

## Magazine Takes Long Shot in ‘Tiger King’ Trademark Tangle

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James H. Donoian

Netflix may have made Joe Exotic a household name, but Hollywood Weekly magazine says it made him “The Tiger King.”

The magazine sued Netflix for infringing its unregistered trademark rights for “Tiger King”—a moniker it claims it coined in four articles published between 2013 and 2018.

It’s difficult to protect a column title, James Donoian, an intellectual property attorney with McCarter & English LLP said. Metro Publications convinced the Ninth Circuit that a column name could be a valid trademark but couldn’t convince a lower court later that its “Public Eye” column qualified.

When considering whether a series of articles qualifies for a registered trademark, a court could consider factors like the frequency of installments, how consistently the trademark was used, and the advertising promoting the trademark, attorneys said.