

# IU LAW

INDIANAPOLIS

Spring 1999

Alumni Magazine  
of the Indiana University  
School of Law - Indianapolis

## Alumnus Mark Roesler: Attorney to the stars, both dead and alive



If you want to put James Dean on t-shirts, Marilyn Monroe on coffee mugs, or make posters with Billie Holiday's picture on them, there's somebody you should see first. Better check with their lawyer—or, in the case of those three late, great stars of screen and stage, the attorney representing their estates—Mark Roesler, '82.

As chairman and CEO of Indianapolis-based CMG Worldwide, Roesler has a client list that is hard to beat, at least in terms of name recognition. From the world of entertainment, CMG represents the estates of Monroe, James Dean, Ingrid Bergman, Greta Garbo, Humphrey Bogart and living legends such as Sophia Loren and Ivana Trump. Sports standouts such as Mark Spitz, Babe Ruth, Arthur Ashe and Knute Rockne are on the client list. Historical figures like Mark Twain, Frank Lloyd Wright and Amelia Earhart are also protected by watchdog CMG.

And it isn't just individuals who have sought his help. Don't even think about professing your love of the Big Apple by printing bumper stickers featuring I ♥ NY without talking to Roesler or his staff at CMG first.

Most of Roesler's clients are in big demand, which is why they need protection. On behalf of the estate of native Hoosier Dean, for example, Roesler has gone after apparel makers in Asia who wanted to use the actor's name and likeness to sell jeans, shoes and even underwear without paying royalties, and CMG has successfully blocked owners of Internet web sites that put up pornographic images of Monroe.

On the other hand, CMG is happy to swing deals for clients, like the widow of baseball legend Jackie Robinson, who has approved dozens of commercial projects that use the name and likeness of her late husband and are worth several million dollars.

By licensing the images of clients on retail goods like posters, apparel, collectibles and gifts, CMG is able to effectively market the clients for approved uses, such as advertising, endorsements and speaking engagements. CMG also works with companies to research, locate and secure approval of contracts for celebrities, both living and dead, who are not on its client list. An in-house legal department specializes in various areas of the law, including domestic and foreign trademark issues, right of publicity and the establishment of new intellectual property rights legislation in the United States and worldwide.

With more than 225 clients—mostly celebrities that anyone who's seen movies, watched television, listened to music or followed sports for the past 50 years would know—CMG has created a real niche.

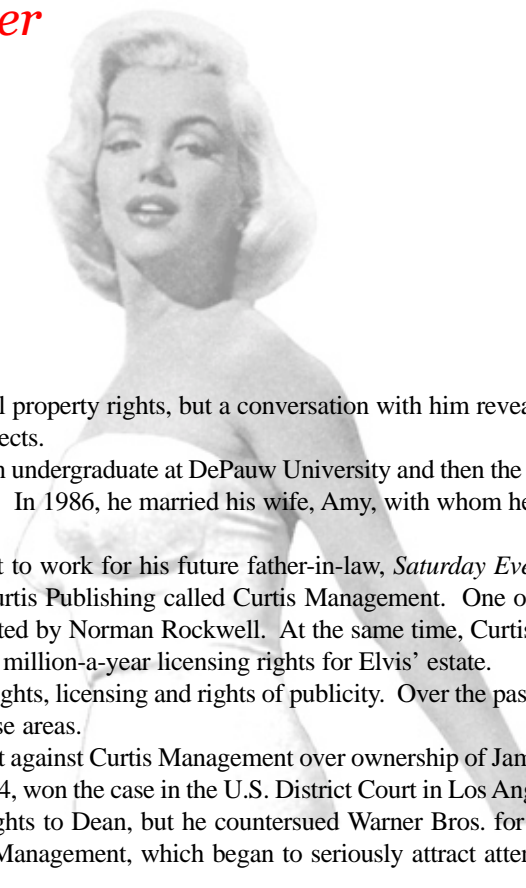
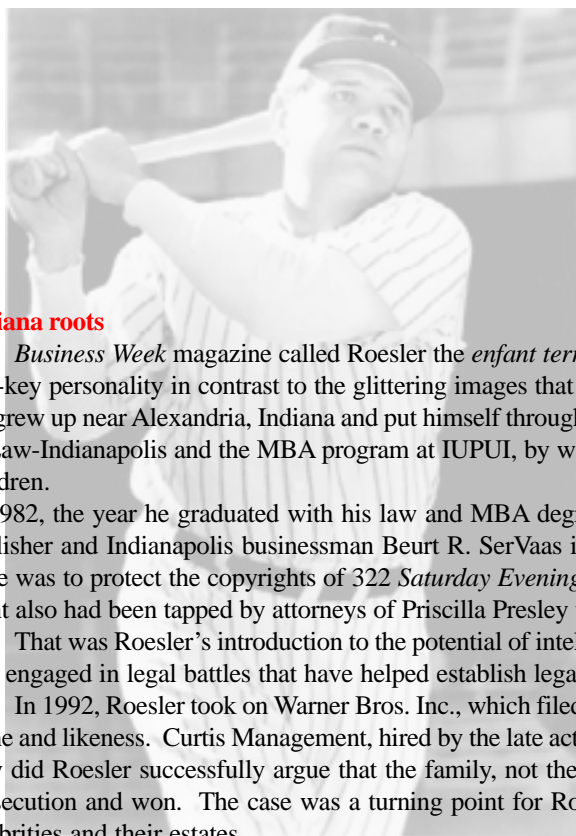
"Before we started working in this area, deceased celebrities or their estates had no rights to their name or images," Roesler says. "We're becoming the company that represents the most famous people, the greatest names of the 20<sup>th</sup> century."

Still, there are names he'd love to add to his client roster. Michael Jordan, for one. And Elizabeth Taylor.

"We want people who are outstanding in their field," Roesler says. "Most people of that caliber know who we are. They contact us if they want or need our services."

**“We’re becoming the company that represents the most famous people, the greatest names of the 20<sup>th</sup> Century.”**

**—Mark Roesler**



### **Indiana roots**

*Business Week* magazine called Roesler the *enfant terrible* of intellectual property rights, but a conversation with him reveals a quiet, low-key personality in contrast to the glittering images that his client list projects.

He grew up near Alexandria, Indiana and put himself through school, first as an undergraduate at DePauw University and then the IU School of Law-Indianapolis and the MBA program at IUPUI, by working as a roofer. In 1986, he married his wife, Amy, with whom he has three children.

In 1982, the year he graduated with his law and MBA degrees, Roesler went to work for his future father-in-law, *Saturday Evening Post* publisher and Indianapolis businessman Beurt R. SerVaas in a division of Curtis Publishing called Curtis Management. One of his tasks there was to protect the copyrights of 322 *Saturday Evening Post* covers painted by Norman Rockwell. At the same time, Curtis Management also had been tapped by attorneys of Priscilla Presley to set up the \$100 million-a-year licensing rights for Elvis’ estate.

That was Roesler’s introduction to the potential of intellectual property rights, licensing and rights of publicity. Over the past 18 years, he’s engaged in legal battles that have helped establish legal precedent in these areas.

In 1992, Roesler took on Warner Bros. Inc., which filed a \$90 million suit against Curtis Management over ownership of James Dean’s name and likeness. Curtis Management, hired by the late actor’s family in 1984, won the case in the U.S. District Court in Los Angeles. Not only did Roesler successfully argue that the family, not the studio, owned rights to Dean, but he countersued Warner Bros. for malicious prosecution and won. The case was a turning point for Roesler and Curtis Management, which began to seriously attract attention from celebrities and their estates.

Not that Roesler is willing to take on any client who comes along. O.J. Simpson is a celebrity that Roesler wouldn’t touch, he says. And it’s unlikely he would be asked: Roesler testified for the plaintiffs in the 1997 civil trial brought by the families of Nicole Brown Simpson and Ronald L. Goldman. Simpson’s attorneys argued that Simpson was broke; Roesler argued that Simpson had earnings values in the \$2-\$3 million dollar range.

The jury bought Roesler’s arguments, awarding the Goldman and Brown families a settlement almost to the penny of what Roesler concluded Simpson would be worth.

“I was very proud of my role in the O.J. Simpson case. The civil case was the only course for justice for the families,” Roesler says. “In addition, I had a lot on the line. It was a high-profile matter and if the jury had come back and said I was not credible, it would have been quite a blow.”

### **Ties to the law school**

Operating as CMG Worldwide since 1996 and independent of the SerVaas companies, the firm has a staff of 45—including seven attorneys—at its Fishers headquarters. CMG hires anywhere from three to six law students each year, and law school alumnus Scott Whiteleather, ’96, opened CMG’s first office in Los Angeles in January.

“My focus is expanding the business around the world,” says Roesler, who travels about twice a year on business to Europe, South America and Asia.

Technology helps run the business these days, especially in the policing of use of clients’ names and images around the world. CMG’s own web site promotes legitimate, licensed uses of the properties it manages and is the official source of Internet information about its clients. CMG also ensures that clients own their own domain name on the Internet; Roesler recently went after a minister in Kansas who was using sophialoren.com as a domain name. The man relinquished the name and the star now “owns” her own name on the Internet.

Despite the worldwide demand for CMG services, Roesler has no plans to uproot the business or his family from Indiana. A member of the law school’s Board of Visitors, Roesler says he values his relationship with the law school and is glad he made the investment in a law school education.

“I couldn’t be doing what I do without my legal background,” he says. “It gives me the confidence I need to proceed in this line of business.”

**By Alicia Dean Carlson**