

News+Views

FRONT LINE

What's in a Name?

The legal question of whose workouts can be called Pilates has become the soap opera of the exercise world. By Judith Zimmer

Some still call it Pilates (pronounced "Pi-lah-teez"); others use the phrase "the p word." Nobody calls it a laughing matter. In the last few years, the right to teach what's been for decades an effective though on-the-fringe stretching and strengthening program has been the subject of an extensive legal battle—all because of its name. That may sound silly, but the affair has become a serious one, costing purveyors of the technique exorbitant legal fees and threatening their livelihoods.

Other members of the fitness industry haven't been immune, either. Several people we spoke to in researching this article asked that their identities be kept confidential, and even journalists have received letters from the organization that lays claim to the Pilates name, reminding them that it can't be used except under very specific conditions. To make matters more complex, the advent of the mind-body movement in exercise has brought Pilates a recent surge in popularity, upping the stakes considerably. "It's as if a big asteroid fell out of the sky and landed in your living

room," says Deborah Lessen, who runs an exercise studio in New York City and has been sued by the current owner of the Pilates name for trademark infringement. She goes to court sometime this fall.

Humble beginnings

The legacy of Pilates has always been somewhat unclear. A German immigrant who settled in New York City, Joseph Pilates, created the program during the 1920s. Centered on the development of pelvic stability and abdominal control in order to improve flexibility, strength and joint mobility, it involves both floor exercises and pulley-assisted moves performed on specially designed machines, including one known as the Reformer. Pilates himself called his system "contrology" and placed his name only on his studio in Manhattan. The exercises first became popular among dancers as a method of deep-conditioning the body and recovering from injury. In the course of 40 years, Pilates had 10 to 12 protégés, who went on to open their own studios around the country and to train other teachers.

When the founder died in 1967, Romana Kryzanowska, who had studied with Pilates in the 1960s, ran the studio. She didn't begin the process of registering the trademark until 1982. Then, a few years later—

when aerobics was the rage and the New York studio wasn't doing well—she let the trademark lapse. She sold the business to the owner of Isotoner gloves, although she retained her connections with the studio itself. Isotoner was then taken over by a conglomerate. By the late 1980s, a businessman named Wee Tai Hom held the trademark.

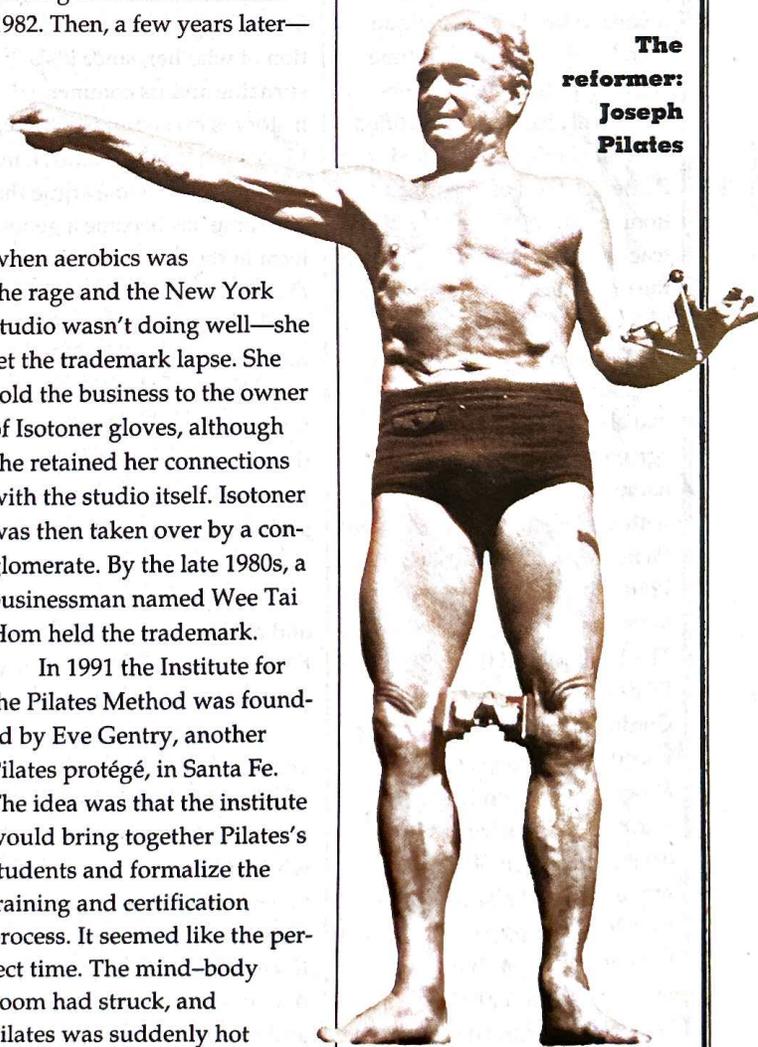
In 1991 the Institute for the Pilates Method was founded by Eve Gentry, another Pilates protégé, in Santa Fe. The idea was that the institute would bring together Pilates's students and formalize the training and certification process. It seemed like the perfect time. The mind-body boom had struck, and Pilates was suddenly hot

again. The institute made an attempt to get the federal registration of the name overturned. But it didn't get very far; the name had been sold yet again.

Courting trouble

Enter Sean Gallagher. A New York City physical therapist, he bought Wee Tai Hom's share in the Pilates trademark in 1992 and about a year later began to sue practitioners for

The reformer: Joseph Pilates





Photos courtesy of Current Concepts Corp.

AS A RESULT OF GALLAGHER'S LITIGIOUS ACTIONS, HE ESTIMATES THAT ABOUT 20 PEOPLE HAVE AGREED NOT TO USE THE PILATES NAME.

trademark infringement. According to Gallagher, who's in the process of franchising the business, he and Romana Kryzanowska are protecting Joseph Pilates's legacy. He points out that Pilates wanted no one to teach the technique who hadn't been his full-time student for three years. Currently only instructors certified in Gallagher's trademarked Pilates Method of Body Conditioning can call the system they teach by that name. They're also the only ones who are licensed to use the trademark in ads.

As a result of Gallagher's litigious actions, he estimates that about 20 people have agreed not to use the Pilates name. Two that have settled with him are the Institute for the Pilates Method (now called the Physicalmind Institute, it refers to its Pilates-style workout as The Method) and the Joseph H. Pilates Foundation of Rancho Cordova, California (its future is uncertain). Skirting litigation altogether, Canyon Ranch in Tucson, Arizona, has taken to calling its version of the technique Body in Balance. Ken Endelman, whose company, Current Concepts, built machines for Joseph Pilates's protégés, has named the exercise

system he developed with Elizabeth Larkam the Balanced Body Method. Yet he hasn't escaped Gallagher's wrath; his case goes to trial after Deborah Lessen's.

What will happen to the trademark remains to be seen. Still under debate is the question of whether, since it's a surname and its commercial history is exceedingly murky, Pilates is a legal trademark in the first place. Some argue that the name has become a generic term in the exercise world and thus isn't eligible for trademark protection. In the meantime, the legal conflict is wreaking havoc on the lives of fitness professionals. Many of them feel strongly that Pilates is a splendid tool and talk passionately about its future. They claim that there are a number of ways to teach the technique and always have been; Pilates himself encouraged creativity on the part of his instructors.

In a sense, Sean Gallagher and everyone else involved with the program want the same thing: to see that the work of Joseph Pilates endures. "It should be a time of integration, not separation," says Karma Kientzler, vice president of fitness development and movement therapy at

Canyon Ranch. "There's room for him to work with us, and for us to work with him. People are delicate human beings and they are being abused by

this fight." How ironic that a mind-body technique that fosters strength, tranquillity and peace is turning these very qualities upside down.

BRIEFLY

The Sports Scoop

If you're not ready for the actual eight-day, multisport Eco-Challenge, there's always the Eco-Challenge Adventure School: three days of climbing, ocean kayaking, orienteering and mountain biking in the Santa Monica Mountains of California. For info, call 310-553-8855....Is Miracle Sports Water really miraculous? The makers, citing a study conducted at the University of Southern California, claim their electrolyte-enhanced beverage hits the bloodstream faster than Gatorade. Although that might not be a miracle, it does make the drink a good option if you're looking to replace fluids but not carbohydrates. Miracle Sports Water has none....**New research on chromium picolinate flies in the face of all the previous hype. According to a two-month study of 36 men by the USDA, the supplement had no muscle-building or weight-reducing effects....Proof that health clubs are getting more and more sports-minded:** The Sports Center at Chelsea Piers, a tony and fairly new club in Manhattan, is now offering Triathlon Training Camp classes two evenings a week and, one night a week, a skills-and-drills session known as Basketball Body....**"Family adventure vacations" is not an oxymoron. You can do everything from trek to scuba dive with kids, according to Christine Loomis, author of the new book Fodor's Family Adventures. Inside: the goods on 200 outfitters, resource lists and travel tips that only a mother of three could come up with.**

