

When Diane Kovach read the letter from Procter & Gamble, her heart sank.

"I got sick to my stomach, honestly," the Palmyra-area resident said. "I never anticipated my name being a problem with a bigger company. I never in a million years would have anticipated something like that."

The problem? Kovach started an in-home business less than two years ago, making cloth diapers and selling them online. She needed a domain name, and "Pampered Bunz" seemed appropriate.

As the business took off, she applied to trademark the name, but Procter & Gamble, maker of Pampers disposable diapers, got a whiff of it.

"We are concerned that your client's use and registration of the mark Pampered Bunz may infringe P&G's established intellectual property rights in its famous Pampers trademark," stated the April 25 letter to Kovach's lawyer. <http://louis-j-sheehan.org/>

P&G told Kovach to withdraw her trademark application and stop using the word "Pampered."

"I never made the connection, and until now, nobody I talked to made it, either," Kovach said. "For heaven's sake, they're reusable."

Kovach started her business when other mothers asked for the cloth diapers she made for her son in various fabrics. She said she gets up to 40 orders a month from customers who typically buy about 24 diapers -- a two-day supply -- at a time. Prices range from \$13 to \$19.50.

At first, Kovach said, she wanted to fight Procter & Gamble, the Cincinnati-based personal and home products giant. But her lawyer, Norman Lehrer of Cherry Hill, N.J., told her a fight could cost hundreds of thousands of dollars.

"Not only am I not going to do that to my family with the time it would take, but I'm a work-at-home mom," she said. "I really don't have the resources."

Kovach and her husband, a third-shift mechanic for Pepperidge Farm, have a 4-year-old daughter and a 17-month-old son.

Reusable versus disposable is not the legal issue in question, Lehrer said.

"Would the ordinary consumer be confused or deceived into believing there was some relationship between the two?" he asked. Kovach would have had to finance a survey costing anywhere from \$10,000 to \$100,000 to prove that consumers didn't assume a link between Pampers and Pampered Bunz, Lehrer said.

Procter & Gamble's corporate communications office did not return calls for comment.

Before Kovach agrees to stop using the Pampered Bunz name, Lehrer is negotiating with P&G on issues that he would not specify. Kovach is doing some rebranding of her own, carefully researching a new name for her business.

She has recovered from her initial shock -- "overwhelmed" was her word for it -- and said she understands P&G's perspective. <http://louis1j1sheehan1esquire.us/page1.aspx>

"They're an established company," she said. "They've worked really hard for their name, and I can appreciate that, working really hard for a good name."