

*From the desk of Jeanne M. Kerkstra, Esq., CPA*

**Viewpoint**  
**The Naked Cowboy vs. M&M's - Protecting Your Image**

It seemed like a humorous story. A New York City street performer known as The Naked Cowboy was suing M&M Candies and Mars Incorporated as well as its advertising agency over a video billboard allegedly with an M&M character in The Naked Cowboy's outfit. But, it's not funny. There is a lot of money at stake.

The street performer filed a \$6 million lawsuit against the companies. In the lawsuit, he alleges copyright infringement. This is no typical street performer. This is a businessman. He had trademarked his look, which certainly not many of us could pull off. For the past 10 years, he has performed in Times Square strumming a white guitar while dressed only in skimpy white underwear and a white cowboy hat. He earns his living by receiving money from tourists who are eager to snap shots of him. However, he has also had endorsements and advertisements, including a Super Bowl ad no less. The street performer knew that his goodwill and his look had value. He took the legal steps necessary to protect them, just like any business protects its name, slogan, logo and business processes, to name a few.

As you nurture your business and watch it grow, you want to be guaranteed that you will reap the rewards. Have you taken all necessary steps? We can help copyright and patent your business intangibles. Call us today.

<p>Jeanne M. Kerkstra, Esq., CPA KERKSTRA LAW OFFICES LLC 53 W. Jackson Blvd. Suite 1530 Chicago, IL 60604 312.427.0493 312.675.0500 (fax) <a href="mailto:jmk@kerkstralaw.com">jmk@kerkstralaw.com</a></p>	<p>KERKSTRA LAW OFFICES LLC Problem? Solved.®</p> <p>asset protection • estate planning corporate work • business succession planning forensic investigation • litigation and more</p>
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