

Unauthorized Star Trek

By Reg P. Wydeven
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I love living in Wisconsin. We get to celebrate all four seasons. We have perennial sports powerhouses like the Packers and Badgers, and the Brewers and Bucks are getting better and better. We have tons of rivers and lakes for kayaking and swimming, and lots of forests and trails to hike. And lots of cheese.

Of course, our cities also consistently show up on lists like ‘The Fattest Cities in the U.S.’ and ‘The Drunkest Cities in America.’ So we’re a state of paradoxes.

Just like the Trek Farley.

Trek, the Wisconsin-based bicycle manufacturer, introduced a line of performance “fat bikes” they dubbed the Farley. A fat bike is a reinforced mountain bike with huge tires, which allows it to traverse any terrain, even ice and snow. The Farley comes in a variety of colors and costs between \$1,700 to over \$5,000. Trek admits they named the bike after Wisconsin native Chris Farley, the husky comedian who started on ‘Saturday Night Live’ and went on to become a movie star.

Consistent with Wisconsin oxymorons, Trek named a piece of exercise equipment after an overweight actor who died of a drug overdose.

In addition to the questionable taste of the moniker, Trek also failed to get permission from Chris Farley’s estate to use his name.

As a result, Farley’s estate sued Trek in federal court in Madison. The suit was brought by Make Him Smile, Inc., which owns the intellectual property rights to Farley’s name. The company is run by Farley’s brother Kevin.

According to the lawsuit, Trek knowingly used the name “Farley” without his estate’s consent as a deliberate attempt to have people associate their bikes with the comedian. The estate alleges that Trek chose Farley because he was popular for being a funny “fat guy” and they wanted people to associate their bikes with Farley’s success and willingness to go into “comic territories others would not seek to traverse.”

And the ploy worked, as the Farley is the world’s number-one selling fat bike. Accordingly, Farley’s estate asked for \$10 million in damages. The complaint asserts that Trek’s use of Farley’s name was no accident, because John Burke, the company’s CEO, and Farley’s family “have known, and socialized, with one another over many decades, and both families simultaneously belonged to the same Maple Bluff Country Club.”

In addition, the estate claims that when Trek had a safety recall of Farley fat bikes in 2013, it damaged the value of the Chris Farley name and intellectual property rights, which violates California law.

Earlier this month, however, Trek and Make Him Smile, Inc. reached an out of court settlement. While the terms of the settlement were not disclosed, a spokesperson for Trek confirmed that they will continue making Farley bikes. And reading between the lines, the Farley estate will be getting paid.

So if you’re thinking of using a celebrity’s name or likeness to endorse your product without their permission, you better tread lightly. You should pump the brakes before an unauthorized use and switch gears instead by seeking consent. I’m sure you tire of this chain of bicycle puns I’ve been pedaling, but I’m glad I spoke up.

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