# Small Dundee businesses face uphill battle against big brand legal threats



This week, an established Dundee business found itself in an unexpected legal tangle with the iconic punk band the Sex Pistols, leading to a significant rebranding. The glasses shop, previously known as Spex Pistols, has now adopted the name Land O’Spex following a cease-and-desist letter issued by the band, citing concerns over similarities between their logos. Owner Richard Cook expressed his frustration, 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.” His situation illustrates a common struggle among small enterprises facing off against the sheer might of powerful brands.

This incident is far from an isolated event. Over the years, various businesses in Tayside and Fife have found themselves entangled in copyright disputes, reflecting a broader trend of small businesses clashing with larger entities. For example, Lisa Chandler, a young Fife make-up artist, faced legal threats from L’Oréal after attempting to trademark her brand, Elsie Cosmetics. Despite her efforts, which included investing her savings into branding, she ultimately reached an agreement to rebrand as “Elsie by Lisa.” Unfortunately, this decision did not save her business, which she has since closed. This case highlights the daunting reality many small entrepreneurs meet when facing industry giants.

In another notable instance, a Perth barber was temporarily stopped in his tracks when he attempted to rename his shop from Sweeney Todd to Peaky Blinders, inspired by the popular BBC television show. The production company behind the series accused him of trying to “free-ride” on the show's success, illustrating how intellectual property laws can create significant barriers for small business owners trying to innovate or gain visibility in their fields.

The legal landscape has also seen local artists embroiled in disputes. Zoe Gibson, a Dundee artist, recently accused high street retailer Oliver Bonas of appropriating her original designs for homeware items. Despite her unique creations being sold to other companies, no acknowledgment or response has come from Oliver Bonas, as the items remain available online. This raises critical questions about the protection of original work in commercial spaces and how larger companies often bypass accountability.

Conversely, there have also been instances where small businesses have triumphed over corporate giants. In 2012, Fife's D&G Autocare found success against Dolce & Gabbana after the luxury fashion brand attempted to block their trademark application. Initially, Dolce & Gabbana claimed there would be confusion due to the overlap in names, yet because they failed to lodge a formal objection in time, D&G's trademark was successfully granted. Such victories are rare, but they offer a glimmer of hope for small businesses navigating the complexities of trademark law.

Another noteworthy case involved the Titanic Pizza Company in Carnoustie, which faced legal threats from KFC over the use of the name "Family Feast" for its meal offering. KFC eventually retreated after public backlash ensued, illustrating how consumer sentiment can sway corporate decisions in favour of smaller establishments.

Lastly, Mike Craig, the owner of Lennon’s Bar in Dundee, faced demands from Yoko Ono concerning the use of her late husband’s name for his pub. While he described the demand as “ridiculous,” he ultimately complied to avoid costly litigation, thereby underscoring the cultural weight that celebrity trademarks can carry.

As these cases continue to emerge, they spotlight the precarious position of small and independent businesses in a landscape dominated by larger, well-resourced competitors. The struggles they face not only exemplify the challenges of sustaining a local business but also bring to light the need for clearer guidelines and support systems in copyright and trademark law that can protect and empower smaller entities fighting against larger forces.

### Reference Map

1. Lead article on legal battles affecting local businesses.
2. Summary detailing various copyright disputes.
3. Lisa Chandler's closure of her business due to legal threats from L’Oréal.
4. N/A
5. N/A
6. N/A
7. N/A

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 various copyright disputes involving businesses in Tayside and Fife, including a Dundee glasses shop renamed after a cease and desist from the Sex Pistols, a Fife make-up artist's legal battle with L'Oréal, and other notable cases.
3. <https://www.thecourier.co.uk/fp/business-environment/business/4900191/fifer-closes-false-eyelashes-business-after-loreal-dispute/> - A report on Lisa Chandler, a Fife businesswoman who closed her false eyelashes business after L'Oréal opposed her trademark application, leading her to rebrand and eventually cease operations due to the dispute's impact.
4. <https://www.wipo.int/amc/en/domains/decisions/html/2009/d2009-0729.html> - A WIPO decision where the panel ordered the transfer of domain names incorporating LANCÔME and L'ORÉAL marks to the respective companies, citing bad faith registration and use by the respondent.
5. <https://www.wipo.int/amc/en/domains/decisions/html/2008/d2008-1640.html> - A WIPO decision ordering the transfer of domain names and to L'Oréal, and to Laboratoires Garnier & Compagnie, due to bad faith registration.
6. <https://www.wipo.int/amc/en/domains/decisions/text/2019/d2019-2639.html> - A WIPO decision ordering the transfer of domain names and to Lancôme Parfums Et Beauté & Cie and L'Oréal, respectively, based on bad faith registration and use.
7. <https://www.classaction.org/news/loral-paris-product-labels-mislead-consumers-class-action-alleges> - An article discussing the dismissal of a class action lawsuit alleging that L'Oréal Paris misled consumers with its product labeling, with the court finding no reasonable consumer would be deceived by the use of 'Paris' in the brand name.