

## Brand wars: Kawhi Leonard sues Nike

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On Monday June 3, 2019, Kawhi Leonard (“Kawhi”) filed a lawsuit against Nike in the U.S. District Court for the Southern District of California in an attempt to reclaim ownership of a logo deemed the “Klaw.” The lawsuit alleges that Kawhi created the Klaw shortly after being drafted in 2011.

The unique logo is the outline of Kawhi’s hand, which is embedded with elements that are meaningful to him, including his initials, KL, and his jersey number, number two.

Nike gained access to the Klaw as part of an endorsement deal with Kawhi. During his contract with Nike, Nike exploited the logo on its brand’s merchandise, and Kawhi was able to use the Klaw on his personally branded merchandise and events.

The lawsuit alleges that, “ Unbeknownst to [Kawhi] and without his consent, Nike filed an application for copyright registration of his logo and falsely represented in the application that Nike had authored the logo.” In November of 2018, as a sneaker “free agent,” Kawhi opted to leave Nike and sign an endorsement contract with New Balance.

The lawsuit seeks that Kawhi be declared the sole author of the Klaw; that Kawhi’s use of the Klaw does not interfere with Nike’s rights; and that Nike be found to have committed fraud on the Copyright Office in registering the Klaw.

A victory at the very least would give Kawhi control of the Klaw and could potentially open the door for a new campaign with New Balance that exploits the Klaw.

The case demonstrates how essential it is for an athlete to protect his or her own intellectual property rights before entering into any endorsement deal with a brand.

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