

South Butt

By: Jack Greiner on December 28, 2009 on graydon.law

Several people in my family got “[South Butt](#)” shirts for Christmas this year. In case you missed it, “South Butt” is either a parody or a rip off of “North Face” apparel. In addition to adopting the opposite name, South Butt’s logo is the North Face logo flipped upside down. And the South Butt motto - “Never Stop Relaxing” is a jab at the North Face motto “Never Stop Exploring.” South Butt is the creation of a St. Louis teenager named Jimmy Winkleman. Clever kid. But apparently the folks at North Face are not amused. They filed suit in federal court seeking unspecified damages and an injunction to stop additional sales. North face claims the South Butt line constitutes trademark infringement and dilutes the North Face brand. Winkleman’s lawyer has commented that “consuming public is insightful enough to know the difference between a face and a butt.” (Who says they don’t teach practical information in law school?)

The really interesting thing about this is that Winkleman is using the litigation to promote the product. Check out this [link](#) where the South Butt folks seek public support and invite buyers to order ASAP. The link also allows visitors to [The South Butt Challenge on Facebook](#). There, visitors can view a series of photos and decide if it is a face or a butt. It’s harder than it sounds. Yes, I took the quiz.

Welcome to the new world. There was a time when parties to litigation stopped talking and left it up to their lawyers. Indeed, that is exactly what North Face is [doing](#). But in the world of social media, it’s probably not surprising that a company - especially one with little to lose - will see litigation as a marketing opportunity.