

ARTIST MR. CHRISTOPHER RADKO WINS LEGAL CHALLENGE REGARDING FAIR USE OF HIS NAME FOR LAUNCH OF HEARTFULLY YOURS TM LINE

NEW YORK , NEW YORK, USA, March 25, 2022 /EINPresswire.com/ -- In a story of life imitating art, straight out of "Miracle on 34th Street," artist Mr. Christopher Radko faced down a preliminary injunction challenging the fair use of his name with regards to the launch of his new line of original ornaments. The U.S Federal Court in New York denied the motion brought by Rauch Industries Inc., the owner of the Christopher Radko® brand.

The motion sought to prohibit Mr. Radko from using his name in association with his all seasons and holiday ornaments business, despite the expiration of his non-compete agreement with Rauch Industries as of August 15, 2021.

Although Mr. Radko has refrained from directly addressing the specifics of the ongoing case, court documents made public following the ruling state: "Though Mr. Radko sold the right to use his name as a trademark, the parties expressly agreed that he would not use his name commercially only until August 2021. After that date, he is within his rights to advertise his affiliation with any company selling seasonal décor. Moreover, there are repeated disclaimers on the website and social media pages of Heartfully Yours, which clarify that Mr. Radko is not connected to the Christopher Radko mark itself."

Mr. Radko's legal representative reiterated, "The non-compete agreement with Rauch Industries ended as of last year. Mr. Radko has established a completely different brand and only identifies himself in a fair use-manner to inform the public who is the artist designing HeARTfully



Artist Mr. Christopher Radko

Yours™."

Court documents also observed that: "At oral argument, Plaintiff insisted that Mr. Radko could not be permitted to use his name in connection with his business, going so far as to say that he would have to change his name or use "John Doe" in order to continue to promote Heartfully Yours. The Court finds this suggestion implausible. So long as Mr. Radko continues to use his name, as he has, in a manner other than as a mark, he does not infringe on Plaintiff's registered trademark."

The Judge concluded by stating that: "the Court cannot find that Plaintiff has shown a likelihood of success on the merits on its breach of contract, trademark infringement, or related state law claims or that sufficiently serious questions going to the merits of these claims make them a fair ground for litigation. As such, Plaintiff's Motion for a Preliminary Injunction is DENIED."

Following the ruling, Mr. Radko also released his own statement: "The spirit and heart of Christmas is my passion and my purpose for starting this boutique new company," Radko said. "This is not just a business to me. It has to have heart. I am very pleased with the Court's decision and will continue spreading the joy of the holidays and the special moments of everyone's lives through my new collection of HeARTfully Yours™ ornaments."

Meanwhile, HeARTfully Yours™ is being bolstered by popular consumer and collector demand and is the first collection of ornaments that Mr. Radko himself actually designed in 15 years. Mr. Radko stated, "Many people retire in



Heartfully Yours 2022



Artist's rendition United in HOPE

their 60s, but I get to start a whole new act three in my life, and it will be the best one ever!"

ABOUT

Mr. Christopher Radko is the celebrated artist whose ravishing glass-blown ornaments have for decades adorned homes worldwide. He has emerged from a 15 year hiatus with a brand new line called HeARTfully Yours™. Christopher's passion for creating these unique collectibles was born from a Christmas mishap when his family decked their 14-ft Christmas tree with heirloom glass ornaments. The new stand on which it was mounted collapsed under the weight and shattered almost everything. His grandmother told him, "You've ruined Christmas forever!"

Distraught and determined to rectify the situation, Christopher found a glassblowing factory to recreate the pieces from his sketches and some original designs. As family and friends learned of the incident and saw Christopher's new ornaments, they all clamored to purchase some for themselves, encouraging him to create more and launch an eponymous brand in 1986. The brand accumulated countless A-list celebrity fans throughout the succeeding decades.

In 2005, Christopher sold the brand to Rauch Industries, Inc.

The all-new HeARTfully Yours™ line is being met with raves by eager fans, both old and new. And making the new pieces even more remarkable is how Christopher dedicates a portion of his profits to worthy causes, including heart disease, breast cancer, AIDS research and food insecurity, and now, Ukraine relief. He says, "My ornaments go the extra mile by raising much-needed funds for these vital non-profits and programs." Today both long-time collectors and new fans are rejoicing that Christopher has returned to his roots with this all-new HeARTfully Yours™ collection of ornaments that make holiday memories genuinely unforgettable.

Dorothy Mannfolk

Mannfolk PR

+1 3234602622

[email us here](#)

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