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Lessons From Basketball Wives

September 22, 2011 by [Brent Lorentz](#)

As I was perusing the recent intellectual property newsfeed, I came across a notice the [Gilbert Arenas](#) (NBA Player) had recently filed an appeal with the 9th Circuit attempting to prevent the airing of [Basketball Wives L.A.](#) Turns out Mr. Arenas is concerned that this series will unfairly capitalize on his fame and celebrity (translation: he wants a piece of the action) and will potentially paint him in a bad light. The judge allowed the show to [go forward](#).

While I didn't read the decision in its entirety, I understand that the judge essentially considered Arenas's ex-fiance's exploitation of her relationship with him as "fair use" of Arenas's image. (Personally, I would suggest an argument could be made that it was just compensation for putting up with him.) The judge also rejected his claims that his image would be tarnished by citing to Arenas's already seedy image. Those who are familiar with Arenas's antics will recall that he was once [suspended indefinitely](#) for bringing guns into the locker room when he was a Washington Wizard. He also has a history of posting incredibly offensive tweets, as documented [here](#). My personal favorites are:

good mornin twitter fam..i need me a slave to make me breakfast in the mornings..i guess yall might call them girlfriends...im hungry

#youknowyouugly if ur a SINGLE MOTHER...Imaoooooooooo sorry but thats funny...Single mothers out there its a joke...I wanted to be the one with the best line.

This raises two observations. First, their apparently is a burgeoning niche practice for Basketball Wives related litigation. Chris Bosh has [both sued and been sued](#). Dwight Howard has also [been sued](#). Second, while athletes need to recognize that they can become a personal brand, they can't rely on branding law to prevent the world from learning they are a &%\$!&.



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