**Restaurant cedes to Idaho Potato Commission on name change**

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After a trademark clash with the Idaho Potato Commission, Boise-based Idaho Fry Co., a new restaurant in the city, changed its name to Boise Fry Co.

Saying it had to protect the federal certification mark the Eagle-based commission holds for Idaho’s potato products, the commission, through the state, issued a cease and desist order for the restaurant’s use of the name. At the time, the restaurant’s owners resisted changing the name.

“I think both parties started playing defense after the story broke, when in actuality we were only two or three weeks away from a resolution,” said Blake Lingle, co-owner of the restaurant, in a news release.

When the restaurant’s owners realized they would not be able to afford to argue the case in court, they decided to think of a new name. While they waited for the commission to approve their ‘Boise Fry Co.’ proposal, they threw around the idea of holding a name competition to let their customers decide the restaurant’s new name.

Once the commission agreed to Boise Fry Co., Muir said the owners settled on the name within a few days.

The commission offered to pay for a portion of the cost to change signage and marketing materials for the restaurant, but its owners turned down the offer — at first. With this final agreement, both sides have agreed that the commission will reimburse Boise Fry Co. for costs associated with the name change.

“From the beginning, we did not want this to be a financial burden for the company because we felt they were not intentionally trying to use a trademarked name, so we offered to pay the hard costs for the name change,” Muir said. Muir was clear to note that the commission is paying for the costs of the name change, not paying the restaurant to change its name.

Boise Fry Co. is also required to identify the state of origin of the potatoes used in different items on the menu, and must use Idaho potatoes as much as possible, in addition to specialty potatoes from other states.

“We recognize they’ve got a unique model here that uses potatoes not only from Idaho, but from other states,” said Frank Muir, president of the association. “So we both have reached what we wanted to do.”

Muir said the commission was never trying to persuade the restaurant to use only Idaho potatoes, but just wanted the restaurant to use the Idaho name in a way that complied with the trademark conditions. If Boise Fry Co. had wanted to be a licensee of the Idaho potatoes seal, however, it would need to serve 100% Idaho potatoes.

“The agreement reached is very similar in spirit to what has been on the table since the beginning,” Muir said. “The commission offered to pay for the cost of changing the name whether they’re 100% Idaho or not.”