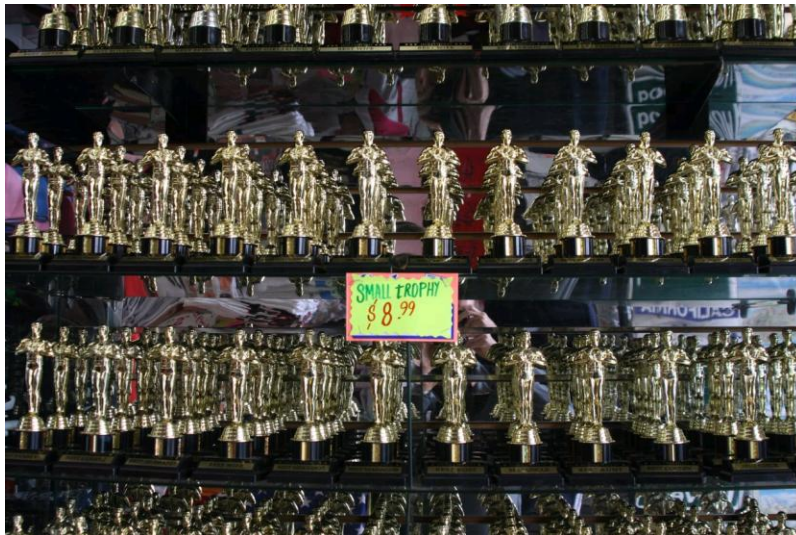


A Winthrop & Weinstine blog dedicated to bridging the gap between legal & marketing types.

[The Sign of a Successful Trademark Enforcement Program](#)

Posted on February 28, 2011 by [Steve Baird](#)



Unable to resist a good trademark story, I snapped this photo in one of the countless gift shops along Hollywood Boulevard, as my family searched for various stars and did the "[Walk of Fame](#)," a week or so ago. What drew us into this particular shop was a striking wall full of shelves displaying what appeared to be rows upon rows of mini-Oscar gift statuettes.

Unlikely, however, as the [Academy of Motion Picture Arts & Sciences](#) "[has carefully limited reproductions of the Oscar statuette . . .](#)" In fact, the Academy has a pretty controlled [press-kit](#) full of [legal regulations](#), and the only trinkets that the Oscar trademark is federally registered for appears to be [clothing](#), [books and pamphlets](#); and the non-verbal two-dimensional depiction of the Oscar statuette is federally registered as a trademark for only [clothing](#), [pre-recorded videotapes](#), and [books and pamphlets](#), no trophies or other gift items, it appears.



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Indeed, upon closer inspection, the shop's sign appropriately reads: "Small Trophy \$8.99." It struck me that this is literally the sign of an effective trademark enforcement program. Left to their own devices, it wouldn't be surprising to see shopkeeper's signage reading "take home your very own Oscar style trophy," or "Oscar style trophies for sale," but the well-trained sign makes no such mentions and it does not utter the words "Oscar" or "Academy Awards," presumably because the Academy's Oscar trademark police frequently patrol these parts. Or, perhaps when you're positioned on Hollywood Boulevard, tourists get the picture, so to speak, without the use of another's probably famous trademark.

What about when your gift or trophy shop is not on Hollywood Boulevard, but instead, somewhere along the [Information Superhighway](#) or beyond?

[Wikipedia reports](#) that the following fair use statement must appear with visual depictions of authentic Oscar statuettes like this:



"The Oscar statuette is the copyrighted property of the Academy of Motion Picture Arts and Sciences, and the statuette and the phrases "Academy Award(s)" and "Oscar" are registered trademarks under the laws of the United States and other countries. All published representations of the Award of Merit statuette, including photographs, drawings and other likenesses, must include the legend ©A.M.P.A.S.® to provide notice of copyright, trademark and service mark registration.



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Permission is hereby granted for use of the representation of the statuette in newspapers, periodicals and on television only in legitimate news articles or feature stories which refer to the annual Academy Awards as an event, or in stories and articles which refer to the Academy as an organization or to specific achievements for which the Academy Award has been given. Its use and any other use is subject to the [*Legal Regulations for using Intellectual Properties of the Academy of Motion Picture Arts and Sciences*](#) published by the Academy."

Although the shops along Hollywood Boulevard appear well-trained to avoid use of the Oscar and Academy Award trademarks, a Google search of "Oscar statue" reveals third party keyword advertisements directing Internet users to [this trophy site](#) to purchase "[Oscar Style Trophies-Fast](#)".

What do you think, fair use, or fair game for the Academy's Oscar police?

By the way, did you notice their disclaimer? "[Not affiliated in any way with the Oscars or the Academy Awards.](#)"



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