


## Florida Court Dismisses the Legal Dispute Over Frida Kahlo's Trademark



BY TESSA SOLOMON  September 30, 2021 3:03pm

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The legal battle between the **Frida Kahlo** Corporation and the artist's heirs over ownership of her brand has ended in the United States.

In 2018, the Frida Kahlo Corporation filed a complaint in a U.S. District Court for Southern Florida against Kahlo's great-niece, Maria Cristina Romeo Pinedo and her daughter, Mara de Anda Romeo, accusing the two of trademark infringement.

The long-simmering dispute between the two parties was aggravated following **Mattel's** release of a Barbie doll depicting the late Mexican artist. Her relatives argued in a Mexican court that the company did not have license to use Kahlo's image for the series of toys which honored inspiring women in history. A judge ruled in their favor and ordered the toymaker and department stores in Mexico to halt commercializing the doll.

Mattel said in a statement that it had obtained permission from the Panama-based Frida Kahlo Corporation, "which owns all the rights."

Frida Kahlo died in 1954 without a will. In accordance with Mexico's property law, the artist's property rights were inherited by her niece, Isolda Pinedo Kahlo. Isolda Pinedo Kahlo's daughter, Maria Cristina Romeo Pinedo, was granted power of attorney over these rights in 2003.

The Frida Kahlo Corp (referred to as FKC in the 2018 court filings) was formed in 2004 with Pinedo as a shareholder. The company's primary objective was the "licensing and commercializing the 'Frida Kahlo' brand worldwide."

Mara de Anda Romeo argued that the FKC had not obtained authorization to use the artist's image. She also opposed the physical appearance of the doll, which was missing Kahlo's authentic dress and trademark unibrow. "I would have liked the doll to have traits more like Frida's, not this doll with light-

colored eyes," she said **in an interview with the BBC**.

According to **court documents** filed earlier this month, FKC claims Pinedo and her daughter violated the terms of their agreement by setting up a **competing website** that "expressly offers goods and services using the trademark Frida Kahlo, a trademark that is identical to Plaintiff's FKC Trademarks." The company also claimed defamation, citing Pinedo's public statements against their branding decisions.

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In his ruling, Judge Robert N. Scola Jr. stated that that litigation in Florida “would be burdensome for the Defendants—two individuals who both reside in Mexico City and have no connection to Florida.” He added that “Florida’s interest in this dispute is minimal. While the Plaintiffs allegedly have an office in Florida, there has been no showing of the impact of the Defendants’ alleged infringements in Florida to raise Florida’s interest beyond a generalised interest in enforcing federal law.”

He concluded that “ongoing litigation in Mexico and Panama—countries where the parties indisputably reside—may provide forums” for the legal battle to continue.

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