



FILE PHOTO

Nick Bergados, co-owner of Taverna Opa in the Brewery District and flanked by Dimitra Aggaris-Arakas, left, and Demetra Aggaris-Wethrel, is in a fight with a Florida firm over his restaurant's name.

Florida restaurant targets Taverna Opa over name

BY KEVIN KEMPER ■ BUSINESS FIRST
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Georgia Bergados said belly dancing, tossing napkins and complimentary shots of ouzo are hallmarks of traditional Greek restaurants.

As are the words "taverna" and "opa." "You'll find that anywhere you go," said Bergados, co-owner of the Taverna Opa restaurant on South High Street in Columbus' Brewery District.

That's why Bergados was surprised to learn, when contacted by Business First, that her restaurant has been sued for trademark infringement by a restaurant of the same name in Florida.

The lawsuit was filed by Hollywood, Fla.-based Taverna Opa Trademark Corp., the trademark-owning arm of the Miami-area restaurant.

The lawsuit alleges that Sparta 2004 Inc., the holding company for the restaurant Bergados owns with her husband, Nick, has engaged in trademark infringement, false designation of origin and unfair competition. The suit was filed Sept. 14 in U.S. District Court in Columbus.

According to the lawsuit, the Florida Taverna Opa restaurant opened in March 1998, about 2 miles away from a deli the Bergados had operated since 1989.

The Bergadoses moved back to Columbus in 1999 and in December 2000 opened the European Taverna Opa in the Brewery District, a name later shortened to Taverna Opa, which translates to "joy of life."

The Florida company said that's not a coincidence.

"(The Florida) Taverna Opa's cuisine and unique festive atmosphere, which includes impromptu table dances, plate-breaking and singing, brought a great deal of attention to Taverna Opa," it said in the lawsuit.

Georgia Bergados said both the name and the atmosphere are part of many Greek restaurants, and the proprietors weren't copying the Florida Taverna Opa.

She said her restaurant does not break

plates because it's against state law, but it does provide entertainment on weekend nights.

The atmosphere of the Florida Taverna Opa has proven popular, the lawsuit said, leading the owners to start franchising restaurants. The company received a trademark for the name in August 2002 before expanding to Fort Lauderdale and Miami Beach. It claimed in the lawsuit that it intends to add a franchise in Columbus but didn't indicate when it might open.

Company representatives were unavailable for comment.

Attorneys for Taverna Opa contacted the Bergadoses in 2003 and demanded they stop using the Taverna Opa name. The lawsuit said lawyers for the Bergadoses then demanded \$15,000 to cease using the name.

Kenneth Robinson, the Bergadoses' attorney with the Columbus law firm Slowick & Robinson, said there was some negotiation, but it stopped over the last year

and there has been no communication since.

The Florida Taverna Opa has never changed its demand, said Joseph R. Dreitler, an attorney with Jones Day in Columbus representing the company.

Dreitler said other Greek restaurants may use the words taverna and opa in their names, but they don't string them together. If they did, he said, they would be sued as well.

"(The Bergadoses) could have avoided this simply by changing one of the two words," Dreitler said.

The lawsuit asks for a permanent injunction to prevent the Columbus couple from using the Taverna Opa name, all profits they made using the Taverna Opa name, triple damages and attorneys' fees.

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**Joseph R. Dreitler
Jones Day**

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