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Officials Irked as Merchants Cash In on City's Heroic Logos

By EDWARD WYATT

Of the myriad symbols that emerged from the disaster of Sept. 11, none were embraced more fully across the country than the insignias of the New York City Fire and Police Departments.

To show support for the police officers and firefighters who they felt personified bravery in the face of terror, Americans have spent millions of dollars on hats, T-shirts and other merchandise emblazoned with the now-familiar F.D.N.Y. and N.Y.P.D. logos.

But to the growing dismay of police and fire officials, nearly all the money spent on that merchandise from one end of the country to the other has gone not to the departments or their selected charities. Rather it has gone into the coffers of unauthorized merchants whose goods, the officials say, are counterfeit replicas of trademarks.

Now, the departments have begun to try to enforce and license their copyrights and trademarks. In recent weeks, a New York law firm hired by the departments sent out roughly 100 letters to clothing manufacturers and vendors asking them to "cease and desist" from producing goods with Police or Fire Department logos.

"We are very serious about this," said David Clinton, the Fire Department's deputy commissioner for legal affairs. "We intend to pursue the most vigorous enforcement effort we can."

Estimates of money spent on that merchandise since Sept. 11 are difficult to come by. But fire officials say the department itself has been selling $200,000 a week of goods through its two legitimate retail outlets in Manhattan.

Given all the unauthorized street vendors, airport gift shops and Internet sites selling the materials, it is likely that licensed merchandise from the Police and Fire Departments represents at best one-quarter of that market. By that reckoning, the departments together have lost $10 million or more in proceeds since Sept. 11.

"I can only guess, but I would say it is certainly in the millions of dollars," said Jeffrey L. Laytin, a partner at the law firm of Salans, Hertzfeld, Heilbronn, Christy & Viener, which represents the foundations

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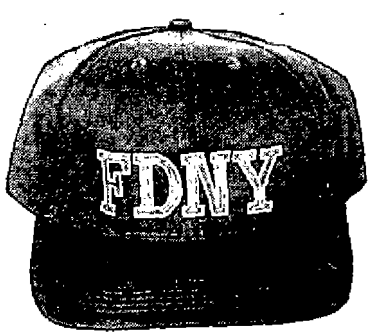
that own the rights to the trademarks and copyrights.

"The response to these goods has been huge," Mr. Laytin said. "Street vendors give you a pretty good indication of what is selling, and if you notice, they all are carrying N.Y.P.D. and F.D.N.Y. merchandise."

For the New York Police Foundation, which holds the rights to the N.Y.P.D. trademark, that money would have gone to buy police equipment and to pay rewards for the Crimestoppers program, said Pamela Delaney, president of the foundation.

For the F.D.N.Y. Fire Safety Education Fund, which holds similar rights to the Fire Department's insignia, the money would have paid for fire prevention programs, including the purchase of smoke detectors for distribution in city neighborhoods with a high incidence of fires.

Officials of the departments say a second round of enforcement actions could begin as early as next week. It is likely to include seizures of merchandise and possible criminal and civil charges against companies that have continued to make and sell N.Y.P.D. and F.D.N.Y. materials without authorization. Legitimate goods carry a tag saying they are licensed by the Police or Fire Department.



Legitimate

The authorized one. Most goods bearing Fire and Police Department logos are not licensed.

In a society that has embraced the insignia of fashion designers, sports teams and corporate sponsors as status symbols, the failure of the Police and Fire Departments to anticipate and capitalize on the value of their trademarks until more than two months after the disaster could be viewed as a significant miscalculation.

Until last month, the Police Department had not even registered "NYPD" with the United States Patent and Trademark Office, and its only approved licensee for its logo was the Police Museum. While the Fire Department registered its "FDNY" logo last year with the trademark office in Washington, until recently it had granted a license to only one outside vendor.

But as with so many of the events of Sept. 11 and afterward, almost no one could have anticipated the explosion of interest in what had previously been coveted mainly by police and fire buffs and the employees, relatives and friends who make up the departments' extended families.

"Our concentration has been on getting the department to right itself and get back on track," said Francis X. Gribbon, the deputy fire commissioner for public information. "We haven't been faced with this issue before."

The scale of the demand for fire and police paraphernalia has been staggering. The Fire Zone store in Rockefeller Center, one of the few licensed retail outlets for F.D.N.Y. merchandise, has gone from selling $600 to $800 of goods per day before Sept. 11 to up to $24,000 worth of goods daily during the holiday shopping season, said Stephen L. Ruzow, a director of the F.D.N.Y. Fire Safety Education Fund, the nonprofit organization that holds the rights to all Fire Department licenses.

The margins on those rights are healthy as well. Deputy Commissioner Clinton said that the education fund recently signed a license with Kmart for up to 50,000 F.D.N.Y. caps. Kmart, which under the license can sell the caps for up $7.99 each, agreed to return $3.50 from the sale of each cap to the education fund.

Mr. Laytin said that the departments had received cooperation from many of the vendors that had been contacted about selling the counterfeit goods. In addition, Yahoo, the Internet service, shut down more than 30 retail vendors that had been selling the goods through its commercial Web sites, he said.

But there are likely to be fights; many of those making merchandise with the Police Department logo do so under licenses they say they were granted by the Police Museum, which also holds the rights to some departmental trademarks.

Many buyers of F.D.N.Y. and N.Y.P.D. merchandise over the last three months have expressed a specific desire that some of their money go to the departments, rather than to some unaffiliated vendor. That has brought many shoppers to two stores on Lafayette Street in SoHo: New York Firefighter's Friend and New York 911.

For weeks after Sept. 11, dozens of people lined up each day to buy goods at the stores, which are operated respectively by Nate Freedman and his son, Noam Freedman.

"They stood in line, and nobody said a word," Nate Freedman said. "It was like they were visiting a cemetery."

But Mr. Freedman recently received a letter from lawyers for the Fire and Police Departments telling him to stop selling unauthorized goods. Though the Fireman's Friend store has been in business for 11 years, it never received a license for its F.D.N.Y. hats, T-shirts and other items. And the department, whose medical division is a few doors away above a firehouse on Lafayette Street, has ever questioned the store's right to do business.

Mr. Freedman said he had sent the department a letter before he opened the store, laying out what he planned to do. He said he got no response. And he said he did not object to obtaining a license now, as long as it was on reasonable terms. Since Sept. 11, his store has donated a small portion of its sales, about $100,000, to firehouse companies and families of firefighters killed at the World Trade Center, Mr. Freedman said. The police goods store operated by his son said it has donated at least $37,000 to similar police-related funds since Sept. 11.

"I certainly respect their rights. It's their name. But I'm also hoping they will give some thought and some consideration to the 11 years that I've been here."

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