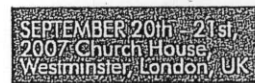


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No Love for Rhymes

on 06 September 2007, 16:25
by Leah Messinger

Trademark disputes often lack rhyme or reason. In the case of Lulu v. Hulu, at least there's a rhyme.

This week Lulu, a company that helps users self-publish books and multimedia content, filed a complaint in North Carolina District Court against Hulu, the NBC-News Corp.-backed professional video site still under development. In a statement, Lulu accuses Hulu of trademark infringement, unfair and deceptive trade practices, and cyberpiracy.

"It is clear we are required to move quickly to protect our intellectual property and defend ourselves against this infringement before it significantly damages our business," said Lulu CEO Bob Young in a statement.

Mr. Young founded Lulu in Raleigh, North Carolina in 2002 and prior to that he co-founded open source software company Red Hat. Now he's concerned that that Hulu is trying to capitalize on Lulu's audience by creating confusion in the marketplace. (A reporter trying to keep the companies straight as she reports this story can see his point.)

Though Hulu won't enter private beta until October, the site received its official name last week. Previously it had been referred to only as "Newsite." Once it launches it will offer up shows from NBC and Fox, including Heroes, 24, and Bones, to Internet viewers.

And that's a concern for Mr. Young's Lulu.tv, which lets users sell their digital media creations through the site. Although Lulu.tv offers an outlet for the sale of user-generated video content, Mr. Young seems to be concerned that Hulu's studio-produced offerings will steal some of the online video spotlight he's worked hard to capture. In the statement Lulu points to a concern that Hulu's products and services "are related to, and even identical to, the services that Lulu provides under its Lulu marks." To the lay viewer, however, the sites appear to have little overlap.

Hulu spokesperson Christina Lee declined to comment on current litigation.

Despite the fact that the two sites appear to offer vastly different services, it's no wonder Hulu's \$100 million private equity investment for a valuation reportedly worth \$1 billion has Mr. Young worried about confusion in the marketplace.

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"We have spent more than five years and tens of millions of dollars in investment successfully building the Lulu brand and website into a place for millions of creators and consumers to publish, buy, sell and manage digital content," said Mr. Young.

For his part, when Hulu CEO Jason Kilar announced his venture's new name last week his tone made it seem as if the word "Hulu" had been chosen practically on a whim.

"Objectively, Hulu is short, easy to spell, easy to pronounce, and rhymes with itself," Mr. Kilar wrote in a blog post.

In the North Carolina courts, however, rhyming may not prove to be such a good thing.

Topics: Nbc, Red Hat, News Corp., U.S. District Court, Hulu, Lulu, Bob Young, Jason Kilar

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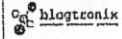
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