

Licensors looking beyond the dotted line

By **CHRISTOPHER GROVE**

After a couple of decades in business, you can bet that the employees of Curtis Management Group Worldwide have heard just about every joke about dead celebrities. Yeah, they're easy to work with. Yeah, you always know where to find them.

Brisk Sales: Placement of CMG client Babe Ruth (seen here puppetized for Lipton Brisk) brings the slugger's family \$1 million a year.



But joking aside, representing the estates of, among others, James Dean, Jackie Robinson, Malcolm X, Amelia Earhart and Marilyn Monroe is a serious business. "Some people don't understand that the use of their image or performance is the same as using those of our living clients," says Scott Whiteleather, CMG's Los Angeles-based veep. "There's

equity in them. Once it's spent, it's spent."

CMG, whose client list is two-thirds deceased, splits its time shutting down unauthorized use of their clients worldwide and designing marketing opportunities for them.

"The situation (domestically) is much more under control

example, so-called rights of publicity laws (amended and strengthened in January) have been on the books since 1985. If you took a walk down Hollywood Boulevard before then, you would have seen the need for such laws, says Whiteleather.

There, and in just about any T-shirt shop in America, you would have found pirate tchotchkes of every imaginable description with the faces and names of actors and athletes on them. Now, under California civil codes, descendants of the famous have all rights of publicity for 70 years.

Big money

In Indiana, where CMG is headquartered, those rights extend for 100 years. Furthermore, by incorporating the estates of the dead, federal and state trademark, copyright and unfair-competition laws can be deployed as defense against unauthorized use of a client's work. And they're not fighting over peanuts either. Babe Ruth (whose puppet likeness can be seen in a Lipton Brisk Iced Tea commercial) regularly generates \$1 million a year for his surviving family.

That's a good deal more than the \$80,000 a year Ruth made playing for the New York Yankees in 1930.

Though some wags have dubbed it necrolicensing, using Fred Astaire to sell electric brooms or John Wayne to shill for beer can be very effective.

"The advertiser's mantra is 'Remember my commercial.

'Some people don't understand that the use of their image or performance is the same as using those of our living clients.'

Scott Whiteleather
Los Angeles-based CMG veep

Remember my product,'" says Danny Simon, prexy and CEO of the Licensing Group, which reps studio properties. "Some purists might not like (it), but it works."

Beyond bottom line

CMG's work, company execs are quick to point out, is not just about busting illegal users of their client's work. They also play a key role in developing marketing possibilities for them as well. "One minute we're Chuck Berry's attorneys, the next we're figuring out how to best market a limited-edition Chuck Berry guitar," says Whiteleather. "An important part of what we do is to help design long-term strategies for all our clients."

Though they won't pitch clients to ad agencies, Whiteleather says the relationships that CMG has developed over the years allow for some informal brainstorming.

"I think they see us as a resource," Whiteleather says.

than it was a few years ago," says Mark Roesler, CEO-chairman.

State courts key

While there's still no federal legislation to protect against the use of celeb images to make money, there is a patchwork of state laws nationwide that CMG has learned to use to their clients' advantage. In California, for