

Swift Reprisal

By Reg P. Wydeven
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My niece is possibly the biggest Taylor Swift fan on the planet. She has all of Taylor's albums, has read every book written about her, and knows the lyrics to each of her songs. She owns endless Taylor Swift t-shirts, sweatshirts and even shoes. She's also been to a concert for each of Taylor's tours. In other words, my niece is the queen of the Swifties.

I'm almost certain that she utilizes Taylor's social media app, "The Swift Life." The app allows Swifties to find exclusive Taylor content, learn what Taylor is 'liking' and 'following,' communicate with other Swifties and possibly even connect with Taylor herself! Unfortunately, The Swift Life might meet The Swift Death.

The music and social media mogul has recently been sued for trademark infringement by a Long Island computer consulting company named SwiftLife. According to the suit, filed in federal court in Brooklyn, Taylor's app is likely to be confused with the company's registered trademark "SwiftLife," for "consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others."

Patrick Benot, the sole owner and employee of SwiftLife, claims Taylor's use of the name for her app has caused him "endless grief," as he is continuously bombarded by users of the app seeking assistance at his email address "help@swiftlife.com." Benot is seeking an injunction preventing Taylor from selling merchandise with The Swift Life name until after a hearing on the issue.

Benot alleges in the suit that Taylor never contacted him for permission to use the name The Swift Life for her app, a name he has used in commerce since 2007 and registered with the U.S. Patent and Trademark Office in 2008. Taylor signed a deal with Glu Games to launch her app in December of 2017. Further, Benot asserts Taylor should be familiar with the procedures for searching for trademarks and the protections federally registered marks receive because she holds 64 trademarks herself.

In addition to trademark infringement, SwiftLife is also suing for trademark dilution, use of a counterfeit mark, unfair competition, and violation of Tennessee's consumer protection act, among other counts. The company is also seeking unspecified monetary damages.

Benot chose the name for his company after being a Make-A-Wish participant at the age of 10. As part of his wish, he received a desktop computer from the foundation, which sparked his love of electronics. A year later, he underwent a liver transplant, giving him a new lease on life. Because of his serious condition, he learned at an early age that life can be swift.

While celebrities often retain the rights to their own name, that's not always the case. While Swift is Taylor's surname, it's also a very common adjective. Distinctive names, such as Beyonce or Kanye, are easier to protect.

Everything I've heard about Taylor (and not just from my completely impartial niece) is that she is an extremely nice and generous young woman. I've also heard that she sold a few records and is doing okay financially. Therefore, I'm sure she and Benot will be able to find a resolution to this issue.

If they can't come to an agreement and Benot wins a large judgment against her, I'm sure Taylor will just write a song about it and recoup her losses.