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NEWS

Two Beiges May Be Too Much

To paraphrase The Bard, would Beige by any other name alter fashion sales?

That's the question posed to two companies called **Beige**, who have similar-looking logos.

Los Angeles-based **Beige** is a 2-year-old contemporary boutique on Beverly Boulevard with such lines as **Michelle Mason**, **Strenesse** and **Louis Verdad** and is known for its celebrity clientele, including Debra Messing, Penelope Cruz and others.

About 2,500 miles to the northeast, **Beige** in Montreal, Canada, is a 2-year-old line of edgy, contemporary clothing begun by designer Lino Catalano at a lower price point to his eponymous 7-year-old designer collection.

Their worlds recently collided when the fashion label Beige bowed at the **Studio 10** showroom at the **New Mart** during the recent Spring 2003 **Los Angeles Fashion Week**. "There's lots of confusion in the marketplace," said Tina Webb, co-owner of the Beige boutique. "Manufacturers were questioning us, thinking we were designers who wanted to mimic their designs."

Webb said she hasn't registered her company's logo, which has all upright letters vs. the designer's logo, which features a tilted "e" at the end. She is reviewing the matter with her lawyer and plans to contact Catalano soon.

"We're going to ask him to change the logo and see what he says," Webb said.

Catalano, who said he named his line after the Tuesday theme nights at

New York's **Bowery Bar**, said he has registered the Beige logo in Canada, but hasn't done so internationally.

"We're working on that," he said, noting he's flabbergasted by the similarities. "I was as surprised as they were. It's ironic that we both came up with the same name and nearly identical logos."

Industry experts, however, say the conflict isn't surprising given the subjective environment of fashion.

"It's really difficult for garment manufacturers because everything is taken and every variation is taken," said copyright lawyer Crystal Zarpas.

Should the matter escalate, then the registration process and common law rights become key points to be reviewed, Zarpas said. Registration may establish superior rights, and those using the name before registration may have demonstrated their "first use in commerce" rights.

Zarpas encourages clients who run into similar straits to cut bait since litigation cases can cost upwards of \$20,000 in legal fees.

"It's cheaper to abandon the case and start over as a new line," Zarpas said.

For now Catalano believes that the similar monikers aren't a threat.

"Quite frankly, I'm not concerned," he said. "If they announced, 'We're planning to open 100 stores,' then it could be a problem. But L.A.'s just one market. There's New York, San Francisco and Florida, and I don't see a conflict."

—Nola Sarkisian-Miller