

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

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BRAVADO INTERNATIONAL GROUP
MERCHANDISING SERVICES, INC., a California
Corporation and BRAVADO INTERNATIONAL
GROUP, LTD., a United Kingdom Corporation,

CIVIL ACTION NO.

Plaintiffs,
-against-

VARIOUS JOHN DOES, JANE DOES and
ABC COMPANIES,
Defendants.

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COMPLAINT

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, 1116. This action arises under the Lanham Trademark Act (15 U.S.C. Section 1051, et seq.).

2. Plaintiff Bravado International Group, Ltd. ("BIG, Ltd.") is a corporation duly organized under the laws of the United Kingdom with its principal place of business in the United Kingdom.

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

4. Upon information and belief, defendants Various John Does and Jane Does are residents of or transact and do business in and will be present in Boston, Massachusetts on and before January 30, 2008 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.

5. Upon information and belief, defendants ABC Companies through their agents, servants and employees transact and do business in and will be present in Boston, Massachusetts on and before January 30, 2008 on 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

6. Since as early as 1994 the individual members of the SPICE GIRLS have used the SPICE GIRLS name and trademark to identify themselves in all phases of the entertainment industry and to distinguish themselves from other professional entertainment performers.

7. The SPICE GIRLS have granted to BIG, Ltd. the exclusive right to market articles of clothing, including, but not limited to, T-shirts, jewelry, photographs, posters and other merchandising items bearing the SPICE GIRLS names, trade names, trademarks, logos, and/or

likenesses at concert engagements throughout the United States. BIG, Ltd. has exclusive sublicensed its rights to the SPICE GIRLS mark in the United States to its affiliated company, BIG, Inc.

8. The defendants are numerous independent unlicensed peddlers and numerous manufacturing and distributing companies who will be attempting to distribute and sell unauthorized bootleg and inferior merchandise including, but not limited to, T-shirts, embodying the SPICE GIRLS names and trademarks and/or the likenesses of the individual members of the SPICE GIRLS and/or replicas of the artwork embodied on the jackets containing the SPICE GIRLS recordings (hereinafter referred to collectively as "Bootleg Merchandise") outside the confines of the TD Banknorth Garden in Boston, Massachusetts on January 30, 2008 and at the SPICE GIRLS concerts on their 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

9. To date, in excess of twenty million copies of recordings embodying the performances of the SPICE GIRLS have been sold.

10. To date, more than five million dollars worth of licensed merchandise bearing the SPICE GIRLS names and/or trademarks and/or artwork and/or logos and/or likenesses have been sold.

11. Since as early as 1994, the individual members of the SPICE GIRLS have used the mark, the SPICE GIRLS, to identify their performing services as musical performers. The members of the SPICE GIRLS have sought to distinguish merchandise pertaining to them from merchandise made and sold and pertaining to others by prominently displaying the SPICE GIRLS mark, likenesses and/or replicas of the artwork embodied on the jackets containing the SPICE GIRLS recordings on T-shirts and other merchandise items associated therewith.

12. BIG, Ltd. and BIG, Inc. have been granted the exclusive license to sell merchandise bearing the SPICE GIRLS marks and likenesses at the SPICE GIRLS concert engagements throughout the United States.

13. The SPICE GIRLS has embarked on a concert tour of the United States. Virtually all of said concerts are or will be sold out. The concert itinerary, in part, is annexed hereto as Schedule A.

14. Based upon experience in selling SPICE GIRLS 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 the SPICE GIRLS are performing, before, during and after their appearances, the defendants will attempt to sell imitation and inferior Bootleg Merchandise.

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

16. 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 SPICE GIRLS images are 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 their trademarks, and it irreparably harms and injures the reputations of plaintiffs.

AS AND FOR A FIRST CAUSE OF ACTION

False Designation of Origin and False Description in Violation of 15 U.S.C. 1125(a)

17. Plaintiffs repeat and reallege paragraphs 1 through 16 of this Complaint as if fully set forth herein.

18. 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.

19. The names, trade names, service marks, artwork, likenesses, logos and trademarks of the SPICE GIRLS have been used widely throughout the United States. As a result of same, said names, trade names, service marks, trademarks, likenesses, 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.

20. The Bootleg Merchandise sold by defendants, which contains the names, trade names, logos and/or trademarks of the SPICE GIRLS and/or the likenesses of the individual members of the SPICE GIRLS and/or replicas of the artwork embodied on the jackets that contain the SPICE GIRLS 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.

21. The defendants, by misappropriating and using the names, trade names, logos and/or trademarks of the SPICE GIRLS and/or the likenesses of the individual members of the SPICE GIRLS and/or the artwork of the SPICE GIRLS 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 the SPICE GIRLS concert dates.

22. In addition, the sale of the Bootleg Merchandise by the defendants will infringe upon and dilute the SPICE GIRLS trademarks and trade names.

23. 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 the SPICE GIRLS and the reputations that the plaintiffs have developed in connection with the sale of legitimate and quality merchandise.

24. 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.

25. 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.

26. 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

Trademark Infringement in Violation of 15 U.S.C. 1114

27. Plaintiffs repeat and reallege paragraphs 1 through 16 and 18 through 26 of this Complaint as if fully set forth herein.

28. Plaintiffs are the exclusive licensees for the following trademark registrations:

<u>Trademark</u>	<u>Registration No.</u>
SPICE GIRLS	2,698,988 International Classes 6, 9, 14, 16, 18, 25 and 41 For keychains, posters, clothing, handbags and other items. Registered March 25, 2003
SPICE GIRLS	2,722,995 International Classes 3, 28, 30 and 32 For cosmetics, dolls, toys and other items. Registered June 10, 2003

29. Upon information and belief, defendants, with actual and constructive notice of

plaintiffs' prior use of the SPICE GIRLS trademark, have utilized the SPICE GIRLS mark on defendants' products and have sold products by interstate transport and/or in a manner that affects interstate commerce.

30. Defendants' use of the SPICE GIRLS 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 the SPICE GIRLS 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.

31. 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

32. Plaintiffs repeat and reallege paragraphs 1 through 16, 18 through 26 and 28 through 31 of this Complaint as if fully set forth herein.

33. It is impossible to ascertain the amount of damages 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 SPICE GIRLS names, trademarks and/or the likenesses of the individual members of the SPICE GIRLS and/or replicas of artwork embodied on jackets containing the SPICE GIRLS 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 the SPICE GIRLS are performing before, during or after the SPICE GIRLS concert performances.

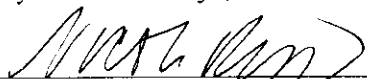
3. After a hearing on the merits, this Court issue a Permanent Injunction prohibiting the defendants from selling or attempting to sell merchandise described in paragraph 1 above and ordering seizure and destruction of all such merchandise wherever found.

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

Dated: January 24, 2008

Respectfully submitted
BRAVADO INTERNATIONAL GROUP
MERCHANDISING SERVICES, INC. and
BRAVADO INTERNATIONAL
GROUP, LTD.

By their Attorneys, -



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SCHEDULE A

<u>DATE</u>	<u>VENUE</u>
January 30, 2008	TD Banknorth Garden Boston, MA
February 6 and 7, 2008	Nassau Veterans Memorial Coliseum Uniondale, NY
February 10 and 11, 2008	Prudential Center Newark, NJ
February 13, 2008	Izod Center East Rutherford, NJ
February 15, 2008	United Center Chicago, IL
February 16, 2008	The Palace of Auburn Hills Auburn Hills, MI
February 18, 2008	Madison Square Garden Arena New York, NY
February 19, 2008	The Wachovia Center Philadelphia, PA
February 21, 2008	Verizon Center Washington, DC
February 22, 2008	Civic Center Hartford, CT