

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

["Hot Wheels" Casino Promotion: Apparently Not a Toy Story](#)

Posted on August 28, 2010 by [Steve Baird](#)



Last month I came across this enormous, larger than life, banner advertisement hanging from the exterior of a [casino](#) on our way to the [backwoods of Wisconsin](#).

Of course, this promotional piece took me back to my early childhood and called to mind my long lost enormous collection of [Matchbox](#) brand [Hot Wheels](#) toy cars and racetrack, but it appears there is no connection with the miniature toy vehicle maker -- [the winning prize was not a toy replica](#), but a genuine 2011 Ford Mustang.



WINTHROP WEINSTINE

ATTORNEYS AND COUNSELORS AT LAW

Capella Tower | Suite 3500 | 225 South Sixth Street | Minneapolis, MN 55402
Main: (612) 604-6400 | Fax: (612) 604-6800 | www.winthrop.com | *A Professional Association*

These are the kinds of images I think of when I see the words Hot Wheels:



Trademark Types: Would you have cleared the above banner advertisement, as is? Why?

Marketing Types: Would you have thought to obtain legal clearance from a trademark type before the printing of the banner advertisements?

Anyone: Has Mattel established Hot Wheels to be famous for purposes of trademark dilution liability?

FYI, back in 2006, Mattel prevailed in a trademark opposition before the Trademark Trial and Appeal Board, preventing registration of [HotToyz & Design](#) in connection with magazines and online advertisements featuring high performance vehicles, decision [here](#). As you will see, the TTAB found the Hot Wheels mark to be famous, at least for purposes of the likelihood of confusion analysis.



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