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Quiksilver Loses in Trademark Case Over Kelly Slater VSTR Line

Surfwear giant **Quiksilver** splashed and crashed in a trademark-infringement case that pitted its relatively new **VSTR** apparel line, promoted by surfer Kelly Slater, against a similar clothing label, called **Visitor**.

An eight-person jury in U.S. District Court in Santa Ana, Calif., found that Quiksilver had willfully infringed on **World Marketing Inc.**'s long-standing Visitor menswear label, which was trademarked 15 years ago. Following the verdict on July 19, Quiksilver was ordered to pay World Marketing in New York \$3.6 million in royalties and punitive damages.

"What was important [about the case] is that World Marketing stood up for its corporate identity, which is Visitor," said Clara Shin, one of the attorneys at **Covington & Burling**, the law firm that represented World Marketing. "I feel great that the jury took all the facts into account and sent a strong message to Quiksilver that it must respect the intellectual-property rights of others."

Quiksilver launched the VSTR label—which stands for "visiting, surfing, traveling and responsibility"—in early 2012, specifying that the brand's name should be pronounced "visitor." Slater was deposed for the case.

When World Marketing heard about the new la-

bel, it sent a cease-and-desist letter to Quiksilver in March 2012. Then, Quiksilver, a \$2 billion company based in Huntington Beach, Calif., turned around and sued World Marketing in U.S. District Court.

World Marketing countersued, saying in court papers that its men's sportswear line had been in existence since 1987 and trademarked since 1998.

Quiksilver responded by saying it received a trademark for VSTR shirts in November 2011 and had trademarks pending for belts, footwear, gloves, headwear, jackets, pants, shirts, shorts, socks, swimwear and undergarments.

In February, as part of a shift in business strategy under new Chief Executive Andy Mooney, Quiksilver shuttered the VSTR label, along with **Quiksilver Women** and **Quiksilver Girls**, to concentrate on its core brands of Quiksilver, **Roxy** and **DC Shoes**.

This is not the first time that Quiksilver has been embroiled in a trademark-infringement case. It spent years in litigation with Los Angeles-based **Kymsta Corp.**, which had a line of women's clothing called **Roxywear**. After several years of litigation and appeals, Kymsta was able to continue making the Roxywear label but with several restrictions, such as no external hangtags, no licensing deals and only distribution through its current channels.

—Deborah Belgium