

CALIFORNIA Apparel News

THE VOICE OF THE INDUSTRY FOR 58 YEARS

\$2.00 VOLUME 58, NUMBER 24 JUNE 7-13, 2002

NEWS

Hot Topic Named in T-shirt Lawsuit

Does **Hot Topic Inc.** have to face the music? That's the question confronting the City of Industry, Calif.-based chain of stores selling music-related merchandise, which is now a defendant in an unregistered trademark infringement suit stemming from the "The Osbournes" T-shirt it sells.

Tshirthell.com, an e-commerce T-shirt company, claims the Osbournes T-shirt is a knockoff of a similar shirt it began selling earlier in March following the growing popularity of the **MTV** show. The suit contends that the Osbournes began selling the shirt in retail stores nationwide, including Hot Topic.

Hot Topic spokesman Jay Johnson said the company hadn't been served with the lawsuit, but he noted, "We're by no means the exclusive retailer of the shirt."

Myles Silton, vice president of business affairs and general counsel for San Francisco-based **Signatures Network Inc.**, the licensee of merchandising rights for the Osbourne family, was completely unaware of Tshirthell.com's shirt until a "letter from their lawyer landed on my desk," he said. In response, Signatures Network sent a letter to the online company claiming its

rights to the Osbourne name.

"We believe this suit is without merit," Silton said.

Tshirthell.com president Aaron Landau Schwarz said his version of the shirt is one of the top five sellers on his Web site, which features irreverent, slogan-based shirts. The shirt in question reads "***** My Family. I'm Moving in with the ... Osbourne Family."

"We just keep seeing the shirt pop up all over New York and knew we had to do something," Schwarz said.

Tshirthell.com filed the suit May 28 in New York's federal court. It's seeking to recover lost profits and \$15 million in damages from defendants Hot Topic, Ozzy and Sharon Osbourne, **Sony Music** and **Epic Records**.

Answers to the case aren't clear, said trademark attorney Crystal Zarpas. Much of it depends on Signatures Network's trademark protection. Zarpas also said rock singer Ozzy Osbourne has rights to his name that Tshirthell.com may have violated. And, if Hot Topic or any other retailer has a product in violation of trademark infringement, they often have to pull the clothing from their stores, though they're rarely named in lawsuits. —*Nola Sarkisian-Miller*