# Small businesses in Dundee and beyond face uphill battle against corporate copyright claims



This week, a long-standing business in Dundee found itself at the centre of a legal dispute involving one of punk rock's most iconic bands. The optical boutique previously known as Spex Pistols has been forced to rebrand as Land O’Spex following a cease and desist order from the Sex Pistols. The band cited similarities between its logo and that of the glasses shop, claiming potential consumer confusion. Richard Cook, the shop's owner, expressed his dismay, stating, “I just don’t have the resources to challenge their action in any way…we’re a wee spectacle shop in the smallest street in Dundee.” This incident highlights the growing trend of smaller local businesses clashing with larger, more established brands over intellectual property rights.

The case of Spex Pistols is but one of several notable copyright disputes affecting businesses in Tayside and Fife. Among other examples of these contentious battles is the experience of Lisa Chandler, a young make-up artist from Dunfermline. After choosing the name Elsie Cosmetics for her range of false eyelashes, Chandler was met with legal threats from L’Oréal Paris, which claimed the name was too similar to its own product line, Essie. Faced with the formidable challenge of contesting a global giant, Chandler ultimately agreed to rebrand as Elsie by Lisa, but the legal dispute proved costly, leading her to eventually close her business altogether. She lamented that it left a “bad taste in her mouth,” a sentiment that resonates with many small businesses caught in similarly unfair predicaments.

Further complicating this landscape of intellectual property rights is the case involving Will Robertson, a barber in Perth. In an effort to capitalise on the popularity of the BBC series “Peaky Blinders,” he sought to change his shop's name from Sweeney Todd to Peaky Blinders. However, he was compelled to back down when confronted with legal threats from the show's production company, which argued that he was attempting to “free-ride” on their brand appeal. This case demonstrates the fine line small enterprises must navigate when trying to leverage pop culture for business growth.

In another striking example, Dundee artist Zoe Gibson accused the high-street retailer Oliver Bonas of appropriating her unique designs for homeware products, claiming the retailer used her work almost wholesale. Despite her repeated attempts to resolve the issue with the company, both she and her collaborator CommonRoom reported being ignored, raising questions about the accountability of larger corporations when it comes to respecting the intellectual property of individual creators.

Contrastingly, D&G Autocare, a garage chain from Fife, found success in its trademark dispute against the luxury fashion brand Dolce & Gabbana. After initially opposing D&G Autocare’s application to register its name—citing potential consumer confusion—the Italian firm inadvertently missed the deadline to formalise its challenge. As a result, the Fife company retained its trademark, offering a glimmer of hope for smaller firms battling similar giants.

The fast-food chain KFC also made headlines for its heavy-handed approach toward a small takeaway, the Titanic Pizza Company in Carnoustie, which offered a meal under the name "Family Feast." KFC’s legal threats were met with public backlash and ultimately dropped, highlighting how consumer sentiment can influence corporate decisions in copyright matters. A similar legal tussle occurred between Yoko Ono and the owner of Lennon’s Bar in Dundee, who was forced to comply with a request to remove all references to Beatles memorabilia after being warned of legal action. Such examples raise ethical questions around the protection of intellectual property in a way that stifles creativity and local entrepreneurship.

Finally, Glencross Motors faced legal action over a cheeky sign that read “wheel buy any car,” closely mirroring the branding of the major car-buying service We Buy Any Car. Although the lettering was different, the implications of trademark infringement were serious enough for Glencross to remove the sign, reflecting the anxiety smaller businesses must feel when pitted against larger corporate entities.

These copyright disputes illustrate not just the pressing issues of intellectual property but also the broader implications they hold for local businesses striving to carve out their identity in a competitive marketplace. Whether adopting a brand new name or reworking their offerings, these businesses often face the daunting reality of navigating a legal landscape that appears disproportionately skewed in favour of larger corporations.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.thecourier.co.uk/fp/business-environment/business/5245361/7-tayside-fife-copyright-battles/> - Please view link - unable to able to access data
2. <https://www.thecourier.co.uk/fp/business-environment/business/5245361/7-tayside-fife-copyright-battles/> - An article detailing seven notable copyright disputes involving businesses in Tayside and Fife, Scotland. The cases include: 1) Spex Pistols, a Dundee-based optical boutique, was compelled to change its name to Land O’Spex after the Sex Pistols issued a cease and desist letter over logo similarities. 2) Lisa Chandler, a Fife makeup artist, faced legal action from L’Oréal Paris for naming her false eyelash brand Elsie Cosmetics, leading her to rebrand as Elsie by Lisa before eventually closing the business. 3) Will Robertson, a Perth barber, was threatened with legal action by the producers of 'Peaky Blinders' for attempting to rename his shop from Sweeney Todd to Peaky Blinders. 4) Dundee artist Zoe Gibson accused retailer Oliver Bonas of copying her designs for homeware items, with both Gibson and her collaborator, CommonRoom, claiming to have been ignored by the retailer. 5) D&G Autocare, a Fife garage chain, successfully defended its trademark against Italian fashion giant Dolce & Gabbana, which had opposed the registration of D&G Autocare's name. 6) Titanic Pizza Company in Carnoustie faced a trademark dispute with KFC over the use of the name 'Family Feast' for a menu item, but KFC dropped the threat after public backlash. 7) Yoko Ono demanded that a Dundee pub named Lennon’s Bar remove all Beatles memorabilia and change its name, leading the owner to comply to avoid a costly lawsuit. 8) We Buy Any Car took legal action against Dundee’s Glencross Motors for displaying a sign with the message 'wheel buy any car,' alleging it infringed on their trademark, resulting in Glencross removing the sign.
3. <https://www.thecourier.co.uk/fp/business-environment/business/4900191/fifer-closes-false-eyelashes-business-after-loreal-dispute/> - An article reporting on Lisa Chandler, a young Fife businesswoman, who closed her false eyelashes business, Elsie Cosmetics, after a legal dispute with cosmetics giant L’Oréal. Chandler had named her brand Elsie Cosmetics, but L’Oréal opposed the trademark application, citing similarity to its Essie brand. Chandler agreed to rebrand as Elsie by Lisa but eventually decided to close the business, expressing that the dispute left a 'bad taste in her mouth.'
4. <https://en.wikipedia.org/wiki/Ex_Pistols> - A Wikipedia page detailing the Ex Pistols, a band formed by former members of the Sex Pistols. The page includes information about the band's formation, discography, and legal disputes, including a lawsuit where John Lydon, former lead singer of the Sex Pistols, sued Dave Goodman for using the band's name and image to promote recordings without permission, leading to a ban on producing records that resembled Sex Pistols' recordings.
5. <https://www.worldtrademarkreview.com/article/cosmetics-mark-invalidated-being-confusingly-similar-loreal> - An article discussing a case where the Polish Patent Office invalidated the trademark 'O'LEARY' for cosmetic products, ruling it was confusingly similar to L'Oréal's mark. The Voivodeship Administrative Court in Warsaw upheld this decision, emphasizing the importance of distinctiveness in trademark registration to avoid consumer confusion.
6. <https://www.worldtrademarkreview.com/article/loreal-loses-trademark-fight-against-noreal> - An article reporting on the Japan Patent Office's dismissal of L'Oréal's opposition against the registration of the trademark 'NOREAL' in Class 3. The JPO found that the marks were dissimilar and that there was no likelihood of confusion among consumers, highlighting the challenges in trademark disputes involving similar-sounding names.
7. <https://www.ciplawyer.com/articles/152966.html> - An article detailing a case where the EU General Court upheld L'Oréal's opposition to the registration of the EU figurative mark 'LA CREME LIBRE' by Azalee Cosmetics. The court found a likelihood of confusion between the conflicting marks, emphasizing the protection of well-known trademarks against similar marks that could cause consumer confusion.