

Motorcycle Foundation Accuses OSU of Copyright Infringement

by Bend Weekly News Sources

The Motorcycle Safety Foundation (MSF) recently filed a lawsuit against Oregon State University (OSU), its president, and also against Stephen Garets, both individually and in his official capacity as director of the Team Oregon Motorcycle Safety Program of OSU, charging the parties with copyright infringement and violation of the MSF's rights under the Lanham Act. The suit, filed in United States District Court for the Central District of California, alleges that the defendants willfully misappropriated the MSF's motorcycle safety and training curriculum materials in connection with the development and publication of Team Oregon's Basic Rider Training (BRT) curriculum materials, and prepared derivative works based on the MSF's copyrighted curricula. It also alleges that the defendants have sought to distribute the misappropriated curriculum outside the state of Oregon. The suit further alleges that the defendants falsely associated the MSF with, and identified the MSF as an endorser of, the Team Oregon BRT, and that, in naming the BRT, they infringed on MSF's service marks in its current curriculum, the Basic RiderCourse SM (BRC). The suit seeks to permanently enjoin the defendants from using the Team Oregon BRT, or any other product that infringes upon the MSF's copyrights, as well as from marketing or offering the Team Oregon BRT to other states or entities, and from making false endorsements. "The MSF attempted on multiple occasions to resolve these issues without a lawsuit, but Oregon State University and Mr. Garets were unwilling to stop their unlawful conduct," said Stuart Philip Ross, an attorney with the law firm of Ross, Dixon & Bell, LLP. "After Team Oregon began attempting to market, distribute and offer the BRT curriculum materials to motorcycle safety programs in other states, and it became clear OSU would not prohibit this activity, the MSF had no choice but to take legal action to protect its intellectual property rights." "The MSF has worked with the state of Oregon in connection with motorcycle safety training and policy for more than 20 years, and continues to support Oregon motorcyclists," said Dean Thompson, director, communications of the Motorcycle Safety Foundation. "The MSF currently works with the Oregon Division of Driver and Motor Vehicle Services on licensing issues. In fact, the MSF granted permission to Oregon, as it has to other states, to use content from MSF's Motorcycle Operator Manual in the 2005-2006 Oregon Motorcycle & Moped Manual." "This is the first time in its history that the MSF has initiated legal action," Thompson said. "We would prefer to focus on our mission of making motorcycling safer and more enjoyable. But if an organization does not protect its intellectual property rights, it can lose them. The MSF does not object to another entity developing a different basic riding curriculum. However, the MSF does take issue with any entity that takes a shortcut by misappropriating the MSF's curriculum and misrepresenting it as its own." The MSF has been developing and maintaining high quality, research-based rider education and training curricula to best meet the safety-related needs and interests of the motorcycling community for more than 33 years. The MSF invests significantly in the scope, quality and continuous improvement of its rider education and training system curricula, applying decades of experience and the intellectual rigor of experts immersed in motorcycle training and educational best practices. MSF RiderCourses are currently being used to train motorcyclists in all 50 states by a variety of entities such as state programs, the U.S. Military, the Department of Homeland Security and private organizations. About the Motorcycle Safety Foundation Since 1973, the MSF has set internationally recognized standards that promote the safety of motorcyclists with rider education courses, operator licensing tests, and public information programs. A not-for-profit organization sponsored by BMW, Ducati, Harley-Davidson, Honda, Kawasaki, KTM, Piaggio, Suzuki, Triumph, Victory and Yamaha, the MSF's mission is to make motorcycling safer and more enjoyable by ensuring access to lifelong quality education and training for current and prospective riders, and by advocating a safer riding environment. The MSF works with the federal government, state agencies, the U.S. military, and others to offer training for all skill levels so riders can enjoy a lifetime of safe, responsible motorcycling. More than 3.5 million motorcyclists have taken MSF RiderCourses. Annually, some 350,000 students are enrolled in training with MSF-developed curricula at nearly 1,500 MSF-recognized sites. Currently, about 7,800 MSF-certified RiderCoaches provide instruction, all of whom receive specialized training from more than 200 MSF-certified RiderCoach Trainers. More information about the MSF can be found online at www.msf-usa.org.

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