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# Hollywood Docket: Band Name Use; Weinstein Bankruptcy Dodge; 'Rebecca' Verdict



Joe Scarnici/FilmMagic

The band Player.



A roundup of entertainment law news including the resolution of a labor fight over the 'Ben-Hur' remake.

A common legal problem in the music business is the question of who gets to use the band name when members split up. The latest case involves the group Player, which made it big in the 1970s with a number of hits including "Baby Come Back."

Ronn Moss and Peter Beckett were two of the founding members, and according to a new trademark lawsuit, the band members applied jointly to register the Player mark with the U.S. Patent & Trademark Office. Once the band dissolved, the trademark was abandoned.

Moss is now suing Beckett, alleging in a complaint filed in California federal court that the latter has unlawfully sought to seize "Player" for himself.

"Secretly, Beckett registered the PLAYER trademark without informing Moss, and in so doing willfully deceived the USPTO into issuing the registration to him alone with false declarations that he was the mark's sole owner," states the complaint. "Further, in recent months, Beckett has excluded Moss from live performances and yet continued using the PLAYER trademark to identify his services."

The action, seeking damages, injunctive relief and cancellation of Beckett's trademark registration is being handled by Kinsella Weitzman attorneys David Swift and Gregory Korn. The lawyers were previously involved in a [similar fight](#) over use of the band name Jefferson Starship.

[Here's the complaint.](#)

*In other entertainment legal news:*

— Did Melvin Tolson's heirs try to dodge the bankruptcy of The Weinstein Co.? Tolson was a professor at historically black Wiley College who in the 1930s, amid segregation, led the school's debate team to a national championship. He was played by Denzel Washington in the 2007 film *The Great Debaters*. His family is [suing](#) Oprah Winfrey's Harpo Films, TWC and MGM for alleged commercial use of Tolson. This lawsuit was one of many cases that grounded to a halt amid TWC's bankruptcy. Plaintiff's solution? Drop TWC from the case. But in a letter to the judge Tuesday, Harpo and MGM objected to the move — saying the plaintiff needed to get permission from the bankruptcy court first.

— MGM and Paramount appear to have come to a resolution with the American Federation of Musicians of the United States and Canada over scoring of the *Ben-Hur* remake. What seemed to be a simple case escalated into a brawl before the National Labor Relations Board with [dueling allegations of union-busting and witness tampering](#). But the parties have now stipulated to a dismissal.

— Producers of the abandoned Broadway musical adaptation of *Rebecca*, brought down by [a fraud scheme](#), were seeking substantial damages against Marc Thibodeau, the show's former publicist, for blowing the whistle and causing other investors to flee. In April 2017, a jury awarded producers \$5,000 in damages for breach of contract and \$85,000 for tortiously interfering with business relationships. The plaintiff asked the judge to keep the liability verdict but set aside the damages award so that a new trial could happen that would better approximate the weight of evidence. "The court declines to exercise its discretion to set aside the jury's damages verdict," responded the judge in [an order](#) May 21. "Although the \$85,000 award is significantly lower than the approximately \$10.5 million in total compensatory damages sought by [Rebecca Broadway Limited Partnership] on this claim, a fair interpretation of the evidence presented at trial supports the \$85,000 award."

— The women-centered Iliza Shlesinger show that sparked a gender discrimination complaint is now the target of a class- action lawsuit. George St. George [in December sued the comedian](#), UTA and Largo at the Coronet, claiming he was turned away from Shlesinger's show "Girls Night In" because he's a man. Lawrence Pollister joined the suit in January. They voluntarily dismissed the complaint April 30, and they refiled their claims May 14 as a class action. The proposed class is defined as "All males and females who were treated unequally based on their sex relating to being prohibited from entering or being allowed to enter The Coronet Theater for the GIRLS NIGHT IN WITH ILIZA – NO BOYS ALLOWED show on November 13, 2017." (Read the complaint [here](#).)

— A children's multimedia platform is fighting to keep its legal battle with Google over "Googles" alive. SM Kids in February [sued Google](#), claiming it breached a settlement agreement to limit its ventures in the children's arena to avoid any confusion with the "Googles" brand by launching YouTube Kids and Google Play, an app store that includes content and apps targeted to kids. Google in April [asked the court to dismiss the suit](#), arguing that SM hasn't used the Googles mark, thereby terminating the agreement, and that the deal included a safe harbor for selling, publishing or distributing third-party content. In [an opposition filed Friday](#), SM says Google's motion is a "master class in corporate defense strategy" fueled by a \$1 trillion business. It argues it didn't abandon the Googles mark and the tech giant's interpretation of the safe harbor is the result of a gratuitous misreading of the contract, which SM argues only allows Google to maintain products and services that existed in 2008.

— The host of *The Weekend in Vegas* and his attorney are taking another shot at getting a California federal judge to dismiss a lawsuit that claims they submitted a fraudulent takedown notice under the Digital Millennium Copyright Act that resulted in the series being removed from Amazon's download offerings. ISE Entertainment, which claims to own rights to the series, sued the show's co-producer and host, Jeff Civillico, and his attorney, Gerald Longarzo Jr., claiming they knowingly violated the DMCA. Civillico and Longarzo challenged ISE's ownership of a copyright in the series. U.S. District Court Judge Michael Fitzgerald in February dismissed with leave to amend claims for breach of contract, fraud and declaratory relief, but allowed the DMCA claim to survive, finding ownership isn't a prerequisite for a damages claim if a party is harmed by a fraudulent DMCA takedown notice. Civillico and Longarzo on Monday asked Fitzgerald to again dismiss ISE's claims for breach of implied contract, rescission and restitution and declaratory relief for failure to state a claim — and attorney Bryan Freedman argues ISE is simply rehashing arguments that have already failed. (Read the motion [here](#).)

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