

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

## [Rockabilly Barbie Sings the Blues](#)

Posted on January 19, 2011 by [Karen Brennan](#)

Patricia Day, the lead singer of the [HorrorPops](#) (Danish band), recently filed a lawsuit against Mattel and Hard Rock Café International for violation of the right of publicity and false association (download a copy of the complaint [here](#)) over a [Barbie](#) doll released last year.

According to the complaint, Day is the lead singer of the HorrorPops, a “critically acclaimed and innovative pioneering band known for its unique brand of rockabilly music.” Last year Mattel released a series of rock-n-roll themed Barbie dolls that included named musicians, such as the “Debbie Harry Doll,” the “Joan Jett Doll,” and the “Cyndi Lauper Doll.” Day claims the final doll in the series, named the “Hard Rock Café Barbie Doll,” is based on her likeness, but “lacks any direct acknowledgement of the female musician - Patricia Day – whose likeness it appropriates.”

Day claims to be renowned and recognizable to fans for her distinctive appearance and look which combines the following elements: (1) black hair meticulously done in 50’s pin-up fashion; (2) heavily applied black eye shadow and deep red lipstick; (3) form-fitting ‘50s- style pencil skirts that go just past the knee; (4) sleeve tattoos on both upper arms; and (5) her giant tattooed upright bass. The doll, depicted below next to a picture of Day, includes many of these elements.



WINTHROP WEINSTINE

ATTORNEYS AND COUNSELORS AT LAW

One question to consider is how common are these claimed signature "elements"? While I have not heard of the HorrorPops, quite a few other well-known women with very similar images come to mind when I see this doll such as [Kat Von D](#), [Dita Von Teese](#) and the original, [Betty Page](#).

Hard Rock is still selling the doll, listed as [Rockabilly Barbie](#), but the Mattel web site, which lists the doll as the [Hard Rock Café Barbie Doll](#) with a "rockabilly" look, is sold out. I guess we will all have to spend our \$80 somewhere else.

Day is seeking injunctive relief and damages.

