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[The Value of Intellectual Property Survives Death](#)

Posted on January 27, 2011 by [Tiffany Blofield](#)

The “King of Pop,” Michael Jackson, is earning big money even after his death. To protect this income and value of his brand, a week ago, Michael Jackson’s estate brought suit in California against his mother’s business partner, alleging infringement of the valuable rights to Michael Jackson’s likeness, image, copyrights, trademarks (See [Dan Kelly's post on Jackson's most recognizable trademark](#)) and good will through products sold for his own profit. Specifically, it alleged that he had infringed on copyrights for the hit film “[This is It](#)” that incorporated unseen video just prior to his untimely death from rehearsals for his highly anticipated tour and the book *Never Say Goodbye*. According to the complaint, the film is becoming the highest grossing concert movie and documentary ever released. The estate further contends that the business partner used websites to market various products with Jackson’s name and image. This was used to trick the public into believing that the estate endorsed the creation of the products on sale. The estate seeks injunctive relief. We will see if the California court tells the business partner to “[Beat It](#)” as some legal commentators have suggested might be the result.

This was not the first lawsuit brought by Michael Jackson estate. In April 2010, the Jackson estate obtained an injunction against a foundation who was using the name of Jackson’s charitable group, his likeness and trademarks.

The “King of Rock and Rol” (and also Jackson’s posthumous father-in-law) [Elvis Presley](#)’s estate, has also been embroiled in legal disputes. In 2004, his daughter Lisa (and ex-wife of Jackson) sold the estate in a deal worth approximately \$100 million. Thereafter, the assignee and registrant of all of the trademarks, copyrights and publicity rights belonging to the Presley estate brought suit against those seeking to use the mark “Velvet Elvis.” Although initially losing at the District Court, the Fifth Circuit reversed the District Court’s decision and remanded the case for entry of an injunction enjoining the use of the infringing mark. If you are interested in reading this opinion, it is located at *Elvis Presley Enter. v. Capece*, 141 F.3d 188 (5th Cir. 1988).

Courts protect estates from infringement of intellectual property and misappropriation by those trying to cash in on deceased celebrities. Even after death, trademarks, copyrights and the rights to a likeness are worth big money and stimulate lots of litigation.

