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Detroit vs. Toronto vs. Everybody: The story of a cross-border trademark war

Detroit designer gets litigious with Toronto line.

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PHOTOS COURTESY: PEACE COLLECTIVE AND DETROIT VS. EVERYBODY

When it comes to trademark, it doesn't matter who had the idea first, it's about who was first to file.

By: [Melissa Dunne](#) For Metro Published on Sun Nov 01 2015

"If you want to be original, be ready to be copied."

The quote is often attributed to Coco Chanel, but, perhaps fittingly, now that it's so widely shared online, its origins are murky.

For today's designers who have a less blasé approach to originality, there's trademark law.

It really is Detroit vs. Everybody

The cross-border trademark war between the creator of the Detroit vs. Everybody comfort wear clothing line and the makers of Toronto vs. Everybody maker of sweaters and T-Shirts reached a boiling point last week. Legal representatives for both sides did not return requests for comment, but it's been reported they are trying to come to a truce soon.

In response to the negative image of his gritty city, Tommy Walker Jr. started Detroit vs. Everybody in 2012, while Peace Collective started Toronto vs. Everybody in 2014. Alas, from a legal perspective it doesn't seem to matter who came up with the idea first.

"With trademark, it's the first to file," explained Scott MacKendrick, a partner at Bereskin & Parr LLP, in a phone interview, from his Toronto office.

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The founder and chief of Peace Collective does indeed hold the registered trademark to "Toronto vs. Everybody" here in Canada. Walker Jr. reportedly only filed for trademarks in the U.S., so there is likely nothing stopping the many competitors that have popped up around the globe from selling clothing emblazoned with "Vs. Everybody" outside of America, said MacKendrick.

Fail to plan, plan to fail

Ashlee Froese, a fashion lawyer at Toronto's Fogler, Rubinoff LLP, advises anyone starting a small clothing company to hire a lawyer who specializes in fashion law early on to prevent and deal with any legal issues. To start, a basic search should be done to determine that someone else doesn't already hold the trademark you want to register, explains the lawyer who frequently works with young Canadian designers.

Spend money to make money

While the complexity and costs will vary depending on the specifics of each case, having a lawyer get a trademark for your company — from search to application to approval — usually costs about \$1,000 to \$2,000, said Alison Hayman, an associate in the intellectual property group at Cassels Brock & Blackwell LLP in Toronto. Spending a relatively small amount of money on legal fees when your company is in its infancy can possibly save you a lot of grief, and money, down the road, she added.

Be ready for a battle fought via paperwork

Once you have a trademark it is usually fairly simple to enforce, said MacKendrick. Most cases never make it to trial, usually a letter or two will be exchanged between lawyers and some sort of agreement will be reached. Since trademarks are generally enforced country by country, Froese advises clients at the outset to file trademark applications for all the countries where they might be doing business, which for Canadians usually means filing in both Canada and the U.S.

As the Detroit vs. Everybody website says: "There's leaders, and there's followers..." And if you're a designer who created something original and you'd rather not be copied then you're going to need to file those trademark applications before any of your followers do.

NATIONWIDE

Everybody vs. Everybody

It seems like everybody is trying to get their slice of the "Vs. Everybody" pie, with a bevy of online sellers selling their versions for Canadians proud of their cities.

- **Toronto vs. Everybody:** T-shirts for both men and women in a range of colours sell for \$29.99, sweaters sell for \$59.99. peace-collective.com
- **403 vs. Everybody:** Unisex T-shirts sell for \$25 at rglt.com
- **Montreal vs. Everybody:** T-shirts in a range of colours sell for \$30 at mtlvseverybody.com
- **Vancouver vs. Everybody:** Baseball caps being sold for \$40 at fadebygrey.com

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