

NEWS
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Lawsuit Over Hammer-Schlagen® Stump Settled

Federal court decrees three-dimensional Hammer-Schlagen Stump valid and enforceable trademark.

STILLWATER, MN (March 13, 2021) -- A permanent injunction entered by Chief Judge John Tunheim of Minnesota's federal District Court last week declares, "WRB, Inc. is the owner of the trade dress identified as the HammerSchlagen Stump" and the Stump "is valid and enforceable."



The Stump, which is identified as a trademark with the United States Patent & Trademark Office under registration number 5,548,112, is a round piece of wood with nails positioned around its perimeter and a cross-peen hammer. Whenever WRB offers its well-known Hammer-Schlagen® brand of entertainment, participants use the Stump to engage in the nail driving competitions being offered.

According to WRB's attorney, Michael Frasier of Minneapolis based Rubric Legal, "Under the Lanham Act, federal law prohibits the commercial use of any trademark and anything that is confusingly similar, except as permitted by the trademark's owner." Says WRB's chief executive officer Jim Martin, "Whenever our Stump or anything confusingly similar is displayed, it is communicated to the public that our nationally renowned Hammer-Schlagen® brand of entertainment service is being offered. Even if it appears on its own, absent any other words or phrases."

The injunction was entered in the case of WRB v. Schram Haus Brewing (0:20-cv-02524-JRT-TNL). Regarding that lawsuit, "the matter has been settled," says Martin, "and I believe the compromise reached benefits both WRB and Schram Haus. The big take away is that WRB and its predecessors are the source and origin of the Hammer-Schlagen® brand of entertainment. Also, the Stump used identifies Hammer-Schlagen® not just in Minnesota, but nationwide." Originating in and continuing to hail from Stillwater, Minnesota, Hammer-Schlagen® employees provide the decades-old German-themed entertainment at hundreds of events nationwide: Martin has been one of the so-called Hammer-Schlagen® Gamemasters for over twenty years.

Martin concludes, "If you want to provide nail driving entertainment to your guests, please don't counterfeit the Stump. It took decades to establish the goodwill of Hammer-Schlagen®. Just call us, and we'll do our best to show up and put smiles on your patron's faces."

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About the Stump: <http://www.hammerschlagen.com/our_brand/>.

Find this press release at <https://www.hammerschlagen.com/press_releases/?id=2021-03-13>.