

1 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

2 David W. Quinto (Bar No. 106232)

3 davidquinto@quinnemanuel.com

4 865 South Figueroa Street, 10th Floor

5 Los Angeles, California 90017-2543

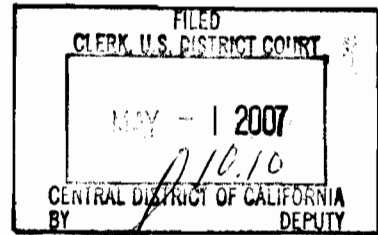
6 Telephone: (213) 443-3000

7 Facsimile: (213) 443-3100

8 Attorneys for Plaintiff

9 Academy of Motion Picture Arts and

10 Sciences



11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA

13 WESTERN DIVISION

14 ACADEMY OF MOTION PICTURE  
15 ARTS AND SCIENCES, a California  
16 nonprofit corporation,

17 Plaintiff,

18 vs.

19 SASHA STONE, an individual;  
20 OSCARWATCH.COM, an unknown  
21 business entity, and DOES 1 through  
22 10, inclusive,

23 Defendants.

24 CASE NO. 07-02846 RC-K (fmc)

25 COMPLAINT FOR:

- 26 (1) VIOLATION OF  
27 ANTICYBERSQUATTING  
28 CONSUMER PROTECTION ACT  
(ACPA);
- (2) TRADEMARK DILUTION;
- (3) TRADEMARK INFRINGEMENT;
- AND
- (4) FALSE DESIGNATION OF  
ORIGIN AND FALSE DESCRIPTION

DEMAND FOR JURY TRIAL

19 Plaintiff Academy of Motion Picture Arts and Sciences (the  
20 "Academy") complains of defendants, and each of them, as follows:

21 Nature of the Action

22 1. In this action, the Academy seeks damages and preliminary and  
23 permanent injunctive relief for acts of violation of the Anticybersquatting Consumer  
24 Protection Act ("ACPA"), trademark dilution, trademark infringement and false  
25 designation of origin and false description in violation of the laws of the United  
26 States of America and the State of California. Defendants have deliberately  
27 infringed and diluted the Academy's invaluable rights in the OSCAR®, OSCARS®  
28 and OSCAR NIGHT® marks (the "Registered Marks") through the registration,

ILS  
w



1 comply. True and correct copies of those e-mail messages are attached as  
2 Exhibit C and incorporated by reference herein as though fully set forth at  
3 length.

4 (d) To date, defendant Stone has refused to cancel her  
5 registration of the "oscarwatch.com" domain name.

6 (e) In a series of e-mail messages dated March 16 and March  
7 19, 2007, and in a good faith attempt to resolve the matter without resort to  
8 costly and time-consuming litigation, the Academy expressed an interest in  
9 discussing the possibility of allowing defendant Stone to maintain her site via  
10 use of a "subdomain" name. True and correct copies of those e-mail  
11 messages are attached as Exhibit D and incorporated by reference herein as  
12 though fully set forth at length.

13 (f) In an e-mail message dated March 26, 2007, counsel for  
14 defendant Stone rejected the Academy's offer and defendant Stone continues  
15 to maintain her registration of the Oscarwatch site with a bad faith intent to  
16 profit therefrom. A true and correct copy of that e-mail message is attached  
17 as Exhibit E and incorporated by reference herein as though fully set forth at  
18 length.

19 (g) The Academy recognizes the right to free expression,  
20 including as it relates to the Academy Awards®. As made clear to defendant  
21 Stone and her counsel in, among other things, an e-mail message dated March  
22 19, 2007, it was the recent transition of Oscarwatch from a blog-content only  
23 site to a commercial venture featuring paid advertising that has given the  
24 Academy no choice but to defend its trademarks. Notwithstanding that the  
25 affiliation of any form of commercial advertising with the Academy's  
26 Registered Marks is by itself dilutive and misleading, the problem is even  
27 more acute where, as here, the site allows and encourages advertisement of  
28 contending motion pictures. The Academy annually forgoes millions of

1 dollars in revenue by declining to permit precisely such advertising during its  
2 Oscar® broadcast and in other Academy-related contexts. A true and correct  
3 copy of that e-mail message is attached as Exhibit F and incorporated by  
4 reference herein as though fully set forth at length.

5 6. On information and belief, Oscarwatch.com is a business entity  
6 of unknown form and origin, and maintains its principal place of business in  
7 Los Angeles, California.

8 7. The Academy is unaware of the true names and capacities,  
9 whether individual, corporate or otherwise, of defendants Does 1 through 10,  
10 inclusive, and therefore sues these defendants by such fictitious names. The  
11 Academy will seek leave of this Court to amend this complaint when the status and  
12 identity of these defendants is ascertained. The Doe defendants include persons and  
13 entities assisting or acting in concert with the other named defendants in connection  
14 with the acts complained of herein.

15 **Background Facts**

16 8. The Academy was founded in 1927 by a group of 36 film  
17 industry leaders, who numbered among them Cecil B. DeMille, Mary Pickford, Jack  
18 Warner and Douglas Fairbanks, for the purpose of advancing the motion picture arts  
19 and sciences by promoting cultural, educational and technological achievements.  
20 As an incentive for members of the industry to strive toward this goal and as a  
21 means of recognizing persons who make outstanding contributions in their  
22 respective creative fields, the Academy presents annual "Awards of Merit," known  
23 to the public as "Oscars." The Awards of Merit are alternatively referred to in the  
24 singular as "Academy Award" or "Oscar." These Oscars are presented during a  
25 nationally and internationally televised "Academy Awards" program.

26 9. The Academy owns the OSCAR®, OSCARS® and OSCAR  
27 NIGHT® marks, which it has registered with the United States Patent and  
28 Trademark Office pursuant to Certificates of Registration Nos. 1,096,990, 1,996,585

1 and 2,021,582 for its "Oscar" mark, Certificate of Registration No. 1,528,890 for its  
2 "Oscars" mark, and Certificate of Registration No. 2,029,445 for its "Oscar Night"  
3 mark (the "Registered Marks"). These marks are valid and subsisting and, as the  
4 owner of these registered marks, the Academy has the rights to their exclusive use.  
5 True and correct copies of the certificates of registration are attached as Exhibits K  
6 through O, inclusive, and are incorporated by reference herein as though fully set  
7 forth at length.

8           10. With respect to Registration No. 1,096,990 for the OSCAR®  
9 mark, and Registration No. 1,528,890 for the OSCARS® mark, the Academy has  
10 complied with the requirements set forth in Sections 8 and 15 of the Trademark Act  
11 of 1946. The Academy's exclusive right to use those marks and its registrations  
12 thereof have become incontestable within the meaning of 15 U.S.C. § 1065 and said  
13 certificates of registration constitute conclusive evidence of, inter alia, the  
14 Academy's ownership of and exclusive right to use those marks.

15           11. The Academy is a venerable and important body within the  
16 motion picture industry, responsible for encouraging the industry's cultural,  
17 educational and technological advances. The Academy's esteem is based on its  
18 reputation for conferring its Academy Award of Merit to only those individuals who  
19 have shown outstanding achievement in their creative fields. Said award would not  
20 be a credible, highly prized award if the public and trade believed that the Academy  
21 sold or bestowed the award to persons other than its Academy Award of Merit  
22 winners.

23           12. As a result of the Academy's long leadership of the film  
24 industry, extensive advertising, and media attention, the Academy's OSCAR®,  
25 OSCARS®, and OSCAR NIGHT® marks have achieved widespread and favorable  
26 public acceptance and recognition, and become assets of substantial value  
27 throughout this district, the United States, and the world.  
28



1 Internet has its own unique Internet address, which can be expressed either  
2 numerically or alphanumerically. The numeric address, referred to as the "IP  
3 address," comprises four numbers separated by periods (e.g., "145.23.4.34"). The  
4 alphanumeric address, referred to as the "domain name," consists of a string of  
5 characters separated by periods (e.g. "academyawards.org").

6           17. Within the Internet addressing scheme, the "domain name"  
7 serves as the primary identifier of the source or subject matter of information,  
8 products or services provided on the Internet. Once a domain name is established,  
9 information about the presence and location of the computer having that domain  
10 name (i.e., the computer's IP address) is distributed to and stored in the databases of  
11 tens of thousands of computers all around the world. The computers that contain  
12 these domain name databases, called "domain name servers," then "serve"  
13 addressing information to millions of other Internet computers on demand. This  
14 system of distribution and storage of domain names in computers around the world  
15 makes it impossible for two distinct sites on the World Wide Web to have the same  
16 domain name.

17           18. Domain name addresses are read from right to left. Most  
18 commercial domain names consist of two levels. The first address level is referred  
19 to as the top-level domain. There are various world-wide generic top-level domains,  
20 ".com," ".net," ".org," ".edu," ".pro," and ".int." The second-level domain name, in  
21 contrast to the top-level domain name, can consist of any string of characters. It is  
22 frequently used to identify the source or nature of the products, information or  
23 services promoted on the associated web site. This practice has become so prevalent  
24 that, to a large extent, end-users have come to expect that the domain names of  
25 official or authorized Web sites for a product or company consist of the product or  
26 company's name or trademark, or a variation thereof, plus the ".com" or ".net"  
27 suffix. Thus, for example, an end-user seeking to find a web site authorized or  
28

1 approved by the Academy might logically try entering "academyawards.com" or  
2 "academyaward.com" into the address window of his or her browser.

3 19. On information and belief, in 1993, the National Science  
4 Foundation, then an executive agency of the United States government, awarded to a  
5 company known as Network Solutions, Inc. ("NSI") a contract to provide non-  
6 military Internet registration services. This responsibility included the registration  
7 of the ".com," ".net" and ".org" top-level domain names. Once NSI registers a  
8 domain name, that domain name becomes unavailable for use on the Internet by any  
9 other company or individual in the world. Neither NSI nor any other domain name  
10 registrar has any authority, to issue, license, register, distribute or otherwise  
11 determine any rights under the Lanham Act. Likewise, neither NSI nor any other  
12 domain name registrar has been licensed or otherwise authorized by the Academy to  
13 issue, license or register its Registered Marks to any party for any purpose or  
14 otherwise to use these marks in any manner.

15 20. The Academy's OSCAR®, OSCARS® and OSCAR NIGHT®  
16 word marks are equally as famous as its "Oscar" design mark which, as a strong  
17 mark, "is entitled to the strongest possible protection" under the trademark and  
18 antidilution laws. Academy of Motion Picture Arts and Sciences v. Creative House  
19 Promotions, Inc., 944 F.2d 1446, 1455 (9th Cir. 1991).

### 20 **FIRST CAUSE OF ACTION**

#### 21 **(Cybersquatting -- 15 U.S.C. § 1125(d)(1))**

22 21. The Academy realleges and incorporates by reference herein  
23 each and every allegation contained in Paragraphs 1 through 20, above, as though  
24 fully set forth at length.

25 22. Defendants' acts complained of herein constitute unlawful  
26 cybersquatting, in that defendants, and each of them, have--knowingly and with a  
27 bad faith intent to profit therefrom--registered, trafficked in, maintained or used  
28

1 domain names that are virtually identical to, confusingly similar to and dilutive of  
2 the Academy's famous Registered Marks.

3 (a) Defendants have no trademark or other intellectual property  
4 rights in the Academy's Registered Marks.

5 (b) Defendants' domain name consists of a term commonly  
6 identified with the Academy.

7 (c) Defendants have not made prior use of the domain name in  
8 connection with the bona fide offering of goods and services.

9 (d) Defendants have made commercial use of a domain name  
10 containing an Academy Registered Mark.

11 (e) Defendants' use of the domain name for commercial gain  
12 creates a likelihood of confusion as to the Academy's sponsorship, affiliation or  
13 endorsement of the site.

14 23. By reason of the foregoing, defendants, and each of them, have  
15 violated and are continuing to violate 15 U.S.C. § 1125(d)(1).

16 24. Defendants' acts complained of herein have damaged, and will  
17 continue to damage, the Academy irreparably. The Academy has no adequate  
18 remedy at law for these wrongs and injuries. The damage to the Academy includes  
19 harm to the value and good will associated with the Registered Marks that money  
20 cannot compensate. The Academy is, therefore, entitled to a preliminary and  
21 permanent injunction restraining and enjoining each and every defendant and their  
22 agents, servants and employees, and all persons acting thereunder, in concert  
23 therewith or on their behalf, from registering or using as a domain name the  
24 Registered Marks, or any colorable imitations thereof.

25 25. Defendants' acts constitute unlawful cybersquatting. Pursuant to  
26 15 U.S.C. § 1125(d)(1)(C), the Academy is entitled to an order (1) transferring the  
27 aforementioned domain names to the Academy or (2) deleting the registrations of  
28 the aforementioned domain names.



1 concert therewith or on their behalf, from registering, maintaining or using as a  
2 domain name the Registered Marks, or any colorable imitations thereof. In addition,  
3 the Academy is entitled to a preliminary and permanent injunction restraining and  
4 enjoining each and every defendant and their respective agents, servants and  
5 employees, and all persons acting thereunder, in concert therewith or on their behalf,  
6 from otherwise using the Registered Marks, or any colorable imitations thereof, in  
7 connection with the sale, offering for sale and advertising of products and services  
8 or in any manner likely to dilute the Academy's Registered Marks.

9 **THIRD CAUSE OF ACTION**

10 **(Trademark Infringement -- 15 U.S.C. §1114(1))**

11 31. Plaintiffs repeat and incorporate by reference herein each and  
12 every allegation of Paragraphs 1 through 30, above, as though fully set forth at  
13 length.

14 32. The Academy's Registered Marks are inherently distinctive. In  
15 addition, because of Plaintiffs' integrity and investment of time, effort, and other  
16 resources to promote and protect The Academy's Registered Marks as a symbol of  
17 excellence, the marks now enjoy, and have long enjoyed, exceedingly valuable  
18 goodwill and strong secondary meaning in the United States and throughout the  
19 world.

20 33. Defendants are using The Academy's Registered Marks on the  
21 Internet in connection with the sale, offer for sale, distribution and advertising of  
22 goods and services in a manner likely to cause confusion, mistake or to deceive the  
23 public. The nature of the Internet makes the registration or use of domain names  
24 containing the Academy's Registered Marks by defendants likely to cause confusion  
25 and to deceive the public and the public has been deceptively led to believe that  
26 defendants' Internet address(es) and web site(s) originate with or are sponsored by  
27 or otherwise authorized by the Academy.

28

1           34. Defendants' actions in this regard have at all times been without  
2 the Academy's consent. Defendants' acts constitute willful and deliberate  
3 infringement of the Academy's Registered Marks in violation of trademark and  
4 unfair competition laws of the United States, including Section 32(1) of the  
5 Trademark Act of 1946, as amended, 15 U.S.C. § 1114(1).

6           35. Defendants' acts complained of herein have damaged, and will  
7 continue to damage, the Academy irreparably. The Academy has no adequate  
8 remedy at law for these wrongs and injuries. The damage to the Academy includes  
9 harm to the value and good will associated with the Academy's Registered Marks  
10 that money cannot compensate. The Academy, therefore, is entitled to a preliminary  
11 and permanent injunction restraining and enjoining each and every defendant and  
12 their respective agents, servants and employees, and all persons acting thereunder, in  
13 concert therewith or on their behalf, from registering, maintaining or using as a  
14 domain name the Academy's Registered Marks, or any colorable imitations thereof.  
15 In addition, the Academy is entitled to a preliminary and permanent injunction  
16 restraining and enjoining each and every defendant and their respective agents,  
17 servants and employees, and all persons acting thereunder, in concert therewith or  
18 on their behalf, from otherwise using the Academy's Registered Marks, or any  
19 colorable imitations thereof, in connection with the sale, offering for sale and  
20 advertising of products and services or in any manner likely to cause confusion,  
21 mistake or to deceive the public as to the source or origin of defendants' products  
22 and services.

23           36. Defendants have willfully used the Academy's Registered Marks  
24 in a manner calculated to cause confusion in the sale, offering for sale, and  
25 advertising of products and services. Accordingly, the Academy is entitled to  
26 recover three times its damages and defendants' profits, as well as the costs of the  
27 suit and reasonable attorneys' fees, pursuant to 15 U.S.C. § 1117.

28

1 **FOURTH CAUSE OF ACTION**

2 **(False Designation of Origin and False Description -- 15 U.S.C. § 1125(a))**

3 37. The Academy repeats and incorporates by reference herein each  
4 and every allegation of Paragraphs 1 through 36, above, as though fully set forth at  
5 length.

6 38. Defendants' use of the Academy's Registered Marks as a domain  
7 name(s) on the Internet is a false designation of origin or a false description or  
8 representation that wrongfully and falsely designates the goods and services  
9 provided by defendants as originating from or connected with the Academy and  
10 constitutes the utilization of a false description or representation in interstate  
11 commerce.

12 39. By reason of the foregoing, defendants have violated and  
13 continue to violate 15 U.S.C. § 1125(a).

14 40. Defendants' acts complained of herein have damaged, and will  
15 continue to damage, the Academy irreparably. The Academy has no adequate  
16 remedy at law for these wrongs and injuries. The damage to the Academy includes  
17 harm to the value and good will associated with the the Academy's Registered  
18 Marks that money cannot compensate. Plaintiffs, therefore, are entitled to a  
19 preliminary and permanent injunction restraining and enjoining each and every  
20 defendant and their respective agents, servants and employees, and all persons  
21 acting thereunder, in concert therewith or on their behalf, from registering,  
22 maintaining or using as a domain name the Academy's Registered Marks, or any  
23 colorable imitations thereof. In addition, the Academy is entitled to a preliminary  
24 and permanent injunction restraining and enjoining each and every defendant and  
25 their respective agents, servants and employees, and all persons acting thereunder, in  
26 concert therewith or on their behalf, from otherwise using the Academy's Registered  
27 Marks, or any colorable imitations thereof, in connection with the sale, offering for  
28 sale and advertising of products and services or in any manner likely to cause



1           4.     That the Academy recover statutory damages of \$100,000 from  
2 each defendant, pursuant to 15 U.S.C. § 1117(d), as well as reasonable attorneys'  
3 fees, and the costs of this action; and

4           5.     That the Academy have such other and further relief as the Court  
5 deems just and proper.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: April 19, 2007

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

By   
\_\_\_\_\_  
David W. Quinto  
Attorneys for Plaintiff  
Academy of Motion Picture Arts and  
Sciences

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial pursuant to Rule 38(b) of the  
Federal Rules of Civil Procedure.

DATED: April 19, 2007

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

By   
David W. Quinto  
Attorneys for Plaintiff  
Academy of Motion Picture Arts and  
Sciences



APR 11 2007 9:20AM

A. P. A. S

NO. 760

P. 4

**quinn emanuel trial lawyers | los angeles**

865 South Figueroa Street, 10th Floor, Los Angeles, California 90017 | TEL 213-443-3000 FAX 213-443-3100

January 22, 2007

**VIA FACSIMILE AND U.S. MAIL**

Sasha Stone  
8033 Sunset Blvd. #405  
Los Angeles, CA  
90046

Re: Infringement of OSCAR® Mark

Dear Mrs. Stone:

We are counsel to the Academy of Motion Picture Arts and Sciences (the "Academy"). We are writing with regard to your registration and use of the domain name OSCARWATCH.COM.

Please be advised that the commercial use of the OSCAR® mark is impermissible. As you are undoubtedly aware, the Academy annually confers copies of its Academy Award of Merit, popularly known to the public as the "Oscar," to persons who make outstanding contributions in the motion picture industry. Indeed, the OSCAR® mark is a famous mark that deserves the strongest form of protection. See Academy of Motion Picture Arts and Sciences v. Creative House Promotions, Inc., 944 F.2d 1446, 1455 (9th Cir. 1991) (holding that the "Oscar" design mark "should be given the strongest possible protection against infringement"). As a result of the long and continuous use of its OSCAR® mark in conjunction with its services, the Academy has gained valuable goodwill and a strong customer recognition in this trademark throughout the world. To protect these valuable rights, the Academy has obtained federal trademark registrations for its OSCAR® word mark in the US pursuant to Certificates of Registration Nos. 1,096,990, 1,118,751, 1,996,585 and 2,021,582.

We would like to advise you of the Uniform Dispute Resolution Policy ("UDRP") adopted by the Internet Corporation for Assigned Names and Numbers ("ICANN") to govern .com, .net,

**quinn emanuel urquhart oliver & hedges, llp**

NEW YORK | 335 Madison Avenue, 17th Floor, New York, New York 10017 | TEL 212-702-8100 FAX 212-702-8200

SAN FRANCISCO | 50 California Street, 22nd Floor, San Francisco, California 94111 | TEL 415-975-6600 FAX 415-875-6700

SILICON VALLEY | 555 Twin Dolphin Drive, Suite 560, Redwood Shores, California 94065 | TEL 650-801-5000 FAX 650-801-5100

SAN DIEGO | 4445 Eastgate Mall, Suite 200, San Diego, California 92121 | TEL 858-812-3107 FAX 858-812-3331

APR. 11. 2007 9:20AM

A. P. A. S

NO. 760 P. 4

.org, .biz, and .info domain name disputes in the U.S. and abroad. The UDRP provides for binding arbitration which can order the transfer or deletion of an infringing domain name registration.

The UDRP enumerates the following three elements to determine whether a domain name is infringing: (1) that the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; (2) that the domain name registrant has no rights or legitimate interests in respect to the domain name; and (3) that the domain name has been registered and is being used in bad faith. The UDRP sets forth the following nonexclusive factors which show use in bad faith: (a) where the domain name was registered or acquired for the purpose of extracting payment from the trademark owner or its competitors in excess of the costs associated with registering or acquiring the domain name; (b) the domain name was registered in order to prevent the trademark owner from being able to use it as a domain name; (c) the domain name was registered for the purpose of disrupting the business of a competitor; or (d) the domain name registrant has used the domain name to divert commercial traffic to its website by creating a likelihood of confusion among Internet users.

In light of the strength of the Academy's mark and the fact that you have no intellectual property rights, no right to use the domain name commercially, and its use is likely to confuse visitors searching the Academy's site, it is likely that a court would find that OSCARWATCH.COM was registered with a bad faith intent to profit.

The Act enumerates nine factors to consider in determining whether a registrant has a bad faith intent to profit from a mark. The factors a court may consider include: (1) whether the registrant has trademark or other intellectual property rights in the domain name; (2) the extent to which the domain name consists of the legal name of the registrant; (3) whether the registrant has made prior use of the domain name in connection with the bona fide offering of any goods or services; (4) whether the registrant has made bona fide noncommercial or fair use of the name; (5) whether the registrant intended to divert customers from the mark owner's online location for commercial gain or with intent to tarnish or disparage the mark; (6) whether the registrant has offered to transfer, sell, or otherwise assign the domain name for financial gain; (7) whether the registrant provided materially misleading or false contact information; (8) whether the registrant has registered multiple domain names which it knows are identical or confusingly similar to famous or distinctive marks; and (9) the extent to which the mark incorporated in the domain name is or is not distinctive or famous.

Because you have no right to use the domain name commercially, it is likely that a court would find that OSCARWATCH.COM was registered with a bad faith intent to profit.

Based on the foregoing, the Academy must request that you provide us with your written assurance that you will immediately (1) delete your registration for OSCARWATCH.COM and provide us a copy of the deletion request; (2) halt construction of any and all Web sites incorporating the Academy's marks or any colorable imitations thereof; and (3) refrain from registering or using the Academy's trademarks, or any colorable imitations thereof, as domain names.

APR 11 2007 9:21AM

A. P. A. S

NO. 760 P. 4

Unless we receive your written agreement to the foregoing within 14 days, the Academy will have no choice but to pursue its legal remedies. Please contact us promptly to resolve this matter.

Very truly yours,



David W. Quinto

DWQ/bt

cc: Bruce Davis  
Ric Robertson  
Scott Miller, Esq.



APR 11 2007 9:20AM

P. A. S

NO. 750



OSCAR  
STATUETTE

*Officers*

- SID GANIS  
President
- ROBERT REHME  
First Vice President
- ARTHUR HAMILTON  
Vice President
- DONALD C. ROGERS  
Vice President
- TOM HANKS  
Treasurer
- KATHY BATES  
Secretary
- BRUCE DAVIS  
Executive Director

*Board of Governors*

- MICHAEL APTED
- CRAIG BARRON
- KATHY BATES
- ED BEGLEY, JR.
- CARL BELL
- CHARLES BERNSTEIN
- JON BLOOM
- ROSEMARY BRANDENBURG
- JAMES L. BROOKS
- BRUCE BROUGHTON
- DONNY CAMBERN
- ROGER DEAKINS
- CALEB DESCHANEL
- ROB EPSTEIN
- JONATHAN ERLAND
- SID GANIS
- JIM GIANOPoulos
- MARK GOLDBLATT
- ARTHUR HAMILTON
- TOM HANKS
- CURTIS HANSON
- J. PAUL HUNTSMAN
- CHERYL BOONE ISAACS
- MARK JOHNSON
- FAY KANIN\*
- KATHLEEN KENNEDY
- HAWK KOCH
- JOHN LASSETER
- MARVIN LEVY
- PAUL MAZURSKY
- FREIDA LEE MOCK
- KEVIN O'CONNELL
- JEANNINE OPPEWALL
- ALEXANDER PAYNE
- ROBERT REHME\*
- PHIL ROBINSON
- DONALD C. ROGERS
- OWEN ROIZMAN
- TOM ROLF
- TOM SHERAK
- BILL TAYLOR
- ALBERT WOLSKY

JOHN B. QUINN  
Legal Counsel

\*Past President

**ACADEMY OF MOTION PICTURE ARTS AND SCIENCES**

8949 Wilshire Boulevard • Beverly Hills, California 90211-1972 • (310) 247-3000

FAX: (310) 859-9351 • (310) 859-9619

February 2, 2007

Ms. Sasha Stone  
8033 Sunset Blvd., #405  
Los Angeles, CA 90046

Dear Ms. Stone,

I see that our legal reps have sent you one of the form letters that we send cyberfolk to chase them off of our trademarks.

I thought we owed you maybe a little more in the way of explanation. First, this was not a rifle shot at you. Every six months or so our attorneys put together a list of all the new site registrations that make use of our marks "Oscar®" and "Academy Awards®" and send most of them a letter just like the one we sent you. (We don't own the name "Oscar" in every context, so if your name is Oscar and your site is called "Oscarsusedcars.com" and you never discuss movie awards on it, we probably won't bother you.)

But you and the other three people who received letters this week all seemed to be devoting a lot of attention to the Academy Awards. That in itself isn't a bad thing. We like people writing about our awards, even those people who, unlike you, tend to specialize in the looney, the vicious or the self-aggrandizing. Or all three.

We're happy to have you continue your blog in other words, we just need to have you find a new name for it. One problem with you appropriating one of our trademarks is, first, the old one of potential confusion. Some percentage of the people who visit your site might mistakenly believe that something that you say about one of the nominees, or something that you quote someone else as having said, is a pronouncement from the Academy. Whether the observation is glowing or scurrilous, to mistake it as ours is to think we play favorites.

APR. 11. 2007 9:20AM

A. P. A. S

NO. 760 P. 3

Ms. Sasha Stone  
February 2, 2007  
Page -2-

And of course there are more troublesome things that people could do while falsely flying one of the Academy's flags, ranging from dispensing misinformation about the nominations list to hawking Hollywood-themed porn.

As you may know, trademarks can't be enforced selectively. If we learn that you've borrowed one of our legal marks, and we let it go, it becomes harder to oppose the next, perhaps more objectionable misappropriation. Let a series of misuses go, and ZAP, you're public domain: you lose the right to object at all.

This is all a long-winded way of assuring you that we don't object to your blog, only to its name. We hope you'll find an equally catchy one, shift your readers over to it, and continue to exercise your free, Oscar-related, speech.

If you have any questions about any of this, give me a call.

Sincerely,



Bruce Davis  
Executive Director



**Kristelia Garcia**

---

**From:** Scott Miller [smiller@oscars.org]  
**Sent:** Thursday, February 08, 2007 3:51 PM  
**To:** Sasha Stone  
**Subject:** Re: OSCARWATCH.COM

Sasha,

Thank you for replying. I actually was about to email you again because I mis-stated the Academy's position. We want to provide you until March 1 so that you will have adequate time post-event. Please let me know if that works. I apologize for the mistake.

Scott

>>> Sasha Stone <sashastone@gmail.com> 2/8/2007 4:04 PM >>>  
Hi Scott, I need more time than that to transition - and I guess I'll

have to hire counsel for my situation. So I'll figure that out and get back to you.

On Feb 8, 2007, at 2:31 PM, Scott Miller wrote:

> Dear Ms. Stone:  
>  
> Brenda Trujillo at the Quinn Emanuel law firm has forwarded to me  
your  
> email exchange with her (below). You indicated your receipt of  
Bruce  
> Davis' letter, and that you needed until February 26 to make the  
> requested changes. In light of your situation, the Academy will agree  
> to extend to you the 18 additional days.  
>  
> Please feel free to contact me with any questions.  
>  
> Very truly yours,  
>  
> Scott Miller  
> Assistant General Counsel  
> Academy of Motion Picture Arts and Sciences  
> 8949 Wilshire Boulevard  
> Beverly Hills, CA 90211  
> Tel. (310) 247-3000  
> Fax (310) 247-3005  
> www.oscars.org

> \_\_\_\_\_  
> From: Sasha Stone [mailto:sashastone@gmail.com]  
> Sent: Monday, February 05, 2007 1:56 PM  
> To: Brenda Trujillo  
> Subject: Re: OSCARWATCH.COM

>  
> Thanks, yes, I received his letter. I will be sending one back to  
> him.  
> I hope we can work it out. I cannot remove my domain name or my  
site  
> before the Feb. 25 Oscar date, however, and would respectfully  
request



**Kristelia Garcia**

---

**From:** David Quinto  
**Sent:** Wednesday, February 28, 2007 6:22 PM  
**To:** Scott Miller  
**Subject:** FW: Oscarwatch.com

fyi

David W. Quinto  
Quinn Emanuel Urquhart Oliver & Hedges, LLP  
865 South Figueroa Street, 10th Floor  
Los Angeles, CA 90017  
Direct: (213) 443-3146  
Main Phone: (213) 443-3000  
Main Fax: (213) 443-3100  
E-mail: [davidquinto@quinnemanuel.com](mailto:davidquinto@quinnemanuel.com)  
Web: [www.quinnemanuel.com](http://www.quinnemanuel.com)

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

---

**From:** Alisa Edelson [<mailto:AEdelson@kgmslaw.com>]  
**Sent:** Wednesday, February 28, 2007 6:13 PM  
**To:** David Quinto  
**Cc:** Glen Kulik  
**Subject:** Oscarwatch.com

Mr. Quinto,

This confirms you agreed to an extension for my client to respond to your letter of January 22, 2007 regarding the above domain and website up to next Wednesday March 7, 2007.

I appreciate your courtesy and cooperation in this regard. Please feel free to contact me or Glen Kulik with any questions.

Alisa S. Edelson, Esq.  
Kulik, Gottesman, Mouton & Siegel, LLP  
Comerica Bank Building  
15303 Ventura Blvd, Suite 1400  
Sherman Oaks, CA 91403  
Tel: (310) 557-9200  
Fax: (310) 557-0224

4/11/2007



## Kristelia Garcia

---

**From:** Scott Miller [smiller@oscars.org]  
**Sent:** Monday, March 19, 2007 4:44 PM  
**To:** Ryan Candee <ryanacandee@yahoo.com>  
**Cc:** David Quinto  
**Subject:** Fwd: Re: Fw: OSCARWATCH.COM

Dear Mr. Candee:

Ms. Stone has advised the Academy that you are representing her as legal counsel in this matter and that she forwarded to you the attached email I sent her on Friday. She has also raised a few issues that should be addressed. First, the Academy has no desire to restrain or change the content of Ms. Stone's blogging. This is a trademark and domain name issue. The Academy is not singling her out and I would ask that she please identify any of those other companies she refers to that are using "OSCAR" in a second level domain. Second, the reason why the Academy has only recently raised objections is because her site just recently became a commercial venture. Third and last, the Academy may be willing to agree to use of the "subdomain" that Ms. Stone describes, provided that none of the Academy's marks are otherwise infringed or diluted. I'd be happy to discuss this possibility further. However, our request for immediate assurances remains the same.

Very truly yours,

Scott Miller  
Assistant General Counsel  
Academy of Motion Picture Arts and Sciences  
8949 Wilshire Boulevard  
Beverly Hills, CA 90211  
Tel. (310) 247-3000  
Fax (310) 247-3005  
www.oscars.org

-----Original Message-----

From: Sasha Stone <sashastone@gmail.com>  
Date: Fri, 16 Mar 2007 17:51:25  
To: Scott Miller <smiller@oscars.org>  
Subject: Re: OSCARWATCH.COM

Scott, I have forwarded your email on to Ryan Candee (I thought he had already written you last week). Just curious, though, why would they choose to go after someone who has been in business for nearly eight years and really has done nothing but give AMPAS free PR in all of those years? It is probably inappropriate for me to ask you but I was wondering, what makes my site different from those sites except that they can afford fancy lawyers and have corporate curtains to stand behind?

I understand the need to protect the trademark, I do. But what I am using it for is different -- it's about watching and analyzing and writing about the Oscars, which isn't going to change whether I change the domain name or not. Furthermore, why did they wait seven years?

If I changed my domain name to awardsdaily and made a subdomain called oscarwatch.awardsdaily.com and still called my site Oscarwatch, would they still come after me? Plenty of big corporate sites have subdomains with the word Oscar in them, at least two that I know of.

Sincerely,  
Sasha Stone

On Mar 16, 2007, at 4:29 PM, Scott Miller wrote:

> Dear Ms. Stone:

>  
> I understand you are no longer represented by counsel in this matter  
> so I am contacting you directly on the Academy's behalf.  
> Please let me know if that is not still the case.  
>  
> In light of the fact you are still using the oscarwatch.com domain  
> name, and the Academy's proposed deadline has passed, we assume you  
> intend to continue using this domain name indefinitely. As we have  
> previously stated, in order to maintain the Academy's trademark  
> protections we cannot acquiesce to use of "OSCAR®" in the domain name  
> of a commercial web site. Although we have no particular desire to  
> pursue litigation, we nevertheless have a duty to protect the Academy's  
> trademarks. Unless we promptly receive some indication that you wish  
> to settle this matter amicably, the Academy may be forced to take  
> legal action without further notice.  
>  
> Very truly yours,  
>  
> Scott Miller  
> Assistant General Counsel  
> Academy of Motion Picture Arts and Sciences  
> 8949 Wilshire Boulevard  
> Beverly Hills, CA 90211  
> Tel. (310) 247-3000  
> Fax (310) 247-3005  
>  
>



**Kristelia Garcia**

---

**From:** Ryan Candee [ryanacandee@yahoo.com]  
**Sent:** Monday, March 26, 2007 8:39 AM  
**To:** Scott Miller  
**Cc:** Sasha Stone  
**Subject:** Re: Fwd: Re: Fw: OSCARWATCH.COM

Dear Mr. Miller:

While we appreciate the concern the Academy has in protecting its trademark rights, that concern is misplaced here. Ms. Stone is not trying to exploit the Academy's trademark to offer competing goods and services. Rather, she is offering commentary that directly addresses the Oscars awards, a topic of great interest to the general public (thanks largely to the efforts of the Academy itself). Her usage of the domain name "Oscarwatch.com" to describe commentary about the Oscars is that of fair use. As you are likely aware, fair use is an absolute defense to claims brought under both the Anticybersquatting Consumer Protection Act, 15 U.S.C. 1125(d)(1)(B)(ii), and the ICANN Uniform Domain Name Dispute Resolution Policy, UDRP 4(c)(iii). I'm sure you are also aware that such commentary and criticism is explicitly excluded from dilution claims brought under the Lanham Act. 15 U.S.C. 1125(c)(4)(C).

I would welcome the opportunity to discuss this with you further so that the Academy's concerns can be addressed without restricting Ms. Stone's well-established legal rights to continue using the domain name.

Ryan Candee  
73 Wyckoff Street  
Brooklyn, New York 11201  
(718) 753-1960  
ryanacandee@yahoo.com

---

Food fight? Enjoy some healthy debate  
in the Yahoo! Answers Food & Drink Q&A.