



msk mentioned in phillie phanatic media coverage

PhillyVoice, NBC Sports Philadelphia, ESPN, Philadelphia Business Journal, Law360, Bloomberg Law, USA Today

February 25, 2020

MSK was mentioned in recent media coverage surrounding the Phillie Phanatic as a legal matter develops concerning its copyright ownership. The firm was named for representing Bonnie Erickson and Wayde Harrison, who created the mascot in the 1970s, in the article "Phillie Phanatic creators issue statement blasting team's 'new' mascot," (published by *PhillyVoice*). The firm was also mentioned in the related *Law360* article, "Phanatic Creators Slam Team's Mascot Redesign Amid IP Suit." Both articles were published on February 25, 2020.

While the Phillies believe they have full ownership rights of the Phanatic's likeness in perpetuity, creators Harrison and Erickson believe they still have the rights to cancel the current agreement. In a statement prepared by MSK, Harrison and Erickson call the the changes "an affront to our intellectual property rights."

MSK partners **Eric Schwartz**, **Matthew Williams** and **Paul Montclare** represent the creators in the matter. The MSK team also includes **Leo Lichtman** and **Elaine Nguyen**. This story received widespread media attention and was also covered by *NBC Sports Philadelphia, ESPN, Philadelphia Business Journal, Bloomberg Law*, and *USA Today*.

From *PhillyVoice* (February 25, 2020):

"The Phillies received a notice of termination in 2018 from Harrison/Erickson Inc., the New York-based creative company that the organization hired to design the Phanatic in the mid-1970s. Harrison/Erickson claimed that they created the copyrighted character of the Phanatic and retained the right to terminate the contract if the Phillies and the company didn't reach a new agreement by June 15, 2020.

attorneys

Eric J. Schwartz

practice areas

entertainment & ip litigation
intellectual property



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The Phillies responded last June by filing a lawsuit against Harrison/Erickson and argued that a 1984 renegotiation with the company transferred these rights "forever." The team has also pointed to its role in creating the character and personality of the Phanatic, not just the costume.

Artists are allowed by federal law to renegotiate their rights after 35 years, but the Phillies believe some minor changes to the costume will put an end to Harrison/Erickson's legal argument.

Unfortunately for the Phillies, the 'new' Phanatic had the exact opposite effect as they were intending.

On Tuesday, the creators, who are represented by Mitchell Silberberg & Knupp LLP, released a statement expressing their dismay at what the Phillies considered to be sufficient changes.

'The Phillies lack of good faith in negotiating for an extension of the copyright assignment for the Phillie Phanatic is disappointing,' said Wayde Harrison. 'But the unveiling of the so-called "new" Phanatic on Sunday is an affront to our intellectual property rights and to Phillies fans everywhere.'

View article links below:

- *PhillyVoice*
- *Law360*
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