

Staking a claim to 'Summer of Love'

S.F. EXAMINER 5/19/97 P A1

Festival planner balks at asking Bill Graham Presents if he can use phrase

By Kathleen Sullivan
OF THE EXAMINER STAFF

When the Ansel Adams Center for Photography decided to mount an exhibit about the counterculture of the 1960s, the renowned gallery had to ask Bill Graham Presents for permission to use "Summer of Love" in the title.

When the Vineyard Christian Fellowship settled on the phrase for a July festival in Golden Gate Park, the San Francisco church also had to plead its case with the concert promoter.

But when the giant company told Chet Helms that he needed its say-so to celebrate the 30th anniversary of that San Francisco summer, Helms told them to take a hike.

Helms is organizing a festival in October.

"I told them I didn't need or want their permission," said Helms, a former rock promoter who helped organize free concerts — and free food, clothing and crash pads — for the droves of young people who descended upon The City in the summer of 1967.

Then Helms called an attorney.

[See SUMMER, A-18]

'Summer of Love' claim challenged

Helms and other compatriots from that era plan to challenge BGP's attempt to stake a claim to the words "Summer of Love."

Jerry Pompili, vice president of operations for Bill Graham Presents — the concert division of Bill Graham Enterprises — said he doesn't understand why Helms is getting "all feisty and uptight" about the matter.

"We weren't looking to corner the market on the term," Pompili said. "We're not keeping anyone from using it here. Who the hell wants to go to court and deal with lawyers? We're trying to be as amicable as possible about this."

Pompili said BGP applied for a "service mark" on Summer of Love by filling out an "intent to use application" with the Patent and Trademark Office of the U.S. Department of Commerce.

If BGP is successful, the San Francisco concert powerhouse will win ownership of the phrase for entertainment events featuring music, dancing, refreshments, or art and technology exhibits, Pompili said.

He said the company already has cleared one legal hurdle — no one challenged its application during a 30-day review. BGP must use the phrase in an event within six months to establish ownership of the mark.

No one charged for using name

He said BGP hasn't charged anyone for the privilege of using the phrase.

"Who knows who's going to get the mark if we don't?" Pompili asked. "What if they aren't as altruistic about it as Bill Graham Presents?"

Ron Polte, who represented some of the big-name bands of the time, including Janis Joplin's Big Brother and the Holding Company, said there's a history of resentment toward the late Bill Graham, who ran roughshod over smaller promoters in The City as he built his rock 'n' roll empire.

"They say their reason for service marking Summer of Love is to prevent the expression from falling into the hands of sleazy promoters," he said. "Well, sleazy promoters are the ones who got it."

Ron Frazier, head of Summer of Love Productions International, doesn't understand how anyone could claim ownership of Summer of Love, a phrase that describes part of The City's cultural history.

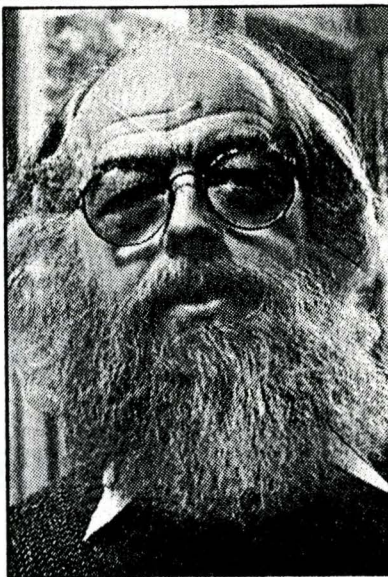
Frazier, who is allied with Helms, argues that his nonprofit company has a "common law right" to the phrase, after using it for 10 years to put on charity benefits.

And it galls Frazier that the beloved phrase could be exploited by a commercial venture.

"A commercial, for-profit entity should not have a trademark on Summer of Love," he said.

A little legal advice

Linda Twichell, deputy director



Chet Helms challenges BGP's hold on the Summer of Love.

for resource development at the Ansel Adams gallery, said she found out about the service mark when she called BGP asking for financial help for "Summer of Love: Revolution and Evolution."

Hippies, music, protests

The exhibit, which will run from June 25 to Sept. 7, will focus on hippies and the music scene in the Haight; the rise of the Black Panther Party in Oakland; and student protests over free speech and the Vietnam War.

Twichell said she didn't get any money from BGP. But she did get some friendly legal advice.

Pompili told her to print the following statement on its materials: "Summer of Love' is a registered trademark of Bill Graham Enterprises, and is used with their permission."

Pastor Glen Reed, who is organizing the Vineyard Christian Fellowship's free concert this summer, said the notation gives his event a cachet.

"It's almost a plus, just because Bill Graham Presents is a recognizable name," said Reed, whose church ministers to hippie kids in the Haight.

However, attorney Philip Green, who is representing Helms, said BGP is jumping the gun by requiring such notations. "They don't yet have the official exclusive right to Summer of Love," Green said.

For Helms, the road leading to the 30th anniversary celebration of the Summer of Love has been a rocky one. He jostled with the Recreation and Park Department when he announced he wanted to hold the event on the recently renovated Polo Field, which park officials said would be damaged by the crowds. Helms agreed to move the festival to the Beach Chalet Soccer Field, on the western edge of Golden Gate Park.

Now, the Summer of Love is taking on BGP.

"It's rock 'n' roll, but we love it," Helms laughed.

Pompili, though frustrated that the issue has turned out to be so volatile, hasn't lost his sense of humor, either.

"I jokingly told Chet I'd license 'Summer of Love' to him for a dollar," Pompili said. "And I told him I'd give him the dollar."