



Dan Coyro/Sentinel

Harry Mayo, 85, Santa Cruz Surfing Club founding member, historian and keeper of club memorabilia, points to his picture as a young man in the group's iconic historic photo. Attorneys for the club say Mayo was duped into signing away logo and photo rights to Ryan Rittenhouse.

Surf club sues over its logo, photos

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✓ **SANTA CRUZ** — A group of old-school surfers sued Santa Cruz resident Ryan Rittenhouse in U.S. District Court late Tuesday afternoon, accusing Rittenhouse of trademark infringement, elder abuse and a host of other illegal activities.

The group is seeking to reclaim a Santa Cruz Surfing Club logo and photos that members created in the late 1930s. Rittenhouse trademarked the logo and name in 2004 and now uses them on T-shirts, women's underwear and other apparel that he sells online and in local surf shops. He has not given any of the proceeds back to the club's original members.

Rittenhouse responded to the suit Wednesday with a letter to the Santa Cruz City Council proposing that he take over the city's Surfing Museum and everything in it and run it as his own private, for-profit business, selling his contested apparel in the museum, and having the group of surfers that are suing him volunteer there.

On Wednesday afternoon, Councilman Mike Rotkin called Rittenhouse's museum idea a "non-starter," and said the city has other ideas for keeping the museum open. City leaders cut off funding to the museum earlier this month amid \$7 million in budget cuts.

Dan Young, spokesman for Santa Cruz Surfing Club Preservation Society, which filed the suit,

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said he would see Rittenhouse in court, if that's what it comes to.

The Preservation Society includes the Surfing Club's remaining original members, as well as 14 new members that were inducted in 2007.

"Our priorities are catching waves," Young said. "But guess what, there's an injustice and this is something we can't back down from."

At issue is the original Santa Cruz Surfing Club logo, which was printed on a sweatshirt for the club's first members not long after the group of 27 young men organized in 1936. In years since, the logo, and historic photos of the club's original members, have been reprinted on shirts and sold to benefit the Santa Cruz Surfing Museum and help pay for the iconic surfer statue on West Cliff Drive. The logo gained fame in 2004, when Levi Strauss reprinted it on a T-shirt as part of its "Vintage Collection," and Paris Hilton wore the shirt on the March cover of Elle magazine. Levi's donated proceeds the museum.

But in recent years, Ryan Rittenhouse, a grandson of an original club member, trademarked the logo and photos and now is selling them for his own profit. Club members want the rights back. The issue is especially important, they say, to raise money for the struggling museum.

Rittenhouse is the older brother of Olympic diver Ariel Rittenhouse, 18. In her profile on NBC's Olympic Web site, she describes him as "a golfer who graduated from Chico State in 2007 and now works as a Formula One mechanic." He attended Harbor High and Cabrillo College, where he played golf, according to Sentinel archives.

According to the lawsuit, in March 2004 — the same month as the Paris Hilton cover — Rittenhouse, grandson of original club member Robert Rittenhouse Sr., filed a trademark application with the U.S. Patent and Trademark Office to register the club's logo in his name. He did not consult original club members.

In 2006, the suit alleges, Rittenhouse visited original club member Harry Mayo, 85, who keeps a "museum-quality" collection of club photographs and memorabilia. Rittenhouse asked Mayo to sign over the rights to the logo and photographs "so

to the suit.

Mayo was pressured into signing Rittenhouse's documents without first consulting a lawyer or other members of the club, the suit alleges.

In addition, Rittenhouse told Mayo he wanted to sell shirts bearing the logo, the suit said, and would give part of the proceeds to the original club members. Rittenhouse has not donated any money, the suit said.

Mayo grew suspicious, the suit said, when, in 2006, Rittenhouse arrived at Mayo's home with a digital camera and began taking pictures of Mayo's original photographs.

Mayo's suspicion also was raised when Rittenhouse, his father, Robert Rittenhouse Jr., and grandfather, Robert Rittenhouse Sr., all stopped by and "started going through Mr. Mayo's house, apparently looking for a location to install a safe in order to house negatives of the pictures in the Harry Mayo Collection," the suit said.

Soon after, Mayo called an attorney, the suit said.

On Wednesday, Mayo, who also is listed as an individual plaintiff in the suit, said he had been advised not to comment on its details.

"I'm in the hopes that we can work something out and never have to go to court," Mayo said Wednesday. "But that remains to be seen."

The suit was filed in San Jose by global law firm Gibson, Dunn & Crutcher, which took the case pro bono after a Santa Cruz County attorney with the firm — and former surfer — heard of the conflict, Young said.

Rittenhouse's only response to questions Wednesday was a copy of his letter to Santa Cruz City Council, written on Santa Cruz Surfing Club letterhead under an image of one of Mayo's old surfing photos.

"Besides being a blood relation to a bona fide former member of the club," Rittenhouse wrote, "what makes me and my company uniquely qualified to run the museum is that we currently hold the intellectual property trademarks and copyrights surrounding the original Santa Cruz Surfing Club, and we have policed the preservation of the memorabilia and history surrounding it for over five years now."

Attorneys for the Preservation Society have asked for a jury trial. The case likely will be heard in San Francisco, which has more trademark judges than the San Jose district court, Young said. A date has not been set.