

Michael Jordan Sues Chinese Sportswear Co. Over Name Use

By **Jonathan Randles**

Law360, Los Angeles (February 23, 2012, 4:07 PM ET) -- Basketball icon Michael Jordan has sued Chinese sportswear and footwear manufacturer Qiaodan Sports Co. Ltd. over the unauthorized use of his name and identity, he said Thursday.

Qiaodan Sports is accused of using Jordan's jersey number, 23, and Chinese name without his permission. The company, which has between 4,000 and 5,000 specialty stores in China, has filed more than 100 trademarks referencing Jordan's name and his sons' names, according to a statement.

"It is deeply disappointing to see a company build a business off my Chinese name without my permission, use the number 23 and even attempt to use the names of my children," Jordan said in a statement. "I am taking this action to preserve ownership of my name and my brand."

Propelled by the growth of the Chinese Basketball Association and popularity of several home-grown stars — none larger than 7-footer Yao Ming, who retired from the NBA in 2011 due to chronic injury — basketball is one of the largest sports in China.

Qiaodan Sports has spearheaded several large-scale advertising campaigns and entered into a sponsorship agreement with China Central TV, which broadcasts the country's professional basketball league, the statement said. The company also broadcasts its name and logo courtside during Chinese broadcasts of NBA games. CCTV began broadcasting NBA games in China in 1987.

The marketing efforts have also confused a majority of Chinese consumers into believing the Naismith Memorial Basketball Hall of Fame is associated with Qiaodan Sports, the statement said. Jordan, who heads a subsidiary of Nike Inc. that markets his brand and popular Air Jordan shoe, has launched a web site — TheRealJordan.com — with information about the complaint.

Jordan, a six-time NBA champion with the Chicago Bulls, claims Qiaodan Sports has built itself on the back of his reputation. Between 2007 and 2010, Qiaodan Sports' revenues grew from an estimated \$45.6 million to \$456.3 million, the statement said.

Qiaodan Sports and Jordan's representatives were not immediately available for comment.

Under Chinese intellectual property law, plaintiffs in naming-rights lawsuits are entitled to injunctive relief and damages if defendants are found to have acted in bad faith by intentionally using the plaintiff's name or personal attributes without authorization, the statement said. Yao Ming and Dallas Mavericks forward Yi Jianlian have both won court protection in recent years from companies that have illegally used their names, the statement said.

"This complaint is not about money. It's about principle and protecting my name," Jordan said in a statement. "Any monetary awards I might receive will be invested in growing the sport of

basketball in China.”

Jordan could face potential hurdles challenging Qiaodan Sports' registration depending on when the mark in question was registered in China and whether it is identical to his name, said Jesse Saivar, an intellectual property attorney from Greenberg Glusker Fields Claman & Machtinger LLP. There may be different ways of coming up with the phonetic equivalent of Jordan in Chinese, he said.

Generally, people claiming that a trademark violates their naming rights in China need to prove that they are well known in China — a problem Jordan should be able to overcome easily, Saivar said.

“It might be difficult for someone who might be well known in the U.S. but isn't an international star,” Saivar said. “That shouldn't be a problem here. It's Michael Jordan. He is one of the most recognizable celebrities in the world, especially in a place as basketball-obsessed as China.”

The case name, number and court of jurisdiction were not immediately available.

--Editing by Cara Salvatore.

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