

**Smart In
Your World**

**It's More Than
a Tag Line**

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Fox
Is**

Arent
Fox
Is

Aiming High



THE VISOR SHOT. Buzz Aldrin is an American legend – Astronaut. Scientist. Explorer. In 1969, Dr. Aldrin, along with his colleagues Neil Armstrong and Michael Collins, bravely piloted into the unknown for the Apollo 11 lunar expedition. During that historic mission, Dr. Aldrin became one of only a dozen members of humanity to walk on the surface of the moon. His training and survival skills as an Air Force pilot who flew 66 combat missions in Korea and as an astronaut had allowed him to survive treacherous journeys through some of the most hostile environments on and beyond our planet.

But there was one environment that Dr. Aldrin knew he could not explore without the guidance and counsel of an experienced wingman. That was the American legal system. And as soon as the famed astronaut knew he needed the services of an attorney of unique skill and talent, he turned to Robert C. O'Brien, the partner-in-charge of Arent Fox's Los Angeles office.

One of the most iconic photographs in American (and world) history is the "visor shot" of Dr. Aldrin on the moon snapped by his fellow astronaut Neil Armstrong. The "visor shot" shows Dr. Aldrin standing on the lunar surface, with, as he writes in his autobiography *Magnificent Desolation*, "the curve of the horizon easing into the blackness of space."

The photo has become one of the most famous in history, capturing the triumph of the American spirit and mankind's greatest scientific achievement.

"THIS IS A TERRIBLE WAY TO TREAT AN AMERICAN HERO." Years after the Apollo 11 mission, Dr. Aldrin discovered the Bermuda-based liquor company Bacardi-Martini Rum was using the "visor shot" in its advertising campaign. The print ad showed a bottle of rum pouring its contents onto an image of Dr. Aldrin standing on the lunar surface. Moreover, the lower half of the photograph had been altered to portray Dr. Aldrin wearing swim trunks and fins. As he wrote in his memoir, "It made a mockery of this iconic image."

Dr. Aldrin turned to Robert O'Brien to help protect his right of publicity and, more importantly, the dignity of a great moment in American history.

Robert immediately went to work defending Dr. Aldrin in both a court of law and the court of public opinion. In addition to filing a lawsuit against Bacardi for misappropriation of Dr. Aldrin's image and identity, Robert, along with Dr. Aldrin, made numerous media appearances to denounce the advertisement's demeaning portrayal of the legendary astronaut. Appearing together on a nationally syndicated news program, Dr. Aldrin said, "I don't want to become Bacardi's version of a Joe Camel," referring to the controversial cigarette company mascot.

Robert told viewers, "Whatever the legal merits of the case are, this is a terrible way to treat an American hero."

Robert's efforts on behalf of Dr. Aldrin were successful. The case was settled and Bacardi made a public apology: "By using a portion of the visor shot in the advertisements, Bacardi did not intend to cause the public to recognize Aldrin in the advertisements nor believe that Aldrin endorses, or has ever endorsed Bacardi products. ...Bacardi has a great amount of respect for Aldrin, is sympathetic to his concerns, and, therefore, has apologized to him for publishing the advertisements."

UNITED THEY STOOD. Robert's success for Dr. Aldrin in the Bacardi case encouraged more of America's astronaut heroes to seek his assistance in protecting their images and legal rights. After resolving the Bacardi matter, Robert represented Dr. Aldrin, as well as the widows of astronauts Pete Conrad (who commanded the Apollo 12 mission) and Jim Irwin (the Apollo

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15 lunar module pilot) in a case against the toy company Action Products. The company was using photographs of the three astronauts on the packaging of their toy spacecraft models.

In his autobiography, Dr. Aldrin writes what happened next:

“Rob O'Brien represented all of us, and we proceeded on a united front. At one point, intimations were made in the settlement discussions that Action Products was willing to settle only with me and not with the others. But we stuck together, and after a ruling in our favor by the federal judge in our case, our efforts had a successful outcome.”

With Robert's guidance and counsel, the case was settled on such amicable terms that Dr. Aldrin and Action Products later did business together by which the famed astronaut licensed his image for use with the toy company's Saturn V model rocket.

“I have had many proud moments as an attorney,” said Robert. “But I was never more proud than when I represented Buzz and the widows of his fellow astronauts in working to preserve the memory of some of the greatest, most treasured accomplishments in American history, as well as the dignity of three national heroes.”

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Corporate
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Government Relations
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