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January 6, 2014

VIA E-MAIL [coinyewest@gmail.com]

Re: Infringement of KAYNE WEST Mark and Other Violations

Dear Sir or Madam:

This law firm acts as litigation counsel for Kanye West and his affiliated companies. As you are aware, Mr. West is an internationally renown musical artist, songwriter, producer, film director and fashion designer, to name just a few of Mr. West's endeavors. Mr. West has won twenty-one Grammy Awards, making him one of the most awarded artists of all-time. He has been named one of the 100 most influential people by *Time* magazine and is routinely listed by *Forbes* as one of the most successful people in the world.

Mr. West's tremendous success and notoriety has catapulted the KANYE WEST brand into a commercial asset of incalculable value. In addition to his common law rights, Mr. West owns numerous federal trademark registrations for the KANYE WEST mark for various goods and services as well as several pending applications. *See, e.g.,* U.S. Reg. Nos. 3,648,799; 3,648,800; 3,648,801; 3,648,802; 3,648,803; and 3,648,804. Without doubt, the KANYE WEST mark is famous and is entitled the broadest protection under the law.

We write to you concerning your unauthorized use of the COINYE WEST mark in connection with a purported cryptocurrency that may be available on January 11, 2014. We have recently learned that you are promoting the COINYE WEST cryptocurrency through the <coinyewest.com> website, on Facebook at <facebook.com/coinyewest> and on Twitter at <twitter.com/CoinyeWest>. The COINYE WEST mark is substantially similar to the KANYE WEST mark in sight, sound, meaning and commercial impression. Interviews with the founders of the COINYE WEST cryptocurrency leave no doubt that your clear intent is to trade upon the goodwill associated with the KANYE WEST mark and Mr. West's international fame and notoriety. In particular, several news sources have quoted the developers as stating "We chose Kanye because of his trendsetting abilities and his originality," and also that you have decided to remain anonymous "in case Kanye gets pissed off." Such statements support a finding that your infringement is blatant and willful.

Given Mr. West's wide-ranging entrepreneurial accomplishments, consumers are likely to mistakenly believe that Mr. West is the source of your services or is, at the very least, affiliated with, or has sponsored or endorsed the cryptocurrency. The likelihood that consumers will be confused is heightened by the unauthorized use of an image of Mr. West on the coin:





Your actions constitute, *inter alia*, willful trademark infringement, unfair competition, cyberpiracy and dilution in violation of Sections 32(1), 43(a), 43(c) and 43(d) of the Lanham Act, and subject you to monetary damages including treble damages based on the willful nature of the infringement.

In addition to the Lanham Act claims, you are also liable under the Copyright Act for misappropriation of Mr. West's music videos embedded in the <coinyewest.com> website. Your actions also violate Mr. West's right of publicity under state law, which subjects you to further liability.

Mr. West takes these violations of his intellectual property very seriously and seeks to resolve this matter without resort to litigation including filing an application for a temporary restraining order. Accordingly, please immediately confirm that you and all of your affiliated companies, employees, consultants, agents and representatives will immediately:

- 1. cease and desist from any and all use of the mark COINYE WEST and any versions of that mark including COINYE;
- cease and desist from any and all development, sale, distribution and promotion of any and all products and services in connection with the mark KANYE WEST, or any names or marks confusingly similar to KANYE WEST, including, but not limited to, the COINYE WEST and COINYE marks;
- 3. cease and desist from any and all use of Mr. West's copyrighted material including his music videos;
- 4. deactivate the website located at <<u>coinyewest.com</u>>, unlock the domain name to allow it to be transferred and provide us with the authorization code to facilitate such transfer;
- deactivate all social media accounts created and/or used in connection with the COINYE WEST mark, including, but not limited to, the Facebook account located at <<u>facebook.com/coinyewest</u>> and the Twitter account located at <<u>twitter.com/CoinyeWest</u>>; and

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6. cease all use of Mr. West's name, image or likeness in connection with any product or service.

We further demand that you <u>immediately confirm to us</u>, in <u>writing</u>, no later than 5:00 <u>p.m. E.S.T. on January 6, 2014</u>, your intent to comply promptly with our demands, failing which our client will proceed with the necessary measures to protect its valuable rights, including, if necessary, securing injunctive relief in court against you, and recovering all appropriate damages, including treble damages, attorney's fees and costs.

If you fail to comply with these demands, we will notify the cryptocurrency community at large of your infringing actions and pursue all legal remedies against any business that accepts the purported COINYE WEST currency. Specifically, Mr. West will pursue claims of contributory trademark infringement and contributory unfair competition, among others, against any entity that accepts or exchanges the COINYE WEST currency.

Should you wish to discuss any aspect of this matter, we suggest that you have your legal representative contact the undersigned before the above-referenced deadline.

The foregoing is not intended as a comprehensive statement of our client's rights or position, and nothing herein shall be deemed to be a waiver of any of our client's rights at law or in equity.

Very truly yours,

Brad D. Rose

cc: Michael Guido, Esq.