

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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BRAVADO INTERNATIONAL GROUP
MERCHANDISING SERVICES, INC.,
BEYONCE, INC. and BEYONCE KNOWLES

CIVIL ACTION NO.

COMPLAINT

Plaintiffs,

-against-

VARIOUS JOHN DOES, JANE DOES and
ABC COMPANIES,

Defendants.

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1. This Court has exclusive jurisdiction over this action under 28 U.S.C. Section 1331 and 1338(a) and 15 U.S.C. Section 1121, 1125, 1126 and 1116. This action arises under the Lanham Trademark Act (15 U.S.C. Section 1051, et seq.).

2. Plaintiff Beyonce Knowles ("Beyonce") is a resident of Texas.

3. Plaintiff Bravado International Group Merchandising Services, Inc., (hereinafter referred to as "Bravado") is a corporation duly organized under the laws of the State of California with its principal place of business in New York, New York.

4. Plaintiff Beyonce, Inc. is a Texas corporation with its principal place of business in Texas.

5. Upon information and belief, defendants Various John Does and Jane Does transact and do business and will be present in St. Louis, Missouri on and before July 8, 2007 or are now conspiring to and otherwise traveling to the other states listed in Schedule A hereto and are subject to the jurisdiction of this Court. The identities of the Various John Does and Jane Does are not presently known and the Complaint herein will be amended to include the name or names of said individuals if and when they permit themselves to be identified.

6. Upon information and belief, defendants ABC Companies through their agents, servants and employees transact and do business in and will be present in St. Louis, Missouri on and before July 8, 2007 and are traveling to or are now conspiring to travel to other states listed in Schedule A hereto and are subject to the jurisdiction of this Court. The identities of the ABC Companies are not presently known and the Complaint herein will be amended to include the names of the actual companies if and when they permit themselves to be identified.

THE PARTIES

7. Beyonce has used the Beyonce name and trademark to identify herself in all phases of the entertainment industry and to distinguish herself from other professional entertainment performers.

8. Plaintiff Beyonce, Inc. has been authorized by Beyonce to grant to Bravado the exclusive right to market merchandising items including, but not limited to, T-shirts, jewelry, photographs and posters bearing the Beyonce name, trade name, trademark, likeness and logos at concert engagements throughout the United States.

9. The defendants are numerous independent unlicensed peddlers and manufacturing and distributing companies who will be attempting to distribute and sell unauthorized bootleg and inferior merchandise embodying the Beyonce name, trademark and/or likeness and/or replicas of the artwork embodied on the jackets containing Beyonce recordings (hereinafter referred to collectively as "Bootleg Merchandise") including, but not limited to, t-shirts outside the confines of the Scottrade Center in St. Louis, Missouri on July 8, 2007 and at Beyonce concerts on her present concert tour, a partial itinerary of which is listed on Schedule A hereto, in violation of the rights of plaintiffs under the Lanham Act. The identities of these defendants are not presently known and cannot be known unless they voluntarily permit themselves to be identified.

BACKGROUND

10. To date, in excess of 10 Million copies of recordings embodying the performances of Beyonce have been sold either as a solo artist or as a member of Destiny's Child.

11. To date, more than 3 Million Dollars worth of licensed merchandise bearing the Beyonce name and/or trademark and/or artwork and/or logos and/or likeness have been sold.

12. Since as early as 2003, Beyonce has used the Beyonce name and/or the Beyonce mark to identify her performing services as a musical performer and an actress. Beyonce has sought to distinguish merchandise pertaining to her from merchandise made and sold and pertaining to others by prominently displaying the Beyonce name, likeness and/or replicas of the artwork embodied on the jackets containing Beyonce recordings on T-shirts and other merchandise items associated therewith.

13. Bravado holds the exclusive license to sell merchandise bearing the Beyonce mark and likeness at Beyonce concert engagements throughout the United States.

14. Beyonce is embarking on a concert tour of the United States. The concert itinerary, in part, is annexed hereto as Schedule A.

15. Based upon experience in selling Beyonce merchandise, including, but not limited to, T-shirts, at similar concerts and performances throughout the United States, it can be stated with certainty that outside the concerts halls at which Beyonce is performing, before, during and after her appearances, the defendants will attempt to sell imitation and inferior Bootleg Merchandise.

16. The sale of the Bootleg Merchandise by the defendants is and will be without the permission or authority of any of the plaintiffs.

17. This unlawful activity results in irreparable harm and injury to plaintiffs in that, among other things, it deprives plaintiffs of their absolute right to determine the manner in which the Beyonce image is presented to the general public through merchandising; deceives the public as to the origin and sponsorship of such merchandise; wrongfully trades upon and cashes in on plaintiffs' reputations, commercial value and exclusive rights in the Beyonce trademark, and it irreparably harms and injures the reputations of plaintiffs.

AS AND FOR A FIRST CAUSE OF ACTION

Violation of 15 U.S.C. 1125(a)

18. Plaintiffs repeat and reallege paragraphs 1 through 17 of this Complaint as if fully set forth herein.

19. This count arises under Section 43(a) of the Lanham Act relating to trademarks, trade names and unfair competition entitled "False Designation of Origin and False Descriptions Forbidden," 15 U.S.C. Section 1125(a), and involves false descriptions in commerce.

20. The name, trade name, service mark, artwork, likeness, logos and trademark of Beyonce have been used widely throughout the United States. As a result of same, said name, trade name, service mark, trademark, likeness, logos and artwork have developed and now have a secondary and distinctive trademark meaning to purchasers of goods including, but not limited to, T-shirts.

21. The Bootleg Merchandise sold by defendants, which contains the name, trade name, logos and/or trademark of Beyonce and/or replicas of the artwork embodied on the jackets that contain Beyonce recordings, is of the same general nature and type as the merchandise sold and/or authorized to be sold by plaintiffs. The Bootleg Merchandise is so related to and indistinguishable from authorized merchandise that defendants' use is likely to, and is certainly intended to, cause confusion to purchasers.

22. The defendants, by misappropriating and using the name, trade name, logos and/or trademark of Beyonce and/or the Beyonce likeness and/or Beyonce's artwork have misrepresented and falsely described to the general public the origin and source of the Bootleg Merchandise so as to create the likelihood of confusion by the ultimate purchaser as to both the source and sponsorship of the Bootleg Merchandise sold at Beyonce concert dates.

23. In addition, the sale of the Bootleg Merchandise by the defendants will infringe upon and dilute the Beyonce trademark and trade name.

24. The Bootleg Merchandise described above is in most instances of inferior quality and the sale thereof will be damaging to and will dilute the goodwill generated by Beyonce and the reputations that all of the plaintiffs have developed in connection with the sale of legitimate and quality merchandise.

25. The unlawful merchandising activities of the defendants, as described above, have been and will be conducted without the permission or authority of plaintiffs and said actions constitute express and implied misrepresentations that the Bootleg Merchandise was created, authorized or approved by plaintiffs. The defendants have not obtained any license, authority or approval to manufacture, distribute or sell such Bootleg Merchandise.

26. The aforesaid acts of defendants are in violation of 15 U.S.C. 1125(a) in that defendants will use, in connection with goods and services, a false designation of origin and have caused and will continue to cause said goods (the Bootleg Merchandise) to enter into interstate commerce.

27. Plaintiffs have no adequate remedy at law and, if defendants' activities are not enjoined, will suffer irreparable harm and injury to plaintiffs' images and reputations as a result thereof.

AS AND FOR A SECOND CAUSE OF ACTION

Violation of 15 U.S.C. 1114

28. Plaintiffs repeat and reallege paragraphs 1 through 17 and 19 through 27 of this Complaint as if fully set forth herein.

29. Plaintiff Beyonce Knowles owns the following trademark registration:

<u>Trademark</u>	<u>Registration No.</u>
BEYONCE	2,879,852
	International Classes 16, 25 and 41 For photographs, posters, stickers, shirts, hats, caps and other items.
	Registered August 31, 2004

30. Upon information and belief, defendants, with actual and constructive notice of plaintiffs' prior use of the Beyonce trademark, have utilized the Beyonce mark on defendants' products and have sold products by interstate transport and/or in a manner that affects interstate commerce.

31. Defendants' use of the Beyonce mark is likely to and will cause confusion, mistake and deception among customers and members of the public as to the source of origin of defendants' goods and is likely to deceive the public into believing that the merchandise being sold by defendants emanates from Beyonce to the damage and detriment of plaintiffs' good will, reputation and sales. Such acts will continue on the part of defendants unless enjoined by the court.

32. Plaintiffs have no adequate remedy at law and if defendants' activities are not enjoined, plaintiffs will suffer irreparable harm and injury to their images and reputation.

DAMAGES

33. Plaintiffs repeat and reallege paragraphs 1 through 17, 19 through 27 and 29 through 32 of this Complaint as if fully set forth herein.

34. It is impossible to ascertain the amount of compensation that will afford plaintiffs adequate relief for the actual, threatened and contemplated unlawful activities of defendants. Plaintiffs will have no adequate remedy in the event that such unlawful activities are allowed to continue to occur.

WHEREFORE, Plaintiffs respectfully pray that this Court grant the following relief:

1. The Court issue a Temporary Restraining Order and a Preliminary Injunction restraining, enjoining and prohibiting each of the defendants from manufacturing, distributing or selling all merchandise bearing the Beyonce name, trademark, logos and/or likeness and/or replicas of artwork embodied on jackets containing Beyonce recordings and/or anything confusingly similar thereto;

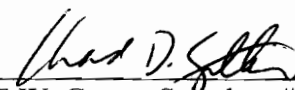
2. The Court order the United States Marshal(s), state, county and/or local law enforcement authorities to seize and impound any and all of the merchandise described in subdivision 1 above, which the defendants attempt to sell or hold for sale outside of and within the

confines of the concert halls at which Beyonce is performing before, during or after the Beyonce concert performances;

3. After a hearing on the merits, this Court issue a Permanent Injunction prohibiting the defendants from selling or attempting to sell merchandise described in subdivision 1 above and ordering seizure and destruction of all such merchandise wherever found; and

4. Such other and further relief which this Court deems to be reasonable, necessary and just.

Respectfully Submitted,

BY: 
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ATTORNEYS FOR PLAINTIFFS

SCHEDULE A

<u>DATE</u>	<u>VENUE</u>
07/08/07	Scottrade Center St. Louis, MO
07/13/07	American Airlines Center Dallas, TX
07/14/07	Toyota Center Houston, TX
07/15/07	AT&T Center San Antonio, TX
07/18/07	Sommet Center Nashville, TN
07/20/07	Philips Arena Atlanta, GA
07/21/07	St. Pete Times Forum Tampa, FL
07/22/07	Bank Atlantic Center Sunrise, FL
07/24/07	Amway Arena Orlando, FL
07/28/07	RBC Center Raleigh, NC
07/29/07	Charlotte Bobcats Arena Charlotte, NC
07/31/07	Times Union Center Albany, NY
08/01/07	Mohegan Sun Uncasville, CT

08/03/07	Continental Airlines Arena East Rutherford, NJ
08/04/07	Madison Square Garden Arena New York, NY
08/08/07	1 st Mariner Arena Baltimore, MD
08/09/07	Verizon Center Washington, DC
08/10/07	The Wachovia Center Philadelphia, PA
08/11/07	Trump Taj Mahal Resort Atlantic City, NJ
08/12/07	TD Banknorth Garden Boston, MA
08/17/07	The Palace of Auburn Hills Auburn Hills, MI
08/18/07	United Center Chicago, IL
08/19/07	Quicken Loans Arena Cleveland, OH
08/22/07	Pepsi Center Denver, CO
08/24/07	US Airways Center Phoenix, AZ
08/25/07	MGM Grand Garden Arena Las Vegas, NV
08/26/07	Cox Arena San Diego, CA
08/30/07	Harrah's Tahoe Lake Tahoe, NV

08/31/07	Oracle Arena Oakland, CA
09/01/07	Honda Center Anaheim, CA
09/02/07	Staples Center Los Angeles, CA