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[Honoring Randy Moss Doesn't Make It Fair Use](#)

Posted on October 14, 2010 by [Steve Baird](#)

This little gem arrived yesterday, basically an email promotion for this weekend, featuring Randy Moss and celebrating his return to the Minnesota Vikings:



The graphic features a Minnesota Vikings player in a blue and white uniform with the number 84, holding a football. The background is dark purple with a lightning bolt effect. In the top left corner is the Lions Tap logo, which includes a lion's head and a beer glass. The text 'WELCOME BACK #84!' is written in large, bold, yellow letters. Below this, a promotional message reads: 'In honor of Randy Moss's return to the Minnesota Viking's, we'd like to offer you a **FREE single regular hamburger*** with the purchase of any other famous hamburger.' Further down, it states: 'This offer will be valid on Sunday, October 17th only!' At the bottom right, there is a call to action: '**CLICK HERE** for your **FREE Famous Hamburger**'. A small disclaimer at the bottom left reads: 'All registered trademarks are the properties of their respective owners.'

Of course, I'm thrilled too, that Randy Moss has returned to play ball in Minnesota, but that doesn't mean we forget all about his legal rights (name, image, likeness, [right of publicity](#), to name a few), not to mention the legal rights, trademarks, and trade dress of the Minnesota Vikings and the NFL.



By the way, the purported disclaimer at the bottom of the promotion saying: "All registered trademarks are the properties of their respective owners" doesn't help either. Putting aside the unanswered question about any unregistered trademarks shown in the promotion, all this statement reveals is that Lions Tap knows it doesn't own what it is using, and it begs the question of whether the necessary permission was obtained from the necessary owners.

To the extent, my assumption is correct that [Lions Tap](#) didn't obtain the necessary license and permission to run the above promotion, it appears Lions Tap may have forgotten all the intellectual property law it sought to teach McDonalds earlier this year when it filed a suit for trademark infringement over the Who's Your Patty tagline . .

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- [All About Taglines and Advertising Slogans: Who's Your Patty Anyway?](#)
- [Lion's Tap Shouldn't Have Sued. At Least Not So Soon.](#)
- [Who's Your Patty? or Where's Who's Your Patty?](#)
- [Update: Who's Your Patty? Lawsuit and Reverse Confusion](#)
- [Lion's Tap Reaches "Mutually Beneficial" Settlement with McDonalds](#)

Do you think that Lions Tap obtained the necessary permission to run this promotion?

