

THE NEW EDITION OF *NEW EDITION*: BOYBANDS, TRADEMARKS, AND SHIFTING GOODWILL*

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I. INTRODUCTION

Boyband fans across the globe breathed a collective sigh of relief when Justin, JC, Joey, Lance, and Chris announced that they could keep performing as *NSync.¹ The successful boyband had been embroiled in a legal battle with its former manager, Lou Pearlman, over ownership of the trademark to the band's name.² This was not the first time Pearlman had been sued for this exact issue: he had only recently settled with the Backstreet Boys after he locked away their microphones, wardrobe, and band equipment on the cusp of their first North American concert tour.³

And yet, as the manager and creator of both boybands, Pearlman was perfectly within his rights as a trademark owner to refuse to allow the members to perform under their trademarked band name.⁴ While some in the music industry might not have found this objectionable, the millions of boyband fans worldwide would have.⁵ To them, the name "Backstreet Boys" was synonymous with and indivisible from Kevin, Howie, AJ, Nick, and Brian.⁶

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¹ Roger Colletti, *'NSync: Orlando Five-O*, Jan. 1, 2000, <http://www.mtv.com/bands/archive/n/nsync2000/>. The five members of *NSync were Justin Timberlake, JC Chasez, Joey Fatone, Lance Bass, and Chris Kirkpatrick. *Id.*

² *Id.*

³ Telephone Interview with Kevin Richardson, former member of the Backstreet Boys, in L.A., Cal. (Jan. 14, 2008).

⁴ Telephone Interview with Jordan Keller, attorney for the Backstreet Boys, in Nashville, Tenn. (Jan. 26, 2008).

⁵ The Backstreet Boys' most successful single (arguably) was "I Want It That Way."