

Advocate For The Client: How Merchant & Gould Achieved Instant Resolve For Infringement Against Famous Polaris Brand

Company Background

Polaris Industries Inc. (“Polaris”) designs, engineers, manufactures and markets all-terrain vehicles (ATVs), utility vehicles, snowmobiles and VICTORY® Motorcycles for recreational and utility use. Polaris is a recognized leader in the snowmobile industry, one of the largest manufacturers of all-terrain recreational, utility and side-by-side vehicles (ATVs) in the world, and is rapidly making impressive inroads into the motorcycle cruiser and touring marketplace under the Victory® brand. The Victory Motorcycle division was established in 1998, representing the first all-new American-made motorcycle from a major company in nearly 60 years.

Merchant & Gould is retained by Polaris to manage all facets of the company’s trademark clearance, registration and global enforcements efforts.

Challenge

The POLARIS® and VICTORY® brands and logos are unmistakable and when it realized that a well-known national retail chain was carrying a line of belts and belt buckles with the protected logo on it, the case for infringement was obvious. However, Polaris was not sure how it could get the retailer to pull the existing products and halt additional production quickly without a lengthy litigation.

Solution

Merchant & Gould advised that Polaris not engage in a formal lawsuit or trial for this particular instance of infringement. Instead, it recommended that the client approach the retailer directly and demand the clothing manufacturer immediately pull all offending clothing and belt items containing the VICTORY® logo from its stores and marketplace. Within a few short days, Merchant & Gould was able to negotiate a speedy and cost effective recall of all products from the distribution channel, and secured financial compensation for all unauthorized products sold containing the infringing logo and design. Merchant & Gould likewise negotiated that all legal fees and cost associated with the enforcement of this matter be covered by the infringing party.

Merchant and Gould’s strategy enabled Polaris to save thousands of dollars by avoiding formal litigation and the client ultimately absorbed no legal fees and costs in order to achieve such a favorable result.

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