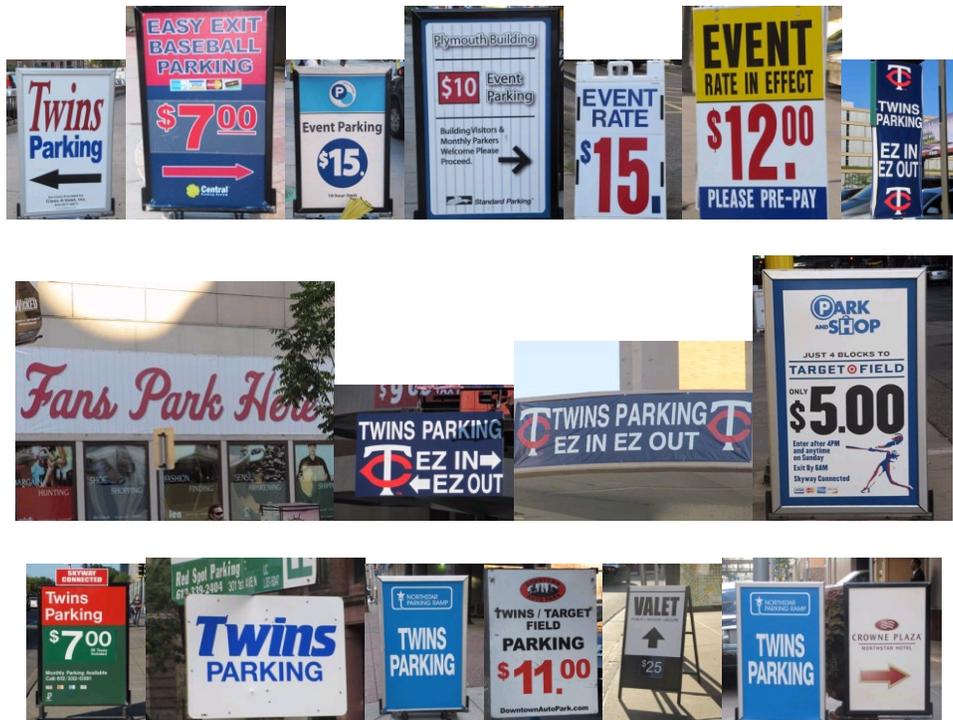


*A Winthrop & Weinstine blog dedicated to bridging the gap between legal & marketing types.*

## [Parking Lot Lures & Twins Brand Bait?](#)

Posted on September 20, 2010 by [Steve Baird](#)

Guys and gals on the street waiving orange flags aren't the only parking lot lures in [Twins Territory](#):



[We've talked before](#) about how some of those doing business or advertising in close proximity to Minneapolis' brand new [Target Field](#) -- home to the Minnesota Twins -- appear to see advantage in using the Twins name (and now logo, and/or trade dress) in their signage and advertising.

We've [talked about](#) how this use, and I would add, association, appears designed to capitalize on the enormous goodwill represented and enjoyed by the Twins brand. Can you say, free ride?



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We've also [talked about](#) whether such [brand bait](#) may or [may not](#) constitute [nominative fair use](#) of a trademark.

In preparation for (hopeful and long-lasting) post-season play for the Minnesota Twins, I thought it might make sense to share a collection of parking lot sign photos I snapped just prior to a recent home game, within about a ten block radius of Target Field, illustrating a number of points:

1. There is a lot of parking lot competition on game days;
2. There is a variety of types of signage in use to lure drivers heading to the game;
3. As one might expect, the closer one gets to Target Field the more it costs; and
4. As one may or may not expect -- or even notice -- many of the parking lots furthest from Target Field (yet within walking distance) appear to be the most loaded with Twins brand name references or other Twins branding indicia, i.e., trade dress.

It seems to me that those who operate surface lots or ramps furthest from (but still walking distance to) Target Field seem to appreciate that they may need a little something extra (besides lower cost) to make the case for their parking lot or ramp. Looking at the wide variety of signs in this collage of parking signs, I suspect all would agree that the "Twins Parking EZ IN EZ OUT" signs with the Twins' red/white/blue TC logo must require permission (i.e., a license) from the Minnesota Twins. These are clearly the most blatant (or, perhaps, authorized) uses.

But, what about the other signs that employ less brand indicia, either the Twins brand name in simple type, or perhaps the Twins underlying trade dress or color scheme without using the brand name? Are drivers likely to be confused about an association with the team by these uses? Are drivers likely to be deceived into thinking they are closer to Target Field than they are, especially for those coming from out of town? [Here](#) is how the Twins see the parking options for home games.

Does the fact that some of the closest parking ramps to Target Field employ no Twins brand bait help prove the point that convenient parking to attend a Twins baseball game is "[readily identifiable](#)" without the need for any Twins branding references?

And, how do you come down on the question of nominative fair use when the brand is reflected in cyberspace and in domain names, for example, [www.twinsparking.net](#)?

You may recall, [Dan](#) asked a similar question a couple of weeks ago, in [Nominative Fair use of Trademarks in Domain Names](#).

