



## Ten Years Later

### The Pilates Trademark Case

#### A decade has passed the since the infamous Pilates trademark trial ended. Fortunately it turned out OK for all of us.

*Here's a retrospective look at the events leading up to the trial, and what was like during that time by our Founder and CEO, Ken Endelman.*

"I teach an exercise that's great for core strength."

"You mean Pilates?"

"Well, um, it's kind of, uh... I teach an exercise based on the teachings of Joseph Pilates."

As a Pilates instructor can you imagine having to say that?

From 1992 to 2000 that was the case for most of the Pilates community. If you marketed yourself as a Pilates instructor there was a good chance you would be sued or receive a nasty letter from people who claimed they owned a trademark for “Pilates.”

Ten years have passed since the federal court in Manhattan and the US Patent & Trademark Office ruled that “Pilates,” whether describing a method of exercise, a type of equipment or a kind of exercise studio, could not be trademarked, thus freeing it for use by all those who teach or offer Pilates programs and equipment. It's difficult to believe because since those decisions thousands of Pilates instructors have given the opportunity to millions of people to try Pilates. Many people today don't know or don't remember that the phony trademark registrations nearly killed an industry when it was still in its infancy.

Following Joseph Pilates' death in 1967, there were relatively few people teaching the method outside of the Elders. They in turn taught others how to teach the method but the situation was precarious. No formal certification programs existed, and a series of dicey transfers and licenses from what was left of Joe's Studios failed to bring the method to public prominence.

From the time I made my first Reformer in 1976, I began acquiring information about who was teaching Pilates around the world. Soon I had become sort of a repository for people who taught Pilates or wanted to learn but didn't know where to find teachers. I even established 1-800-PILATES to provide information.

By 1990 my list had grown to about 126 instructors and there were probably another twenty or thirty I didn't know about. Most instructors were centered in New York and on the east coast, and Los Angeles and the west coast. Although that number seems miniscule now, it was actually remarkable for the time. I could see that Pilates was spreading – a consequence of its effectiveness.

#### YOU CAN'T CALL IT “PILATES”

In 1991, the management of a now-defunct studio and training company called Pilates, Inc. announced that it had acquired and owned trademarks in the Pilates name for a method of exercise, studios and equipment. The company began issuing cease-and-desist letters, many to small studios that were struggling along and could ill afford to engage in a legal battle over what they were legitimately teaching. Many continued in business by avoiding the use of the word “Pilates” in their advertising, flyers and on business cards. If people called to ask whether they taught Pilates, they'd respond that they were teaching exercises “based on the teachings of Joseph Pilates.” In the face of threat from Pilates, Inc., studios and instructors actually began referring to “Pilates” as “the P word.”

There were other studios, however, as well as trainees at Pilates, Inc., who bought licenses to use the “Pilates” name in their advertising. Some did so reluctantly, while others acted as informers, turning in unlicensed teachers and studios so that Pilates, Inc. could take legal action. Sadly, these people thought it was in their economic best interest to keep Pilates restricted to one school.

#### A “SPEAKEASY” ATMOSPHERE

At this juncture, the Pilates community evolved into a kind of “speakeasy” atmosphere. Pilates instructors openly spoke the Pilates name behind closed doors, but minimized use of it in writing. My company (then Current Concepts, now Balanced Body®) had been providing equipment to Pilates, Inc., among other studios and instructors, for a couple of years. When Pilates, Inc.'s director insisted that even I stop using the name, what could I do? I was a Pilates equipment manufacturer. I had no choice but to ignore him. My company was then given an ultimatum; I defied it and both my company and I were sued.

My open resistance gave strength and motivation to studios and instructors across the country. Most people, particularly newcomers, were still calling themselves “Pilates” instructors in hushed tones. But now, many who had been teaching Pilates long before there was ever talk of a trademark were speaking it in more like a low roar. Of course, most of them were sued as well, but publicity was growing and journalists were telling the public that Pilates, Inc. wasn't the only place to learn the Pilates method. (Pilates, Inc. even threatened a few journalists for using the P word – to no avail.) Still, Pilates, Inc. did a lot of economic damage to those studios and instructors who chose not to buy licenses and training from it. And it poisoned the community with accusations that only its particular vision of Pilates was legitimate, while all others were fraudulent if not outright dangerous. It was a very unhealthy way of doing business. The life was being sucked out of the industry.

For six years my company and I, and those studios and instructors who chose to stand up to Pilates, Inc., faced what seemed like a legal barrage almost every day. We knew we were in the right but we really didn't know what was going to happen. For me it was like working two jobs, one running my equipment company, and the other, handling the trial activity. Any extra time was consumed in conversation with the Pilates community about the lawsuits. It was draining for me, and I'm sure for others as well.

#### COMMON SENSE PREVAILS

Finally in 2000, the United States District Court in Manhattan declared that “Pilates” could not be a trademark because it was the generic name for a method of exercise. Pilates, Inc.'s trademark for equipment was also invalidated, on the grounds that Pilates, Inc. had committed fraud on the Patent & Trademark Office. Now the word was free to be used by all.

At that point, the Pilates dam burst. The publicity from the trial gave the community a much needed push. The Internet was moving into high gear, which really helped spread the word about the method. Mari Winsor began to appear on infomercials. What started as a method known primarily among dancers became huge. Even better, the invalidation of the trademarks unified a large segment of the community and was a major factor in creating the large but close-knit group we have become.

Sometimes you have to go through rough times to get to good ones. So many of you supported us during those really dark days, especially Deborah Lessen, who openly and vocally championed our cause within the Pilates community. I am eternally grateful for that. It may have been emotionally and economically draining, but in the end we are stronger than ever. Look around – it's incredible. Millions of people are now doing this exercise all over the world and reaping its healthy benefits.

This is a vibrant, resilient community and it was an honor to be an advocate in helping us continue what we all love to do.