

Industry News

AICO wins copyright lawsuit against Anthony California

By Jeff Linville

PICO RIVERA, Calif. — Case goods and upholstery importer AICO has won a federal court case against manufacturer Anthony California, which a jury ruled had knocked off AICO product four years ago.

For copyright infringement on pieces from AICO's LaFran-

caise and Paradisio collections, Anthony California and its president, James Chang, must pay a monetary settlement to AICO. In addition, Anthony California is barred from selling any more of the infringing furniture.

In 2003, AICO filed a lawsuit claiming that the competitor's Hercules collection was a copy of its Paradisio line, and Sonoran

was based on LaFrancaise.

In December 2004, a trial court judge granted a summary judgment in favor of Anthony California. But the U.S. Court of Appeals overturned that decision and allowed the case to go to trial, where the jury found in AICO's favor on four of the seven counts.

Pieces from the collections

were brought into the courtroom for the jury to see. The decision was that Hercules's dresser/mirror, nightstand and armoire infringed on AICO's copyright, while the bed frame infringed on a design patent.

However, the jury did not agree that the Hercules bed was infringing, nor was Sonoran's bed and dresser/mirror in viola-

tion.

Anthony California must pay damages for each of the four infringing pieces, with interest retroactive to the date the Hercules collection was introduced.

"We spend an extreme amount of time and money in creating our original designs and will fiercely protect both the investment and the originality our customers have come to expect of us," said Michael Amini, AICO chairman and CEO. "It is our hope that this case will not only set a precedent for the industry, but will send a very strong message to would-be infringers that AICO will vehemently pursue its legal rights at any cost."

In the court case, Anthony California didn't deny that AICO owned copyrights, but argued its designers didn't have access to AICO's furniture to copy it. The company also disagreed with the degree of similarity between the groups.

Chang did not return phone calls seeking comment.

The case could be an important one in copyright protection because of the Court of Appeals ruling to overturn the original summary judgment. The appellate court stated, "The court's conclusion appears to be based primarily on its own visual inspection.... In addition, to reach its conclusion on summary judgment, the trial court must have deduced that no 'reasonable jury' could reach a different decision."

It said the case involved details like carvings as creating an overall sense of similarity, which could confuse consumers into buying the knockoff.

The appellate court wrote, "For instance, the protected design uses a unique lion's paw with five toes; the accused design incorporates a near-copy of this whimsical device, including the anatomically incorrect presentation of the toes.... Headboards in both the protected and accused designs have a virtually identical serpentine shape, are decorated with moldings of identical shape and placement, and flourish similar bedposts with scrollwork embellishing spherical bases."

While the trial judge felt the two collections weren't similar enough, the appeals court said that such a determination should be left to the jury.



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