

FEATURES

King of T-shirts: UNC graduate sued by Budweiser wins lawsuit

By LeAnn Spradling
Staff Writer

Michael Berard now drinks Miller Lite.

In 1989, Anheuser-Busch, the makers of Budweiser beer, brought a copyright lawsuit against Berard, a 1990 UNC graduate who designed and sold T-shirts that parodied the Budweiser trademark. Berard finally won the case after a hard-fought court battle.

He came up with the idea for the shirts when he noticed the popularity of other T-shirts that parodied well-known slogans and trademarks. He drew the original design for the shirts, which featured a mock Budweiser logo with the words "This beach is for you" on the back. On the front was the name of the beach and the slogan "King of Beaches."

Berard contacted a lawyer in 1987 and described the T-shirt design. The lawyer told him that there should be no copyright problems with the shirts.

"Copyright laws are a gray area," Berard said. "There aren't enough cases to know where the line is drawn."

Soon Berard's idea was doing so well — Berard had sold \$14,000 worth of shirts by fall of 1988 — that he incorporated himself as Venture Marketing and copyrighted the T-shirts. He made a deal with the L.L. Wings store to sell the shirts in Myrtle Beach.

Berard's good fortune ended in 1989 when Anheuser-Busch discovered the trademark parody. The conglomerate sued L.L. Wings and Venture Marketing for copyright infringement, claiming that the similarities between the T-shirts and the Budweiser trademarks could confuse consumers about who had produced the shirts.

A private investigator, a U.S. marshal and an Anheuser-Busch lawyer, armed with a court order, raided Berard's home and his mother's office supply store, seizing 200 T-shirts and Berard's business records. About 4,000 more shirts were seized from L.L. Wings.

"I was immediately thrown into a turmoil," Berard said. Because his mother was the vice president of Venture Marketing, he was worried about the courts seizing his parents' assets. He also was concerned about legal fees since L.L. Wings was also being sued and could not release the \$27,000 it owed him.

"I knew (Anheuser-Busch) had deep pockets," Berard said. "Most people (in cases like this) roll over before it ever goes to court." But Berard decided to settle the case in court. "I felt like I was right and that the lawyers I had were very good."

The trial date fell in the middle of Berard's senior exam schedule, but most of his professors waived his exams so he could attend the trial.

The case was first heard in Florence, S.C., and the jury ruled in Berard's favor. But nine months later, the judge in the trial, Weston Houck, overturned the jury's verdict.

Berard appealed his case to the 4th U.S. Circuit Court of Appeals in Richmond, Va. The court reinstated the jury's verdict in a 2-1 decision on the grounds that the members of the jury were more



Michael Berard displays the design that spurred a lawsuit by Anheuser-Busch

representative of the average consumer.

Anheuser-Busch appealed the verdict to the full court of appeals, which refused to hear the case. The company then appealed to the Supreme Court.

"I felt strongly that (the Supreme Court) would not hear the case because it's not a national-type issue," Berard said. "I felt strongly that we would win, but I was pretty concerned and anxious to know." The Supreme Court did refuse to hear the case, so after three years Berard was finally vindicated.

Berard graduated from UNC with a degree in economics and now works as a financial adviser in Durham. He is not planning to get back into the T-shirt business.

"I'm really happy with what I'm doing at this point," he said. "The (T-shirt) business may start up again, but I won't be running it."

Berard and his lawyer plan an immediate countersuit against Anheuser-Busch for damages and court costs. His legal fees and court costs were lessened because he shared costs with L.L. Wings, but he estimates his total costs are still somewhere between \$40,000 and \$70,000.

"I've learned a heck of a lot in law, ... what to do and what not to do, what to expect, and sometimes who to trust and who not to trust."

"I'm much more careful when it

comes to business. I really pay attention to details more and make sure I have everything written down."

Berard does not regret making the shirts. "I went about it in the right manner — everything was legal," he said. "My work and my T-shirts were of number one quality."

Berard's words of wisdom for student entrepreneurs: "You can win against a giant corporation worth billions of dollars even though you're a small company that started on \$500 borrowed from a grandparent."

STV aims to be daily part of UNC life

By Lloyd Whittington
Staff Writer

Imagine coming home, grabbing a snack and flipping to a channel that caters specifically to college students. A channel important enough that watching it becomes a regular part of the day.

Student Television, or STV, plans to do just that over the next few years. "We want to bring STV into students' lives on a regular basis," said station manager and senior Geoff Newman.

"We will continue to produce shows for people to watch, but we also want to see it become a mass media for information on college life and events, like the DTH is now," he said.

STV is a student-run organization that writes and produces five shows on a semi-regular basis on cable channels in Chapel Hill and Carrboro. It airs on cable channel 11 in Chapel Hill from 6 p.m. to 11 p.m. on Tuesdays and Thursdays and on cable channel 4 in Carrboro from 5 p.m. to 10 p.m. Wednesdays.

Among the shows are "General College," "Carolina News," "Off the Cuff," "Not Quite Midnight" and a brand new show titled "Tongue-Tied," which will premiere in December.

"General College," a comedy-drama about student life, is probably the most recognized, Newman said. Three to six years ago, "General College" was broadcast nationally on a college network, he said. "But it got so big that it became tough to find students that could be that dedicated year after year."

"Carolina News" is a 30-minute weekly review of campus and community events, said the program's co-pro-

ducer Beth Meckley, who spends five to 10 hours each week just preparing the show. Production itself is done between midnight and 6 a.m. Mondays, the only time Peabody Hall is available for use.

The format is much like that of network news broadcasts, with two anchors and a sports anchor, Meckley said. "Our shows aren't as timely, but we try to make them as professional as other news broadcasts."

"Off the Cuff" is a random mixture of comedy skits, while "Not Quite Midnight" is a comedy talk show.

"Tongue-Tied," the newest addition, is about a small-town detective who goes to a darker, more dangerous version of Chapel Hill in search of work, said show producer Jason Boyd. Struggling to find a job, the detective becomes a janitor in a mental hospital and falls in love with one of the residents. Incidentally, Boyd, the show's creator, is a junior psychology and radio, television and motion pictures major.

Newman wants to see STV expand its scope. "For eight years, STV has been just producing shows, and we could continue doing that for years to come, but we would be just a means for people to produce shows and get experience. We would have no real impact on the campus." Current plans to put cable in dorm rooms in the next few years could play a major role in increasing viewership, especially considering that STV is currently available only to off-campus residents, Newman said.

The size of STV's viewing audience is difficult to gauge because viewers are all off campus, Newman said. "We have a lot of people to say 'I saw your show

the other night,' but there is really no way of measuring it."

The station is now in the process of moving from three rooms in the Student Union to a much larger space two floors down, Newman said. "We want to turn it into a real studio and station."

The station's day-to-day operating costs are financed through student fees, Newman said. Some fees also go toward updating equipment that was purchased five to eight years ago through student referendums and allocated student fees, he said.

"It's going to be expensive to do what we want to do, but we are exploring company donations and fund-raisers as ways to pay for the changes," Newman said. To raise money, STV is offering to film events and produce commercials for campus organizations at cheap rates, he said. "We're also looking into the logistics of running ads on air time for local businesses."

STV produces on three-fourths-inch video tape that rarely is used by other stations, Newman said. "It's old, very bulky and breaks more often, causing the quality to be less than other productions. We'll never be network quality, but the better we get, the better the aesthetic following we'll have."

The STV staff consists of about 15

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