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★★★★ \$9

DJIA Closed (18232.02)

NASDAQ Closed (5089.36)

NIKKEI 20413.77 ▲ 0.7%

STOXX 600 406.56 ▼ 0.29%

10-YR. TREAS. Closed, (yield 2.211%)

OIL Closed (\$59.72)

GOLD Closed (\$1,204.30)

EURO \$1.0978

YEN 1

## Travelers Doesn't Want to Share Its Umbrella

Insurer rains on others over logos; nutrition supplements, software

BY LESLIE SCISM

Norm Denison ran a tiny consulting firm in Anchorage, Alaska, so he never thought a \$27 billion insurance giant would see him as a threat. Then he got a letter from Travelers Cos. warning him that the logo for his company, Human Resource Umbrella LLC, potentially infringed on Travelers' trademark by hanging an umbrella above the two "ll"s in the name.

"Why is some big corporation picking on some little person in Alaska who doesn't compete



with them?" Mr. Denison recalls thinking.

For Travelers, an umbrella is rarely just an umbrella.

The property-casualty insurer has gone to great lengths to

stop other companies from hoisting umbrellas as logos. Since 2007, Travelers has challenged at least 30 trademark applications across a range of industries, according to U.S. Patent and Trademark Office records. Among its targets have been a California program to improve children's health, an antivirus software firm, a Polish nutritional-supplement producer and even the umbrella-making Totes Isotoner Corp. It also has gone to federal court to protest rival insurers' umbrella

Please see LOGOS page A10

## LOGO

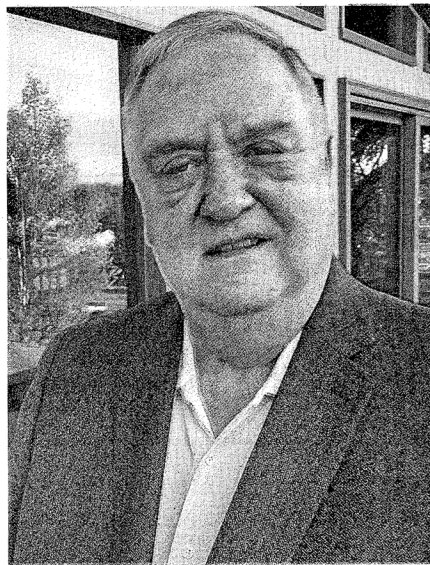
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use. "Mary Poppins might want to consider lawyering up," quips Randy Maniloff, an insurance-industry attorney with White & Williams LLP.

Travelers declined to comment on individual instances, but says it is acting within well-established trademark law. "We have one of the best and most recognizable brands in the world and take seriously our responsibility to protect its value," a spokesman says.

Trademark experts say there is legal justification for pursuing even some harmless-sounding cases. "If you don't protect your trademark, if you let everybody use your symbol because it is a common household item, some day you will find someone who will say to the court: 'But, look, you have tolerated all these other uses,'" says Siegrun Kane, author of "Kane on Trademark Law: A Practitioner's Guide."

Travelers in March reached a confidential settlement with Legal & General Group PLC over allegations the British insurer's multicolored umbrella infringed on its trademark. The same month, Travelers filed a trademark-infringement suit against Farmers Group, which has used umbrellas for such things as promoting a product known industrywide as "umbrella liability"



Norm Denison's consulting firm uses an umbrella in its logo.

insurance.

Legal & General, which is continuing to use the umbrella, declined to comment. Travelers called it "a mutually acceptable and amicable settlement." A Farmers spokesman said its matter was "amicably resolved" in

recent days; Travelers declined to comment.

Travelers is hardly the only major company to cast a wide net to protect its trademark. Over the years, businesses including Apple Inc., McDonald's Corp. and Blue Cross and Blue

Shield have been aggressive in challenging uses of symbols and concepts they have spent substantial money developing, according to lawyers and brand experts. Walt Disney Co. is currently opposing a U.S. trademark application from an electronic musician who performs wearing a mask with huge mouse ears.

Yet Travelers is an unusual case because it is asserting a degree of ownership of a generic item that also is a popular symbol of protection and other qualities that a range of businesses want to promote, say some brand experts and lawyers.

"So what's next? Requesting that Rihanna issue a disclaimer that she's not referring" to insurance when she sings her "Umbrella" hit? asks Missouri-based trademark attorney Morris Turek.

Travelers, which says it has used an umbrella since the 1800s, hasn't always owned the trademarks it is now fighting to protect. The company was part of Citigroup from 1998 to 2002, when Travelers was spun out to shareholders. Citigroup kept the umbrella logo until 2007 then sold it to Travelers for an undisclosed sum. Since then, Travelers has sought to convince companies and courts there is no spare room under its upright red umbrella.

"I was a bit perplexed that they would feel they have a monopoly on the use of all umbrellas," says Christian Cordoba,

founder of California Retirement Advisors Group. Travelers filed paperwork for a time extension to potentially oppose the group's registration of a blue umbrella to promote a service called My Retirement Organizer.

Mr. Cordoba says the icon wasn't important enough to justify squabbling with Travelers' lawyers so he used a shield instead.

Avira, a German antivirus software firm that had been using variations of a left-leaning umbrella, sometimes red, in Europe and elsewhere, drew Travelers' attention when it sought a U.S. trademark registration. To resolve the dispute, Avira amended its application to exclude use of the logo for insurance products or services.

"If you are a big powerful rich company...and you try to eliminate everybody else who is even remotely close to your design or word, even if they aren't using their mark in a related field, the term that is used sometimes is that you're being a trademark bully," says Scott Taylor, a lawyer at Arnall Golden Gregory LLP, who represented Avira.

In 2011, Travelers opposed a four-paneled design that Guard Insurance, a unit of Berkshire Hathaway Inc., was seeking to trademark, objecting to an umbrella in the bottom-right quadrant. Guard agreed to replace the umbrella with a rain cloud. Berkshire declined to comment.

When umbrella, footwear and accessories maker Totes filed a trademark application of an upright red umbrella in 2013, Travelers contended in a filing that it would create confusion because its online store sells ties, coffee mugs and other products bearing the logo. Totes responded that it had been using its red umbrella to market goods online for years and "there has been no actual confusion. [Travelers' customers] are careful and sophisticated."

Totes withdrew the application last year. A lawyer who handled the matter for the company declined to comment. Companies can use logos without trademarks and Totes' website shows it is still using an upright red umbrella, with a red circle drawn around it.

In Anchorage, Mr. Denison recalls that Travelers' attorneys in 2010 "pounced right on" his firm's trademark application. "Travelers apparently took it as a big affront that we were using an umbrella," he says. "I still can't see why they were so upset."

The parties resolved the dispute after Mr. Denison agreed to steer clear of the color red and to not use the logo to promote insurance and certain other services.

Mr. Denison said he reached a swift compromise because "we had other things to do besides exchange letters" with Travelers. "I will tell you they weren't mean. It was all lawyer talk."