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Disney Bear Called Unauthorized Knockoff

By DAVID LEE

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MARSHALL, Texas (CN) - A character in Disney's hit movie "Toy Story 3" violates trademark in the Lots-o'-Huggin Bear, as does the name of the cartoon bear, "Lotso," stuffed bear-maker Diece-Lisa Industries claims in court.

Diece-Lisa, of Cliffside Park, N.J., sued Disney Enterprises Inc. [DEI] in Federal Court, alleging unfair competition and trademark infringement.

Diece-Lisa claims it has patent and trademark protections for its line of stuffed toy bears, "Lots of Hugs."

Lots of Hugs bears have been sold since December 1995.

Diece-Lisa claims Disney had constructive and actual knowledge of the plaintiff's mark and "actively sought to illegally appropriate [it] for its own."

"Defendant DEI, and its subsidiary, Pixar, decided that this 'Lots-O'-Huggin' aka 'Lotso' character should be the star antagonist of its 'Toy Story 3' movie, all without the license or authority of plaintiff DLI," the 14-page complaint states.

"Such actions by defendant DEI, without authority of plaintiff DLI, constitutes the acts of colorably imitating plaintiff DLI's registered '849 registration and its 'Lots of Hugs' mark ..."

Diece-Lisa claims it tried to license its bears to Interactive Group [IG] in 2011, but Interactive was afraid of Disney and consumer confusion caused by Disney's Lotso bear.

"Subsequently, IG required that the licensed bears be marked 'hugalots' instead of 'Lots of Hugs,'" the complaint states. "IG, and its licensee, have marketed and sold licensed 'hugalots' bears, since July 2011."

Disney did not immediately respond to a request for comment Monday evening.

Diece-Lisa seeks declaratory relief, actual damages and punitive damages for unfair competition and trademark infringement.

It is represented by Richard Schwartz with Whitaker Chalk in Fort Worth.

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