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[See You In The Parking Lot After School](#)

Posted on March 24, 2011 by [Brent Lorentz](#)



It appears the topic of “trademark bullies” has been trending up recently. (For example, Steve Baird [posted](#) about an interesting Webinar that he moderated about dealing with “trademark bullies.”) Since I’m a shameless bandwagon jumper and fad follower (just ask my [Pet Rock](#)), I figured I’d write my own trademark bullying post in an effort to capitalize on other people’s efforts.

Now, if we’ve learned anything from our grade school years (other than our multiplication tables) it’s that there are certain ways to deal with bullies. According to [Kidshealth.org](#), there are a number of strategies, including: (1) avoidance; (2) standing up for yourself; and (3) telling an adult. A lawsuit was recently filed here in Minnesota which should give us an idea of how strategies 2 and 3 work in the trademark context: Lawyerist Media, LLC v. PeerViews, Inc. The Complaint is [here](#). If you’d like Lawyerist’s take, check the link [here](#).



Having reviewed the merits from 40,000 feet, I think Lawyerist has a good argument that the “SmallLaw” and “BigLaw” marks at issue are descriptive, but genericness might be tough. Lawyerist doesn't necessarily need to get to genericness though to prevail. I also find it intriguing that Lawyerist is represented by semi-controversial first amendment attorney [Marc Randazza](#). As you might expect, prominent first amendment attorneys frequently end up in the spotlight due to their involvement with controversial issues and clients. (For some clips and interviews of Mr. Randazza, see [here](#), [here](#), and [here](#)). I'm not sure how much buzz this case will generate, but I'm interested to see how Mr. Randazza's involvement plays out.



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