

Business First of Columbus - September 6, 2010
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COLUMBUS BUSINESS FIRST

Friday, September 3, 2010

Buckeye bloggers given ultimatum

Business First of Columbus - by [Doug Buchanan](#)

Ohio State University fired a shot across the bow of any Buckeye bloggers thinking of turning their football passion into a viable business.

The message: If you go commercial, be prepared to go legit.

The school Aug. 27 obtained a restraining order against a Wisconsin company ordering it to shut down a website dedicated to OSU athletics. The site, [buckeyeillustrated.com](#), featured extensive coverage of OSU football, including an electronic magazine titled Buckeye Gameday. The company, **GDS Marketing LLC**, said it was printing more than 100,000 copies of Buckeye Gameday for distribution in Columbus.

That was a familiar red flag for Bricker & Eckler LLP attorney Joe Dreitler, OSU's attack bull on trademark issues. Dreitler over the years has stopped many producers of unlicensed Ohio State T-shirts, calendars and memorabilia, and convinced U.S. District Court Judge Gregory Frost that GDS Marketing had no business producing Buckeye Gameday.

"The rules are pretty simple," he said, the foremost one being if you're going to profit off Ohio State's trademarks, you have to pay licensing fees.

"Don't make money using somebody else's property," Dreitler said.

Of course, [buckeyeillustrated.com](#) isn't the only website dedicated to OSU sports. Dreitler wouldn't say exactly what would trigger the school to go after the various bloggers publishing commentary on the football team on sites using OSU logos and photos, but certainly one is attracting advertising that could potentially go to the **OSU Athletics Department** and its paying partners.

"(If) you decide you're going to make a buck," Dreitler said, "then you probably better make sure you're compliant with the law. ... You're in business and you're a competitor. You're not just a fan anymore."

Reed Cornia, a lawyer for GDS Marketing, said the Ohio State-centric site was one of several the company set up for fans of college football but that OSU has been the only school to take legal action. GDS Marketing has been working to consolidate those sites into what he called a "go-to website for all the Big Ten."

Visitors to [Buckeyeillustrated.com](#) as of Aug. 30 saw the message that the site was "experiencing technical difficulties."

Rumor mill grinding out word of deal for shuttered Corazon

The saga of the failed Corazon Club & Spa in Dublin may be winding down.

The Tartan West community surrounding the shuttered facility is hearing speculation that Marietta-based **Peoples Bank** may have a buyer willing to pay \$3 million for the property it holds.

Several sources told *Columbus Business First* an unidentified investor has the property in contract and an operator in tow for the complex's fitness club. The future of the rest of the operation is unknown.

Peoples did not return calls for this article.

Corazon, which cost more than \$20 million to develop, was shuttered in October 2008 after 18 months amid a faltering economy. Peoples, which lent \$8 million on the project, foreclosed on the loan that same month.

The club's fitness operation was reopened for a period by investors interested in reviving the entire health-and-wellness complex that anchored Tartan West. A court-appointed receiver put Corazon on the market in early 2009 but could not close a deal. Peoples took ownership through a sheriff's sale in October 2009.

The property went back on the market for awhile this year at \$6.5 million.

OhioHealth awarded custody after breakup of joint venture

OhioHealth Corp. is taking over four urgent-care centers after settling a lawsuit with its former partners in a fractious joint venture. America's Urgent Care sites in Dublin, Lewis Center, Grove City and east Columbus likely will have their names changed soon, OhioHealth spokesman Mark Hopkins said.

Ambulatory Care Affiliates Ltd., owned by two emergency doctors, formed the joint venture with OhioHealth in 1997 and sued in

2008, saying OhioHealth was unfairly competing by opening **Dublin Methodist Hospital** and siphoning traffic from the Dublin center. A judge's ruling in October tossed out that claim but let stand OhioHealth's counterclaim that it had the right to buy out Ambulatory Care, as well as claims that the company itself was unfairly competing and diverting business to new centers it had opened on its own.

William Todd, a lawyer for Ambulatory Care, said in a November e-mail to OhioHealth that the doctors wanted to settle by having each company take two sites.

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