



Protecting Fictional Trade-Marks

February 14, 2011 by Bob Tarantino

Back in April of 2010, we posted about efforts in the UK undertaken by the producers of *Coronation Street* to protect their interest in a fictional brand of beer featured on the show ([Trade-mark Protection for a Fictional Beer](#)). With a hat tip to the indispensable [Lon Sobel at Entertainment Law Reporter](#), Benjamin Arrow has written a great article on protecting fictional trade-marks: "[Real-Life Protection for Fictional Trademarks](#)" (21 Fordham Intell. Prop. Media & Ent. L.J. 111).

Assessing the question from the point of view of US law, Arrow looks at trade-mark and copyright issues relating to the protection of fictional brands, with nods to the case where DC Comics sought (and obtained) an injunction against someone publishing a newspaper called *The Daily Planet*, and the seminal Australian case on the topic, wherein the producers of *The Simpsons*, sought to prevent use of the word "Duff" in connection with the sale of beer ([Twentieth Century Fox Film Corporation and Matt Groening Productions Inc v the South Australian Brewing Co Ltd and Lion Nathan Australia Pty Ltd \[1996\] FCA 1484](#)).

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