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You Don't Mess with Joe Beck: Kilpatrick Attorney Wins Case over 'The Zohan'

By Andrew Longstreth

Call us uncultured boors, but we have yet to see "You Don't Mess With the Zohan," the Adam Sandler movie about a former Mossad agent who turns up in Queens as a hair stylist and tries to promote peace and understanding among Israelis and Arabs in his neighborhood. So it was hard for us to know how similar Zohan is to a character known as Jayms Blonde, a gay former U.S. Navy Seal turned hairdresser/secret agent. But according to Manhattan federal district court judge William Pauley III, the similarities aren't all that substantial. On Wednesday, he dismissed a copyright infringement and unfair competition case brought by Robert Cabell, the creator of the Blonde character, against Sony Pictures Entertainment and others behind the Zohan movie, including the screenwriters Sandler, Robert Smigel, and Judd Apatow.

Joseph Beck of Kilpatrick Stockton, a well-known copyright attorney, represented the defendants. "We always believed this case was completely without merit and knew our rights would be upheld once the facts were presented to the court," said Beck, who added that he was pleased the case got resolved before costly discovery took place.

A little background on the case: Cabell is the creator of several works, including novels, featuring the Blonde character. And in some of the images associated with those works, Blonde wields a blow dryer as if it were a weapon as does Zohan. But Judge Pauley found that wielding a blow dryer as if it were a weapon is an idea that cannot be protected by copyright. On top of that, the judge found differences between the images.

"Blonde holds a blow dryer that purports to be a 'mini Uzi blow dryer' with a black muzzle—-a real weapon disguised as a blow dryer," he wrote. "In contrast, Zohan's blow dryer is just that, with glowing red heating elements visible in its muzzle."

Aside from the fact that both Zohan and Blonde are former soldiers who continue to use their military skills as hairdressers, Judge Pauley also didn't see many similarities in the storylines of the characters. "Blonde and his sidekick use specialized weapons, including an Uzi submachine gun disguised as a blow dryer, hot curler hand grenades, a laser beam teasing comb, and liquid nitrogen hair spray," he wrote. "In contrast, Zohan is a womanizing Israeli who fakes his own death so he can cease being a secret agent. Zohan wants to be a hairdresser so that he can make women's hair 'silky smooth' and becomes successful by enthusiastically romancing his clientele of mature women. Zohan has no aspirations to be a secret agent, no sidekick, and no specialized weapons."

Another big difference between Blond and the Zohan, of course, is their sexuality. "While Zohan's sexuality is the subject of humor in You Don't Mess With the Zohan, the jokes play off his exuberant desire for the opposite sex," wrote Judge Pauley. "An average lay observer would not mistake Zohan's escapades with his elderly female clients for any of Blonde's amorous activities."

Leo Kayser III of Kayser & Redfern, an attorney for Cabell, did not return a call for comment.

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