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St. Roch Market operators settle trademark dispute with city

Updated 1:56 PM; Posted Jun 27, 4:57 PM

CHRIS GRANGER

The front exterior of the renovated St. Roch Market on St. Claude Avenue in New Orleans on Tuesday, April 7, 2015. (Photo by Chris Granger, Nola.com | The Times-Picayune) CHRIS GRANGER



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By [Kevin Litten, NOLA.com | The Times-Picayune](#)

The operator of St. Roch Market has reached a settlement with New Orleans officials over the use of the city-owned landmark's name in Miami. Bayou Secret, the business that oversees vendors at the St. Claude Avenue building, had plans for St. Roch Market locations in Chicago and Nashville, Tennessee.

The settlement follows a 2018 lawsuit the city filed against Bayou Secret in federal court after it discovered the operator was using the St. Roch name on a similar food hall in Miami. City officials said Bayou Secret was using the name without permission and was also selling merchandise with the St. Roch Market logo. A district judge ruled in favor of the city, and developers were pursuing an appeal of that ruling before a settlement was reached.

The market site reopened in 2014 after an extensive renovation to correct damage inflicted during Hurricane Katrina. Instead of managing it directly, the city struck a deal with Bayou Secret, whose principals include entrepreneurs Will Donaldson, Barre Tanguis and David Donaldson, restaurateur Surin Techarukpong and an entity linked to investor Randy Fertel.

Under the settlement, Bayou Secret will pay the city \$10 to license the name of the food hall through the end of the year at its Miami location, after which they will have to change the name. Until the name is changed, Bayou Secret will also have to pay the city \$2 for each St. Roch Market hat and T-shirt they sell.

City officials successfully sued over that usage, obtaining a preliminary injunction last year to prevent the company from opening any other locations bearing the St. Roch Market name. The city also applied for a federal trademark to further protect the St. Roch Market name; the application is pending.

"They are not allowed to use it any place else other than right here on St. Claude," said Dani Galloway, operations director the New Orleans Building Corp. The agency acts as a landlord for commercial city property. If Bayou Secret continues to use the name outside of the St. Claude Avenue location, the city can cancel their lease at St. Claude.

Bayou Secret had also planned to use the St. Roch Market brand at its Central Business District development on Magazine Street, but its sign was immediately taken down and the site renamed Auction House, company attorney Sharonda Williams told the court in a June 2018 hearing.

"They've attempted to be good partners with the city, and there is no attempt to blur the lines and make St. Roch Market used all over the city of New Orleans," Williams said.

Attorneys for Bayou Secret did not respond to an interview request. After this article was published, St. Roch co-owner Will Donaldson issued the following statement:

"We don't intend to open up additional locations using the name St. Roch Market. That was never the intent at Auction House Market," Donaldson said. "In February 2019 we relaunched our company under a new name, Politan Group, to avoid any further confusion. The recent news reflects our desire to move on, and, given that the issue is now resolved, any thoughts the NOBC may have regarding its ownership of a name no longer involve us. Politan Group is committed to improving opportunities for chefs to get off the ground, and we are hopeful our updated branding will prevent further distraction. We are proud of our continued work at St. Roch Market, and also look forward to opening food halls across the country as Politan Row, including our recent opening in Chicago and our upcoming opening in Houston."

U.S. District Judge Sarah Vance saw it differently. In her ruling, Vance wrote, "the evidence suggests that defendants intend to capitalize on the goodwill and reputation developed by (the city)." She went on to cite a number of references to the St. Roch Market and New Orleans in marketing materials for the Miami location, which stated, "This popular New Orleans food hall has made its way down to Miami."

"This evidence indicates that defendants seek to use the mark in bad faith," Vance wrote.

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