

Martha Stewart, Emeril Lagasse Settle Cutlery Trademark Suit

Adolfo Pesquera, Daily Business Review
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Martha Stewart Rick Kopstein

Martha Stewart and Emeril Lagasse accepted a permanent injunction and settlement in Tampa federal court for infringing on a German cutlery trademark.

U.S. District Judge Mary S. Scriven entered the injunction "by consent of all defendants," which included the Home Shopping Network and several companies controlled by domestic diva Stewart and celebrity chef Lagasse.

The defendants were sued in September 2012 in Miami federal court by the Chamber of Industry and Commerce Wuppertal-Solingen-Remscheid, a German trade association that promotes a high-end cutlery line produced by a coalition of craftsmen in a region near Dusseldorf. The guild sells its products under the trade name Solingen.

Causes of action included federal trademark infringement, counterfeiting, false designation of origin and common law unfair competition.

Stewart's company had rights to market a Lagasse product line that allegedly sold counterfeit Solingen knives. They had a Solingen stamp on one side but were stamped "Made in China" on the other, and they were allegedly made of inferior steel.

The complaint, which was transferred to Tampa, sought damages of \$24 million. The defendants agreed to pay damages, but the amount was not disclosed.

Catherine Hoffman, managing partner at **Mayback & Hoffman** in Cooper City, represented the trade association.

"This is a huge victory for our client," she said. "Our client's certification mark identifies only the highest quality products made in Solingen, Germany, and we will do whatever it takes to protect that reputation, which includes Solingen's world-famous reputation as the cutlery capital."

Hoffman added, "We hope this settlement sends a strong message to anyone attempting to profit from improperly certifying products with the Solingen mark."

Under the consent agreement, Stewart and Lagasse admitted the trademark is valid and enforceable but denied they marketed and sold counterfeits.

The order Scriven entered Jan. 28 stipulates her court retains jurisdiction to enforce the agreement.

"Plaintiff and defendants request that this action remain administratively closed until 'the latest of April 1, 2015,' so that plaintiff can have the 'right to seek to reopen the proceedings and litigate the merits of this action ... if the terms of the settlement agreement are not met,' " Scriven stated.

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The trade association also was represented by Guy Austin Rasco at Devine, Goodman, Rasco & Wells in Miami.