

Groups clash due to names

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Nonprofit agriculture organizations clash over name

By Brian Brus February 27, 2012

OKLAHOMA CITY — An Oklahoma agriculture-supporting organization is being sued over the acronym part of its name — FARM, or Farming and Ranching Matters, according to a complaint filed in U.S. District Court this week.

The nonprofit Oklahoma FARM Foundation is infringing on the trademark identity of the Illinois-based Farm Foundation, which is also a nonprofit organization that helps the industry, according to the lawsuit. As they both compete for providing educational, charitable and scientific programs, agriculture research and policy reports in Oklahoma, the Farm Foundation wants the FARM Foundation to stop using the name.

The Farm Foundation has been using the name since 1933 in connection with its services, the plaintiff's attorney Martin Ozinga said. The mark is nationally recognized for its public charity work toward fostering deeper understanding of issues shaping the future of agriculture, food systems and rural areas. The organization also provides information on economic and public policy issues through conferences, workshops and forums. The plaintiff is led by a board of directors with six members from different states.

"Plaintiff's Farm Foundation mark, by virtue of its substantial use, has acquired great value as an identification of plaintiff's goods and services, and has become famous to consumers as identifying those goods and services," according to the lawsuit.

The FARM Foundation, on the other hand, was just launched in June last year by the Oklahoma Farm Bureau to promote awareness about agriculture and the food industry through research and educational programs in the state and on the Internet. The plaintiff became aware of the alleged infringement in July, and officials asked the FARM Foundation to change its mark.

“Defendant responded, disputing that confusion would or could occur between the parties and their respective claimed marks,” according to the lawsuit.

However, by the end of the year, it was apparent that the groups’ goods and services “significantly overlapped,” according to the lawsuit. The groups’ online domain addresses are similar as well – www.FarmFoundation.org and www.OKFARMFoundation.org – leading to misdirection when people use search engines.

FARM Foundation officials would not speak to the lawsuit, other than to release a prepared statement from FARM Foundation President Tom Buchanan through attorney Marc Brockhaus at the Dunlap Coddling law firm in Oklahoma City:

“It is our policy to not discuss any ongoing litigation in any public forum,” Buchanan said. “However, we do take pride in the efforts and the mission of the Oklahoma FARM (Farming and Ranching Matters) Foundation and look forward to continuing our work to support this important organization.”

The Farm Foundation is not seeking financial damages, said Ozinga, a lawyer with the Phillips Murrah firm in Oklahoma City.

“Hopefully we’ll get this resolved soon and they’ll make some changes to their name,” he said. “If they would just add some distinguishing word between FARM and Foundation, that would probably take care of it. We just want them to avoid the confusion of using our trademark.”