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Fight for slogan shows yes, it can be done

UFW wins 'Sí, se puede' rights; airline, others quit

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The United Farm Workers of America has won the legal right to its slogan "Sí, se puede," fending off MCI, NationsBank and AeroMéxico in using the rallying cry that 26 years ago inspired the Chicano movement and the fight for farmworkers' rights, the union said

Monday.

The Mexican airline, AeroMéxico, after months of litigation, this month abandoned its application for a trademark that would have incorporated the famous phrase — that UFW leader Cesar Chavez used to persuade farmworkers that "Yes, it can be done" — into its own marketing slogan, said UFW attorney Brooke Oliver.

"As Latinos become a substantial force in the marketplace, companies are looking for ways to appeal to that

segment of the population," Oliver said. "They are eager to use 'Sí, se puede' because of they know how strong a motivation it is."

NationsBank, which operates mostly in the Eastern U.S., has agreed to drop its use of the UFW slogan, which it had run in magazines. The union has made the same request of communication giant MCI, which has been using it on TV commercials. AeroMéxico had not used it yet in the U.S.

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Yes, UFW can win rights to slogan

■ SLOGAN

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"Sí, se puede" wasn't meant to sell airline tickets, bank loans or long distance service, Oliver said. It was meant to strengthen hope into resolve.

"Sí, se puede" became the union slogan in 1972, during a 25-day fast by Chavez to protest unconstitutional anti-farmworker labor laws in Arizona, according to the UFW.

Field hands, skeptical about an uphill battle against established growers, would respond to the 10-year-old union's organizing speeches by saying "no se puede" — that it couldn't be done. The immediate response of UFW co-founder Dolores Huerta of "sí, se puede" eventually became the battle cry of the UFW and its supporters.

More than catch-phrase

Over the years, "Sí, se puede" became more than a three-word catch-phrase that simply means "yes, it can be done." From those sunbaked fields of Arizona where Chavez exhorted a stoop-labor force to fight for decent wages and working conditions, the cry was taken up by young Mexican-American students in promoting "Chicano power" on college and high school campuses and activists demanding social changes. Dom-

estic studies at Santa Clara University

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— Ramon Chacon, director of ethnic studies at Santa Clara University

walls sported pictures of Argentinian revolutionary Che Guevara and the highly stylized black eagle of the UFW, along with the slogans "Viva la huelga" and "Sí, se puede."

"In time it came to symbolize Cesar Chavez, our greatest role model so far, just like if someone mentions 'I have a dream' it evokes Martin Luther King," said Manuel Benarmin, a professor of Chicano studies at Fresno State University.

Benarmin thinks that the phrase "Sí, se puede" came out of Chavez's early experience in San Jose's East Side barrio known as "Sal si puedes," which is translated as "Get out if you can."

While the UFW was quick to apply for a trademark for its black eagle flag, Oliver said, the union did nothing until recently to safeguard its intellectual property. The UFW was in the process of applying for trademarks for such slogans as "Viva la huelga" (Long live the strike), and "Con union se vive mejor" (One lives better with unity), when it learned

that AeroMéxico had applied for a trademark for "Sí, se puede," Oliver said.

AeroMéxico filed for the "Sí, se puede" trademark in June 1996, claiming that since it was operating in a different industry the slogan would not be confusingly similar, Oliver said. But a survey in San Francisco and Los Angeles by an independent marketing firm showed that 51 percent of respondents in the Latino community would conclude that any company that used "Sí, se puede" in advertising was endorsed by the UFW.

Overcoming obstacles

"'Sí, se puede' is symbolic to many Spanish speakers," said Ramon Chacon, director of ethnic studies at Santa Clara University. "It implies more than it says, and the union is using it in regard to the tremendous obstacles it overcame and the effort it took to find success."

The union filed its protest a year later, and the airline answered in Sep-

tember 1997. Then, this month, a settlement was reached before the matter went to court, Oliver said.

"They decided that it wasn't worth pursuing," Oliver said. The UFW prevailed in its trademark battle because it established three points, Oliver said. The UFW demonstrated that it was the first to use the term, that it had never quit using it and that the use of "Sí, se puede" by anyone else would confuse the public, she said.

The issue of confusion was especially important in the context of air travel, Oliver said, because the UFW itself had used the slogan in offers of discount air fare it offered union members.

Trading on good will

While it's natural that companies turn to whatever promotes sales, there are limits, Oliver said.

"A number of big companies are using 'Sí, se puede' in their ads to take advantage of the years of good will built by the UFW for their own purposes," said Oliver.

The UFW would consider licensing others to use "Sí, se puede" if companies agreed to channel some of their profits to benefit the union, Oliver said. If a company, for example, sponsored an educational center that reached the Latino community, that would benefit farm workers, she added.