

In a Barbie world

Protecting your IP

It's not all about "come on Barbie lets go party". For intellectual property lawyers, Barbie is probably the most aggressively protected and fought over intellectual property for years. From a kids doll born back in 1959, to the blockbuster Hollywood film of 2023, it became an empire that turned the American owner company Mattel to worth billions.

According to the EUIPO, the Barbie dynasty has 23 trademarks which are registered in the EU and approximately 30 in the United Kingdom. The Barbie products are patented and industrially protected and because of the movie, Mattel has now signed hundreds of licensing contracts for the use, production and sale of products of the Barbie brand, such as O.P.I Barbie nail polish, Gap's Barbie wear, a Burger King pink sauce and others.

But really it was an IP dispute that was the stepping stone that made Barbie such a commercial success. Back in 1956, Ruth Handler, Mattel co-founder, while on holiday in Europe with her children – ironically, Barbara

and Kenneth - saw Bild Lilli a German toy doll. Enthralled by its effect on her children, she returned to the United States and designed Barbie. The owners of the Lilli doll filed a claim against Mattel in 1961, arguing that the design of Barbie infringed on their hip-joint patent and accused Mattel of misleading the public by

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creating the impression that they had originated the format. The case was settled with Mattel purchasing the copyright and patent rights for the Lilli Doll. This is what allowed Mattel to have exclusive right to reproduce Barbie, create apparel, sell and distribute products, create shows, cartoons and feature in movies like the Margot Robbie 2023 Barbie movie.

In essence, Barbie is a reminder of the importance of commercializing and protecting your intellectual property. It fought many legal battles throughout the years. In 1997 Mattel sued MCA Records over the Danish band Aqua's pop song "Barbie Girl" claiming trademark infringement, unfair competition and trademark dilution. The song's title referred to the doll by its name and the song's words was a parody of the "plastic world" of Barbie. Mattel lost the case. The judge found that the song was not infringing because of parody and that the use of "Barbie" fell within the "non commercial use" exception for the dilution claim. Later in 2013 Mattel lost again after a nine year copyright battle with Bratz doll maker MGA entertainment. Mattel's argument was that the Bratz doll creator, designed the concept while working for Mattel and secretly sold the idea to MGA. MGA denied the claims and countersued. The jury concluded that Mattel did not own the idea for the Bratz line or any of the sketches that led to its creations.

The latest battle began on the 26th of June 2023, when Mattel filed an application to the US Trademark office opposing Burberry's application to register "BRBY" for use on apparel and leather goods, claiming that it is similar to Barbie and will cause consumer confusion. It remains to be seen how another battle will be resolved.

"Barbie" is a very strong and solid example of how a robust IP strategy plays a vital role in the development and growth of companies. With the advancements in technology, the importance of IP management can only grow.

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