

David Bell in Bloomberg Law: Journey's 'Messy' Feud Fueled by Trademark Fight, Contracts

March 31, 2020 David Bell

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Bloomberg Law quoted Haynes Boone Partner [David Bell](#) in an article about the trademark feud involving rock band Journey, a familiar story of bands struggling to untangle valuable rights when they split or disagree.

Here is an excerpt:

Millions are at stake for the classic lineup of Journey, whose 1981 hit “Don’t Stop Believin’” is the most downloaded song from the 20th century. The dispute is complicated by an allegedly fraudulent corporate takeover and an unusual structure of entities owning and operating the trademark on the band’s name.

The squabble offers lessons on the importance of forming companies with clear governance structures and clearly assigning intellectual property rights—lessons that don’t just apply to music, attorneys say.

“I would imagine that lots of small businesses, say a bakery, would have the same issue,” trademark attorney David Bell of Haynes Boone said. “It’s just that within the music industry, especially, the name is so central to the continued success of the band and so important that, inevitably, if there’s going to be a dispute, it’s going to be a big fight.”

Managing Fallout

Band names, including Beach Boys, Lynyrd Skynyrd and Creedence Clearwater Revival, have often been the object of fights after a split or death. For example, Creedence frontman John Fogerty sued his former bandmates over their new band “Creedence Clearwater Revisited” in 1996. He secured a temporary injunction that the Ninth Circuit overturned in 1997 before the parties settled, only to later repeatedly face off in court in ensuing years.

Band name marks are becoming more valuable with the rising importance of online presence, search engines and algorithms that direct streaming traffic, Bell said.

To read the full article, click [here](#).