

Wolf Trap Releases Statement Regarding Barns Controversy

January 19, 2012 by [Michael Dowling \(Edit\)](#)

The Wolf Trap Foundation has released an official statement regarding the lawsuit they have brought against the Barns of Rose Hill in Clarke County.

Notice of the statement was posted on the [foundation's Facebook page](#) which has received hundreds of scathing posts about the lawsuit throughout the day.

The letter has been posted in its entirety below.

STATEMENT BY THE WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS

As you may have heard, Wolf Trap is currently involved in a trademark dispute with the owner of a theater named 'The Barns of Rose Hill,' located in Berryville, Virginia. This matter has received coverage from local media outlets, and, unfortunately, this coverage has omitted relevant information on the background of this issue, and Wolf Trap's repeated and ongoing efforts to reach an amicable resolution with The Barns of Rose Hill.

Wolf Trap has no desire to force The Barns of Rose Hill out of business. This is strictly about trademarks, and the need to prevent consumer confusion in the marketplace. For over thirty years, Wolf Trap has operated a theater in Vienna, Virginia under the name 'THE BARNS AT WOLF TRAP' (which is also known simply as "THE BARNS"). As a matter of trademark law, if other performing arts theaters in northern Virginia use the name "THE BARNS," this presents a risk of consumer confusion. In the case of The Barns of Rose Hill, the risk of consumer confusion is particularly strong because the theater is located fewer than 50 miles from the Barns at Wolf Trap, and because the theater offers the same type of performing arts and education programs to the same potential customers as Wolf Trap.

Since September, Wolf Trap has repeatedly informed The Barns of Rose Hill that it would like to settle this amicably, and avoid litigation. We emphasized that we were not requesting any monetary payment from the Barns of Rose Hill, and that our only objective is to prevent consumer confusion. Thus, we are simply asking The Barns of Rose Hill to use a trademark other than "The Barns" as the name of its theater. In order to make The Barns of Rose Hill's transition to a new name as simple as possible, we have offered The Barns of Rose Hill a generous phase-out period to make this change. The Barns of Rose Hill retained outside counsel, and refused to engage in any dialogue with us.

Again, to be clear, Wolf Trap is not trying to prevent The Barns of Rose Hill from operating a performing arts theater in Berryville. In fact, we are excited about the addition of a new theater in northern Virginia, and we trust that the Barns of Rose Hill shares our goal of promoting and facilitating education, culture, and performing arts activities for both adults and children.

Wolf Trap remains hopeful that the parties will be able to resolve this issue in the very near future, and we look forward to engaging in productive settlement discussions with The Barns of Rose Hill in the days ahead.

Filed Under: [Feature](#)

Comments

M says:
[January 19, 2012 at 5:09 pm \(Edit\)](#)



Wow they moved from stupid to arrogant elitists in one easy step.

Richie Blick says:
[January 19, 2012 at 5:25 pm \(Edit\)](#)



Well one thing is for sure, our screams were noticed. I have 2653 likes in 24 hours on the facebook page. And hundreds of e-mail sent and deleted from Wolf Trap, plus Washington Post coverage and other outlets (CDN was FIRST!). Good rally everyone!

Let's see what The Barns people have to say about this hogwash.

Richie Blick says:

[January 19, 2012 at 6:22 pm \(Edit\)](#)

oopse, typo, now 300 likes (not int he thousands, yet).



Tito says:

[January 19, 2012 at 5:39 pm \(Edit\)](#)

And by the looks of things, The Barns of Rose Hill will still need to come up with another name. So I guess everyone should start thinking of new names!



DAWN PRICE says:

[January 19, 2012 at 5:41 pm \(Edit\)](#)

I LOVE ME SOME BARNs IN BERRYVILLE



CCR says:

[January 19, 2012 at 5:49 pm \(Edit\)](#)

Hopefully the big networks pick it up too!!! Everyone needs to know what's going on. Public opinion could show the "confusion" the Big Bad Wolf is worried about is not an issue. I never related "the Barns" with Wolf Trap. BUT now every time I hear "Wolf Trap" I think "Big Bad Wolf"...



Shaun Broy says:

[January 19, 2012 at 6:10 pm \(Edit\)](#)

"The Barns" is a term so generic that most of us can recall the old farm not too far down the street being referred to as "The Barns of Old Man Huff" or "The Barns of Valley View"... etc... This is like saying you can't call Clarke County High School, unless you change the name to Clarke County School Building or something without merit. "The Barns of Rose Hill" certainly do not make me pause for even a second and never has in associating it with Wolf Trap. The name is significant due to the location and it's history. This is crazy to even initially think up such a mess and unfortunate considering all the heart put into restoring the barns for the benefit of it's community. It seems more logical for Wolf Trap to be initiating possible joint ventures and events to promote the arts in general. I see "The Barns of Rose Hill" as a possible partner of Wolf Trap, which would serve the greater community by promoting Wolf Trap's schedule and mission. It has now only gained disgust and disappointment from a strong willed community that ultimately will have their voice heard... loud and clear.

Who's Afraid of The BIG BAD WOLF?!?! I recommend that those of us who are passionate and proud members of the community to JUST SAY NO TO WOLF TRAP and toss any promotional materials regarding the upcoming season and events directly into the nearest trash bin. Then write a letter to the editor of every newspaper you can think of explaining what you just did and why you did it!



Harrdware says:

[January 19, 2012 at 6:21 pm \(Edit\)](#)

How about "Rose Hill Barns"
It would be close enough to the old name & not upset Big Brother Barns



David Bain says:

[January 19, 2012 at 10:18 pm \(Edit\)](#)

How about "Them Barns of Rose Hill" to both give it a Berryville charm as well as immortalize this ridiculous dispute!



Kim says:

[January 19, 2012 at 11:14 pm \(Edit\)](#)

Why should The Barns of Rose Hill have to give in to something so ridiculous?

And I just can't understand for a second, how anyone could confuse the two? I'd LOVE to see a REAL explantation from Wolf Trap as to how that could happen?

I'd also NEVER heard Wolf Trap referred to anything other than Wolf Trap.



Emily says:

[January 19, 2012 at 6:48 pm \(Edit\)](#)

Rose Hill Barns? Wolf Trap is being tacky.



headwest says:

[January 19, 2012 at 7:27 pm \(Edit\)](#)

I think the initials for Wolf Trap Foundation say it all.



boomer says:

[January 19, 2012 at 7:37 pm \(Edit\)](#)

I just left Wolf Trap a review on Yelp (under Vienna, Virginia). One to Five stars — up to you.



Lucy says:

[January 19, 2012 at 7:42 pm \(Edit\)](#)

the folks at Wolf Trap have too much time on their hands. They need to find something constructive to do. I resent taxpayer dollars being spent on such nonsense. The volunteers at Berryville worked long and hard to raise funds and restore the barns at Berryville, shame on Wolf Trap. I will no longer be attending Wolf Trap.



chip schutte says:

[January 19, 2012 at 8:38 pm \(Edit\)](#)

I just want to say this statement by Wolf Trap is patently untrue. I serve on the Board of the Barns at Rose Hill, and the head of our Board, Anne Lesman, has written numerous letters to Wolf Trap since we received notice of this suit back in early october, seeking to open some line of communication, and until the stories in the Star & Post came out, we received no response from Wolf Trap. Only since those stories came out, has Wolf trap made any attempt to contact the Barns at Rose Hill. Nobody knows what's going to happen-the tone of the announcement makes it seem like the suit will go on, but they certainly can hear the howling going on, so thanks, everybody. And a special shout-out to Richie blick and his Wolf Tar/bully Facebook page.



Mary L. C. Daniel says:

[January 19, 2012 at 8:45 pm \(Edit\)](#)

Lucy, I agree and just sent the same sentiment to Congressman Frank Wolf. (Perhaps he has an infringement suit to file against Wolf Trap?). They are giving our tax dollars to Arent Fox. Please contact Rep. Wolf: <http://wolf.house.gov/index.cfm?sectionid=383>. And of course, Wolf Trap directly.



Cheryl Levi says:

[January 19, 2012 at 9:08 pm \(Edit\)](#)

Wow I have seen many Big name bands perform at Wolf trap, Does that mean they will be in Berryville performing? I think not !! Grow up. Better yet, the Wolf needs to keep their Trap shut...



D Dunning says:

[January 19, 2012 at 9:11 pm \(Edit\)](#)

I have enjoyed " The Trap" but will not forget the bully attitude it has taken toward our "Barns". The barns at Rose Hill are original to their site in Berryville.Unlike a wealthy womans' notion to move 2 barns from New England some 60 years ago to create the Big Bad Wolf Trap.....



In our country there are barns with multipurpose uses scattered across our landscape.The idea that a group of Clarke Countians were sitting around a table thinking of a name for 2 old barns on the Rose Hill Farm that are a part of the town of Berryville would think beyond the Barns of Rose Hill is just silly. It was a simple truthfull acknowledgement to what they were. There is no way that that group of people would deliberately try to pick up on Wolf Trap's glory.

In the long process of the rennovation and opening of "the Barns" I think the powers of Wolf Trap should take note that the monies and efforts were local to our county in most part. Our citizens should be, and remain proud of those diehard workers who brought it together. We as a county need to stand behind the Board and the Barns. The idea that Wolf Trap owns the name"The Barns is ridiculous and shame on anyone to claim that they have that right !!!

Hmmm... says:

[January 20, 2012 at 1:05 pm \(Edit\)](#)

At least get the facts correct. The "Barns at Wolf Trap" were moved from New York (not New England) in 1981 (not 60 years ago).



Josh Ball says:

[January 19, 2012 at 10:38 pm \(Edit\)](#)

The last thing I think of when I hear "The Barns" is Wolf Trap. They are being ridiculous. I for one am glad all our Berryvillians have a home for the arts. It's about time, the fair grounds were getting worn out.



Richie Blick says:

[January 20, 2012 at 12:43 pm \(Edit\)](#)

There is NO trademark approval that we can find for "The Barns"...

[http://www.facebook.com/L.php?](http://www.facebook.com/L.php?u=http%3A%2F%2Farr.uspto.gov%2Fervlet%2Farr%3Fregser%3Dserial%26entry%3D85442316&h=SAQF8Dq5QAQGYUHUrFmLS8QfPbg)

[u=http%3A%2F%2Farr.uspto.gov%2Fervlet%2Farr%3Fregser%3Dserial%26entry%3D85442316&h=SAQF8Dq5QAQGYUHUrFmLS8QfPbg](http://www.facebook.com/L.php?u=http%3A%2F%2Farr.uspto.gov%2Fervlet%2Farr%3Fregser%3Dserial%26entry%3D85442316&h=SAQF8Dq5QAQGYUHUrFmLS8QfPbg)



Bubba says:

[January 20, 2012 at 4:01 pm \(Edit\)](#)

No, but "The Barns at Wolf Trap" was registered in 2001.



HH says:

[January 21, 2012 at 9:55 am \(Edit\)](#)

They are so silly! If we wanted to name it "The Barns at Wolf Trap" I would see the problem!



Michelle says:

[January 20, 2012 at 1:42 pm \(Edit\)](#)

"My grandmother, what inconsistencies you have between your press release and your original legal document, not to mention the facts!"

"The better to manipulate the public with my dear!"



Dave M says:

[January 20, 2012 at 4:55 pm \(Edit\)](#)

How can Wolf Trap own "The Barns"? They can own "The Barns at Wolf Trap"; Shakespeare had it correct in Henry VI, PT 2



Brenda L. Barr says:

[January 20, 2012 at 8:03 pm \(Edit\)](#)

Whelp..... any publicity is good publicity. Let's hope this goes big, way BIG.



shane burke says:

[January 21, 2012 at 12:08 am \(Edit\)](#)

are they going to sue barnes and noble... ?

barney fife would be pissed

or more than one pottery barn

or barns at wesleyan hills

barns at thorpe market

barns at timber creek

now im going to get sued for saying barns to much



P Friess says:

[January 21, 2012 at 10:38 am \(Edit\)](#)

How is The Barns at Wolf Trap = The Barns of Rose Hill ? AND throughout their response they refer to themselves simply as Wolf Trap. I for one have tossed my brochure – they can remove us from the mailing list – shame on you wolfftrap ... no one likes a bully



kevin marcy says:

[January 21, 2012 at 12:52 pm \(Edit\)](#)

if it's always referred to as "The Barns of Rose Hill" and never as just "The Barns", there will never be any confusion. The compromise is to always insert "of Rose Hill".



A says:

[January 24, 2012 at 9:30 am \(Edit\)](#)

The name really isn't what matters anymore, both The Barns and Wolf Trap know that it isn't actually doing any harm to anyone. It's the principle at this point. Berryville refuses to run away with their tail between their legs and you can bet that they will not go down without a fight.

Anyways, whether or not they manage to bully us into a name change, I, personally, will always refer to them as The Barns.



n3utr0nRU says:

[January 24, 2012 at 2:54 pm \(Edit\)](#)

Allowing someone to trademark "the barns" is ambiguous and foolish. I have doubts as to whether the application can pass because there are tons of cases for similarly ambiguous being removed from or disallowed trademark status. Next, WT will try to trademark "amphitheater" and "arts", and then try to litigate against the ability use those commonplace words. Pure foolishness.

The Barns of Rose Hill should file a simple & inexpensive "letter of protest" before publication (section 1715 of the Trademark Manual) It is my understanding that there is a 30 day period of publication where trademarks can be challenged by those with a claim/damages due to the allowance of a positive decision.



[Return to top of page](#)

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