

NEWS
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Hammer-Schlagen® Sues Over Trade Dress Infringement

Minnesota company alleges the three-dimensional trademark of its famous Hammer-Schlagen® entertainment service was knowingly and willingly counterfeited by a Washington group.

STILLWATER, MN (December 19, 2016) -- Originating in Stillwater, Minnesota, the German-themed Hammer-Schlagen® nail driving competition is primarily identified by its famous three-dimensional trademark: a cross-section of a tree with nails positioned around its circumference and a cross-peen hammer. The decades old brand owned by WRB Inc. of Minnesota appears at hundreds of events nationwide.

"We've granted exclusive rights in the entire state of Washington for the Hammerschlagen® Tournament Of Champions," says Jim Martin, WRB's CEO, "It's become quite popular since starting in 2005." So when a competing event used the Hammer-Schlagen® trade dress and name in 2015, WRB became concerned and reached out. The competing event, Oktoberfest At The River in Spokane, responded promptly. Through its coordinator, Tom Stebbins of Vision Marketing LLC, the event promised to never again use the Hammer-Schlagen® family of trademarks and removed infringing content from multiple websites. WRB forgave the wrongdoings and even thanked the Stebbins' group for yielding.

On December 13th, 2016, WRB filed a lawsuit in the Eastern District of Washington (file number 2:16-cv-00436-RMP) via a complaint written by the Godfread Law Firm of Minnesota. It alleges that Stebbins' group conspired to deliberately violate its assurances by again counterfeiting the famous Hammer-Schlagen® trade dress at their 2016 event. "They also associated a name other than Hammer-Schlagen® with our trade dress," Martin says, "That's like putting the Pepsi name on the Coke bottle." WRB says evidence exists showing customers were actually misled into believing the Hammer-Schlagen® service was being offered. Damages are also sought for the unauthorized use of the Hammer-Schlagen® trade name.

Additionally, the suit seeks damages for Stebbins' group undermining WRB by publishing the falsehood that the Hammer-Schlagen® service originated in Germany hundreds of years ago.

"We've done everything we can to prevent this," says Martin, "but they've chosen to ignore our federal rights and force our hand. I'm not happy with the fact they've broken their promises and given us absolutely no other option. They decided to paint us into a corner, and it's extremely disheartening. We just want them to stop."

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See also <http://www.hammerschlagen.com/our_brand/>.

Find this press release at <https://www.hammerschlagen.com/press_releases/?id=2016-12-19>.