



10.20.2005

NEWS

FEATURES

GOSSIP

TV

MOVIES

MUSIC

CELEBS

FUN

S

[Headlines](#)

• [First Look](#)

• [The Dotted Line](#)

• [Pop Quiz](#)

• [E! News](#)

• [Top 5 Clips](#)

tonig

101 Cr
Momei
whirlwi
tube tir
ep, 9 p

NEWS LATEST NEWS NEWS

Sly vs. Sly

by **Josh Grossberg**

Apr 21, 2005, 10:15 AM PT

[Sylvester Stallone](#) is on the ropes when it comes to his new magazine, *Sly*.

A little more than a month after the [testosterone-fueled lifestyle publication](#) launched, the 58-year-old [Rocky](#) star has been hit with a \$1 million trademark infringement lawsuit by an upstart magazine with the same name that targets women.

In its lawsuit filed Tuesday in Manhattan Federal Court, Sly Magazine LLC is accusing American Media, publisher of Stallone's *Sly*, of jumping the bell and swiping the moniker before the former's own planned roll out later this year.

Here's how the contenders match up.

In one corner, there's the erstwhile Rocky, whose *Sly* debuted on newsstands Mar. 5 and touts itself as a magazine aimed at male readers who "believe that life begins at 40." It offers articles and tips on everything from good nutrition and dressing sharp to working out and impressing the ladies. *Sly* even features columns penned by Stallone and plenty of mugs of the former action hero. Publisher American Media is an industry giant that also puts out the *National Enquirer* and *Star*.

In the other corner is the challenger, Sly Magazine LLC's *Sly*, which bills itself as a lifestyle glossy aimed at sophisticated, fashion-conscious women focusing on shoes, handbags and other accessories.

advertisement



TODAY

FIRST L
News in

War of V
Cruise S

"Lost" F
Suspect

PTC Pur
Guy"

Sly Magazine LLC's attorney, John Bostany, admits his client is the real underdog in this fight, being an indie publisher whose premiere issue isn't due until later this year.

According to Bostany, even though they target opposite genders, there's just not enough room on the rack for two mags named *Sly*.

"The public at large is believing and will continue to believe that my client's magazine is a knockoff," the lawyer tells E! Online.

He says American Media's use of the name *Sly* violates a trademark. Even though Stallone has gone by "Sly" for ages, Bostany contends that Sly Magazine LLC controlled the trademark on the magazine moniker because its [Website](#) went up in November--well before American Media debuted its publication.

The attorney notes there was no difference between having a magazine on the Internet and distributing it to newsstands. A simple Google search would have told them *Sly* already taken, according to Bostany.

Bostany says he is also preparing an injunction request on behalf of Sly Magazine LLC and plans to file it next week asking a judge to order American Media to pull its *Sly* off store shelves. "I think we will get [the injunction] because there's a clear cut case here," he says.

While American Media and Stallone did not return phone calls seeking comment Thursday, the two parties will most likely argue that they had dibs on the title first. Not only has Stallone used the nickname for decades, but he announced the magazine in October, a month before the rival Website went up.

Ironically in March's premiere issue, Stallone waxed philosophically to his readers on the back page, offering his top 10 life tips, of which number seven was: "If other people can steal your idea, they will."

Asked if he thought the case will go to trial, Bostany expresses hope the parties might settle out of court. If not, he says he's prepared to fight a legal bout that could be the full 12 rounds.

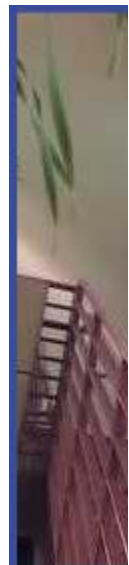
"We can prove the name *Sly* was used in conjunction with the plaintiff's magazine way before...the launch of Stallone's magazine," he says.

Odd as it may sound, Stallone is no stranger to intellectual property cases. Last fall, the actor [lost a bid](#) to have a lawsuit by ex-boxer Chuck Wepner tossed out of court. Wepner, who served as the inspiration for the *Rocky* franchise, claims that Stallone promised to compensate him for adapting his life story for the big screen.

The former [Rambo](#) vigilante was also on the wrong end of a legal decision between his new NBC boxing reality show, [The Contender](#), and a similar-themed Fox show, [The Next Great Champ](#). The brain trust behind [The Contender](#), which includes [Survivor](#) overlord Mark Burnett, had gone to court in a futile effort to block the Fox show from airing, claiming it was a ripoff.

Aside from duking it out in court Stallone has been busy pumping up his public image. Earlier this month he inducted Hulk Hogan into the World Wrestling Entertainment Hall of Fame (Stallone fans might recall the Hulkster had a role in [Rocky III](#)), and he just announced the latest in his line of [InStone nutritional fitness supplements](#).

That might just be the stuff his lawyers need to bulk up for the coming court clash.



United
It ju

FRESH

The Aw
poops or
Lindsay
minimar

Fashion
Richie gr
Mena Su
Americai

Megaple
coming t
screen n
galaxy fa

Guilty P
the week
books, n
games &

 [email this story](#)

 [message board](#)

 [print this story](#)

 [XML](#)



Related Links

- [The facts on Sylvester Stallone](#)
 - [News: *Contender* suicide stuns Sly](#)
 - [News: Sly pumps up magazine biz](#)
-

[all news stories](#) 

• [help](#) • [about E! Online](#) • [site map](#) • [membership](#) • [newsletter](#)

Use of this site signifies your acceptance of the [Privacy Policy](#) and

[Terms of Use](#). Copyright © 2005 E! Entertainment Television, Inc. All rights reserved.