

Guardian Of The Famous And Dead

Want to put James Dean on a T-shirt? Better see Mark Roesler first.

They are indelible images of America: James Dean brooding, Babe Ruth swinging at the plate, Vince Lombardi flashing a gap-toothed grin, Fred Astaire and Ginger Rogers dancing cheek-to-cheek.

Posters and figurines of these and other American legends are proudly displayed in the offices of Curtis Management Group. But back in a warehouse are the spoils of a war being waged over the very same icons: James Dean knockoff dolls from China, Spanish-made clothes bearing the Babe's name, mugs with pictures of the football great Jim Thorpe, Malcolm X hats and trivia games. All were made without the consent of the deceased celebrities' families. "There was a time when people were making anything they wanted using Elvis, James Dean and Babe Ruth to sell their product," says Curtis CEO Mark A. Roesler. "Not Anymore."

Not if Roesler has anything to say about it. The 39-year-old head of Indianapolis-based Curtis has emerged as the *enfant terrible* of a growing global niche market-enforcing exclusive merchandising rights on the use of dead legends in ads and promotions. His 10-year-old firm earns almost \$10 million a year by prowling the world for poachers of Americana. Roesler also represents such living celebrities as Sandra Dee, pitcher Whitey Ford and slugger Harmon Killebrew.

He is the first to tell you it's a rough enterprise that has meant waging ferocious legal battles from Hollywood to Seoul. "We've built our business on being very litigious," he says almost apologetically. And he has succeeded because he fights on legal terrain that he helped establish and knows better than anyone else. In the 1980s, Roesler forced a British company to stop using Astaire's image to market condoms with the slogan "Don't go anywhere without your top hat." In 1992, he duked it out with director Spike Lee before the release of *Malcolm X*. Roesler ultimately won control of the rights to the suddenly ubiquitous "X" on tee shirts and hats for Betty Shabazz, widow of the slain black leader.

Victory. But Roesler's business really took off after his 1992 bout with Warner Bros. Inc. Seeing the merchandising potential in its film immortals, Warner filed a \$90 million suit against Curtis. The name and likeness of James Dean belonged to it, Warner claimed—not to the actor's family, which had hired Curtis in 1984.

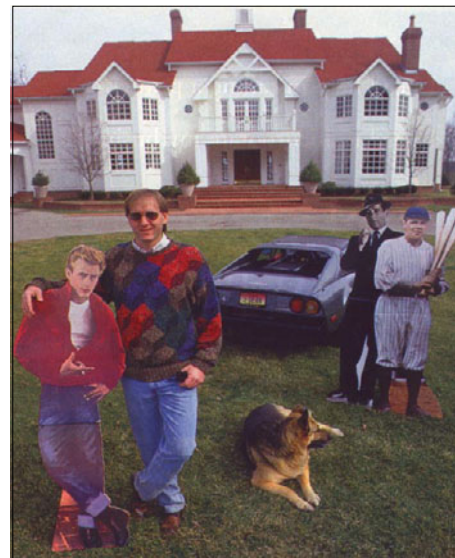
Not only did the U.S. District Court in Los Ange-

les rule in Curtis' favor, but after the firm counter-sued for malicious prosecution, Warner settled for about \$2 million plus legal fees. The victory sent relatives of the famous flocking to Indiana and made Roesler's client list the envy of other trademark and copyright firms. Being based in Hoosier country doesn't hurt, Roesler observes: "People don't take you seriously when you're from Indiana, but they trust you."

Indeed, though he's a shark when pursuing licensing violators, up close Roesler comes across as a soft-spoken, homespun Midwesterner. "Mark is a very sharp businessman, but he's also very laid back. He's always willing to make a deal," says Julia Ruth Stevens, the 77-year-old daughter of the Bambino. Until Stevens signed on with Roesler in 1992, she never earned a cent from her father's name. In 1995, the 100th anniversary of Ruth's birth, his estate will earn close to \$1 million. Roesler will circle the bases, too: He typically keeps 40% to 50% of any revenues generated.

Hot Potato. To reflect Curtis Management's increasingly global range, Roesler is in the process of changing its name to CMG Worldwide. With a network of 35,000 contracts and a state-of-the-art computer tracking system, he's raising an international ruckus, particularly in Asia, where intellectual property rights aren't well defended. In Malaysia and Japan, he has threatened action against apparel makers for using Dean to sell jeans and shoes without paying royalties to Dean's cousins and 90-year-old father.

In South Korea, Roesler has provoked a mini-incident between American and Korean trade officials by going after *Good People*. The company, founded by prominent entertainer Joo Byung-Jin, uses Dean's name to sell men's and women's fancy underwear—and it doesn't pay royalties. The U.S. Trade Representative's office backs Roesler, contending that this claim is at the heat of U.S. complaints about theft of intellectual property throughout Asia. Joo, however, is defendant. He has filed a \$1 million libel suit against Roesler in Korea, and, according to Roesler, told U.S. embassy officials that he'll pay for the rights "when Korea becomes a colony of the United States." The battle has become a hot potato for the Korean government, which first ruled against Roesler but then pledged a review of its trademark laws to make sure that the foreigners' rights are protected.



Hoosier At Home: Roesler is a whiz at nabbing licensing violators.

Curtis is even tangling with U.S. companies overseas. In Australia, it's involved in a tussle with McDonald's Corp. for an alleged unauthorized use of Dean's image in a "MacTime Rocks On" campaign to sell burgers and fries. "In much of the world," Roesler notes, "James Dean is bigger than Elvis."

In a fitting geographical coincidence, Roesler grew up five miles down the road from Dean's hometown of Alexandria, Indiana. The son of the local postmaster, he put himself through Indiana University Law School by working as a roofer and never set foot out of the state till he was 21. In 1986 he married Amy SerVaas, the daughter of Beurt R. SerVaas, longtime publisher of the *Saturday Evening Post*. The company gave him the job of guarding the copyrights on 322 magazine covers painted by Norman Rockwell. At the same time, attorneys for Priscilla Presley hired him to set up the \$100 million-a-year licensing rights for Elvis' estate, a task that took six years. It also put Roesler on the road to riches: He drives a Ferrari and lives in a palatial home on the outskirts of Indianapolis.

Roesler also has a major ally in the U.S. Trade Representative's office, which views his campaign as an extension of its global crusade against piracy of intellectual property rights. "As we fix up problems, guys like Roesler go in and police the marketplace," says one senior trade official. And well they should, he adds: "it's our stuff."

--Douglas Harbrecht (abbreviated version)