

Court orders bar to stop using Tipsey logo

By Anna Dolianitis | Staff Writer
From the Aiken Standard Newspaper, Aiken, South Carolina
Tuesday, May 17, 2011

The bar that opened as Tipsey McStumbles in downtown Aiken covered its business sign in The Alley with a plastic bag on Monday, responding to a preliminary injunction granted by an Augusta district court judge to stop using the trademark.

The controversial Irish pub that opened on St. Patrick's Day is the subject of a lawsuit brought against its owner, Chris Griffin, by Tipsey McStumbles LLC in Augusta and Michael Anglin, who has run Tipsey McStumbles at 214 7th St. in Augusta since March 2010.

The lawsuit claims that Griffin stole the Tipsey McStumbles trade name, logo and Catholic schoolgirl waitress attire and caused damage to the reputation and good will of the Augusta business.

The injunction orders Griffin to cease the use of the Tipsey mark, not make statements that might lead the public to believe that the two locations are businesses associated with one another and recall all copies of print media or advertising bearing the name Tipsey McStumbles.

The Tipsey mark - which uses the words "Tipsey McStumbles," an inner and outer circle and a Celtic clover design or any similar design - is prohibited from being used by the Aiken pub, according to the order.

Additionally, the Aiken bar was ordered to shut down its Facebook page, which was deactivated by Monday afternoon.

The injunction came after a hearing on May 2 that Griffin failed to attend, according to court documents, though the Augusta bar's operator was present and addressed the judge.

"My client feels like justice is being served (by the injunction). It's been a very frustrating situation for him," said attorney for the plaintiff Robert Mullins, who added that the Augusta Tipsey McStumbles is seeking a permanent injunction.

The injunction does not directly address the trade dress of the waitresses but does

indicate that employees associated with the Aiken bar must refrain from representing themselves in any way that would suggest a connection to the Tipsey mark.

The civil suit, filed April 14 in U.S. District Court in Augusta, states Anglin entered into a business agreement with Griffin on Dec. 30, 2010, that would make Griffin eligible to become a partner with the Augusta location if he completed all requirements of the agreement, including making payments to the Augusta pub, which court records indicate he failed to do by March 8.

It is alleged that, in addition to using the name of the pub and attire of the waitresses, Griffin attempted to incorporate architectural aspects of the Augusta pub, such as the hardwood floors, mark and exposed beams into the Aiken location's decor.

Griffin also applied for a U.S. copyright of the Tipsey mark, and obtained a fraudulent copyright registration, the lawsuit alleges.

Griffin is accused of copyright infringement, unfair competition, infringement of trade dress and computer theft for allegedly using a computer or network to copy or move files from the Augusta pub's computer system.

Anglin also seeks punitive and compensatory damages, attorney's fees and expenses from the defendant, though Mullins said Monday that no dollar amount has been put forth.

Several calls to the Aiken pub Monday went unanswered, though the establishment was open for business.

A civil suit represents only one side of a conflict.

From the Tuesday, May17, 2011 online edition of the Aiken Standard