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The Hangover II Has More Legal Woes

By [Tiffany Blofield](#) on February 29th, 2012

Although it was not up for an Academy Award last weekend, I was thinking about *Hangover II* while getting ready to attend an Oscar party this past weekend. Warner Bros. Inc. (“Warner Bros.”) has again been sued over this movie. You may recall [Steve Baird’s informative and entertaining post about the potentially tangled web of competing intellectual property rights related to the tattoo featured in the movie](#). Since the post, the case with Mike Tyson’s tattoo artist has been settled. However, Warner Bros. is still facing a lawsuit brought by [Louis Vuitton Malletier SA](#) (“Louis Vuitton”) regarding the movie.

Louis Vuitton sought to have Warner Bros. remove references to a counterfeit bag and the line “Careful, that’s a Louis Vuitton,” from the movie. The bag at issue is manufactured by a Chinese American company Diophy. Louis Vuitton has also sued Diophy for trademark infringement in another lawsuit. It asserts that the movie is misleading the public that Louis Vuitton is the source of the bag. The scene also undermines the company’s efforts against counterfeiting and trademark enforcement.

Should we be concerned that trademark owners will be able to interfere with creative works, such as movies, by vetoing the appearance of its product? This argument was raised by counsel for Warner Bros., along with First Amendment protection, during a recent hearing. Louis Vuitton countered still by arguing that the public would be confused into thinking that the Diophy bag is the real thing.

Movie producers and other artists should be cognizant of intellectual property issues or face potential litigation. On the other hand, product placement in a movie can be welcome. Indeed, it can be big business. Steven Spielberg and Hershey Food Corporation struck a deal to co-promote the *E.T.* movie with Reese’s Pieces. Still other trademark owners may be happy to have their product prominently displayed in a movie as free advertising. They may even pay the movie to feature the product. Then next time you go to the movie theater you might encounter some intellectual property issues. Do any come to mind?

