

Brad D. Rose  
Dyan Finguerra-DuCharme  
Ryan S. Klarberg  
PRYOR CASHMAN LLP  
7 Times Square  
New York, New York 10036  
Tel: (212) 421-4100  
*Attorneys for Plaintiffs*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BEYONCÉ GISELLE KNOWLES-CARTER, BGK  
TRADEMARK HOLDINGS LLC, KANYE WEST,  
MASCOTTE HOLDINGS, INC., PHARRELL  
WILLIAMS, ROBYN RIHANNA FENTY, RORAJ  
TRADE, LLC and SHAWN CARTER,

Plaintiffs,

- against -

ELEVEN LLC d/b/a ELEVENPARIS, ELEVEN SAS  
d/b/a ELEVENPARIS, ELEVEN SARL d/b/a  
ELEVENPARIS, ELEVEN PARIS USA OPERATION  
INC., ABC COMPANY 1 d/b/a ELEVENPARIS NEW  
YORK RETAIL STORE, ABC COMPANY 2 d/b/a  
ELEVENPARIS NEW YORK SHOWROOM, ABC  
COMPANY 3 d/b/a ELEVENPARIS LOS ANGELES  
SHOWROOM, XYZ COMPANY and 123 COMPANY,

Defendants.

Civil Action No. \_\_\_\_\_

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

Plaintiffs Beyoncé Giselle Knowles-Carter (“Beyoncé”), BGK Trademark Holdings LLC, Kanye West (“Kanye”), Mascotte Holdings, Inc., Pharrell Williams (“Pharrell”), Robyn Rihanna Fenty (“Rihanna”), Roraj Trade, LLC and Shawn Carter p/k/a “Jay Z” (“Jay Z”) (collectively, “Plaintiffs”), by their attorneys Pryor Cashman LLP, allege as follows against Defendants Eleven LLC d/b/a ELEVENPARIS, Eleven SAS d/b/a ELEVENPARIS, Eleven SARL d/b/a ELEVENPARIS, ELEVEN PARIS USA Operation Inc., ABC Company 1 d/b/a

ELEVENPARIS New York Retail Store, ABC Company 2 d/b/a ELEVENPARIS New York Showroom, ABC Company 3 d/b/a ELEVENPARIS Los Angeles Showroom, XYZ Company and 123 Company (collectively, the “Defendants” or “ELEVENPARIS”):

**NATURE OF ACTION**

1. This is an action for right of publicity violations, willful trademark infringement, unfair competition and dilution, among a score of other blatant statutory and common law violations. Defendants have willfully traded upon the goodwill and notoriety of Plaintiffs, arguably some of the most famous musical artists and entrepreneurs in the world. Without hesitation, Defendants have repeatedly usurped Plaintiffs’ names, images, likenesses and/or trademarks for the sole purpose of profiting from the sale of unauthorized and infringing products, including, but not limited to, t-shirts, tank tops, sweatshirts, hats, backpacks and cell phone cases. Representative examples of Defendants’ infringing products are displayed below:



**Unauthorized Use of  
Beyoncé's Image**



**Unauthorized Use of  
Pharrell's Image**



**Unauthorized Use of  
Jay Z's Image**



**Unauthorized Use of Rihanna's Image**



**Unauthorized Use of Rihanna's Image**



**Unauthorized Use of Kanye's Image**



**Unauthorized Use of Kanye West's Name**



**Unauthorized Use of Kanye West's Name & Year of Birth**



**Unauthorized Use of Kanye West's Name & Year of Birth**



**Unauthorized Use of Pharrell's Name**



**Unauthorized Use of Pharrell's Name & Year of Birth**



**Unauthorized Uses of of Pharrell's Images**



**Additional Unauthorized Products Using Plaintiffs' Names or Pseudonyms,**  
(e.g. "HOVA" is pseudonym for Jay Z and partial title of his single "Izzo (H.O.V.A.)")  
**and Using Numbers Closely Associated with Plaintiffs**  
(e.g. "99" is reference to Jay Z's music single "99 Problems")  
(e.g. "88" represents Rihanna's 1988 year of birth).

2. Some of Defendants' unauthorized clothing also displays lyrics from Plaintiffs' respective copyright-protected musical compositions on the back, which further creates a false association with Plaintiffs. Displayed below are true and correct representative examples of two of Defendants' infringing products bearing, respectively, (i) Beyoncé's image on the front and the lyrics from her 2009 single *Diva* on the back (namely, the lyrics "A DIVA IS A FEMALE VERSION OF A HUSTLER"), and (ii) Rihanna's image on the front and Rihanna's lyrics from the 2009 single *Run This Town* on the back (namely, the lyrics "BREAK THE RULES SO I DON'T CARE"):



**Front of Infringing T-Shirt  
Displays Beyoncé's Image**



**Back of Infringing T-Shirt  
Displays Beyoncé's Lyrics**



**Front of Infringing T-Shirt  
Displays Rihanna's Image**



**Back of Infringing T-Shirt  
Displays Rihanna's Lyrics**

True and correct representative examples of Defendants' unauthorized and infringing products are also included in [Exhibit A](#).

3. Defendants display, promote and advertise their infringing products and purposefully use marks that are confusingly similar to Plaintiffs' respective trademarks. Upon information and belief, Defendants have adopted marks that are nearly identical to Plaintiffs' famous trademarks to falsely designate Plaintiffs as the source of the Defendants' unauthorized products. For example, Defendants prominently use the mark CAYONCE on the hangtag of an infringing product that bears Beyoncé's image and music lyrics. A true and correct image of the hang tag displaying the CAYONCE mark is displayed below:



Without doubt, the CAYONCE mark is nearly identical in sight and sound to the BEYONCÉ mark and is intended to create the same commercial impression, namely, to conjure up an association with Beyoncé.

4. Even after receiving warnings from Plaintiffs to cease and desist from selling the infringing products and to further cease and desist from using Plaintiffs' names, images, likenesses and/or trademarks (or any marks colorably similar thereto), Defendants continue to sell unauthorized products and to trade upon the goodwill associated with Plaintiffs, all for Defendants' profit. Most egregiously, as of the date of the filing of this Complaint, Defendants' ELEVENPARIS store located in New York City boldly offers for sale dozens of infringing merchandise including, but not limited to, the t-shirts and bags shown in the images above. The sale of this merchandise is in direct contravention of both a written agreement with at least one Plaintiff, as well as ongoing settlement discussions in which Defendants have represented and warranted that they are no longer selling infringing merchandise anywhere in the world.

5. Defendants' intention to continue to willfully infringe upon Plaintiffs' rights is further manifested by the introduction into the marketplace of two new infringing t-shirts that prominently display the phrases "KANYE IS MY HOMIE" and "PHARRELL IS MY BROTHA," as well as additional infringing t-shirts, women's tops, sneakers, hats and backpacks.

*See Ex. A.*

6. Defendants brazenly market and promote these new infringing products on the front homepage of their <elevenparis.com> retail website, as shown below, as well as in their New York City store:



7. Defendants' actions have caused and are causing immediate and irreparable harm to Plaintiffs. To redress the harm Defendants are causing to Plaintiffs and to the public, Plaintiffs bring claims for violations of the right of privacy and publicity under New York Civil Rights Law §§ 50 and 51; unfair competition under Section 43(a) of the United States Trademark Act of 1946, as amended (the "Lanham Act"), 15 U.S.C. § 1125(a); trademark infringement under Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1); trademark dilution under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), and related claims under New York's statutory and common law. Plaintiffs Beyoncé and BGK Trademark Holdings LLC also bring a claim for breach of contract against Defendants. Plaintiffs seek injunctive and monetary relief on account of Defendants' egregious, willful and wanton activities, including exemplary damages, attorneys' fees and costs.

**PARTIES**

8. Plaintiff Beyoncé Giselle Knowles-Carter (“Beyoncé”) is a citizen and resident of the State of New York.

9. Plaintiff BGK Trademark Holdings LLC (“BGK”) is a Delaware limited liability company with its principal place of business in New York, New York.

10. Plaintiff Kanye West (“Kanye”) is a citizen and resident of the State of California.

11. Plaintiff Mascotte Holdings, Inc. (“Mascotte Holdings”) is a California corporation with its principal place of business in New York, New York.

12. Plaintiff Pharrell Williams (“Pharrell”) is a citizen and resident of the State of California.

13. Plaintiff Robyn Rihanna Fenty (“Rihanna”) is a citizen and resident of the State of California.

14. Plaintiff Roraj Trade, LLC (“Roraj Trade”) is a New York limited liability company with its principal place of business in New York.

15. Plaintiff Shawn Carter (“Jay Z”) is a citizen and resident of the State of New York.

16. Upon information and belief, defendant Eleven LLC is a French limited liability company with an address at 3 Rue Du Turbigo, Paris 75002, France, and is engaged in commerce in the United States including within this judicial district under the ELEVENPARIS name. Upon information and belief, Eleven LLC owns and operates an ELEVENPARIS New York retail store at 6 Prince Street, New York, New York.

17. Upon information and belief, defendant Eleven SAS is a French legal entity with an address at 50 rue Etienne Marcel, Paris F-75002, France and is engaged in commerce in the United States including within this judicial district under the ELEVENPARIS name. Upon



information and belief, Eleven SAS owns and operates an ELEVENPARIS retail store at 6 Prince Street, New York, New York.

18. Upon information and belief, defendant Eleven SARL is a French legal entity with an address at 50 rue Etienne Marcel, Paris F-75002, France and is engaged in commerce in the United States including within this judicial district under the ELEVENPARIS name. Upon information and belief, Eleven SARL owns and operates an ELEVENPARIS New York retail store at 6 Prince Street, New York, New York.

19. Upon information and belief, defendant ELEVEN PARIS USA Operation Inc. is a California corporation with its principal place of business at 1418 Newton Street, Los Angeles, California 90021.

20. Upon information and belief, defendant ABC Company 1 d/b/a ELEVENPARIS New York Retail Store is engaged in commerce in the United States including within this judicial district with a principal place of business at 6 Prince Street, New York, New York 10012.

21. Upon information and belief, ABC Company 2 d/b/a ELEVENPARIS New York Showroom is engaged in commerce in the United States including within this judicial district with a principal place of business at 80 West 40<sup>th</sup> Street, New York, New York 10018.

22. Upon information and belief, ABC Company 3 d/b/a ELEVENPARIS Los Angeles Showroom is engaged in commerce in the United States with a principal place of business at 860 S. Los Angeles Street, #513, Los Angeles, California 90014.

23. Upon information and belief, defendant XYZ Company is an affiliate, subsidiary, licensee, manufacturer, retailer, wholesaler, or parent company of one or more of the other Defendants engaged in commerce in the United States with a principal place of business in the United States.

24. Upon information and belief, defendant 123 Company is an affiliate, subsidiary, licensee, manufacturer, retailer, wholesaler, or parent company of one or more of the other Defendants engaged in commerce in the United States with a principal place of business in France.

### **JURISDICTION AND VENUE**

25. Jurisdiction is proper in this Court pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1125, 1331, 1338(a) & (b) and 1367, because the action involves claims arising under the Lanham Act and related state law claims.

26. This Court has personal jurisdiction over Defendants because, upon information and belief, Defendants are doing business in New York (including with retailers such as Macy's and Bloomingdale's), contracted to supply goods or services in New York, the claims at issue arise out of their transaction of business and/or supplying goods and services directed to consumers residing in New York, and/or Defendants have committed infringing acts outside of New York causing injury to Plaintiffs in New York and/or Defendants regularly do or solicit business in New York and/or derive substantial revenue from goods used or services rendered in New York and/or expect or reasonably should expect their infringing conduct to have consequences in New York and derive substantial revenue from interstate commerce. These activities fall within the long-arm statute of the State of New York, CPLR §§ 301 and 302(a).

27. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because all Defendants are subject to personal jurisdiction in this District because they are transacting business and committing tortious acts within the State of New York and this District.

**FACTS COMMON TO ALL CLAIMS FOR RELIEF**

**I. Plaintiffs And Their Businesses**

a. Beyoncé Giselle Knowles-Carter and BGK Trademark Holdings LLC

28. Mrs. Carter, also known by her mononym Beyoncé, is an internationally renowned Grammy® Award-winning recording artist, performer, actress, fashion designer and entrepreneur. She is one of the most successful artists in the world, selling more than 140 million records as a solo artist worldwide, earning 20 Grammy® Awards including Best Female Pop Vocal Performance, Song of the Year and Best Female R&B Vocal Performance.

29. Beyoncé has also received nominations and awards for successes in fashion, philanthropy, television and film, including an Oscar® nomination for Best Performance by an Actress in a Motion Picture for her role in the film *Dreamgirls*.

30. Beyoncé is commonly regarded as an international fashion icon and influencer. She has been nominated as the Teen Choice Female Fashion Icon, and has partnered with several of world's top brands, including recently partnering with fashion brand TopShop to develop and launch a new line of clothing focusing on athletic street wear.

31. This past year, *Time* ranked Beyoncé number one on its list of the 100 Most Influential People, and *Forbes* identified her as the World's Most Powerful Celebrity.

32. Beyoncé has adorned the cover of hundreds of magazines, including, but not limited to, *Vogue*, *Time*, *Glamour*, *Vanity Fair*, *Billboard*, *Harper's Bazaar*, *Cosmopolitan*, *Elle*, *GQ* and *Rolling Stone* magazines.

33. Beyoncé's official merchandise, including clothing, cell phone cases, hats and backpacks sold under the BEYONCÉ mark and bearing images of Beyoncé, is offered for sale at <https://shop.beyonce.com>.

34. Beyoncé, through her company BGK, owns common law rights and several U.S. trademark registrations for the BEYONCÉ mark for use in connection with a wide variety of goods and services, including entertainment services, clothing, mobile digital electronic devices, fragrances and makeup. Among the registrations is U.S. Reg. No. 2,879,852 for use in connection with, *inter alia*, clothing, namely, shirts, sweaters, blouses, jackets, slacks, hats and caps. A true and accurate copy of the U.S. registration certificate for Reg. No. 2,879,852 is attached hereto as Exhibit B.

35. Through her success in music, fashion, and film, including her sold-out musical performances and platinum-selling albums, her international public and media appearances, and the solicited and unsolicited publicity she has received, the BEYONCÉ mark has become internationally famous and a substantial commercial asset.

b. Kanye West and Mascotte Holdings, Inc.

36. Kanye West is an internationally renowned Grammy® Award-winning musical artist, performer, media company owner, songwriter, producer, film director and fashion designer. Kanye first rose to fame as a producer for Roc-A-Fella Records, where he achieved recognition in 2001 for his work on Jay Z's album *The Blueprint*, as well as on hit singles for musical artists including Alicia Keys, Ludacris and Janet Jackson. To date, Kanye has released six full-length studio albums, has sold over 21 million albums and over 60 million digital songs, making him one of the best-selling artists of all-time. Just a few weeks ago, MTV honored Kanye with the Michael Jackson Video Vanguard Award, honoring "his career-spanning groundbreaking videos, legendary VMA performances, and continued impact on music, art, fashion, and culture."

37. Kanye's recognition expands well beyond the world of music -- Kanye sets trends for everything he touches. He has launched his own clothing lines, designed products with major

athletic apparel companies, including Nike and Adidas, and even designed high-end shoe lines for Louis Vuitton and Giuseppe Zanotti. Kanye also unveiled his new lines of clothing and sneakers under the YEEZY brand name at two separate shows during New York Fashion Week, including as recently as a September 2015 show, which was attended by titans in both the music and fashion industries and was broadcasted live at theaters in multiple cities across the United States and internationally.

38. Kanye has adorned the cover of hundreds of magazines, including, but not limited to, *Vogue*, *GQ*, *Time* and *Rolling Stone* magazines.

39. This past year, *Time* ranked Kanye on its list of the 100 Most Influential People and *Forbes* identified him on its annual Celebrity 100 list.

40. Kanye's official merchandise, including clothing sold under the KANYE WEST mark and bearing images of Kanye, is offered for sale at <<http://www.bravadousa.com/kanyewest>>. Kanye's line of sneakers sold under the YEEZY mark are offered for sale at <<http://www.adidas.com/us/yeezy>>.

41. Kanye, through his company Mascotte Holdings, own common law rights and numerous trademark registrations for the KANYE WEST mark throughout the world, including six in the United States, and has used the KANYE WEST mark in connection with a wide variety of goods and services since at least as early as February 2004. Among his registrations is U.S. Reg. No. 3,648,801 for use in connection with Class 25 clothing, namely, t-shirts, tank tops, and sweat shorts. A true and accurate copy of the U.S. registration certificate for Reg. No. 3,648,801 is attached hereto as Exhibit C.

42. Kanye also owns several pending U.S. trademark applications, including, but not limited to, Serial Nos. 86/052,406, 86/052,382, 86/052,394, 86/052,418, 86/052,376, and 86/052,433 for the CLOTHING BY KANYE WEST mark.

43. Kanye commonly refers to himself under the pseudonym YEEZY. Kanye also uses the YEEZY mark as the name of his clothing and sneaker lines. Kanye has used the YEEZY mark since at least as early as 2009 in the United States and owns common law rights in and to the YEEZY mark. Kanye owns several pending U.S. trademark applications for the YEEZY mark, including, but not limited to, Serial Nos. 86/029,738, 86/029,682, 86/029,771, 86/029,764, 86/029,757, 86/029,747, 86/029,731, 86/029,713, 86/029,703, 86/029,678, 86/029,667 and 86/029,657.

44. Through his success in music and fashion, including his sold-out musical performances and platinum-selling albums, his sold-out sneaker lines, his international public and media appearances, and the solicited and unsolicited publicity he has received, the KANYE WEST and YEEZY marks have become internationally famous and a substantial commercial asset.

c. Pharrell Williams

45. Pharrell Williams, also known by his mononym Pharrell, is an internationally renowned, Grammy® Award-winning musician, singer, songwriter, producer, fashion designer and entrepreneur, and he is one of the most influential multi-faceted talents to emerge during the last decade.

46. Pharrell has earned ten Grammy Awards, including two with the *Neptunes*. He currently owns a media venture that encompasses entertainment, music, fashion, and art called “i am OTHER,” a multimedia creative collective and record label that serves as an umbrella for all

of Pharrell's endeavors, including the clothing companies Billionaire Boys Club, Ice Cream apparel and Billionaire Girls Club and textile company Bionic Yarn. In addition to launching his own clothing lines, he has also designed products with major apparel companies, including Louis Vuitton, Moncler, G-Star Raw, Uniqlo and Adidas.

47. The recent phenomena of Pharrell's critically acclaimed song *Happy* and his distinctive, oversized mountain hat, which has sparked national media attention, illustrate Pharrell's unique style and vision in both music and fashion.

48. Pharrell has adorned the cover of hundreds of magazines, including, but not limited to, *Esquire*, *Billboard*, *Elle*, *GQ* and *Rolling Stone* magazines.

49. *Time* has identified Pharrell on its list of the World's 100 Most Influential People, and *Forbes* identified him on its annual Celebrity 100 list in 2015.

50. In 2015, Pharrell received the Fashion Icon Award from the Council of Fashion Designers of America for his outstanding contributions made to American fashion.

51. Pharrell's official merchandise, including clothing sold under the PHARRELL WILLIAMS mark and bearing images of Pharrell's distinctive, oversized mountain hat, is offered for sale at <http://pharrell.fanfire.com>.

52. Pharrell owns common law rights and U.S. trademark registrations for the PHARRELL WILLIAMS mark for use in connection with a wide variety of goods and services. *See, e.g.*, U.S. Reg. Nos. 4,659,818, 4,659,817 and 4,659,816. True and accurate copies of the U.S. registration certificates for the PHARRELL WILLIAMS marks are attached hereto as Exhibit D.

53. Pharrell also owns common law rights in and to the PHARRELL mark in the United States.

54. Through his success in music and fashion, including his sold-out musical performances and platinum-selling albums, his successful fashion lines, his international public and media appearances, and the solicited and unsolicited publicity he has received, Pharrell has become internationally famous and the famous PHARRELL WILLIAMS® mark has become a substantial commercial asset.

d. Robyn Rihanna Fenty and Roraj Trade, LLC

55. Ms. Fenty, also known by her mononym Rihanna, is a world-renowned Grammy® Award winning singer, songwriter, fashion designer and actress. She has sold over 41 million albums and 150 million songs worldwide, making her one of the best-selling music artists of all time. She has achieved 13 number-one singles on the *Billboard Hot 100* chart, becoming the youngest and fastest solo artist to accomplish this record. *Billboard* named her the Digital Songs Artist of the 2000s decade and the top Hot 100 artist of the 2010s decade.

56. In addition to her successful career in music, Rihanna has had considerable fame and success in the fashion industry, including, but not limited to: (i) receiving the Fashion Icon lifetime achievement award from the Council of Fashion Designers of America; (ii) serving as Puma's creative director, overseeing the brand's women's line that includes collaborations in apparel and footwear; (iii) serving as the new face of Dior, making her the first black woman to hold this coveted title; (iv) partnering with clothing company Stance, where she will design multiple seasons of a signature women's collection of socks; and (v) introducing a new fragrance called RIRI BY RIHANNA.

57. Rihanna has adorned the cover of hundreds of magazines, including, but not limited to, *Vogue*, *Glamour*, *Billboard*, *Harper's Bazaar*, *Cosmopolitan*, *Elle*, *GQ* and *Rolling Stone* magazines.



58. *Time* has identified Rihanna on its list of the World's 100 Most Influential People, and *Forbes* identified her on its annual Celebrity 100 list in 2015.

59. Rihanna's official merchandise, including clothing and cell phone cases sold under the RIHANNA mark and bearing images of Rihanna, is offered for sale at <<http://rihanna.fanfire.com>>.

60. Rihanna, through her company Roraj Trade, owns common law rights and several U.S. trademark registrations for the RIHANNA mark for use in connection with a wide variety of goods and services, including entertainment services, clothing, posters and perfumes. Among the registrations is U.S. Reg. No. 3,730,038 for use in connection with Class 25 t-shirts. A true and accurate copy of the U.S. registration certificate for Reg. No. 3,730,038 is attached hereto as Exhibit E.

61. Rihanna commonly refers to herself under the pseudonym "RiRi," and she is the owner of common law rights in and to the RIRI mark in the United States, using the RIRI mark as a designation of source for a wide variety of goods and services, including, but not limited to, her recently announced fragrance.

62. Through her success in music and fashion, including her sold-out musical performances and platinum-selling albums, her international public and media appearances, and the solicited and unsolicited publicity she has received, Rihanna has become internationally famous and the famous RIHANNA mark has become a substantial commercial asset.

e. Shawn Carter p/k/a Jay Z

63. Mr. Carter, commonly known by his stage names "Jay Z" and "Hova," is a Grammy® Award-winning musical artist, record producer, fashion designer and entrepreneur.

64. Jay Z is one of the most successful artists and entrepreneurs in the United States and worldwide, having sold more than 100 million records and earned 21 Grammy® Awards for his musical works, among a score of other awards for his accomplishments. As an artist, Jay Z holds the record for most number one albums by a solo artist on the *Billboard 200*.

65. *Time* magazine identified Jay Z on its list of the 100 Most Influential People, including a write-up about Jay Z by former NYC mayor Michael Bloomberg. This past year, *Forbes* magazine also ranked Jay Z on the 2015 Celebrity 100 list.

66. Jay Z is the former president of the record label Def Jam Recordings, co-founder of record label Roc-A-Fella Records, and the founder of Roc Nation, LLC, a renowned entertainment and sports company that represents some of the world's most popular musical artists. He also founded the sports agency Roc Nation Sports, a division of Roc Nation, LLC, which represents some of the world's most well-known and talented athletes in sports.

67. Jay Z also sets trends in the world of fashion and is co-creator of Rocawear, a clothing, footwear, fragrance and fashion accessories company. Since its founding in 1999, Rocawear has sold hundreds of millions of dollars in clothing and accessories.

68. Jay Z has adorned the cover of hundreds of magazines, including, but not limited to, *GQ*, *Vanity Fair*, *Time*, *Rolling Stone*, *Billboard*, *Life*, *Forbes* and *New York Times Style Magazine*.

69. Jay Z owns common law rights and U.S. trademark registrations for the JAY-Z mark for use in connection with a wide variety of goods and services. Among the registrations is U.S. Reg. No. 2,485,107 for use in connection with Class 25 clothing for men, women and children, namely, shirts, t-shirts, jackets, sweatshirts, jerseys, hats, caps, scarves and bandanas.

A true and accurate copy of the U.S. registration certificate for Reg. No. 2,485,107 is attached hereto as Exhibit F.

70. Jay Z commonly refers to himself under the pseudonym “Hova” and has used that name since at least as early as 2001 in the United States. HOVA is also the title for his 2001 hit single *Izzo (H.O.V.A.)*, which reached the top ten on the *Billboard Hot 100* in the United States.

71. Jay Z’s official merchandise, including clothing and cell phone cases sold under the JAY Z and HOVA marks and bearing images of Jay Z, is offered for sale at <http://jay-z.fanfire.com>.

72. Through his success in music, fashion and other industries, including his sold-out musical performances and platinum-selling albums, his international public and media appearances, and the solicited and unsolicited publicity he has received, Jay Z has become internationally famous and the famous JAY-Z mark has become a substantial commercial asset.

f. Plaintiffs’ Fame

73. Plaintiffs are the source of widespread unsolicited media attention wherever they go. They have adorned the cover of hundreds of magazines and have been the subject of thousands of articles, including *Rolling Stone*, *Billboard*, *Vogue*, *Elle*, *GQ*, *Harper’s Bazaar* and *Vanity Fair*, to name just a few publications.

74. Few artists have acquired the fame achieved by Plaintiffs. The widespread unsolicited media attention that Plaintiffs receive on a daily basis, and their unquestionable talent, has made each of the individual Plaintiffs household names.

75. Plaintiffs’ brands are strong commercial successes. In particular, goods and services offered for sale in connection with Plaintiffs’ respective marks have generated sales in the hundreds of millions of dollars. Plaintiffs are immensely popular with the general consuming

public as evidenced by, *inter alia*, their millions of Twitter and Instagram followers and millions of “likes” for their respective Facebook pages, not to mention their commercially successful concerts and albums.

76. Plaintiffs have each invested significantly in creating, maintaining and promoting the goodwill associated with their respective names, likenesses, brands and trademarks. Plaintiffs and their media, Internet and fashion partners have spent millions of dollars advertising and promoting goods and services offered in connection with their names, images, likenesses and intellectual property (including their trademarks and lyrics) throughout the world. In addition to traditional advertising, Plaintiffs market and promote their products and services through social media platforms such as Facebook, Instagram, Twitter and YouTube.

77. As a result of Plaintiffs’ extensive sales, advertising and promotional efforts, including in connection with the sale of clothing, and their consistent production of high quality goods and services, Plaintiffs’ respective marks are famous and have garnered goodwill of incalculable value.

## **II. Defendants and Their Infringing Activities**

78. Upon information and belief, Defendants own and operate brick-and-mortar retail stores and showrooms under the ELEVENPARIS brand name, including an ELEVENPARIS retail store located in Manhattan, New York.

79. Upon information and belief, Defendants own the domain name <elevenparis.com> and own and operate the retail website associated therewith (“Defendants’ Website”).

80. Upon information and belief, Defendants are habitual, willful intellectual property infringers that, without authorization, usurp the trademarks, copyrights and other rights of A-list

celebrities and world-recognized brands and deceive consumers into purchasing such products at the consumers' expense and for Defendants' profit.

81. Defendants are not authorized to manufacture, market, promote or sell products bearing Plaintiffs' names, images, likenesses or intellectual property.

82. Nevertheless, in a deliberate attempt to profit from the goodwill associated with each of the Plaintiffs and their respective names, images, likenesses and intellectual property, including their trademarks, Defendants manufacture, market, promote, exploit, offer for sale and/or sell products bearing Plaintiffs' names, images, likenesses and intellectual property. *See Ex. A.*

83. In addition to using Plaintiffs' actual marks, Defendants have also purposefully adopted word identifiers that are imitative of Plaintiffs' famous names. As examples, Defendants promote, market, offer for sale and have sold unauthorized products bearing, displaying and/or otherwise using the following names:

- a. CAYONCE, HEYONCE and QUEEN B (which is a pseudonym for Beyoncé);
- b. FANYE, HANYE, HEST and YEEZY (which is a pseudonym for Kanye);
- c. HOVA (which is a pseudonym for Jay Z);
- d. HIRI and RIRI (which is a pseudonym for Rihanna); and
- e. CARELL, HAREL, SAVREL and PW.

84. These names are derived from Plaintiffs' respective names and/or marks, as shown by use of these marks on apparel that also bear images of Plaintiffs.

85. Upon information and belief, Defendants willfully and intentionally trade upon the goodwill associated with Plaintiffs as individual artists and their famous names to sell products for a profit.

86. To make a further association between Plaintiffs and Defendants' goods, Defendants also use well-known lyrics from one or more of Plaintiffs' songs on unauthorized products offered for sale and sold. For example, a t-shirt bearing Beyoncé's image on the front prominently states lines from her *Diva* single on the back. *See supra* ¶ 1. Using Plaintiffs' well-known lyrics on Defendants' products heightens the likelihood that consumers would mistakenly believe that Plaintiffs are associated with, have sponsored, endorsed and/or are otherwise affiliated with Defendants and their goods and services.

87. Upon learning of Defendants' activities, Plaintiffs sent multiple letters to Defendants demanding that they permanently cease and desist from marketing, promoting, manufacturing, offering for sale and selling any products that use Plaintiffs' names, images, likenesses and/or intellectual property or that otherwise infringe or violate Plaintiffs' rights.

88. In willful disregard of Plaintiffs' intellectual property rights and the individual Plaintiffs' rights of publicity, of which Defendants were on actual notice, Defendants continued to market, promote, manufacture and offer for sale *new* products that infringe Plaintiffs' rights and cause consumer confusion. Such ongoing conduct reflects Defendants' defiance and willful intent to infringe and violate Plaintiffs' rights.

a. Plaintiffs Beyoncé and BGK's Agreement with Defendants and Defendants' Breach Thereof

89. Defendants entered into a confidential agreement with Plaintiffs Beyoncé and BGK Trademark Holdings LLC, fully executed in January 2015 (the "Agreement").

90. Upon information and belief, Defendants breached the terms and conditions of the Agreement by undertaking the actions set forth herein.

91. As a direct and proximate result of Defendants' breach of the Agreement, Plaintiffs Beyoncé and BGK have suffered damage to their reputations and damage to the goodwill of their respective trademarks.

92. Further, Plaintiffs Beyoncé and BGK are entitled to exemplary damages as a result of Defendants' breach of the Agreement.

### **III. Plaintiffs are Suffering Irreparable Harm**

93. Defendants have undertaken activities in connection with the sale and promotion of products that are likely to cause consumer confusion as to the source or origin of their goods. In particular, consumers are likely to mistakenly believe that Plaintiffs are the source of Defendants' products bearing Plaintiffs' names, images, likenesses and intellectual property, or at that minimum that Plaintiffs are affiliated with, sponsored or endorsed such products.

94. The likelihood of confusion, mistake and deception engendered by Defendants' sale of their infringing products, as well as the dilution of Plaintiffs' respective trademarks and the violations of the individual Plaintiffs' rights of publicity, are causing irreparable harm to Plaintiffs and the goodwill associated with Plaintiffs' brands and Plaintiffs' trademarks.

95. Upon information and belief, Defendants know, and at all relevant times knew, that consumers were likely to believe that Defendants' products bearing Plaintiffs' names, images, likenesses and intellectual property were authorized, sanctioned or licensed by Plaintiffs, even though they were not.

96. Upon information and belief, Defendants undertook the actions described herein with the deliberate intent to create a false impression as to the source, sponsorship and quality of Defendants' products and to dilute the distinctiveness of Plaintiffs' trademarks.

97. Defendants' conduct described herein is intentionally fraudulent, malicious, willful and wanton.

98. Defendants' conduct has greatly injured Plaintiffs, and if not enjoined, will continue to greatly injure Plaintiffs and their intellectual property.

99. Defendants' unlawful actions described herein commenced many years after Plaintiffs began using Plaintiffs' trademarks, many years after Plaintiffs and their respective trademarks had achieved worldwide fame and, in several cases, many years after Plaintiffs registered their trademarks in the United States.

100. Plaintiffs will suffer irreparable harm to their business reputations and the goodwill associated with their respective brands because they have no control over Defendants' products. This is even more so here because Defendants are luring consumers to purchase their products through their use of marks that are identical and/or confusingly similar to Plaintiffs' marks and their blatant use of Plaintiffs' names, images and likenesses on the products.

101. Plaintiffs will also suffer irreparable harm because use of the Plaintiffs' marks, and/or marks confusingly similar thereto, dilutes the distinctiveness of Plaintiffs' famous trademarks.

102. Defendants' aforesaid deceptive conduct is harming the public in addition to harming Plaintiffs and their brands.

**FIRST CLAIM**  
**VIOLATION OF RIGHT OF PUBLICITY**  
**AS CLAIMED BY PLAINTIFF BEYONCÉ**  
**NEW YORK CIVIL RIGHTS LAW §§ 50 AND 51**

103. Plaintiff Beyoncé hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.



104. Defendants have used Plaintiff Beyoncé's name, images and likeness within the State of New York for advertising and/or for the purpose of trade.

105. Defendants' use of Plaintiff Beyoncé's name, images and likeness has been without the written or oral authorization of Plaintiff Beyoncé or anyone authorized by her to give such authorization.

106. Defendants' use of Plaintiff Beyoncé's name, images and likeness has caused injury to her in an amount to be proven at trial.

107. Defendants' use of Plaintiff Beyoncé's name, images and likeness in the manner described herein is forbidden and/or unlawful pursuant to Section 50 of New York Civil Rights Law.

108. Plaintiff Beyoncé therefore demands exemplary damages under Section 51 of New York Civil Rights Law.

109. Furthermore, Section 51 of the New York Civil Rights Law provides a right to injunctive relief to restrain the unauthorized use of a person's name for purposes of advertising or trade purposes within New York State.

110. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Beyoncé, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

111. Plaintiff Beyoncé therefore demands that Defendants be enjoined and restrained pursuant to Section 51 of the Civil Rights law of the State of New York from using Plaintiff Beyoncé's name, images and likeness for advertising purposes or purposes of trade.

**SECOND CLAIM**  
**FEDERAL UNFAIR COMPETITION**  
**AS CLAIMED BY PLAINTIFF BEYONCÉ**  
**15 U.S.C. § 1125(A)**

112. Plaintiff Beyoncé hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

113. Defendants have used in commerce marks that are identical or are substantially similar to Plaintiff Beyoncé's name and trademarks.

114. Consumers identify each of Plaintiff Beyoncé's marks exclusively with her.

115. Defendants conduct as alleged herein is likely to cause confusion and/or to deceive users and consumers as to the origin, sponsorship, affiliation, connection and/or association of Plaintiff Beyoncé with Defendants' goods and/or services.

116. Plaintiff Beyoncé does not now and has never sponsored or approved or authorized Defendants' use of her marks.

117. Defendants' conduct is willful and deliberate and done with the intent to unfairly commercially benefit from the goodwill associated with Plaintiff Beyoncé personally, her brands and trademarks.

118. Defendants' unfair competition has caused and is causing great and irreparable harm and damage to Plaintiff Beyoncé, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

119. As a direct and proximate result of Defendants' wrongful acts, Plaintiff Beyoncé has suffered and continues to suffer and/or is likely to suffer damage to her trademarks, business reputation and goodwill. Defendants will continue to use, unless restrained, Plaintiff Beyoncé's marks, or marks confusingly similar thereto, and will cause irreparable damage to Plaintiff Beyoncé. Plaintiff Beyoncé has no adequate remedy at law and is entitled to an injunction

restraining Defendants, their respective officers, agents, and employees, and all persons acting in concert with Defendants, from engaging in further acts of infringement.

120. Plaintiff Beyoncé is further entitled to recover from Defendants the actual damages that she sustained and/or is likely to sustain as a result of Defendants' wrongful acts.

121. Plaintiff Beyoncé is further entitled to recover from Defendants the gains, profits and advantages that Defendants have obtained as a result of their wrongful acts.

122. Because of the willful nature of Defendants' wrongful acts, Plaintiff Beyoncé is entitled to an award of exemplary damages under the common law, and treble damages and increased profits under 15 U.S.C. § 1117.

**THIRD CLAIM**  
**DECEPTIVE ACTS AND PRACTICES**  
**AS CLAIMED BY PLAINTIFF BEYONCÉ**  
**NEW YORK GENERAL BUSINESS LAW § 349**

123. Plaintiff Beyoncé hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

124. Upon information and belief, Defendants, without Plaintiff Beyoncé's authorization or consent, and having knowledge of Plaintiff Beyoncé's rights to her intellectual property, offer and/or have offered goods for sale to the public in direct competition with Plaintiff Beyoncé.

125. Upon information and belief, Defendants' use of Plaintiff Beyoncé's marks and her name, images and likeness is likely to cause and is causing confusion, mistake and deception among the general purchasing public as to the origin of the Defendants' products, and is likely to deceive the public into believing that goods and/or services being offered for sale by Defendants originate from, are associated with, or are otherwise authorized by Plaintiff Beyoncé.

126. Upon information and belief, Defendants' deceptive acts and practices involve public sales activities of a recurring nature.

127. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Beyoncé, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

**FOURTH CLAIM**  
**UNJUST ENRICHMENT**  
**AS CLAIMED BY PLAINTIFF BEYONCÉ**

128. Plaintiff Beyoncé hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

129. Defendants have benefited from the unlawful and infringing use of Plaintiff Beyoncé's trademarks identified herein and her name, images and likeness because, upon information and belief, Defendants have derived and/or will derive substantial revenue from the sale of goods and/or the rendering of services offered and/or promoted on Defendants' Websites and in Defendants' brick-and-mortar stores and elsewhere through the use of Plaintiff Beyoncé's trademarks and her name, images and likeness.

130. It would be against equity and good conscience to allow Defendants to retain the substantial revenue and profits they have realized and/or will realize through their blatantly unlawful use of Plaintiff Beyoncé's trademarks and her name, images and likeness.

131. Defendants have been unjustly enriched by their unlawful use of Beyoncé's trademarks, name, images and likeness.

132. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Beyoncé, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

133. As a direct and proximate result of Defendants' actions as stated herein, Plaintiff Beyoncé has suffered damage to her reputation and damage to the goodwill of her trademarks. Further, Plaintiff Beyoncé is entitled to exemplary damages as a result of Defendants' malicious actions as described above.

**FIFTH CLAIM**  
**COMMON LAW UNFAIR COMPETITION**  
**AS CLAIMED BY PLAINTIFF BEYONCÉ**

134. Plaintiff Beyoncé hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

135. Plaintiff Beyoncé has expended substantial time, resources and effort to develop and obtain a strong reputation in the marketplace and enormous goodwill in her trademarks identified herein.

136. Defendants have infringed Plaintiff Beyoncé's trademarks by using marks confusingly similar to Plaintiff Beyoncé's trademarks. Defendants' unlawful acts are intended to capitalize on Plaintiff Beyoncé's goodwill for Defendants' own pecuniary gain.

137. Defendants' use of Plaintiff Beyoncé's trademarks, or marks confusingly similar thereto, is calculated to and is likely to create confusion and to deceive and mislead consumers into believing that Defendants' products originate with or are authorized by Plaintiff Beyoncé, and is likely to cause confusion as to the source of Defendants' products, all to the detriment of Plaintiff Beyoncé.

138. Defendants' acts as alleged herein constitute unfair competition and will, unless enjoined by the Court, continue to result in harm to the goodwill associated with Plaintiff Beyoncé's trademarks.

139. Upon information and belief, Defendants committed the acts alleged herein willfully and with the intent to confuse the public and to injure Plaintiff Beyoncé.

140. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Beyoncé, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

141. As a direct and proximate result of Defendants' actions as stated herein, Plaintiff Beyoncé has suffered damage to her reputation and damage to the goodwill of her trademarks. Further, Plaintiff Beyoncé is entitled to exemplary damages as a result of Defendants' malicious actions as described above.

**SIXTH CLAIM**  
**FEDERAL TRADEMARK INFRINGEMENT**  
**AS CLAIMED BY PLAINTIFF BGK**  
**15 U.S.C. § 1114**

142. Plaintiff BGK hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

143. Defendants have used in commerce, without Plaintiff BGK's permission, Plaintiff BGK's trademarks in a manner that is likely to cause confusion, mistake or deception with respect to Plaintiff BGK's trademarks, and is likely to cause confusion or mistake and to deceive purchasers as to the affiliation, connection, approval, sponsorship or association of Plaintiff BGK and/or its goods, services and commercial activities, on the one hand, with Defendants and/or their respective goods, services or commercial activities, on the other hand.

144. Defendants' acts constitute infringement of Plaintiff BGK's trademarks under 15 U.S.C. § 1114.

145. As a direct and proximate result of Defendants' wrongful acts, Plaintiff BGK has suffered and continues to suffer and/or is likely to suffer damage to its trademarks, business

reputation and goodwill. Defendants will continue to use, unless restrained, Plaintiff BGK's marks or marks confusingly similar thereto and will cause irreparable damage to Plaintiff BGK. Plaintiff BGK has no adequate remedy at law and is entitled to an injunction restraining Defendants, their respective officers, agents, and employees, and all persons acting in concert with Defendants, from engaging in further acts of infringement.

146. Plaintiff BGK is further entitled to recover from Defendants the actual damages that it sustained and/or is likely to sustain as a result of Defendants' wrongful acts.

147. Plaintiff BGK is further entitled to recover from Defendants the gains, profits and advantages that Defendants have obtained as a result of their wrongful acts.

148. Because of the willful nature of Defendants' wrongful acts, Plaintiff BGK is entitled to an award of exemplary damages under the common law, and treble damages and increased profits under 15 U.S.C. § 1117.

**SEVENTH CLAIM**  
**FEDERAL UNFAIR COMPETITION**  
**AS CLAIMED BY PLAINTIFF BGK**  
**15 U.S.C. § 1125(A)**

149. Plaintiff BGK hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

150. Defendants have used in commerce marks that are identical or are substantially similar to Plaintiff BGK's trademarks.

151. Consumers identify each of Plaintiff BGK's marks exclusively with it and/or BGK's owner Beyoncé.

152. Defendants conduct as alleged herein is likely to cause confusion and/or to deceive users and consumers as to the origin, sponsorship, affiliation, connection and/or association of Plaintiff BGK with Defendants' goods and/or services.

153. Plaintiff BGK does not now and has never sponsored or approved or authorized Defendants' use of its marks.

154. Defendants' conduct is willful and deliberate and done with the intent to unfairly commercially benefit from the goodwill associated with Plaintiff BGK and its trademarks.

155. Defendants' unfair competition has caused and is causing great and irreparable harm and damage to Plaintiff BGK, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

156. As a direct and proximate result of Defendants' wrongful acts, Plaintiff BGK has suffered and continues to suffer and/or is likely to suffer damage to its trademarks, business reputation and goodwill. Defendants will continue to use, unless restrained, Plaintiff BGK's marks, or marks confusingly similar thereto, and will cause irreparable damage to Plaintiff BGK. Plaintiff BGK has no adequate remedy at law and is entitled to an injunction restraining Defendants, their respective officers, agents, and employees, and all persons acting in concert with Defendants, from engaging in further acts of infringement.

157. Plaintiff BGK is further entitled to recover from Defendants the actual damages that it sustained and/or is likely to sustain as a result of Defendants' wrongful acts.

158. Plaintiff BGK is further entitled to recover from Defendants the gains, profits and advantages that Defendants have obtained as a result of their wrongful acts.

159. Because of the willful nature of Defendants' wrongful acts, Plaintiff BGK is entitled to an award of exemplary damages under the common law, and treble damages and increased profits under 15 U.S.C. § 1117.



**EIGHTH CLAIM**  
**FEDERAL TRADEMARK DILUTION**  
**AS CLAIMED BY PLAINTIFF BGK**  
**15 U.S.C. § 1125(C)**

160. Plaintiff BGK hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

161. Plaintiff BGK uses its famous trademarks to identify its goods and services before Defendants began promoting and offering goods and/or services under, or otherwise using, Plaintiff BGK's famous marks. Plaintiff BGK's famous trademarks identified herein are inherently distinctive and have acquired distinction through Plaintiff BGK's extensive, continuous and exclusive use of its marks.

162. Plaintiff BGK's marks identified herein are famous and distinctive within the meaning of 15 U.S.C. §§ 1125(c)(1), and were famous before Defendants adopted Plaintiff BGK's marks and/or marks substantial similar thereto.

163. Defendants' use of Plaintiff BGK's famous trademarks is likely to dilute the distinctive quality of its famous trademarks in violation of 15 U.S.C. § 1125(c).

164. Defendants' acts complained of herein are likely to damage Plaintiff BGK irreparably.

165. Plaintiff BGK has no adequate remedy at law for such wrongs and injuries. The damage to Plaintiff BGK includes harm to its trademarks, goodwill and reputation that money cannot compensate. Plaintiff BGK is, therefore, entitled to a preliminary and permanent injunction enjoining Defendants' use of Plaintiff BGK's famous trademarks identified herein, or any marks dilutive of Plaintiff BGK's famous trademarks in connection with the promotion, advertisement and sale of any goods, services or commercial activities by Defendants.

166. Plaintiff BGK is further entitled to recover from Defendants for the actual damages sustained by Plaintiff BGK as a result of Defendants' wrongful acts. Plaintiff BGK is presently unable to ascertain the full extent of the monetary damages it has suffered by reason of Defendants' acts of dilution.

167. Plaintiff BGK is further entitled to recover from Defendants the gains, profits and advantages Defendants have obtained as a result of their wrongful acts. Plaintiff BGK is presently unable to ascertain the extent of the gains, profits and advantages Defendants have realized by reason of Defendants' willful acts of dilution.

168. Because of the willful nature of Defendants' actions, Plaintiff BGK is entitled to all remedies available under 15 U.S.C. §§ 1117 and 1118, including, but not limited to, treble damages.

**NINTH CLAIM**  
**DECEPTIVE ACTS AND PRACTICES**  
**AS CLAIMED BY PLAINTIFF BGK**  
**NEW YORK GENERAL BUSINESS LAW § 349**

169. Plaintiff BGK hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

170. Upon information and belief, Defendants, without Plaintiff BGK's authorization or consent, and having knowledge of Plaintiff BGK's rights to its intellectual property, offer and/or have offered goods for sale to the public in direct competition with Plaintiff BGK.

171. Upon information and belief, Defendants' use of Plaintiff BGK's marks is likely to cause and is causing confusion, mistake and deception among the general purchasing public as to the origin of the Defendants' products, and is likely to deceive the public into believing that goods and/or services being offered for sale by Defendants originate from, are associated with, or are otherwise authorized by Plaintiff BGK.

172. Upon information and belief, Defendants' deceptive acts and practices involve public sales activities of a recurring nature.

173. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff BGK, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

**TENTH CLAIM**  
**TRADEMARK DILUTION**  
**AS CLAIMED BY PLAINTIFF BGK**  
**NEW YORK GEN. BUS. L. § 360-L**

174. Plaintiff BGK hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

175. Plaintiff BGK uses its famous trademarks identified herein to identify its goods and services before Defendants began promoting and offering goods and/or services under, or otherwise using, Plaintiff BGK's famous trademarks. Plaintiff BGK's famous trademarks identified herein are inherently distinctive and have acquired distinction through Plaintiff BGK's extensive, continuous and exclusive use of its marks.

176. Plaintiff BGK's trademarks identified herein are famous and distinctive within the meaning of New York Gen. Bus. L. § 360-l, and were famous before Defendants adopted Plaintiff BGK's famous trademarks.

177. Defendants' use of Plaintiff BGK's famous trademarks is likely to dilute the distinctive quality of Plaintiff BGK's famous trademarks in violation of New York Gen. Bus. L. § 360-l.

178. Defendants' acts complained of herein are likely to damage Plaintiff BGK irreparably.

179. Plaintiff BGK has no adequate remedy at law for such wrongs and injuries. The damage to Plaintiff BGK includes harm to its trademarks, goodwill and reputation that money cannot compensate. Plaintiff BGK is, therefore, entitled to a preliminary and permanent injunction enjoining Defendants' use of Plaintiff BGK's famous trademarks, or any marks dilutive of Plaintiff BGK's famous trademarks in connection with the promotion, advertisement and sale of any goods, services or commercial activities by Defendants.

180. Plaintiff BGK is further entitled to recover from Defendants for the actual damages sustained by it as a result of Defendants' wrongful acts. Plaintiff BGK is presently unable to ascertain the full extent of the monetary damages it has suffered by reason of Defendants' acts of dilution.

181. Plaintiff BGK is further entitled to recover from Defendants the gains, profits and advantages Defendants have obtained as a result of their wrongful acts. Plaintiff BGK is presently unable to ascertain the extent of the gains, profits and advantages Defendants have realized by reason of Defendants' willful acts of dilution.

182. Because of the willful nature of Defendants' actions, Plaintiff BGK is entitled to all remedies under New York General Business Law.

**ELEVENTH CLAIM**  
**UNJUST ENRICHMENT**  
**AS CLAIMED BY PLAINTIFF BGK**

183. Plaintiff BGK hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

184. Defendants have benefited from the unlawful and infringing use of Plaintiff BGK's trademarks identified herein because, upon information and belief, Defendants have derived and/or will derive substantial revenue from the sale of goods and/or the rendering of

services offered and/or promoted on Defendants' Websites and in Defendants' brick-and-mortar stores and elsewhere through the use of Plaintiff BGK's trademarks.

185. It would be against equity and good conscience to allow Defendants to retain the substantial revenue and profits they have realized and/or will realize through their blatantly unlawful use of Plaintiff BGK's trademarks.

186. Defendants have been unjustly enriched by their unlawful use of BGK's trademarks.

187. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff BGK, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

188. As a direct and proximate result of Defendants' actions as stated herein, Plaintiff BGK has suffered damage to its reputation and damage to the goodwill of its trademarks. Further, Plaintiff BGK is entitled to exemplary damages as a result of Defendants' malicious actions as described above.

**TWELFTH CLAIM**  
**COMMON LAW TRADEMARK INFRINGEMENT**  
**AS CLAIMED BY PLAINTIFF BGK**

189. Plaintiff BGK hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

190. Defendants have used in commerce, without Plaintiff BGK's permission, Plaintiff BGK's trademarks identified herein and/or marks confusingly similar thereto, in a manner that is likely to cause confusion, mistake or deception with respect to Plaintiff BGK's marks, and is likely to cause confusion or mistake and to deceive purchasers as to the affiliation, connection, approval, sponsorship or association of Plaintiff BGK and/or its goods, services and commercial

activities, on the one hand, with Defendants and/or their goods, services or commercial activities, on the other hand.

191. Defendants' acts constitute infringement of Plaintiff BGK's trademarks in violation of the common law.

192. As a direct and proximate result of Defendants' wrongful acts, Plaintiff BGK has suffered and continues to suffer and/or is likely to suffer damage to its trademarks, business reputation and goodwill. Defendants will continue to use, unless restrained, Plaintiff BGK's trademarks and/or marks confusingly similar thereto and will cause irreparable damage to Plaintiff BGK. Plaintiff BGK has no adequate remedy at law and is entitled to an injunction restraining Defendants, their respective officers, agents, and employees, and all persons acting in concert with Defendants, from engaging in further acts of infringement.

193. Plaintiff BGK is further entitled to recover from Defendants the actual damages that it sustained and/or is likely to sustain as a result of Defendants' wrongful acts.

194. Plaintiff BGK is further entitled to recover from Defendants the gains, profits and advantages that Defendants have obtained as a result of their wrongful acts.

195. Because of the willful nature of Defendants' wrongful acts, Plaintiff BGK is entitled to an award of exemplary damages under the common law.

**THIRTEENTH CLAIM**  
**COMMON LAW UNFAIR COMPETITION**  
**AS CLAIMED BY PLAINTIFF BGK**

196. Plaintiff BGK hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

197. Plaintiff BGK has expended substantial time, resources and effort to develop and obtain a strong reputation in the marketplace and enormous goodwill in its trademarks identified herein.

198. Defendants have infringed Plaintiff BGK's trademarks by using marks confusingly similar to Plaintiff BGK's trademarks. Defendants' unlawful acts are intended to capitalize on Plaintiff BGK's goodwill for Defendants' own pecuniary gain.

199. Defendants' use of Plaintiff BGK's trademarks, or marks confusingly similar thereto, is calculated to and is likely to create confusion and to deceive and mislead consumers into believing that Defendants' products originate with or are authorized by Plaintiff BGK, and is likely to cause confusion as to the source of Defendants' products, all to the detriment of Plaintiff BGK.

200. Defendants' acts as alleged herein constitute unfair competition and will, unless enjoined by the Court, continue to result in harm to the goodwill associated with Plaintiff BGK's trademarks.

201. Upon information and belief, Defendants committed the acts alleged herein willfully and with the intent to confuse the public and to injure Plaintiff BGK.

202. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff BGK, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

203. As a direct and proximate result of Defendants' actions as stated herein, Plaintiff BGK has suffered damage to its reputation and damage to the goodwill of its trademarks. Further, Plaintiff BGK is entitled to exemplary damages as a result of Defendants' malicious actions as described above.

**FOURTEENTH CLAIM**  
**VIOLATION OF RIGHT OF PUBLICITY**  
**AS CLAIMED BY PLAINTIFF KANYE WEST**  
**NEW YORK CIVIL RIGHTS LAW §§ 50 AND 51**

204. Plaintiff Kanye hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

205. Defendants have used Plaintiff Kanye's name, images and likeness within the State of New York for advertising and/or for the purpose of trade.

206. Defendants' use of Plaintiff Kanye's name, images and likeness has been without the written or oral authorization of Plaintiff Kanye or anyone authorized by him to give such authorization.

207. Defendants' use of Plaintiff Kanye's name, images and likeness has caused injury to him in an amount to be proven at trial.

208. Defendants' use of Plaintiff Kanye's name, images and likeness in the manner described herein is forbidden and/or unlawful pursuant to Section 50 of New York Civil Rights Law.

209. Plaintiff Kanye therefore demands exemplary damages under Section 51 of New York Civil Rights Law.

210. Furthermore, Section 51 of the New York Civil Rights Law provides a right to injunctive relief to restrain the unauthorized use of a person's name for purposes of advertising or trade purposes within New York State.



211. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Kanye, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

212. Plaintiff Kanye therefore demands that Defendants be enjoined and restrained pursuant to Section 51 of the Civil Rights law of the State of New York from using Plaintiff Kanye's name, images and likeness for advertising purposes or purposes of trade.

**FIFTEENTH CLAIM**  
**FEDERAL UNFAIR COMPETITION**  
**AS CLAIMED BY PLAINTIFF KANYE WEST**  
**15 U.S.C. § 1125(A)**

213. Plaintiff Kanye hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

214. Defendants have used in commerce marks that are identical or are substantially similar to Plaintiff Kanye's name and trademarks.

215. Consumers identify each of Plaintiff Kanye's marks exclusively with him.

216. Defendants conduct as alleged herein is likely to cause confusion and/or to deceive users and consumers as to the origin, sponsorship, affiliation, connection and/or association of Plaintiff Kanye with Defendants' goods and/or services.

217. Plaintiff Kanye does not now and has never sponsored or approved or authorized Defendants' use of his marks.

218. Defendants' conduct is willful and deliberate and done with the intent to unfairly commercially benefit from the goodwill associated with Plaintiff Kanye personally, his brands and trademarks.

219. Defendants' unfair competition has caused and is causing great and irreparable harm and damage to Plaintiff Kanye, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

220. As a direct and proximate result of Defendants' wrongful acts, Plaintiff Kanye has suffered and continues to suffer and/or is likely to suffer damage to his trademarks, business reputation and goodwill. Defendants will continue to use, unless restrained, Plaintiff Kanye's marks, or marks confusingly similar thereto, and will cause irreparable damage to Plaintiff Kanye. Plaintiff Kanye has no adequate remedy at law and is entitled to an injunction restraining Defendants, their respective officers, agents, and employees, and all persons acting in concert with Defendants, from engaging in further acts of infringement.

221. Plaintiff Kanye is further entitled to recover from Defendants the actual damages that he sustained and/or is likely to sustain as a result of Defendants' wrongful acts.

222. Plaintiff Kanye is further entitled to recover from Defendants the gains, profits and advantages that Defendants have obtained as a result of their wrongful acts.

223. Because of the willful nature of Defendants' wrongful acts, Plaintiff Kanye is entitled to an award of exemplary damages under the common law, and treble damages and increased profits under 15 U.S.C. § 1117.

**SIXTEENTH CLAIM**  
**DECEPTIVE ACTS AND PRACTICES**  
**AS CLAIMED BY PLAINTIFF KANYE WEST**  
**NEW YORK GENERAL BUSINESS LAW § 349**

224. Plaintiff Kanye hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

225. Upon information and belief, Defendants, without Plaintiff Kanye's authorization or consent, and having knowledge of Plaintiff Kanye's rights to his intellectual property, offer and/or have offered goods for sale to the public in direct competition with Plaintiff Kanye.

226. Upon information and belief, Defendants' use of Plaintiff Kanye's marks and his name, images and likeness is likely to cause and is causing confusion, mistake and deception among the general purchasing public as to the origin of the Defendants' products, and is likely to deceive the public into believing that goods and/or services being offered for sale by Defendants originate from, are associated with, or are otherwise authorized by Plaintiff Kanye.

227. Upon information and belief, Defendants' deceptive acts and practices involve public sales activities of a recurring nature.

228. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Kanye, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

**SEVENTEENTH CLAIM**  
**UNJUST ENRICHMENT**  
**AS CLAIMED BY PLAINTIFF KANYE WEST**

229. Plaintiff Kanye hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

230. Defendants have benefited from the unlawful and infringing use of Plaintiff Kanye's trademarks identified herein and his name, images and likeness because, upon information and belief, Defendants have derived and/or will derive substantial revenue from the sale of goods and/or the rendering of services offered and/or promoted on Defendants' Websites and in Defendants' brick-and-mortar stores and elsewhere through the use of Plaintiff Kanye's trademarks and his name, images and likeness.

231. It would be against equity and good conscience to allow Defendants to retain the substantial revenue and profits they have realized and/or will realize through their blatantly unlawful use of Plaintiff Kanye's trademarks and his name, images and likeness.

232. Defendants have been unjustly enriched by their unlawful use of Kanye's trademarks, name, images and likeness.

233. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Kanye, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

234. As a direct and proximate result of Defendants' actions as stated herein, Plaintiff Kanye has suffered damage to his reputation and damage to the goodwill of his trademarks. Further, Plaintiff Kanye is entitled to exemplary damages as a result of Defendants' malicious actions as described above.

**EIGHTEENTH CLAIM**  
**COMMON LAW UNFAIR COMPETITION**  
**AS CLAIMED BY PLAINTIFF KANYE WEST**

235. Plaintiff Kanye hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

236. Plaintiff Kanye has expended substantial time, resources and effort to develop and obtain a strong reputation in the marketplace and enormous goodwill in his trademarks identified herein.

237. Defendants have infringed Plaintiff Kanye's trademarks by using marks confusingly similar to Plaintiff Kanye's trademarks. Defendants' unlawful acts are intended to capitalize on Plaintiff Kanye's goodwill for Defendants' own pecuniary gain.

238. Defendants' use of Plaintiff Kanye's trademarks, or marks confusingly similar thereto, is calculated to and is likely to create confusion and to deceive and mislead consumers into believing that Defendants' products originate with or are authorized by Plaintiff Kanye, and is likely to cause confusion as to the source of Defendants' products, all to the detriment of Plaintiff Kanye.

239. Defendants' acts as alleged herein constitute unfair competition and will, unless enjoined by the Court, continue to result in harm to the goodwill associated with Plaintiff Kanye's trademarks.

240. Upon information and belief, Defendants committed the acts alleged herein willfully and with the intent to confuse the public and to injure Plaintiff Kanye.

241. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Kanye, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

242. As a direct and proximate result of Defendants' actions as stated herein, Plaintiff Kanye has suffered damage to his reputation and damage to the goodwill of his trademarks. Further, Plaintiff Kanye is entitled to exemplary damages as a result of Defendants' malicious actions as described above.

**NINETEENTH CLAIM**  
**FEDERAL TRADEMARK INFRINGEMENT**  
**AS CLAIMED BY PLAINTIFF MASCOTTE HOLDINGS**  
**15 U.S.C. § 1114**

243. Plaintiff Mascotte Holdings hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

244. Defendants have used in commerce, without Plaintiff Mascotte Holdings' permission, Plaintiff Mascotte Holdings' trademarks in a manner that is likely to cause confusion,

mistake or deception with respect to Plaintiff Mascotte Holdings' trademarks, and is likely to cause confusion or mistake and to deceive purchasers as to the affiliation, connection, approval, sponsorship or association of Plaintiff Mascotte Holdings and/or its goods, services and commercial activities, on the one hand, with Defendants and/or their respective goods, services or commercial activities, on the other hand.

245. Defendants' acts constitute infringement of Plaintiff Mascotte Holdings' trademarks under 15 U.S.C. § 1114.

246. As a direct and proximate result of Defendants' wrongful acts, Plaintiff Mascotte Holdings has suffered and continues to suffer and/or is likely to suffer damage to its trademarks, business reputation and goodwill. Defendants will continue to use, unless restrained, Plaintiff Mascotte Holdings' marks or marks confusingly similar thereto and will cause irreparable damage to Plaintiff Mascotte Holdings. Plaintiff Mascotte Holdings has no adequate remedy at law and is entitled to an injunction restraining Defendants, their respective officers, agents, and employees, and all persons acting in concert with Defendants, from engaging in further acts of infringement.

247. Plaintiff Mascotte Holdings is further entitled to recover from Defendants the actual damages that it sustained and/or is likely to sustain as a result of Defendants' wrongful acts.

248. Plaintiff Mascotte Holdings is further entitled to recover from Defendants the gains, profits and advantages that Defendants have obtained as a result of their wrongful acts.

249. Because of the willful nature of Defendants' wrongful acts, Plaintiff Mascotte Holdings is entitled to an award of exemplary damages under the common law, and treble damages and increased profits under 15 U.S.C. § 1117.

**TWENTIETH CLAIM**  
**FEDERAL UNFAIR COMPETITION**  
**AS CLAIMED BY PLAINTIFF MASCOTTE HOLDINGS**  
**15 U.S.C. § 1125(A)**

250. Plaintiff Mascotte Holdings hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

251. Defendants have used in commerce marks that are identical or are substantially similar to Plaintiff Mascotte Holdings' trademarks.

252. Consumers identify each of Plaintiff Mascotte Holdings' marks exclusively with it and/or Mascotte Holdings' owner Kanye.

253. Defendants conduct as alleged herein is likely to cause confusion and/or to deceive users and consumers as to the origin, sponsorship, affiliation, connection and/or association of Plaintiff Mascotte Holdings with Defendants' goods and/or services.

254. Plaintiff Mascotte Holdings does not now and has never sponsored or approved or authorized Defendants' use of its marks.

255. Defendants' conduct is willful and deliberate and done with the intent to unfairly commercially benefit from the goodwill associated with Plaintiff Mascotte Holdings and its trademarks.

256. Defendants' unfair competition has caused and is causing great and irreparable harm and damage to Plaintiff Mascotte Holdings, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

257. As a direct and proximate result of Defendants' wrongful acts, Plaintiff Mascotte Holdings has suffered and continues to suffer and/or is likely to suffer damage to its trademarks, business reputation and goodwill. Defendants will continue to use, unless restrained, Plaintiff Mascotte Holdings' marks, or marks confusingly similar thereto, and will cause irreparable

damage to Plaintiff Mascotte Holdings. Plaintiff Mascotte Holdings has no adequate remedy at law and is entitled to an injunction restraining Defendants, their respective officers, agents, and employees, and all persons acting in concert with Defendants, from engaging in further acts of infringement.

258. Plaintiff Mascotte Holdings is further entitled to recover from Defendants the actual damages that it sustained and/or is likely to sustain as a result of Defendants' wrongful acts.

259. Plaintiff Mascotte Holdings is further entitled to recover from Defendants the gains, profits and advantages that Defendants have obtained as a result of their wrongful acts.

260. Because of the willful nature of Defendants' wrongful acts, Plaintiff Mascotte Holdings is entitled to an award of exemplary damages under the common law, and treble damages and increased profits under 15 U.S.C. § 1117.

**TWENTY-FIRST CLAIM**  
**FEDERAL TRADEMARK DILUTION**  
**AS CLAIMED BY PLAINTIFF MASCOTTE HOLDINGS**  
**15 U.S.C. § 1125(C)**

261. Plaintiff Mascotte Holdings hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

262. Plaintiff Mascotte Holdings uses its famous trademarks to identify its goods and services before Defendants began promoting and offering goods and/or services under, or otherwise using, Plaintiff Mascotte Holdings' famous marks. Plaintiff Mascotte Holdings' famous trademarks identified herein are inherently distinctive and have acquired distinction through Plaintiff Mascotte Holdings' extensive, continuous and exclusive use of its marks.



263. Plaintiff Mascotte Holdings' marks identified herein are famous and distinctive within the meaning of 15 U.S.C. §§ 1125(c)(1), and were famous before Defendants adopted Plaintiff Mascotte Holdings' marks and/or marks substantial similar thereto.

264. Defendants' use of Plaintiff Mascotte Holdings' famous trademarks is likely to dilute the distinctive quality of its famous trademarks in violation of 15 U.S.C. § 1125(c).

265. Defendants' acts complained of herein are likely to damage Plaintiff Mascotte Holdings irreparably.

266. Plaintiff Mascotte Holdings has no adequate remedy at law for such wrongs and injuries. The damage to Plaintiff Mascotte Holdings includes harm to its trademarks, goodwill and reputation that money cannot compensate. Plaintiff Mascotte Holdings is, therefore, entitled to a preliminary and permanent injunction enjoining Defendants' use of Plaintiff Mascotte Holdings' famous trademarks identified herein, or any marks dilutive of Plaintiff Mascotte Holdings' famous trademarks in connection with the promotion, advertisement and sale of any goods, services or commercial activities by Defendants.

267. Plaintiff Mascotte Holdings is further entitled to recover from Defendants for the actual damages sustained by Plaintiff Mascotte Holdings as a result of Defendants' wrongful acts. Plaintiff Mascotte Holdings is presently unable to ascertain the full extent of the monetary damages it has suffered by reason of Defendants' acts of dilution.

268. Plaintiff Mascotte Holdings is further entitled to recover from Defendants the gains, profits and advantages Defendants have obtained as a result of their wrongful acts. Plaintiff Mascotte Holdings is presently unable to ascertain the extent of the gains, profits and advantages Defendants have realized by reason of Defendants' willful acts of dilution.

269. Because of the willful nature of Defendants' actions, Plaintiff Mascotte Holdings is entitled to all remedies available under 15 U.S.C. §§ 1117 and 1118, including, but not limited to, treble damages.

**TWENTY-SECOND CLAIM**  
**DECEPTIVE ACTS AND PRACTICES**  
**AS CLAIMED BY PLAINTIFF MASCOTTE HOLDINGS**  
**NEW YORK GENERAL BUSINESS LAW § 349**

270. Plaintiff Mascotte Holdings hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

271. Upon information and belief, Defendants, without Plaintiff Mascotte Holdings' authorization or consent, and having knowledge of Plaintiff Mascotte Holdings' rights to its intellectual property, offer and/or have offered goods for sale to the public in direct competition with Plaintiff Mascotte Holdings.

272. Upon information and belief, Defendants' use of Plaintiff Mascotte Holdings' marks is likely to cause and is causing confusion, mistake and deception among the general purchasing public as to the origin of the Defendants' products, and is likely to deceive the public into believing that goods and/or services being offered for sale by Defendants originate from, are associated with, or are otherwise authorized by Plaintiff Mascotte Holdings.

273. Upon information and belief, Defendants' deceptive acts and practices involve public sales activities of a recurring nature.

274. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Mascotte Holdings, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

**TWENTY-THIRD CLAIM**  
**TRADEMARK DILUTION**  
**AS CLAIMED BY PLAINTIFF MASCOTTE HOLDINGS**  
**NEW YORK GEN. BUS. L. § 360-L**

275. Plaintiff Mascotte Holdings hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

276. Plaintiff Mascotte Holdings uses its famous trademarks identified herein to identify its goods and services before Defendants began promoting and offering goods and/or services under, or otherwise using, Plaintiff Mascotte Holdings' famous trademarks. Plaintiff Mascotte Holdings' famous trademarks identified herein are inherently distinctive and have acquired distinction through Plaintiff Mascotte Holdings' extensive, continuous and exclusive use of its marks.

277. Plaintiff Mascotte Holdings' trademarks identified herein are famous and distinctive within the meaning of New York Gen. Bus. L. § 360-l, and were famous before Defendants adopted Plaintiff Mascotte Holdings' famous trademarks.

278. Defendants' use of Plaintiff Mascotte Holdings' famous trademarks is likely to dilute the distinctive quality of Plaintiff Mascotte Holdings' famous trademarks in violation of New York Gen. Bus. L. § 360-l.

279. Defendants' acts complained of herein are likely to damage Plaintiff Mascotte Holdings irreparably.

280. Plaintiff Mascotte Holdings has no adequate remedy at law for such wrongs and injuries. The damage to Plaintiff Mascotte Holdings includes harm to its trademarks, goodwill and reputation that money cannot compensate. Plaintiff Mascotte Holdings is, therefore, entitled to a preliminary and permanent injunction enjoining Defendants' use of Plaintiff Mascotte Holdings' famous trademarks, or any marks dilutive of Plaintiff Mascotte Holdings' famous

trademarks in connection with the promotion, advertisement and sale of any goods, services or commercial activities by Defendants.

281. Plaintiff Mascotte Holdings is further entitled to recover from Defendants for the actual damages sustained by it as a result of Defendants' wrongful acts. Plaintiff Mascotte Holdings is presently unable to ascertain the full extent of the monetary damages it has suffered by reason of Defendants' acts of dilution.

282. Plaintiff Mascotte Holdings is further entitled to recover from Defendants the gains, profits and advantages Defendants have obtained as a result of their wrongful acts. Plaintiff Mascotte Holdings is presently unable to ascertain the extent of the gains, profits and advantages Defendants have realized by reason of Defendants' willful acts of dilution.

283. Because of the willful nature of Defendants' actions, Plaintiff Mascotte Holdings is entitled to all remedies under New York General Business Law.

**TWENTY-FOURTH CLAIM**  
**UNJUST ENRICHMENT**  
**AS CLAIMED BY PLAINTIFF MASCOTTE HOLDINGS**

284. Plaintiff Mascotte Holdings hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

285. Defendants have benefited from the unlawful and infringing use of Plaintiff Mascotte Holdings' trademarks identified herein because, upon information and belief, Defendants have derived and/or will derive substantial revenue from the sale of goods and/or the rendering of services offered and/or promoted on Defendants' Websites and in Defendants' brick-and-mortar stores and elsewhere through the use of Plaintiff Mascotte Holdings' trademarks.

286. It would be against equity and good conscience to allow Defendants to retain the substantial revenue and profits they have realized and/or will realize through their blatantly unlawful use of Plaintiff Mascotte Holdings' trademarks.

287. Defendants have been unjustly enriched by their unlawful use of Mascotte Holdings' trademarks.

288. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Mascotte Holdings, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

289. As a direct and proximate result of Defendants' actions as stated herein, Plaintiff Mascotte Holdings has suffered damage to its reputation and damage to the goodwill of its trademarks. Further, Plaintiff Mascotte Holdings is entitled to exemplary damages as a result of Defendants' malicious actions as described above.

**TWENTY-FIFTH CLAIM**  
**COMMON LAW TRADEMARK INFRINGEMENT**  
**AS CLAIMED BY PLAINTIFF MASCOTTE HOLDINGS**

290. Plaintiff Mascotte Holdings hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

291. Defendants have used in commerce, without Plaintiff Mascotte Holdings' permission, Plaintiff Mascotte Holdings' trademarks identified herein and/or marks confusingly similar thereto, in a manner that is likely to cause confusion, mistake or deception with respect to Plaintiff Mascotte Holdings' marks, and is likely to cause confusion or mistake and to deceive purchasers as to the affiliation, connection, approval, sponsorship or association of Plaintiff Mascotte Holdings and/or its goods, services and commercial activities, on the one hand, with Defendants and/or their goods, services or commercial activities, on the other hand.

292. Defendants' acts constitute infringement of Plaintiff Mascotte Holdings' trademarks in violation of the common law.

293. As a direct and proximate result of Defendants' wrongful acts, Plaintiff Mascotte Holdings has suffered and continues to suffer and/or is likely to suffer damage to its trademarks, business reputation and goodwill. Defendants will continue to use, unless restrained, Plaintiff Mascotte Holdings' trademarks and/or marks confusingly similar thereto and will cause irreparable damage to Plaintiff Mascotte Holdings. Plaintiff Mascotte Holdings has no adequate remedy at law and is entitled to an injunction restraining Defendants, their respective officers, agents, and employees, and all persons acting in concert with Defendants, from engaging in further acts of infringement.

294. Plaintiff Mascotte Holdings is further entitled to recover from Defendants the actual damages that it sustained and/or is likely to sustain as a result of Defendants' wrongful acts.

295. Plaintiff Mascotte Holdings is further entitled to recover from Defendants the gains, profits and advantages that Defendants have obtained as a result of their wrongful acts.

296. Because of the willful nature of Defendants' wrongful acts, Plaintiff Mascotte Holdings is entitled to an award of exemplary damages under the common law.

**TWENTY-SIXTH CLAIM**  
**COMMON LAW UNFAIR COMPETITION**  
**AS CLAIMED BY PLAINTIFF MASCOTTE HOLDINGS**

297. Plaintiff Mascotte Holdings hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

298. Plaintiff Mascotte Holdings has expended substantial time, resources and effort to develop and obtain a strong reputation in the marketplace and enormous goodwill in its trademarks identified herein.

299. Defendants have infringed Plaintiff Mascotte Holdings' trademarks by using marks confusingly similar to Plaintiff Mascotte Holdings' trademarks. Defendants' unlawful acts are intended to capitalize on Plaintiff Mascotte Holdings' goodwill for Defendants' own pecuniary gain.

300. Defendants' use of Plaintiff Mascotte Holdings' trademarks, or marks confusingly similar thereto, is calculated to and is likely to create confusion and to deceive and mislead consumers into believing that Defendants' products originate with or are authorized by Plaintiff Mascotte Holdings, and is likely to cause confusion as to the source of Defendants' products, all to the detriment of Plaintiff Mascotte Holdings.

301. Defendants' acts as alleged herein constitute unfair competition and will, unless enjoined by the Court, continue to result in harm to the goodwill associated with Plaintiff Mascotte Holdings' trademarks.

302. Upon information and belief, Defendants committed the acts alleged herein willfully and with the intent to confuse the public and to injure Plaintiff Mascotte Holdings.

303. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Mascotte Holdings, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

304. As a direct and proximate result of Defendants' actions as stated herein, Plaintiff Mascotte Holdings has suffered damage to its reputation and damage to the goodwill of its

trademarks. Further, Plaintiff Mascotte Holdings is entitled to exemplary damages as a result of Defendants' malicious actions as described above.

**TWENTY-SEVENTH CLAIM**  
**VIOLATION OF RIGHT OF PUBLICITY**  
**AS CLAIMED BY PLAINTIFF PHARRELL**  
**NEW YORK CIVIL RIGHTS LAW §§ 50 AND 51**

305. Plaintiff Pharrell hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

306. Defendants have used Plaintiff Pharrell's name, images and likeness within the State of New York for advertising and/or for the purpose of trade.

307. Defendants' use of Plaintiff Pharrell's name, images and likeness has been without the written or oral authorization of Plaintiff Pharrell or anyone authorized by him to give such authorization.

308. Defendants' use of Plaintiff Pharrell's name, images and likeness has caused injury to him in an amount to be proven at trial.

309. Defendants' use of Plaintiff Pharrell's name, images and likeness in the manner described herein is forbidden and/or unlawful pursuant to Section 50 of New York Civil Rights Law.

310. Plaintiff Pharrell therefore demands exemplary damages under Section 51 of New York Civil Rights Law.

311. Furthermore, Section 51 of the New York Civil Rights Law provides a right to injunctive relief to restrain the unauthorized use of a person's name for purposes of advertising or trade purposes within New York State.



312. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Pharrell, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

313. Plaintiff Pharrell therefore demands that Defendants be enjoined and restrained pursuant to Section 51 of the Civil Rights law of the State of New York from using Plaintiff Pharrell's name, images and likeness for advertising purposes or purposes of trade.

**TWENTY-EIGHTH CLAIM**  
**FEDERAL TRADEMARK INFRINGEMENT**  
**AS CLAIMED BY PLAINTIFF PHARRELL**  
**15 U.S.C. § 1114**

314. Plaintiff Pharrell hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

315. Defendants have used in commerce, without Plaintiff Pharrell's permission, Plaintiff Pharrell's trademarks in a manner that is likely to cause confusion, mistake or deception with respect to Plaintiff Pharrell's trademarks, and is likely to cause confusion or mistake and to deceive purchasers as to the affiliation, connection, approval, sponsorship or association of Plaintiff Pharrell and/or his goods, services and commercial activities, on the one hand, with Defendants and/or their respective goods, services or commercial activities, on the other hand.

316. Defendants' acts constitute infringement of Plaintiff Pharrell's trademarks under 15 U.S.C. § 1114.

317. As a direct and proximate result of Defendants' wrongful acts, Plaintiff Pharrell has suffered and continues to suffer and/or is likely to suffer damage to his trademarks, business reputation and goodwill. Defendants will continue to use, unless restrained, Plaintiff Pharrell's marks or marks confusingly similar thereto and will cause irreparable damage to Plaintiff Pharrell. Plaintiff Pharrell has no adequate remedy at law and is entitled to an injunction

restraining Defendants, their respective officers, agents, and employees, and all persons acting in concert with Defendants, from engaging in further acts of infringement.

318. Plaintiff Pharrell is further entitled to recover from Defendants the actual damages that he sustained and/or is likely to sustain as a result of Defendants' wrongful acts.

319. Plaintiff Pharrell is further entitled to recover from Defendants the gains, profits and advantages that Defendants have obtained as a result of their wrongful acts.

320. Because of the willful nature of Defendants' wrongful acts, Plaintiff Pharrell is entitled to an award of exemplary damages under the common law, and treble damages and increased profits under 15 U.S.C. § 1117.

**TWENTY-NINTH CLAIM**  
**FEDERAL UNFAIR COMPETITION**  
**AS CLAIMED BY PLAINTIFF PHARRELL**  
**15 U.S.C. § 1125(A)**

321. Plaintiff Pharrell hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

322. Defendants have used in commerce marks that are identical or are substantially similar to Plaintiff Pharrell's name and trademarks.

323. Consumers identify each of Plaintiff Pharrell's marks exclusively with him.

324. Defendants conduct as alleged herein is likely to cause confusion and/or to deceive users and consumers as to the origin, sponsorship, affiliation, connection and/or association of Plaintiff Pharrell with Defendants' goods and/or services.

325. Plaintiff Pharrell does not now and has never sponsored or approved or authorized Defendants' use of his marks.

326. Defendants' conduct is willful and deliberate and done with the intent to unfairly commercially benefit from the goodwill associated with Plaintiff Pharrell personally, his brands and trademarks.

327. Defendants' unfair competition has caused and is causing great and irreparable harm and damage to Plaintiff Pharrell, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

328. As a direct and proximate result of Defendants' wrongful acts, Plaintiff Pharrell has suffered and continues to suffer and/or is likely to suffer damage to his trademarks, business reputation and goodwill. Defendants will continue to use, unless restrained, Plaintiff Pharrell's marks, or marks confusingly similar thereto, and will cause irreparable damage to Plaintiff Pharrell. Plaintiff Pharrell has no adequate remedy at law and is entitled to an injunction restraining Defendants, their respective officers, agents, and employees, and all persons acting in concert with Defendants, from engaging in further acts of infringement.

329. Plaintiff Pharrell is further entitled to recover from Defendants the actual damages that he sustained and/or is likely to sustain as a result of Defendants' wrongful acts.

330. Plaintiff Pharrell is further entitled to recover from Defendants the gains, profits and advantages that Defendants have obtained as a result of their wrongful acts.

331. Because of the willful nature of Defendants' wrongful acts, Plaintiff Pharrell is entitled to an award of exemplary damages under the common law, and treble damages and increased profits under 15 U.S.C. § 1117.

**THIRTIETH CLAIM**  
**FEDERAL TRADEMARK DILUTION**  
**AS CLAIMED BY PLAINTIFF PHARRELL**  
**15 U.S.C. § 1125(C)**

332. Plaintiff Pharrell hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

333. Plaintiff Pharrell uses his famous trademarks to identify his goods and services before Defendants began promoting and offering goods and/or services under, or otherwise using, Plaintiff Pharrell's famous marks. Plaintiff Pharrell's famous trademarks identified herein are inherently distinctive and have acquired distinction through Plaintiff Pharrell's extensive, continuous and exclusive use of his marks.

334. Plaintiff Pharrell's marks identified herein are famous and distinctive within the meaning of 15 U.S.C. §§ 1125(c)(1), and were famous before Defendants adopted Plaintiff Pharrell's marks and/or marks substantial similar thereto.

335. Defendants' use of Plaintiff Pharrell's famous trademarks is likely to dilute the distinctive quality of his famous trademarks in violation of 15 U.S.C. § 1125(c).

336. Defendants' acts complained of herein are likely to damage Plaintiff Pharrell irreparably.

337. Plaintiff Pharrell has no adequate remedy at law for such wrongs and injuries. The damage to Plaintiff Pharrell includes harm to his trademarks, goodwill and reputation that money cannot compensate. Plaintiff Pharrell is, therefore, entitled to a preliminary and permanent injunction enjoining Defendants' use of Plaintiff Pharrell's famous trademarks identified herein, or any marks dilutive of Plaintiff Pharrell's famous trademarks in connection with the promotion, advertisement and sale of any goods, services or commercial activities by Defendants.

338. Plaintiff Pharrell is further entitled to recover from Defendants for the actual damages sustained by Plaintiff Pharrell as a result of Defendants' wrongful acts. Plaintiff Pharrell is presently unable to ascertain the full extent of the monetary damages he has suffered by reason of Defendants' acts of dilution.

339. Plaintiff Pharrell is further entitled to recover from Defendants the gains, profits and advantages Defendants have obtained as a result of their wrongful acts. Plaintiff Pharrell is presently unable to ascertain the extent of the gains, profits and advantages Defendants have realized by reason of Defendants' willful acts of dilution.

340. Because of the willful nature of Defendants' actions, Plaintiff Pharrell is entitled to all remedies available under 15 U.S.C. §§ 1117 and 1118, including, but not limited to, treble damages.

**THIRTY-FIRST CLAIM**  
**DECEPTIVE ACTS AND PRACTICES**  
**AS CLAIMED BY PLAINTIFF PHARRELL**  
**NEW YORK GENERAL BUSINESS LAW § 349**

341. Plaintiff Pharrell hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

342. Upon information and belief, Defendants, without Plaintiff Pharrell's authorization or consent, and having knowledge of Plaintiff Pharrell's rights to his intellectual property, offer and/or have offered goods for sale to the public in direct competition with Plaintiff Pharrell.

343. Upon information and belief, Defendants' use of Plaintiff Pharrell's marks and his name, images and likeness is likely to cause and is causing confusion, mistake and deception among the general purchasing public as to the origin of the Defendants' products, and is likely to

deceive the public into believing that goods and/or services being offered for sale by Defendants originate from, are associated with, or are otherwise authorized by Plaintiff Pharrell.

344. Upon information and belief, Defendants' deceptive acts and practices involve public sales activities of a recurring nature.

345. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Pharrell, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

**THIRTY-SECOND CLAIM**  
**TRADEMARK DILUTION**  
**AS CLAIMED BY PLAINTIFF PHARRELL**  
**NEW YORK GEN. BUS. L. § 360-L**

346. Plaintiff Pharrell hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

347. Plaintiff Pharrell uses his famous trademarks identified herein to identify his goods and services before Defendants began promoting and offering goods and/or services under, or otherwise using, Plaintiff Pharrell's famous trademarks. Plaintiff Pharrell's famous trademarks identified herein are inherently distinctive and have acquired distinction through Plaintiff Pharrell's extensive, continuous and exclusive use of his marks.

348. Plaintiff Pharrell's trademarks identified herein are famous and distinctive within the meaning of New York Gen. Bus. L. § 360-l, and were famous before Defendants adopted Plaintiff Pharrell's famous trademarks.

349. Defendants' use of Plaintiff Pharrell's famous trademarks is likely to dilute the distinctive quality of Plaintiff Pharrell's famous trademarks in violation of New York Gen. Bus. L. § 360-l.

350. Defendants' acts complained of herein are likely to damage Plaintiff Pharrell irreparably.

351. Plaintiff Pharrell has no adequate remedy at law for such wrongs and injuries. The damage to Plaintiff Pharrell includes harm to his trademarks, goodwill and reputation that money cannot compensate. Plaintiff Pharrell is, therefore, entitled to a preliminary and permanent injunction enjoining Defendants' use of Plaintiff Pharrell's famous trademarks, or any marks dilutive of Plaintiff Pharrell's famous trademarks in connection with the promotion, advertisement and sale of any goods, services or commercial activities by Defendants.

352. Plaintiff Pharrell is further entitled to recover from Defendants for the actual damages sustained by him as a result of Defendants' wrongful acts. Plaintiff Pharrell is presently unable to ascertain the full extent of the monetary damages he has suffered by reason of Defendants' acts of dilution.

353. Plaintiff Pharrell is further entitled to recover from Defendants the gains, profits and advantages Defendants have obtained as a result of their wrongful acts. Plaintiff Pharrell is presently unable to ascertain the extent of the gains, profits and advantages Defendants have realized by reason of Defendants' willful acts of dilution.

354. Because of the willful nature of Defendants' actions, Plaintiff Pharrell is entitled to all remedies under New York General Business Law.

**THIRTY-THIRD CLAIM**  
**UNJUST ENRICHMENT**  
**AS CLAIMED BY PLAINTIFF PHARRELL**

355. Plaintiff Pharrell hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

356. Defendants have benefited from the unlawful and infringing use of Plaintiff Pharrell's trademarks identified herein and his name, images and likeness because, upon information and belief, Defendants have derived and/or will derive substantial revenue from the sale of goods and/or the rendering of services offered and/or promoted on Defendants' Websites and in Defendants' brick-and-mortar stores and elsewhere through the use of Plaintiff Pharrell's trademarks and his name, images and likeness.

357. It would be against equity and good conscience to allow Defendants to retain the substantial revenue and profits they have realized and/or will realize through their blatantly unlawful use of Plaintiff Pharrell's trademarks and his name, images and likeness.

358. Defendants have been unjustly enriched by their unlawful use of Pharrell's trademarks, name, images and likeness.

359. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Pharrell, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

360. As a direct and proximate result of Defendants' actions as stated herein, Plaintiff Pharrell has suffered damage to his reputation and damage to the goodwill of his trademarks. Further, Plaintiff Pharrell is entitled to exemplary damages as a result of Defendants' malicious actions as described above.

**THIRTY-FOURTH CLAIM**  
**COMMON LAW TRADEMARK INFRINGEMENT**  
**AS CLAIMED BY PLAINTIFF PHARRELL**

361. Plaintiff Pharrell hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.



362. Defendants have used in commerce, without Plaintiff Pharrell's permission, Plaintiff Pharrell's trademarks identified herein and/or marks confusingly similar thereto, in a manner that is likely to cause confusion, mistake or deception with respect to Plaintiff Pharrell's marks, and is likely to cause confusion or mistake and to deceive purchasers as to the affiliation, connection, approval, sponsorship or association of Plaintiff Pharrell and/or his goods, services and commercial activities, on the one hand, with Defendants and/or their goods, services or commercial activities, on the other hand.

363. Defendants' acts constitute infringement of Plaintiff Pharrell's trademarks in violation of the common law.

364. As a direct and proximate result of Defendants' wrongful acts, Plaintiff Pharrell has suffered and continues to suffer and/or is likely to suffer damage to his trademarks, business reputation and goodwill. Defendants will continue to use, unless restrained, Plaintiff Pharrell's trademarks and/or marks confusingly similar thereto and will cause irreparable damage to Plaintiff Pharrell. Plaintiff Pharrell has no adequate remedy at law and is entitled to an injunction restraining Defendants, their respective officers, agents, and employees, and all persons acting in concert with Defendants, from engaging in further acts of infringement.

365. Plaintiff Pharrell is further entitled to recover from Defendants the actual damages that he sustained and/or is likely to sustain as a result of Defendants' wrongful acts.

366. Plaintiff Pharrell is further entitled to recover from Defendants the gains, profits and advantages that Defendants have obtained as a result of their wrongful acts.

367. Because of the willful nature of Defendants' wrongful acts, Plaintiff Pharrell is entitled to an award of exemplary damages under the common law.

**THIRTY-FIFTH CLAIM**  
**COMMON LAW UNFAIR COMPETITION**  
**AS CLAIMED BY PLAINTIFF PHARRELL**

368. Plaintiff Pharrell hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

369. Plaintiff Pharrell has expended substantial time, resources and effort to develop and obtain a strong reputation in the marketplace and enormous goodwill in his trademarks identified herein.

370. Defendants have infringed Plaintiff Pharrell's trademarks by using marks confusingly similar to Plaintiff Pharrell's trademarks. Defendants' unlawful acts are intended to capitalize on Plaintiff Pharrell's goodwill for Defendants' own pecuniary gain.

371. Defendants' use of Plaintiff Pharrell's trademarks, or marks confusingly similar thereto, is calculated to and is likely to create confusion and to deceive and mislead consumers into believing that Defendants' products originate with or are authorized by Plaintiff Pharrell, and is likely to cause confusion as to the source of Defendants' products, all to the detriment of Plaintiff Pharrell.

372. Defendants' acts as alleged herein constitute unfair competition and will, unless enjoined by the Court, continue to result in harm to the goodwill associated with Plaintiff Pharrell's trademarks.

373. Upon information and belief, Defendants committed the acts alleged herein willfully and with the intent to confuse the public and to injure Plaintiff Pharrell.

374. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Pharrell, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

375. As a direct and proximate result of Defendants' actions as stated herein, Plaintiff Pharrell has suffered damage to his reputation and damage to the goodwill of his trademarks. Further, Plaintiff Pharrell is entitled to exemplary damages as a result of Defendants' malicious actions as described above.

**THIRTY-SIXTH CLAIM**  
**VIOLATION OF RIGHT OF PUBLICITY**  
**AS CLAIMED BY PLAINTIFF RIHANNA**  
**NEW YORK CIVIL RIGHTS LAW §§ 50 AND 51**

376. Plaintiff Rihanna hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

377. Defendants have used Plaintiff Rihanna's name, images and likeness within the State of New York for advertising and/or for the purpose of trade.

378. Defendants' use of Plaintiff Rihanna's name, images and likeness has been without the written or oral authorization of Plaintiff Rihanna or anyone authorized by her to give such authorization.

379. Defendants' use of Plaintiff Rihanna's name, images and likeness has caused injury to her in an amount to be proven at trial.

380. Defendants' use of Plaintiff Rihanna's name, images and likeness in the manner described herein is forbidden and/or unlawful pursuant to Section 50 of New York Civil Rights Law.

381. Plaintiff Rihanna therefore demands exemplary damages under Section 51 of New York Civil Rights Law.

382. Furthermore, Section 51 of the New York Civil Rights Law provides a right to injunctive relief to restrain the unauthorized use of a person's name for purposes of advertising or trade purposes within New York State.

383. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Rihanna, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

384. Plaintiff Rihanna therefore demands that Defendants be enjoined and restrained pursuant to Section 51 of the Civil Rights law of the State of New York from using Plaintiff Rihanna's name, images and likeness for advertising purposes or purposes of trade.

**THIRTY-SEVENTH CLAIM**  
**FEDERAL UNFAIR COMPETITION**  
**AS CLAIMED BY PLAINTIFF RIHANNA**  
**15 U.S.C. § 1125(A)**

385. Plaintiff Rihanna hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

386. Defendants have used in commerce marks that are identical or are substantially similar to Plaintiff Rihanna's name and trademarks.

387. Consumers identify each of Plaintiff Rihanna's marks exclusively with her.

388. Defendants conduct as alleged herein is likely to cause confusion and/or to deceive users and consumers as to the origin, sponsorship, affiliation, connection and/or association of Plaintiff Rihanna with Defendants' goods and/or services.

389. Plaintiff Rihanna does not now and has never sponsored or approved or authorized Defendants' use of her marks.

390. Defendants' conduct is willful and deliberate and done with the intent to unfairly commercially benefit from the goodwill associated with Plaintiff Rihanna personally, her brands and trademarks.

391. Defendants' unfair competition has caused and is causing great and irreparable harm and damage to Plaintiff Rihanna, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

392. As a direct and proximate result of Defendants' wrongful acts, Plaintiff Rihanna has suffered and continues to suffer and/or is likely to suffer damage to her trademarks, business reputation and goodwill. Defendants will continue to use, unless restrained, Plaintiff Rihanna's marks, or marks confusingly similar thereto, and will cause irreparable damage to Plaintiff Rihanna. Plaintiff Rihanna has no adequate remedy at law and is entitled to an injunction restraining Defendants, their respective officers, agents, and employees, and all persons acting in concert with Defendants, from engaging in further acts of infringement.

393. Plaintiff Rihanna is further entitled to recover from Defendants the actual damages that she sustained and/or is likely to sustain as a result of Defendants' wrongful acts.

394. Plaintiff Rihanna is further entitled to recover from Defendants the gains, profits and advantages that Defendants have obtained as a result of their wrongful acts.

395. Because of the willful nature of Defendants' wrongful acts, Plaintiff Rihanna is entitled to an award of exemplary damages under the common law, and treble damages and increased profits under 15 U.S.C. § 1117.

**THIRTY-EIGHTH CLAIM**  
**DECEPTIVE ACTS AND PRACTICES**  
**AS CLAIMED BY PLAINTIFF RIHANNA**  
**NEW YORK GENERAL BUSINESS LAW § 349**

396. Plaintiff Rihanna hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

397. Upon information and belief, Defendants, without Plaintiff Rihanna's authorization or consent, and having knowledge of Plaintiff Rihanna's rights to her intellectual

property, offer and/or have offered goods for sale to the public in direct competition with Plaintiff Rihanna.

398. Upon information and belief, Defendants' use of Plaintiff Rihanna's marks and her name, images and likeness is likely to cause and is causing confusion, mistake and deception among the general purchasing public as to the origin of the Defendants' products, and is likely to deceive the public into believing that goods and/or services being offered for sale by Defendants originate from, are associated with, or are otherwise authorized by Plaintiff Rihanna.

399. Upon information and belief, Defendants' deceptive acts and practices involve public sales activities of a recurring nature.

400. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Rihanna, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

**THIRTY-NINTH CLAIM**  
**UNJUST ENRICHMENT**  
**AS CLAIMED BY PLAINTIFF RIHANNA**

401. Plaintiff Rihanna hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

402. Defendants have benefited from the unlawful and infringing use of Plaintiff Rihanna's trademarks identified herein and her name, images and likeness because, upon information and belief, Defendants have derived and/or will derive substantial revenue from the sale of goods and/or the rendering of services offered and/or promoted on Defendants' Websites and in Defendants' brick-and-mortar stores and elsewhere through the use of Plaintiff Rihanna's trademarks and her name, images and likeness.

403. It would be against equity and good conscience to allow Defendants to retain the substantial revenue and profits they have realized and/or will realize through their blatantly unlawful use of Plaintiff Rihanna's trademarks and her name, images and likeness.

404. Defendants have been unjustly enriched by their unlawful use of Rihanna's trademarks, name, images and likeness.

405. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Rihanna, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

406. As a direct and proximate result of Defendants' actions as stated herein, Plaintiff Rihanna has suffered damage to her reputation and damage to the goodwill of her trademarks. Further, Plaintiff Rihanna is entitled to exemplary damages as a result of Defendants' malicious actions as described above.

**FORTIETH CLAIM**  
**COMMON LAW UNFAIR COMPETITION**  
**AS CLAIMED BY PLAINTIFF RIHANNA**

407. Plaintiff Rihanna hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

408. Plaintiff Rihanna has expended substantial time, resources and effort to develop and obtain a strong reputation in the marketplace and enormous goodwill in her trademarks identified herein.

409. Defendants have infringed Plaintiff Rihanna's trademarks by using marks confusingly similar to Plaintiff Rihanna's trademarks. Defendants' unlawful acts are intended to capitalize on Plaintiff Rihanna's goodwill for Defendants' own pecuniary gain.

410. Defendants' use of Plaintiff Rihanna's trademarks, or marks confusingly similar thereto, is calculated to and is likely to create confusion and to deceive and mislead consumers into believing that Defendants' products originate with or are authorized by Plaintiff Rihanna, and is likely to cause confusion as to the source of Defendants' products, all to the detriment of Plaintiff Rihanna.

411. Defendants' acts as alleged herein constitute unfair competition and will, unless enjoined by the Court, continue to result in harm to the goodwill associated with Plaintiff Rihanna's trademarks.

412. Upon information and belief, Defendants committed the acts alleged herein willfully and with the intent to confuse the public and to injure Plaintiff Rihanna.

413. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Rihanna, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

414. As a direct and proximate result of Defendants' actions as stated herein, Plaintiff Rihanna has suffered damage to her reputation and damage to the goodwill of her trademarks. Further, Plaintiff Rihanna is entitled to exemplary damages as a result of Defendants' malicious actions as described above.

**FORTY-FIRST CLAIM**  
**FEDERAL TRADEMARK INFRINGEMENT**  
**AS CLAIMED BY PLAINTIFF RORAJ TRADE**  
**15 U.S.C. § 1114**

415. Plaintiff Roraj Trade hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

416. Defendants have used in commerce, without Plaintiff Roraj Trade's permission, Plaintiff Roraj Trade's trademarks in a manner that is likely to cause confusion, mistake or



deception with respect to Plaintiff Roraj Trade's trademarks, and is likely to cause confusion or mistake and to deceive purchasers as to the affiliation, connection, approval, sponsorship or association of Plaintiff Roraj Trade and/or its goods, services and commercial activities, on the one hand, with Defendants and/or their respective goods, services or commercial activities, on the other hand.

417. Defendants' acts constitute infringement of Plaintiff Roraj Trade's trademarks under 15 U.S.C. § 1114.

418. As a direct and proximate result of Defendants' wrongful acts, Plaintiff Roraj Trade has suffered and continues to suffer and/or is likely to suffer damage to its trademarks, business reputation and goodwill. Defendants will continue to use, unless restrained, Plaintiff Roraj Trade's marks or marks confusingly similar thereto and will cause irreparable damage to Plaintiff Roraj Trade. Plaintiff Roraj Trade has no adequate remedy at law and is entitled to an injunction restraining Defendants, their respective officers, agents, and employees, and all persons acting in concert with Defendants, from engaging in further acts of infringement.

419. Plaintiff Roraj Trade is further entitled to recover from Defendants the actual damages that it sustained and/or is likely to sustain as a result of Defendants' wrongful acts.

420. Plaintiff Roraj Trade is further entitled to recover from Defendants the gains, profits and advantages that Defendants have obtained as a result of their wrongful acts.

421. Because of the willful nature of Defendants' wrongful acts, Plaintiff Roraj Trade is entitled to an award of exemplary damages under the common law, and treble damages and increased profits under 15 U.S.C. § 1117.

**FORTY-SECOND CLAIM**  
**FEDERAL UNFAIR COMPETITION**  
**AS CLAIMED BY PLAINTIFF RORAJ TRADE**  
**15 U.S.C. § 1125(A)**

422. Plaintiff Roraj Trade hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

423. Defendants have used in commerce marks that are identical or are substantially similar to Plaintiff Roraj Trade's trademarks.

424. Consumers identify each of Plaintiff Roraj Trade's marks exclusively with it and/or Roraj Trade's owner Rihanna.

425. Defendants conduct as alleged herein is likely to cause confusion and/or to deceive users and consumers as to the origin, sponsorship, affiliation, connection and/or association of Plaintiff Roraj Trade with Defendants' goods and/or services.

426. Plaintiff Roraj Trade does not now and has never sponsored or approved or authorized Defendants' use of its marks.

427. Defendants' conduct is willful and deliberate and done with the intent to unfairly commercially benefit from the goodwill associated with Plaintiff Roraj Trade and its trademarks.

428. Defendants' unfair competition has caused and is causing great and irreparable harm and damage to Plaintiff Roraj Trade, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

429. As a direct and proximate result of Defendants' wrongful acts, Plaintiff Roraj Trade has suffered and continues to suffer and/or is likely to suffer damage to its trademarks, business reputation and goodwill. Defendants will continue to use, unless restrained, Plaintiff Roraj Trade's marks, or marks confusingly similar thereto, and will cause irreparable damage to Plaintiff Roraj Trade. Plaintiff Roraj Trade has no adequate remedy at law and is entitled to an

injunction restraining Defendants, their respective officers, agents, and employees, and all persons acting in concert with Defendants, from engaging in further acts of infringement.

430. Plaintiff Roraj Trade is further entitled to recover from Defendants the actual damages that it sustained and/or is likely to sustain as a result of Defendants' wrongful acts.

431. Plaintiff Roraj Trade is further entitled to recover from Defendants the gains, profits and advantages that Defendants have obtained as a result of their wrongful acts.

432. Because of the willful nature of Defendants' wrongful acts, Plaintiff Roraj Trade is entitled to an award of exemplary damages under the common law, and treble damages and increased profits under 15 U.S.C. § 1117.

**FORTY-THIRD CLAIM**  
**FEDERAL TRADEMARK DILUTION**  
**AS CLAIMED BY PLAINTIFF RORAJ TRADE**  
**15 U.S.C. § 1125(C)**

433. Plaintiff Roraj Trade hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

434. Plaintiff Roraj Trade uses its famous trademarks to identify its goods and services before Defendants began promoting and offering goods and/or services under, or otherwise using, Plaintiff Roraj Trade's famous marks. Plaintiff Roraj Trade's famous trademarks identified herein are inherently distinctive and have acquired distinction through Plaintiff Roraj Trade's extensive, continuous and exclusive use of its marks.

435. Plaintiff Roraj Trade's marks identified herein are famous and distinctive within the meaning of 15 U.S.C. §§ 1125(c)(1), and were famous before Defendants adopted Plaintiff Roraj Trade's marks and/or marks substantial similar thereto.

436. Defendants' use of Plaintiff Roraj Trade's famous trademarks is likely to dilute the distinctive quality of its famous trademarks in violation of 15 U.S.C. § 1125(c).

437. Defendants' acts complained of herein are likely to damage Plaintiff Roraj Trade irreparably.

438. Plaintiff Roraj Trade has no adequate remedy at law for such wrongs and injuries. The damage to Plaintiff Roraj Trade includes harm to its trademarks, goodwill and reputation that money cannot compensate. Plaintiff Roraj Trade is, therefore, entitled to a preliminary and permanent injunction enjoining Defendants' use of Plaintiff Roraj Trade's famous trademarks identified herein, or any marks dilutive of Plaintiff Roraj Trade's famous trademarks in connection with the promotion, advertisement and sale of any goods, services or commercial activities by Defendants.

439. Plaintiff Roraj Trade is further entitled to recover from Defendants for the actual damages sustained by Plaintiff Roraj Trade as a result of Defendants' wrongful acts. Plaintiff Roraj Trade is presently unable to ascertain the full extent of the monetary damages it has suffered by reason of Defendants' acts of dilution.

440. Plaintiff Roraj Trade is further entitled to recover from Defendants the gains, profits and advantages Defendants have obtained as a result of their wrongful acts. Plaintiff Roraj Trade is presently unable to ascertain the extent of the gains, profits and advantages Defendants have realized by reason of Defendants' willful acts of dilution.

441. Because of the willful nature of Defendants' actions, Plaintiff Roraj Trade is entitled to all remedies available under 15 U.S.C. §§ 1117 and 1118, including, but not limited to, treble damages.

**FORTY-FOURTH CLAIM**  
**DECEPTIVE ACTS AND PRACTICES**  
**AS CLAIMED BY PLAINTIFF RORAJ TRADE**  
**NEW YORK GENERAL BUSINESS LAW § 349**

442. Plaintiff Roraj Trade hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

443. Upon information and belief, Defendants, without Plaintiff Roraj Trade's authorization or consent, and having knowledge of Plaintiff Roraj Trade's rights to its intellectual property, offer and/or have offered goods for sale to the public in direct competition with Plaintiff Roraj Trade.

444. Upon information and belief, Defendants' use of Plaintiff Roraj Trade's marks is likely to cause and is causing confusion, mistake and deception among the general purchasing public as to the origin of the Defendants' products, and is likely to deceive the public into believing that goods and/or services being offered for sale by Defendants originate from, are associated with, or are otherwise authorized by Plaintiff Roraj Trade.

445. Upon information and belief, Defendants' deceptive acts and practices involve public sales activities of a recurring nature.

446. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Roraj Trade, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

**FORTY-FIFTH CLAIM**  
**TRADEMARK DILUTION**  
**AS CLAIMED BY PLAINTIFF RORAJ TRADE**  
**NEW YORK GEN. BUS. L. § 360-L**

447. Plaintiff Roraj Trade hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

448. Plaintiff Roraj Trade uses its famous trademarks identified herein to identify its goods and services before Defendants began promoting and offering goods and/or services under, or otherwise using, Plaintiff Roraj Trade's famous trademarks. Plaintiff Roraj Trade's famous trademarks identified herein are inherently distinctive and have acquired distinction through Plaintiff Roraj Trade's extensive, continuous and exclusive use of its marks.

449. Plaintiff Roraj Trade's trademarks identified herein are famous and distinctive within the meaning of New York Gen. Bus. L. § 360-1, and were famous before Defendants adopted Plaintiff Roraj Trade's famous trademarks.

450. Defendants' use of Plaintiff Roraj Trade's famous trademarks is likely to dilute the distinctive quality of Plaintiff Roraj Trade's famous trademarks in violation of New York Gen. Bus. L. § 360-1.

451. Defendants' acts complained of herein are likely to damage Plaintiff Roraj Trade irreparably.

452. Plaintiff Roraj Trade has no adequate remedy at law for such wrongs and injuries. The damage to Plaintiff Roraj Trade includes harm to its trademarks, goodwill and reputation that money cannot compensate. Plaintiff Roraj Trade is, therefore, entitled to a preliminary and permanent injunction enjoining Defendants' use of Plaintiff Roraj Trade's famous trademarks, or any marks dilutive of Plaintiff Roraj Trade's famous trademarks in connection with the promotion, advertisement and sale of any goods, services or commercial activities by Defendants.

453. Plaintiff Roraj Trade is further entitled to recover from Defendants for the actual damages sustained by it as a result of Defendants' wrongful acts. Plaintiff Roraj Trade is presently unable to ascertain the full extent of the monetary damages it has suffered by reason of Defendants' acts of dilution.

454. Plaintiff Roraj Trade is further entitled to recover from Defendants the gains, profits and advantages Defendants have obtained as a result of their wrongful acts. Plaintiff Roraj Trade is presently unable to ascertain the extent of the gains, profits and advantages Defendants have realized by reason of Defendants' willful acts of dilution.

455. Because of the willful nature of Defendants' actions, Plaintiff Roraj Trade is entitled to all remedies under New York General Business Law.

**FORTY-SIXTH CLAIM**  
**UNJUST ENRICHMENT**  
**AS CLAIMED BY PLAINTIFF RORAJ TRADE**

456. Plaintiff Roraj Trade hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

457. Defendants have benefited from the unlawful and infringing use of Plaintiff Roraj Trade's trademarks identified herein because, upon information and belief, Defendants have derived and/or will derive substantial revenue from the sale of goods and/or the rendering of services offered and/or promoted on Defendants' Websites and in Defendants' brick-and-mortar stores and elsewhere through the use of Plaintiff Roraj Trade's trademarks.

458. It would be against equity and good conscience to allow Defendants to retain the substantial revenue and profits they have realized and/or will realize through their blatantly unlawful use of Plaintiff Roraj Trade's trademarks.

459. Defendants have been unjustly enriched by their unlawful use of Roraj Trade's trademarks.

460. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Roraj Trade, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

461. As a direct and proximate result of Defendants' actions as stated herein, Plaintiff Roraj Trade has suffered damage to its reputation and damage to the goodwill of its trademarks. Further, Plaintiff Roraj Trade is entitled to exemplary damages as a result of Defendants' malicious actions as described above.

**FORTY-SEVENTH CLAIM**  
**COMMON LAW TRADEMARK INFRINGEMENT**  
**AS CLAIMED BY PLAINTIFF RORAJ TRADE**

462. Plaintiff Roraj Trade hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

463. Defendants have used in commerce, without Plaintiff Roraj Trade's permission, Plaintiff Roraj Trade's trademarks identified herein and/or marks confusingly similar thereto, in a manner that is likely to cause confusion, mistake or deception with respect to Plaintiff Roraj Trade's marks, and is likely to cause confusion or mistake and to deceive purchasers as to the affiliation, connection, approval, sponsorship or association of Plaintiff Roraj Trade and/or its goods, services and commercial activities, on the one hand, with Defendants and/or their goods, services or commercial activities, on the other hand.

464. Defendants' acts constitute infringement of Plaintiff Roraj Trade's trademarks in violation of the common law.

465. As a direct and proximate result of Defendants' wrongful acts, Plaintiff Roraj Trade has suffered and continues to suffer and/or is likely to suffer damage to its trademarks, business reputation and goodwill. Defendants will continue to use, unless restrained, Plaintiff Roraj Trade's trademarks and/or marks confusingly similar thereto and will cause irreparable damage to Plaintiff Roraj Trade. Plaintiff Roraj Trade has no adequate remedy at law and is



entitled to an injunction restraining Defendants, their respective officers, agents, and employees, and all persons acting in concert with Defendants, from engaging in further acts of infringement.

466. Plaintiff Roraj Trade is further entitled to recover from Defendants the actual damages that it sustained and/or is likely to sustain as a result of Defendants' wrongful acts.

467. Plaintiff Roraj Trade is further entitled to recover from Defendants the gains, profits and advantages that Defendants have obtained as a result of their wrongful acts.

468. Because of the willful nature of Defendants' wrongful acts, Plaintiff Roraj Trade is entitled to an award of exemplary damages under the common law.

**FORTY-EIGHTH CLAIM**  
**COMMON LAW UNFAIR COMPETITION**  
**AS CLAIMED BY PLAINTIFF RORAJ TRADE**

469. Plaintiff Roraj Trade hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

470. Plaintiff Roraj Trade has expended substantial time, resources and effort to develop and obtain a strong reputation in the marketplace and enormous goodwill in its trademarks identified herein.

471. Defendants have infringed Plaintiff Roraj Trade's trademarks by using marks confusingly similar to Plaintiff Roraj Trade's trademarks. Defendants' unlawful acts are intended to capitalize on Plaintiff Roraj Trade's goodwill for Defendants' own pecuniary gain.

472. Defendants' use of Plaintiff Roraj Trade's trademarks, or marks confusingly similar thereto, is calculated to and is likely to create confusion and to deceive and mislead consumers into believing that Defendants' products originate with or are authorized by Plaintiff Roraj Trade, and is likely to cause confusion as to the source of Defendants' products, all to the detriment of Plaintiff Roraj Trade.

473. Defendants' acts as alleged herein constitute unfair competition and will, unless enjoined by the Court, continue to result in harm to the goodwill associated with Plaintiff Roraj Trade's trademarks.

474. Upon information and belief, Defendants committed the acts alleged herein willfully and with the intent to confuse the public and to injure Plaintiff Roraj Trade.

475. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Roraj Trade, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

476. As a direct and proximate result of Defendants' actions as stated herein, Plaintiff Roraj Trade has suffered damage to its reputation and damage to the goodwill of its trademarks. Further, Plaintiff Roraj Trade is entitled to exemplary damages as a result of Defendants' malicious actions as described above.

**FORTY-NINTH CLAIM**  
**VIOLATION OF RIGHT OF PUBLICITY**  
**AS CLAIMED BY PLAINTIFF JAY Z**  
**NEW YORK CIVIL RIGHTS LAW §§ 50 AND 51**

477. Plaintiff Jay Z hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

478. Defendants have used Plaintiff Jay Z's name, images and likeness within the State of New York for advertising and/or for the purpose of trade.

479. Defendants' use of Plaintiff Jay Z's name, images and likeness has been without the written or oral authorization of Plaintiff Jay Z or anyone authorized by him to give such authorization.

480. Defendants' use of Plaintiff Jay Z's name, images and likeness has caused injury to him in an amount to be proven at trial.

481. Defendants' use of Plaintiff Jay Z's name, images and likeness in the manner described herein is forbidden and/or unlawful pursuant to Section 50 of New York Civil Rights Law.

482. Plaintiff Jay Z therefore demands exemplary damages under Section 51 of New York Civil Rights Law.

483. Furthermore, Section 51 of the New York Civil Rights Law provides a right to injunctive relief to restrain the unauthorized use of a person's name for purposes of advertising or trade purposes within New York State.

484. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Jay Z, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

485. Plaintiff Jay Z therefore demands that Defendants be enjoined and restrained pursuant to Section 51 of the Civil Rights law of the State of New York from using Plaintiff Jay Z's name, images and likeness for advertising purposes or purposes of trade.

**FIFTIETH CLAIM**  
**FEDERAL TRADEMARK INFRINGEMENT**  
**AS CLAIMED BY PLAINTIFF JAY Z**  
**15 U.S.C. § 1114**

486. Plaintiff Jay Z hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

487. Defendants have used in commerce, without Plaintiff Jay Z's permission, Plaintiff Jay Z's trademarks in a manner that is likely to cause confusion, mistake or deception with respect to Plaintiff Jay Z's trademarks, and is likely to cause confusion or mistake and to deceive purchasers as to the affiliation, connection, approval, sponsorship or association of Plaintiff Jay

Z and/or his goods, services and commercial activities, on the one hand, with Defendants and/or their respective goods, services or commercial activities, on the other hand.

488. Defendants' acts constitute infringement of Plaintiff Jay Z's trademarks under 15 U.S.C. § 1114.

489. As a direct and proximate result of Defendants' wrongful acts, Plaintiff Jay Z has suffered and continues to suffer and/or is likely to suffer damage to his trademarks, business reputation and goodwill. Defendants will continue to use, unless restrained, Plaintiff Jay Z's marks or marks confusingly similar thereto and will cause irreparable damage to Plaintiff Jay Z. Plaintiff Jay Z has no adequate remedy at law and is entitled to an injunction restraining Defendants, their respective officers, agents, and employees, and all persons acting in concert with Defendants, from engaging in further acts of infringement.

490. Plaintiff Jay Z is further entitled to recover from Defendants the actual damages that he sustained and/or is likely to sustain as a result of Defendants' wrongful acts.

491. Plaintiff Jay Z is further entitled to recover from Defendants the gains, profits and advantages that Defendants have obtained as a result of their wrongful acts.

492. Because of the willful nature of Defendants' wrongful acts, Plaintiff Jay Z is entitled to an award of exemplary damages under the common law, and treble damages and increased profits under 15 U.S.C. § 1117.

**FIFTY-FIRST CLAIM**  
**FEDERAL UNFAIR COMPETITION**  
**AS CLAIMED BY PLAINTIFF JAY Z**  
**15 U.S.C. § 1125(A)**

493. Plaintiff Jay Z hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

494. Defendants have used in commerce marks that are identical or are substantially similar to Plaintiff Jay Z's name and trademarks.

495. Consumers identify each of Plaintiff Jay Z's marks exclusively with him.

496. Defendants conduct as alleged herein is likely to cause confusion and/or to deceive users and consumers as to the origin, sponsorship, affiliation, connection and/or association of Plaintiff Jay Z with Defendants' goods and/or services.

497. Plaintiff Jay Z does not now and has never sponsored or approved or authorized Defendants' use of his marks.

498. Defendants' conduct is willful and deliberate and done with the intent to unfairly commercially benefit from the goodwill associated with Plaintiff Jay Z personally, his brands and trademarks.

499. Defendants' unfair competition has caused and is causing great and irreparable harm and damage to Plaintiff Jay Z, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

500. As a direct and proximate result of Defendants' wrongful acts, Plaintiff Jay Z has suffered and continues to suffer and/or is likely to suffer damage to his trademarks, business reputation and goodwill. Defendants will continue to use, unless restrained, Plaintiff Jay Z's marks, or marks confusingly similar thereto, and will cause irreparable damage to Plaintiff Jay Z. Plaintiff Jay Z has no adequate remedy at law and is entitled to an injunction restraining Defendants, their respective officers, agents, and employees, and all persons acting in concert with Defendants, from engaging in further acts of infringement.

501. Plaintiff Jay Z is further entitled to recover from Defendants the actual damages that he sustained and/or is likely to sustain as a result of Defendants' wrongful acts.

502. Plaintiff Jay Z is further entitled to recover from Defendants the gains, profits and advantages that Defendants have obtained as a result of their wrongful acts.

503. Because of the willful nature of Defendants' wrongful acts, Plaintiff Jay Z is entitled to an award of exemplary damages under the common law, and treble damages and increased profits under 15 U.S.C. § 1117.

**FIFTY-SECOND CLAIM**  
**FEDERAL TRADEMARK DILUTION**  
**AS CLAIMED BY PLAINTIFF JAY Z**  
**15 U.S.C. § 1125(C)**

504. Plaintiff Jay Z hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

505. Plaintiff Jay Z uses his famous trademarks to identify his goods and services before Defendants began promoting and offering goods and/or services under, or otherwise using, Plaintiff Jay Z's famous marks. Plaintiff Jay Z's famous trademarks identified herein are inherently distinctive and have acquired distinction through Plaintiff Jay Z's extensive, continuous and exclusive use of his marks.

506. Plaintiff Jay Z's marks identified herein are famous and distinctive within the meaning of 15 U.S.C. §§ 1125(c)(1), and were famous before Defendants adopted Plaintiff Jay Z's marks and/or marks substantial similar thereto.

507. Defendants' use of Plaintiff Jay Z's famous trademarks is likely to dilute the distinctive quality of his famous trademarks in violation of 15 U.S.C. § 1125(c).

508. Defendants' acts complained of herein are likely to damage Plaintiff Jay Z irreparably.

509. Plaintiff Jay Z has no adequate remedy at law for such wrongs and injuries. The damage to Plaintiff Jay Z includes harm to his trademarks, goodwill and reputation that money

cannot compensate. Plaintiff Jay Z is, therefore, entitled to a preliminary and permanent injunction enjoining Defendants' use of Plaintiff Jay Z's famous trademarks identified herein, or any marks dilutive of Plaintiff Jay Z's famous trademarks in connection with the promotion, advertisement and sale of any goods, services or commercial activities by Defendants.

510. Plaintiff Jay Z is further entitled to recover from Defendants for the actual damages sustained by Plaintiff Jay Z as a result of Defendants' wrongful acts. Plaintiff Jay Z is presently unable to ascertain the full extent of the monetary damages he has suffered by reason of Defendants' acts of dilution.

511. Plaintiff Jay Z is further entitled to recover from Defendants the gains, profits and advantages Defendants have obtained as a result of their wrongful acts. Plaintiff Jay Z is presently unable to ascertain the extent of the gains, profits and advantages Defendants have realized by reason of Defendants' willful acts of dilution.

512. Because of the willful nature of Defendants' actions, Plaintiff Jay Z is entitled to all remedies available under 15 U.S.C. §§ 1117 and 1118, including, but not limited to, treble damages.

**FIFTY-THIRD CLAIM**  
**DECEPTIVE ACTS AND PRACTICES**  
**AS CLAIMED BY PLAINTIFF JAY Z**  
**NEW YORK GENERAL BUSINESS LAW § 349**

513. Plaintiff Jay Z hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

514. Upon information and belief, Defendants, without Plaintiff Jay Z's authorization or consent, and having knowledge of Plaintiff Jay Z's rights to his intellectual property, offer and/or have offered goods for sale to the public in direct competition with Plaintiff Jay Z.

515. Upon information and belief, Defendants' use of Plaintiff Jay Z's marks and his name, images and likeness is likely to cause and is causing confusion, mistake and deception among the general purchasing public as to the origin of the Defendants' products, and is likely to deceive the public into believing that goods and/or services being offered for sale by Defendants originate from, are associated with, or are otherwise authorized by Plaintiff Jay Z.

516. Upon information and belief, Defendants' deceptive acts and practices involve public sales activities of a recurring nature.

517. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Jay Z, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

**FIFTY-FOURTH CLAIM**  
**TRADEMARK DILUTION**  
**AS CLAIMED BY PLAINTIFF JAY Z**  
**NEW YORK GEN. BUS. L. § 360-L**

518. Plaintiff Jay Z hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

519. Plaintiff Jay Z uses his famous trademarks identified herein to identify his goods and services before Defendants began promoting and offering goods and/or services under, or otherwise using, Plaintiff Jay Z's famous trademarks. Plaintiff Jay Z's famous trademarks identified herein are inherently distinctive and have acquired distinction through Plaintiff Jay Z's extensive, continuous and exclusive use of his marks.

520. Plaintiff Jay Z's trademarks identified herein are famous and distinctive within the meaning of New York Gen. Bus. L. § 360-l, and were famous before Defendants adopted Plaintiff Jay Z's famous trademarks.



521. Defendants' use of Plaintiff Jay Z's famous trademarks is likely to dilute the distinctive quality of Plaintiff Jay Z's famous trademarks in violation of New York Gen. Bus. L. § 360-1.

522. Defendants' acts complained of herein are likely to damage Plaintiff Jay Z irreparably.

523. Plaintiff Jay Z has no adequate remedy at law for such wrongs and injuries. The damage to Plaintiff Jay Z includes harm to his trademarks, goodwill and reputation that money cannot compensate. Plaintiff Jay Z is, therefore, entitled to a preliminary and permanent injunction enjoining Defendants' use of Plaintiff Jay Z's famous trademarks, or any marks dilutive of Plaintiff Jay Z's famous trademarks in connection with the promotion, advertisement and sale of any goods, services or commercial activities by Defendants.

524. Plaintiff Jay Z is further entitled to recover from Defendants for the actual damages sustained by him as a result of Defendants' wrongful acts. Plaintiff Jay Z is presently unable to ascertain the full extent of the monetary damages he has suffered by reason of Defendants' acts of dilution.

525. Plaintiff Jay Z is further entitled to recover from Defendants the gains, profits and advantages Defendants have obtained as a result of their wrongful acts. Plaintiff Jay Z is presently unable to ascertain the extent of the gains, profits and advantages Defendants have realized by reason of Defendants' willful acts of dilution.

526. Because of the willful nature of Defendants' actions, Plaintiff Jay Z is entitled to all remedies under New York General Business Law.

**FIFTY-FIFTH CLAIM**  
**UNJUST ENRICHMENT**  
**AS CLAIMED BY PLAINTIFF JAY Z**

527. Plaintiff Jay Z hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

528. Defendants have benefited from the unlawful and infringing use of Plaintiff Jay Z's trademarks identified herein and his name, images and likeness because, upon information and belief, Defendants have derived and/or will derive substantial revenue from the sale of goods and/or the rendering of services offered and/or promoted on Defendants' Websites and in Defendants' brick-and-mortar stores and elsewhere through the use of Plaintiff Jay Z's trademarks and his name, images and likeness.

529. It would be against equity and good conscience to allow Defendants to retain the substantial revenue and profits they have realized and/or will realize through their blatantly unlawful use of Plaintiff Jay Z's trademarks and his name, images and likeness.

530. Defendants have been unjustly enriched by their unlawful use of Jay Z's trademarks, name, images and likeness.

531. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Jay Z, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

532. As a direct and proximate result of Defendants' actions as stated herein, Plaintiff Jay Z has suffered damage to his reputation and damage to the goodwill of his trademarks. Further, Plaintiff Jay Z is entitled to exemplary damages as a result of Defendants' malicious actions as described above.

**FIFTY-SIXTH CLAIM**  
**COMMON LAW TRADEMARK INFRINGEMENT**  
**AS CLAIMED BY PLAINTIFF JAY Z**

533. Plaintiff Jay Z hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

534. Defendants have used in commerce, without Plaintiff Jay Z's permission, Plaintiff Jay Z's trademarks identified herein and/or marks confusingly similar thereto, in a manner that is likely to cause confusion, mistake or deception with respect to Plaintiff Jay Z's marks, and is likely to cause confusion or mistake and to deceive purchasers as to the affiliation, connection, approval, sponsorship or association of Plaintiff Jay Z and/or his goods, services and commercial activities, on the one hand, with Defendants and/or their goods, services or commercial activities, on the other hand.

535. Defendants' acts constitute infringement of Plaintiff Jay Z's trademarks in violation of the common law.

536. As a direct and proximate result of Defendants' wrongful acts, Plaintiff Jay Z has suffered and continues to suffer and/or is likely to suffer damage to his trademarks, business reputation and goodwill. Defendants will continue to use, unless restrained, Plaintiff Jay Z's trademarks and/or marks confusingly similar thereto and will cause irreparable damage to Plaintiff Jay Z. Plaintiff Jay Z has no adequate remedy at law and is entitled to an injunction restraining Defendants, their respective officers, agents, and employees, and all persons acting in concert with Defendants, from engaging in further acts of infringement.

537. Plaintiff Jay Z is further entitled to recover from Defendants the actual damages that he sustained and/or is likely to sustain as a result of Defendants' wrongful acts.

538. Plaintiff Jay Z is further entitled to recover from Defendants the gains, profits and advantages that Defendants have obtained as a result of their wrongful acts.

539. Because of the willful nature of Defendants' wrongful acts, Plaintiff Jay Z is entitled to an award of exemplary damages under the common law.

**FIFTY-SEVENTH CLAIM**  
**COMMON LAW UNFAIR COMPETITION**  
**AS CLAIMED BY PLAINTIFF JAY Z**

540. Plaintiff Jay Z hereby repeats and realleges the foregoing Paragraphs of the Complaint as if fully set forth herein.

541. Plaintiff Jay Z has expended substantial time, resources and effort to develop and obtain a strong reputation in the marketplace and enormous goodwill in his trademarks identified herein.

542. Defendants have infringed Plaintiff Jay Z's trademarks by using marks confusingly similar to Plaintiff Jay Z's trademarks. Defendants' unlawful acts are intended to capitalize on Plaintiff Jay Z's goodwill for Defendants' own pecuniary gain.

543. Defendants' use of Plaintiff Jay Z's trademarks, or marks confusingly similar thereto, is calculated to and is likely to create confusion and to deceive and mislead consumers into believing that Defendants' products originate with or are authorized by Plaintiff Jay Z, and is likely to cause confusion as to the source of Defendants' products, all to the detriment of Plaintiff Jay Z.

544. Defendants' acts as alleged herein constitute unfair competition and will, unless enjoined by the Court, continue to result in harm to the goodwill associated with Plaintiff Jay Z's trademarks.

545. Upon information and belief, Defendants committed the acts alleged herein willfully and with the intent to confuse the public and to injure Plaintiff Jay Z.

546. The acts of Defendants have caused and are causing great and irreparable harm and damage to Plaintiff Jay Z, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

547. As a direct and proximate result of Defendants' actions as stated herein, Plaintiff Jay Z has suffered damage to his reputation and damage to the goodwill of his trademarks. Further, Plaintiff Jay Z is entitled to exemplary damages as a result of Defendants' malicious actions as described above.

**FIFTY-EIGHTH CLAIM**  
**BREACH OF CONTRACT**  
**AS CLAIMED BY PLAINTIFFS BEYONCÉ AND BGK**

548. Plaintiffs Beyoncé and BGK hereby repeat and reallege the foregoing Paragraphs of the Complaint as if fully set forth herein.

549. Defendants entered into the Agreement with Plaintiffs Beyoncé and BGK, which was fully executed in January 2015.

550. Upon information and belief, Defendants breached the terms and conditions of the Agreement by undertaking the actions set forth in the allegations provided herein.

551. As a direct and proximate result of Defendants' actions as stated herein, including the breach of the Agreement, Plaintiffs Beyoncé and BGK have suffered damage to their reputations and damage to the goodwill of their respective trademarks.

552. Further, Plaintiffs Beyoncé and BGK are entitled to exemplary damages as a result of Defendants' malicious actions as described above that breached the Agreement.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs respectfully request judgment against Defendants, and their respective partners, agents and employees, and any and all persons in active concert or participation with Defendants, and each of their heirs, executors, administrators, successors, licensees, assigns, subsidiaries, parents, affiliates, divisions, co-venturers, partners, officers, directors, employees, agents, shareholders, managers, representatives, consultants and any and all other persons, corporations or other entities acting under the supervision, direction, control or on behalf of any of the foregoing as follows:

1. Preliminarily and permanently enjoining Defendants, and their respective partners, agents and employees, and any and all other persons in active concert or participation with Defendants, and each of their heirs, executors, administrators, successors, licensees, assigns, subsidiaries, parents, affiliates, divisions, co-venturers, partners, officers, directors, employees, agents, shareholders, managers, representatives, consultants and any and all other persons, corporations or other entities acting under the supervision, direction, control or on behalf of any of the foregoing from (a) engaging in the marketing, promotion, offering, rendering, sale or other use in commerce of any products bearing the name, image or likeness of any of the Plaintiffs, or any of the Plaintiffs' intellectual property, including any of the Plaintiffs' trademarks or any marks confusingly similar to such trademarks, or any of the Plaintiffs' lyrics, in any manner that may cause confusion or mistake or may deceive the public into believing that such products originate with any of the Plaintiffs or that there is any affiliation or connection with any of the Plaintiffs, and from otherwise competing unfairly with Plaintiffs; (b) assisting, aiding or abetting any other person or entity in the marketing, promotion, offering, rendering, sale or other use in commerce of any products bearing the name, image or likeness of any of the Plaintiffs, or any of

the Plaintiffs' intellectual property, including any of the Plaintiffs' trademarks or any marks confusingly similar to such trademarks, or any of the Plaintiffs' lyrics; (c) using any of Plaintiffs' marks, or any other mark, term or title confusingly similar to Plaintiffs' marks; (d) using any photographs, videos or the name or likeness of the individual Plaintiffs in any manner that may cause confusion or mistake or may deceive the public into believing that any of Defendants' products or services originate with Plaintiffs or that there is any affiliation or connection between Plaintiffs and Defendants, and from otherwise competing unfairly with Plaintiffs; (e) using any mark in a manner so as to cause the dilution of Plaintiffs' distinctive marks identified herein; and (f) representing by any means whatsoever, directly or indirectly, or doing any other acts or things calculated or likely to cause confusion, mistake or to deceive the public into believing that any of Defendants' goods or services, or websites or stores originate with Plaintiffs or that there is any affiliation or connection between Plaintiffs and Defendants, and from otherwise competing unfairly with Plaintiffs;

2. Awarding each Plaintiff damages in amounts pertaining to each to be determined at trial, including compensatory, statutory damages and exemplary damages;

3. Awarding an accounting to each Plaintiff for the gains and profits of all Defendants and for the damages sustained by each Plaintiff as a result of the willful, intentional and wrongful conduct of all Defendants;

4. Awarding each Plaintiff treble damages on account of the willful nature of all Defendants' infringing acts for an amount to be determined at trial;

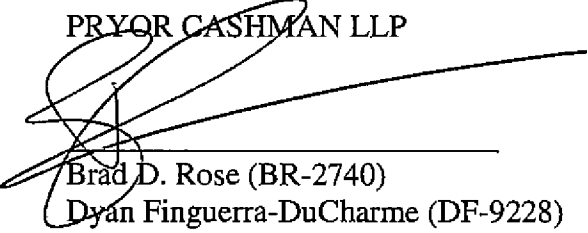
5. Requiring all Defendants to pay each Plaintiff their costs and expenses in this action, including attorneys' fees and costs; and

6. Granting each Plaintiff such other and further relief as the Court deems just and proper.

Dated: New York, New York  
October 6, 2015

Respectfully submitted,

PRYOR CASHMAN LLP



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Brad D. Rose (BR-2740)

Dyan Finguerra-DuCharme (DF-9228)

Ryan S. Klarberg (RK-4719)

7 Times Square

New York, New York 10036

Telephone: (212) 421-4100

Fax: (212) 326-0806

[brose@pryorcashman.com](mailto:brose@pryorcashman.com)

[dfinguerra-ducharme@pryorcashman.com](mailto:dfinguerra-ducharme@pryorcashman.com)

[rklarberg@pryorcashman.com](mailto:rklarberg@pryorcashman.com)

*Attorneys for Plaintiffs*



## General Information

<b>Court</b>	United States District Court for the Southern District of New York; United States District Court for the Southern District of New York
<b>Federal Nature of Suit</b>	Property Rights - Trademark[840]
<b>Docket Number</b>	1:15-cv-07890