



## **NORTH FACE TRYING TO KICK BUTT OF CLOTHING MAKER THE SOUTH BUTT; REALLY, WHAT'S THE HARM?**

From: New York attorney Gary E. Rosenberg (personal injury and accident attorney and lawyer; serving Brooklyn Queens Bronx; Bronx Injury Attorney)

Missouri teenager Jimmy Winkelmann had a cute and clever idea, as teenagers often do. The 19 year-old needed help paying for college and decided to start a line of clothing that parodied mega-clothing maker The North Face. Now Winkelmann had a sense that he was playing with fire, because he posted a (clever) disclaimer on his web site:

“We are not in any fashion related to nor do we want to be confused with The North Face Apparel Corp. or its products sold under "The North Face" brand. If you are unable to discern the difference between a face and a butt, we encourage you to buy North Face products.”

Winkelmann’s The South Butt line of jackets, shirts and shorts carry the “The South Butt” logo and operate under the pronouncement, “Never Stop Relaxing,” a gimmicky turn of The North Face’s motto, “Never Stop Exploring.” The North Face logo has a downward-sloped looking “slope” on the right-hand side of the company name; The South Butt’s logo is to the left of its name and, in a different font, and carries an opposite curve, looking a little like, well, a butt.

The North Face is owned by VF Corporation, whose website proclaims it “the world’s largest apparel company,” and “a \$7 billion plus powerhouse.”

Showing no sense of humor whatsoever, The North Face sued The South Butt in Federal Court in St. Louis for trademark infringement, to force The South Butt to stop on-line selling of spoof T-shirts, fleece jackets and sweatshirts. If anything, this heavy-handed approach increased The North Face’s own damages, by giving media exposure to a tiny flea of a competitor well beyond what would have been The South Butt’s proverbial “15 minutes of fame.”

So this little accident and collision between The North Face and The South Butt – drawing the ire of The North Face, which has decided to play hardball – may pay Winkelmann’s way through four years of college and then some. That is if legal costs don’t eat him alive and kill his business.

The pundits are asking all the yentas out there in cyberspace to pick a side: “Never Stop Suing” or “Turn the Other Cheek?”

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