

Hangover II Lawsuit Teaches a Valuable Lesson About Product Placement

by Anthony Caruso on March 15, 2012

The Hangover: Part II continues to face legal problems; this time over its use of a knock-off designer bag. Louis Vuitton filed a trademark infringement lawsuit against Warner Bros. after the company refused to have DVD copies of the film altered to remove the offending scene.

As detailed in its New York entertainment lawsuit, the luxury handbag company claims that the *Hangover: Part II* features one of the characters using a fake Louis Vuitton bag manufactured by a Chinese company called Diophy. In the scene, Zach Galifianakis' eccentric character, Alan, warns another character to stay away from his bag, "Careful, that is ... that is a Louis Vuitton." For comedic effect, he mispronounces the name of the brand.

Unfortunately for Warner Brothers, Louis Vuitton isn't laughing. The company has asserted claims for trademark dilution, false designation of origin, and unfair competition. According to the complaint, Warner Bros. is "explicitly misleading the public about the source of the Diophy Bag."

Louis Vuitton also alleges that Warner Bros. is undermining the company's enforcement efforts against counterfeiting. The company further claims that Warner Bros. ignored its objections to the use of the bag when the film was initially released and denied requests to alter the scene in subsequent DVDs.

To support its argument that Warner Bros. should have removed the scene, Louis Vuitton points to another lawsuit involving the hit sequel. As you may recall, Warner Bros. was sued for copyright infringement after using a tattoo that strongly resembled one created by a tattoo artist for boxer Mike Tyson. Although the suit was eventually settled, Warner Bros. had indicated a willingness to digitally alter the footage on DVD copies of the film.

Should Warner Bros. lose this lawsuit, it could be very costly; Louis Vuitton wants the company to surrender all copies of the film containing the marks and is seeking treble damages.

As this case makes very clear, not all companies are happy to see their trademarked products on the big screen, particularly if they aren't the real deal. Therefore, it is important for production and film companies to consult with an entertainment lawyer early in the process to address any intellectual property concerns.