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Mary Martino, owner of Wonderland Costumes, is in a legal battle with the Teletubby creators, who claim she rented a costume using their copyrighted likenesses without obtaining permission.



STAFF PHOTO/ROB ALARY

Teletubby makers fighting 'theft'

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undertakes periodically in major cities such as Toronto, New York and Los Angeles.

"Unfortunately there are a number of people out there who try to take advantage of other people's success and violate the law and steal other people's properties," he said.

But the York Region women said they stopped carrying the costumes as soon as they were notified they were illegal. Both said they can't afford to pay \$10,000 and their livelihoods will be ruined if the lawsuits proceed.

"I can't even afford to hire a lawyer," said Mary Martino, sole owner and operator of Wonderland Costumes Inc. in Richmond Hill. Martino said copyright lawyers want a \$10,000 retainer to represent her.

"I can't even defend myself," she said, in tears. Recently widowed, Annelise Khan said she hasn't slept for a month since being served with the lawsuit, fearing she'll lose Hollywood Costumes, her family's only source of income.

"I'm so scared," said the elderly Khan, who runs the Thornhill shop with the help of two of her daughters, Lili and Shannon.

Both stores stock a variety of adult-sized costumes of familiar figures such as Batman and Superman, but — unlike the others — the Teletubby outfits weren't licensed.

Small stores such as Martino's and Khan's often purchase costumes to rent from flea markets and private individuals. When they acquired the Teletubbies, they didn't check to see if they were licensed, they admitted.

In Richmond Hill, Martino's troubles started after she obtained a Laa Laa costume from a children's entertainer, who asked her to store it and gave her permission to rent it out if someone requested it.

Martino rented it only twice during the year that she kept it. "Basically it sat here, gathering dust."

She suspects one of the customers was a Teletubby investigator.

Martino said she returned the ensemble to its owner at his request days before being served legal documents for the suit, June 8.

But that doesn't matter to the company. It has served her with a double-barreled action — against her company and her personally.

Khan's Thornhill store, which isn't incorporated, purchased costumes of Tinky Winky and Po in January from an entertainer. The Khans said the get-ups rented 13 times for \$95 a pop and they offered to pay the profits to the Teletubbies' companies, to no avail.

Specifically, the suits seek \$100,000 per trademark for damages, \$100,000 per trademark for infringement, \$25,000 per copyright infringement and \$25,000 for punitive.

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