

Round 2 - CINEMA

BARBIE PINK DRINK

General Facts¹

Mattel, founded in 1945, is a globally renowned American toy company known for creating iconic and beloved toys that have left an indelible mark on childhoods across the globe. Mattel possesses one of the most robust collections of children's and family entertainment franchises worldwide, with its most notable creation being Barbie. Barbie was introduced in 1959 and has since become a cultural phenomenon. Barbie has evolved over the years to reflect changing ideals of beauty and inclusivity. In recent years, Mattel has expanded beyond toys and into the entertainment industry. The recently released *Barbie* movie is a true testament of the enduring popularity of the cultural icon that Barbie is. The *Barbie* movie was released in July of 2023. This film brought Barbie to life in a contemporary setting and offered audiences a fresh perspective on Barbie as a character while honoring the enduring charm of this legendary doll. In anticipation of the *Barbie* movie, Mattel embarked on numerous strategic collaborations with various companies across the entertainment industry to promote the movie, and the promotion has been nothing short of spectacular. Through strategic partnerships, exclusive merchandise, and interactive events, the *Barbie* movie was one of the most highly anticipated cinematic releases in recent history. Barbie partnered with companies such as Pinkberry, Crocs, and Cold Stone Creamery. With these collaborations came a number of companies that had no official partnership with Mattel, but still eagerly produced promotional material for the *Barbie* movie, hoping to ride the wave of its anticipated success. To the Mattel leadership team's surprise, one of these companies was Starbucks.

Starbucks corporation is an American multinational chain of coffee houses and roastery reserves headquartered in Seattle, Washington. With over 35,000 store locations across 80 countries, and renowned for its commitment to quality coffee beans, ethically sourced from around the globe, Starbucks has played a pivotal role in promoting sustainability in the coffee industry. Its diverse menu offers a wide array of coffee beverages, teas, and delectable snacks, making it a popular destination for coffee enthusiasts and casual consumers alike. During the last 5 years, Starbucks has gained notoriety for its "Secret Menu," a phenomenon that has captivated loyal customers and curious newcomers alike. This unofficial menu features imaginative creations crafted by baristas and customers, often blending existing ingredients to create novel flavors. Favorites like the "Cotton Candy Frappuccino" and the Harry Potter inspired "Butterbeer Latte" draw inspiration from fictional beverages, reflecting Starbucks' dedication to personalized coffee experiences and customer satisfaction.

¹ This problem, while drawing inspiration from real events, should not be construed to accurately reflect reality, the actual details of the suit, or the parties involved, nor should competitors use outside information regarding this suit in order to prepare for this competition. This problem was written for the 2023 CINEMA Competition by Judzia Bryant and Sydney Clarke.

In July of 2023, a week after the release of the *Barbie* movie, a Starbucks in Midtown, New York began to sell a barista-invented drink called the “Barbie Pink Drink.” The “Barbie Pink Drink” was a vanilla bean frappuccino blended with a dragon fruit infusion which turned the drink its signature shade of “Barbie” pink. The Starbucks store responsible for the inception of this Secret Menu item created hand-drawn signage including the Barbie pink color and Barbie logo. From there, stores across the country were selling and advertising the “Barbie Pink Drink.” Starbucks even posted videos of its baristas crafting the handcrafted beverages on the company’s Instagram stories with the song “Barbie World” by Aqua playing in the background. When Mattel got wind of the new “Barbie Pink Drink,” it was already too late. Barbie fans, influencers, and even Mattel interns were drinking and talking about the new craze at Starbucks.

Mattel’s leadership team was fuming with frustration when news broke that Starbucks had created a Barbie-themed drink without seeking its permission. The iconic toy company, known for its stringent protection of the Barbie brand, felt that Starbucks had overstepped boundaries by using Barbie’s name, likeness, and image to sell the beverage without the licensing rights. Mattel’s legal team swiftly initiated discussions with Starbucks to address the matter, expressing concerns about potential brand dilution and the importance of maintaining the integrity of Barbie’s image. While Mattel is no stranger to partnerships and collaborations, Mattel insisted that these ventures need to be carefully curated to align with the brand’s values and identity. To make matters worse, Mattel learned that Starbucks garnered a whopping \$9.7 million from “Barbie Pink Drink” revenue that Mattel believes rightfully deserves to be shared with Mattel.

As it stands, through years of consistent and distinctive use, Mattel garnered trademarks rights to the pink color. But the company does not own rights to the term “Barbie Pink,” despite its efforts to register the word mark with the United States Patent and Trademark Office since 2001. While it may not be officially trademarked as a color, Mattel has various trademark protections in place to protect its Barbie brand, including the Barbie name and logo. It’s important to note that trademark and copyright disputes involving color are highly intricate. While Mattel’s trademark rights for “Barbie” are evident, it remains uncertain whether Mattel satisfies the necessary criteria for this particular case. If this case does go to court, it is anticipated to undergo extensive legal proceedings in the coming years. In light of the years of anticipated litigation and thousands of dollars in legal fees that are expected to come from this case, both parties have agreed to try and settle this case via negotiation sessions with the companies’ respective lawyers. Mattel is famous for its collaborations and is open to see what Starbucks has to say in this negotiation. Delegates from Mattel and Starbucks have been granted the authority to endorse any potential solutions devised by the parties involved.