

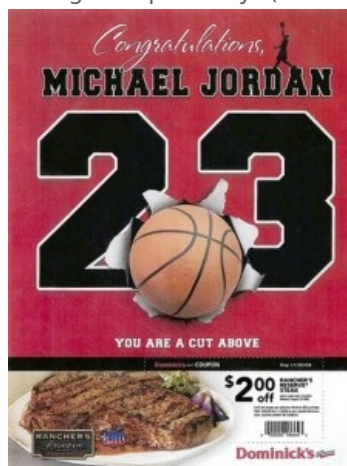
Jordan \$8.9M – Dominick’s 0: Star Wins Over Unauthorized Use of Name

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For years, Michael Jordan dominated opponents on the basketball court. Now, he seems to be doing the same in legal courts. Last week, a jury ordered Chicago grocery chain Dominick’s (now owned by Safeway) to pay the former NBA star \$8.9 million for the unapproved use of his name in an ad.

The case stems from the ad below, which ran in *Sports Illustrated* in 2009. When Jordan was inducted into the Basketball Hall of Fame, Dominick’s ran the ad congratulating Jordan on his accomplishment, calling him a “cut above.” In an apparent attempt at wit, the ad ran above a picture of a cut of steak, and a \$2 coupon. Jordan didn’t get the joke. Instead, he sued the chain, arguing that the ad violated his right of publicity. (For a primer on right of publicity issues, click [here](#).)



A federal judge had previously determined that the ad violated Jordan’s rights under the Illinois Right of Publicity Act. At this stage of the trial, the jury was asked to determine how much money the grocery chain owed Jordan for the violation. During the trial, Dominick’s lawyers argued that Jordan should be paid \$126,900. Jordan’s attorneys, however, argued that the star does not take less than \$10 million for sponsorships, pointing to deals he has with companies like Nike and Gatorade. The jury sided with Jordan’s team, and came back with the \$8.9 million number.

This case should serve as a reminder about the dangers of using a celebrity image without permission. We’ve blogged about this issue before. In fact, last year, we wrote about [a similar right of publicity lawsuit](#) that Jordan filed against Jewel Food Stores over another ad in that same issue of *Sports Illustrated*. That case goes to trial for damages in December. The Jewel legal team is likely revisiting its playbook after Jordan’s latest victory.