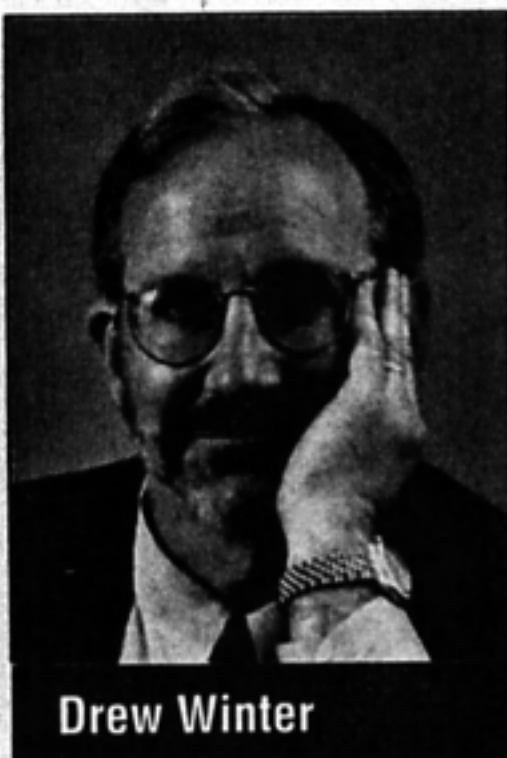


DC Lawsuit Marks a New Industry Low

Brand equity isn't about slotted plastic grilles

BY DREW WINTER

Back in the late 1950s, U.S. car designers were obsessed with tailfins. General Motors Corp. Chief Designer Harley Earl reportedly got the idea of putting fins on cars one day when he saw fighter planes parked at an airport.



Drew Winter

The car-buying public loved them, and competitors soon followed GM's lead. Soon, lots of cars were trying to imitate airplanes with fins. Starting out subtly in the late '40s, they became styling elements that grew bigger

and more garish almost every model year.

Competition got so intense by the late '50s that William L. Mitchell, Mr. Earl's successor, reportedly was desperately afraid of being "outfined" by the competition.

Legend has it that Mr. Mitchell spied a prototype Chrysler running around a test track with huge tailfins and immediately ordered a redesign of the '59 Cadillac that had even bigger ones.

The result was one of the most original – and outrageous – designs that has ever come out of Detroit: the now classic '59 Cadillac. For better or worse, those fins showed the kind of creative *oomph* that Detroit could deliver when it pulled out all the stops. In the 40 years since the car was introduced, fins have grown from mere styling elements to icons symbolizing the U.S.'s industrial might and the flamboyance and excesses of the 1950s.

Imagine if Mitchell had taken the more modern-day approach and just sued Chrysler, claiming trademark infringement.

Now the shoe is on the other foot, so to speak. DaimlerChrysler Corp. apparently fears it's Jeep Div. is being "outgrilled" by GM's upcoming H2 "baby Hummer," which is based on the Chevrolet Tahoe (see *Auto Talk*, p.35).

DCC filed a federal lawsuit in mid February contending that the grille on the H2 is too similar to Jeep's and will confuse consumers. It alleges trademark infringement and asks the court to block GM's use of the grille and seeks unspecified damages.

GM, which acquired the Hummer brand name from AM General two years ago, filed a competing lawsuit, and contends that AM General received a trademark for the grille in 1996 and should be allowed to use it.

I can't fault DC for aggressively defending the Jeep franchise. It is one of the best – and best-known – brands in the world, and preserving it is crucial to the automaker's survival.

But in their zeal to protect the franchise,

corporation bullying an innocent small business.

I remember wondering at the time if GM and Daimler-Benz might then sue Chevy Chase and Mercedes Ruehl for trademark infringement.

Well, DC lawyers have stepped over the line again.

They claim that most SUV owners recently surveyed thought the H2 was a Jeep. Really? I've been an automotive journalist for more than 20 years – I really do notice such things. Even so, it never crossed my mind that the H2 was trying to steal some brand equity from Jeep with its flat, seven-slot grille. I've never heard anyone else mention it, either; not in print and not in private.

That's probably because the real Hummer, which the H2 is designed to look like, features a flat, 7-slot grille. GM designers were not working with a blank slate.

Look, just because car and truck buyers sometimes are impulsive in their purchases does not mean they are dumb. They are not going to be fooled – one way or the other – by a plastic fascia or grille. Volkswagen is finding this out now in Europe, as savvy consumers see through its overly aggressive platform strategy (see cover story, p 46).

I know all about the concept of building brand equity, but as a consumer – and an SUV owner – I can tell it has little to do with the slotted piece of plastic on the front of my truck.

And if this industry seriously believes it



GM Hummer H2.



Chrysler Jeep Liberty.

DC's lawyers sometimes have stepped over the line and done more harm than good. Some year's ago they had the nerve to sue a small restaurant named "Jeep's," even though it was named after the owner, not the SUV.

In the news reports I saw, Chrysler Corp. was portrayed as a dumb, greedy,

does, then we are in worse trouble than I thought.

I have the following suggestion for DC: Instead of wasting millions on a lawsuit that makes you look whiny and desperate, do what GM did to you in 1959: create a new design that makes everyone forget about the other guy. □

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DaimlerChrysler simmers over GM grille

By Joe Miller / The Detroit News

DETROIT -- Call it the great grille war.

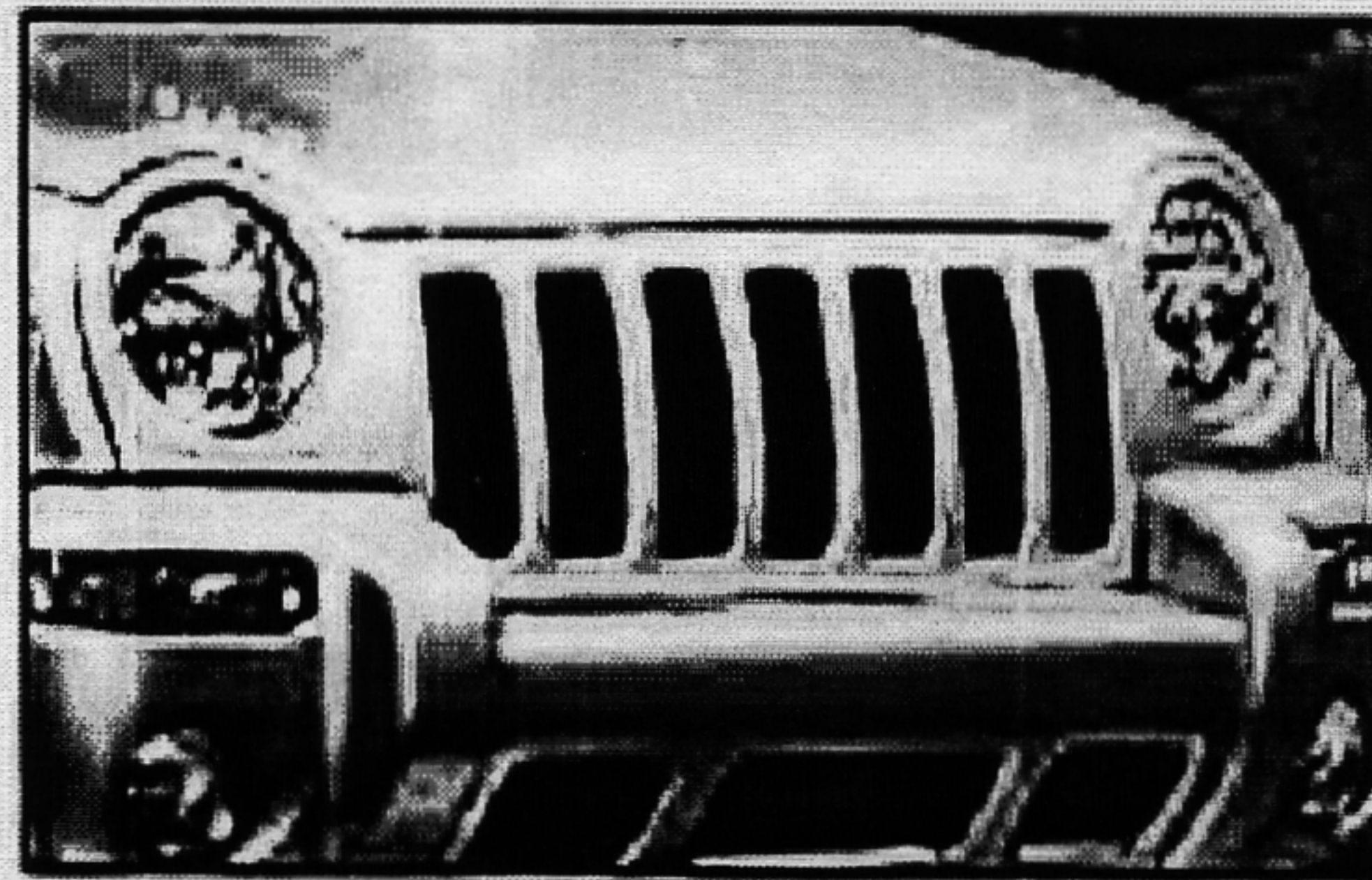
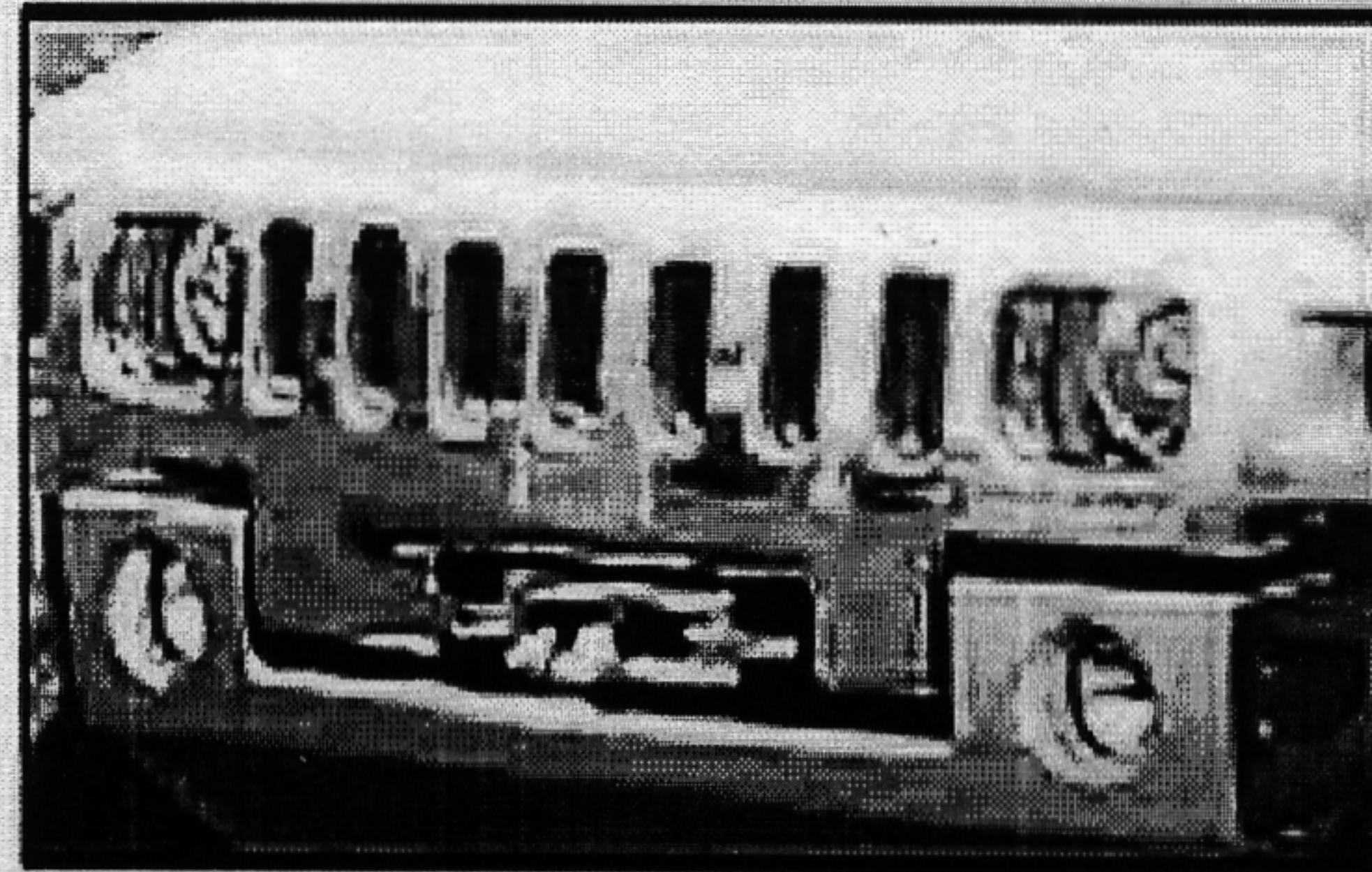
DaimlerChrysler AG and General Motors Corp. are locking horns in court over the seven-slot ornamental grating on the front of GM's upcoming baby Hummer. DaimlerChrysler says the grille on GM's 2002 Hummer H2 is too much like its trademarked Jeep grille.

GM says it has every right to the design -- through partner AM General Corp. -- and says DaimlerChrysler wants to delay the rival H2's debut.

DaimlerChrysler claims the Hummer H2's grille confuses consumers, adding that most SUV owners recently surveyed thought the H2 was a Jeep.

"You can't mistake a Hummer for a Jeep," says GM's Brian Akre.

"It's like saying Arnold Schwarzenegger looks just like Mr. Rogers because both have nice smiles."



DaimlerChrysler says GM's 2002 Hummer H2 front grille, top, looks too much like Jeep's trademarked seven-slot ornamental grating, below.

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Hummer wins grille dispute with Jeep

By Joe Miller / *The Detroit News*

DETROIT -- A federal judge rejected Thursday DaimlerChrysler AG's request to stop the introduction of General Motors Corp.'s upcoming 2003 Hummer H2, giving GM the green light to launch the \$50,000 sport-utility vehicle in July.

DaimlerChrysler had hoped to prevent GM from using a seven-slot grille on the H2, claiming the grille was a copy of its own trademarked Jeep grille.

However, during an injunction hearing in South Bend, Ind., last month, DaimlerChrysler failed to convince U.S. District Court Judge Robert L. Miller that the H2 and its grille will irreparably harm the Jeep brand.

"DaimlerChrysler has virtually no chance of showing a likelihood of consumer confusion between the Jeep Wrangler and the H2," Miller said in his decision.

Miller said DaimlerChrysler "waited far too long" to challenge the Hummer grille, which has appeared on the original Hummer since the early 1990s and the military Humvee.



Hummer H2

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The lawsuit is scheduled to go to trial in December. In a statement, DaimlerChrysler said it is contemplating an appeal of Thursday's ruling and "looks forward to presenting its complete case" in December.

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