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## BUSINESSMEDIA & MARKETING

# Paramount Sues Company Behind McDowell's Pop-Up, Citing 'Coming to America' Infringement

In the 1988 film starring Eddie Murphy, the McDowell's restaurant was a running joke, a competitor of McDonald's with a 'Big Mick' and 'golden arcs'



*By Talal Ansari*

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A pop-up restaurant that paid homage to the 1980s classic comedy “Coming to America” now faces a lawsuit from Paramount Pictures over copyright infringement.

JMC Pop Ups LLC created a temporary version of McDowell's, the fictional fast-food burger place in the 1988 film starring Eddie Murphy and Arsenio Hall. In the movie, Mr. Murphy's character, Prince Akeem Joffer, gets a job at the restaurant and falls in love with the owner's daughter.

McDowell's itself, a restaurant operated by small-business owner Cleo McDowell, is a tongue-in-cheek gag throughout the film. It is patterned after McDonald's MCD **-0.76%** ▼ with golden

“arcs” in place of McDonald’s signature arches and a “Big Mick” burger rather than a Big Mac. The Big Mick, unlike the Big Mac, comes on a seedless bun.

Its owner, played by actor John Amos in the film, is constantly wary of being sued, at one point saying, “Me and the McDonald’s people, we got this little misunderstanding.” At another point, after he’s told that people are there to see him, he says, “They’re not from McDonald’s, are they?”



Paramount Pictures is suing JMC in the Copyright Claims Board, a newly created tribunal that stems from a 2020 law and caps infringement claims at \$30,000. Paramount is asking for \$30,000 plus lawyers’ fees because of the alleged infringement of “Coming to America.”

JMC, which creates themed restaurants and bars associated with television shows and movies, had run the McDowell’s pop-up for about two weeks in May and June in Springfield, Va., a suburb of Washington, D.C., and last April in Cherry Hill, N.J., a suburb of Philadelphia, Paramount said.

“The McDowell’s pop-up was a creative celebration of a fake restaurant,” said John Powell, a lawyer representing JMC. Mr. Powell said the pop-up didn’t infringe on Paramount’s registered trademarks or copyrights, and couldn’t have harmed their business. “JMC is disappointed by Paramount’s heavy-handed response to fans of its films,” he said.

The film studio, a division of Paramount Global, [PARA -0.42% ▼](#) which also owns the CBS network and streaming service Paramount+, said in a Wednesday filing that JMC misused Paramount Pictures’ intellectual property and infringed on copyrighted materials from its works. It cited the re-creation of the McDowell’s restaurant and use of its menu and character names and likenesses. Paramount said “Coming to America” remains popular despite

premiering over three decades ago. It released a sequel, “Coming 2 America,” on Amazon Prime in March 2021.

This year’s pop-up restaurant, which sold tickets for entry, had the logo from McDowell’s throughout and a menu featuring food items mentioned in the movie, including the Big Mick. Workers wore uniforms that matched those in the movie, and the pop-up sold merchandise, according to Paramount’s filing.



Cleo McDowell and his restaurant appear in the 2021 sequel, “Coming 2 America.” In that film, there is a McDowell’s restaurant in Zamunda, the fictional African country that Prince Akeem is from. Mr. Amos reprises his character, picking up the gag where he left off 33 years ago. “They’ve got Egg McMuffins, we’ve got Egg McStuffins,” he says. They also introduce a plant-based burger, the “Beyond Big Mick.”

“It almost was like Paramount was taunting McDonald’s to sue over McDowell’s and now, instead of McDowell’s being a joke about infringement, Paramount is actually now turning into a plaintiff,” said Eric Goldman, an associate dean and professor at Santa Clara University School of Law who specializes in internet law and intellectual property. “That to me is really the biggest gag here.”

A lawyer representing Paramount before the copyright board declined to comment.

JMC’s business homes in on pop-culture favorites, with a “Galaxy Burger and Beyond” pop-up in Pennsylvania, which it described as a “1:1 scale replica of the Millennium Falcon Cockpit,” a spaceship in the “Star Wars” movie franchise. It also opened “Moe’s Tavern” pop-ups modeled after the bar in “The Simpsons,” and a “Paddy’s Pub” event inspired by the bar where the characters of the show “It’s Always Sunny in Philadelphia” work.

Companies have gone after events created for or by fans that are based on their content before. Earlier this year, Paramount Global’s Viacom International won a lawsuit against a company for trademark infringement over The Rusty Krab, a “SpongeBob SquarePants”-themed restaurant in Houston. And in August, Oprah Winfrey’s production company sued the creators of the “Oprahdemics” podcast, saying they used her name without a license.

Paramount also took issue with the food served by the McDowell’s pop-up. “To make matters worse, the quality of the food is in serious question, as consumers have reported feeling discomfort after eating at the infringing restaurant,” its claim said.

“People aren’t going to McDowell’s for the best food. They’re going for the joke and everyone knows that,” Mr. Goldman, the professor, said. “It’s unfortunate that Paramount couldn’t find a way to embrace the fandom.”

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