













Droit de la Propriété Intellectuelle

Faire la « Nike » à la propriété intellectuelle

Les histoires vraies sont parfois plus abracadabrantes que les contes les plus fantaisistes. Un authentique communiqué de la société Nike [annexe 1] explique qu'en 1971, un certain Phil Knight croise par hasard Carolyn Davidson, étudiante en arts graphiques, et lui demande si elle ne veut pas réaliser un travail pour sa société. Elle accepte. La société s'appelle Blue Ribbon Sports. Elle fabrique des chaussures de sport, et son directeur souhaite que ces chaussures soient griffées, par un *design* qui suggère le mouvement. Carolyn Davidson crée ce *design*, et se fait rémunérer 35 \$.

A partir de 1972, ce graphisme orne systématiquement toutes les chaussures produites. Ce *design* deviendra internationalement connu sous le nom « Swoosh »... et la société plus connue sous le nom Nike. Phil Knight en est aujourd'hui le *Chairman of the Board of Directors*. La marque Nike est classée par Interbrand à la vingt-neuvième place des marques mondiales, estimée à douze milliards de dollars.

2. Best Global Brands

2007 Rank	2006 Rank	Brand	Country of origin	Sector	2007 Brand Value (\$m)	Change in brand value
21	20	Samsung 	Republic of Korea	Consumer Electronics	16,853	4%
22	21	Merrill Lynch 	US	Financial Services	14,343	10%
23	28	HSBC 	UK	Financial Services	13,563	17%
24	23	Nescafé 	Switzerland	Beverages	12,950	4%
25	26	Sony 	Japan	Consumer Electronics	12,907	10%
26	22	Pepsi 	US	Beverages	12,888	2%
27	29	Oracle 	US	Computer Software	12,448	9%
28	32	UPS 	US	Transportation	12,013	12%
29	31	Nike 	US	Sporting Goods	12,004	10%
30	27	Budweiser 	US	Alcohol	11,652	0%
31	25	Dell 	US	Computer Hardware	11,554	-6%
32	33	JPMorgan 	US	Financial Services	11,433	12%

Carolyn Davidson n'a pas seulement réalisé ce *design* devenu fameux. Elle a travaillé sur des publicités, des catalogues, des dépliants, etc. jusqu'à ce qu'elle n'arrive plus à suivre le rythme de l'expansion de Nike. La société s'est alors tournée vers une agence spécialisée.

En septembre 1983, alors que la collaboration avait cessé depuis un moment, Carolyn est invitée par Phil à lui rendre visite chez Nike. Elle est accueillie par un sympathique repas, avec des cadeaux. Phil lui offre une bague en or de la forme du Swoosh, sertie d'un diamant. Et une enveloppe avec des actions Nike...

Imaginons que l'histoire se soit passée en France :

- Quelle est votre analyse de la situation juridique ? (en particulier, qui est titulaire des droits ?)
- Selon votre réponse, que pensez-vous du choix de la société Nike de gratifier ainsi Carolyn Davidson ?

heritage

Players

- [Bill Bowerman](#)
- [Phil Knight](#)
- [Jeff Johnson](#)
- [Steve Prefontaine](#)

Origin of the Swoosh

Timeline

origin of the swoosh

It is one of the most recognized symbols in the world - The Swoosh. Simple. Fluid. Fast.



In 1971 company founder Phil Knight was supplementing his modest income from his fledgling Blue Ribbon Sports, Inc., by teaching an accounting class at Portland State University. There he met Carolyn Davidson, a graphic design student, who was working on a drawing assignment in the hallway. Knight offered to pay her a couple of bucks an hour if she would do some design work for his small company.

"Representatives from Japan were coming for a presentation and Phil wanted some charts and graphs to show them," recalls Davidson. "I did some design work for him, and then one day he asked me if I wanted to work on a shoe stripe. He said he needed more inventory control."



According to Davidson, Knight wanted a design that suggested movement. She let flow the creative juices and came back to him with numerous designs. None captivated his imagination.

However, Knight was staring down a deadline. Shoe boxes in Mexico were waiting to be printed. He needed a logo. He needed a decision. So he grabbed her rendering of the Swoosh, telling Davidson, "I don't love it, but it will grow on me."

Being fresh out of school with a design degree, and hungry for work, Davidson submitted her bill for \$35 for the Swoosh design. She continued to design for the newly renamed company Nike, including ads, brochures, posters and catalogues. The company's growth was exponential, and there came a point when her one-person design shop was too small to handle Nike's advertising needs. Nike and Davidson agreed it was time for a full-service ad agency.

But the Swoosh creator didn't just ride off into the sunset. Davidson got a telephone call one day in September 1983, inviting her to have lunch and touch base again with a few of the people she used to work with at Nike, including Knight. When she arrived, much to her surprise, she was greeted with a catered lunch and was presented with a gold Swoosh ring embedded with a diamond. She also received a certificate from Knight and an envelope containing Nike stock.

How much stock remains a secret between Knight and her. "The stock has split three times since I received it, so I can definitely say that I have been well compensated for my design," she says. "You must remember too, that this was something rather special for Phil to do, because I originally billed him and he paid that invoice."

Davidson still lives in Portland, Oregon. She's married, the mother of two grown sons and a proud grandmother. She retired from graphic design after 29 years and is now pursuing varied interests and doing the volunteer work that she couldn't do while running her one-woman business and raising her family. One day a week you will find her at one of her favorite places to volunteer, the Ronald McDonald House at Emanuel Hospital.

And we're fairly certain that the Swoosh grew on Phil.