

KYLE DAVIS

From: Jennings, Matthew [mjennings@coxsmith.com]
Sent: Thursday, July 16, 2009 11:14 AM
To: kdavis@unitydayontheparkway.org
Subject: Re: UNITY DAY trademark (Ref. No. 22187.3735)

Dear Mr. Davis:

It was nice speaking with you yesterday. As you know, we represent Clear Channel Communications, Inc. ("Clear Channel") in connection with the enforcement of its intellectual property rights. In that regard, it has come to our attention that you are using the mark UNITY DAY (the "Mark") in association with your website www.unitydayontheparkway.org. Additionally, it appears that your organization is planning to brand its August 23, 2009 community event with the Mark.

As I explained during our conference call, Clear Channel has used the Mark to describe its Philadelphia festival since at least as early as 1978 and owns U.S. federal Registration No. 2,860,397 for the same. Clear Channel has expended significant time, money, and effort to establish public recognition of the Mark as identifying its business as the source of high quality entertainment services. As a result of these efforts, Clear Channel has established substantial customer recognition of the Mark and the Mark is among Clear Channel's valuable assets.

As noted in recent media reports, the difficult economic environment has taken its toll and Clear Channel is unable to dedicate the same level of resources to the UNITY DAY festival as it has in years past. Rather than deliver a substandard UNITY DAY festival this year, which could damage the festival's reputation, Clear Channel has decided to take a brief hiatus so that the UNITY DAY festival will remain a cherished Philadelphia institution. This short pause does not evince an intent to abandon the Mark and Clear Channel's ownership and interest in the Mark remain very much intact.

Your website and proposed use infringe Clear Channel's Mark. It is obvious to even the most casual observer that your use of the Mark is an attempt to benefit from Clear Channel's goodwill in the UNITY DAY festival. The customer confusion that will result from your infringing use not only damages Clear Channel's goodwill in the Mark, but it may also damage Clear Channel's reputation and interfere with existing business relationships. For example, festival vendors and sponsors who receive your infringing promotional materials are likely to assume that your festival is produced by, sponsored by, or otherwise affiliated with Clear Channel. If they are unhappy with your organization they may mistakenly blame Clear Channel and refuse participation in future Clear Channel events.

It is Clear Channel's policy to enforce its intellectual property rights vigorously. In that regard, this letter serves as formal notice that your use of the UNITY DAY Mark, in any manner, is wholly unauthorized, is likely to cause confusion, and constitutes trademark infringement, cybersquatting, and unfair competition in violation of federal and state law. While Clear Channel does not wish to engage in a protracted legal dispute, we simply cannot allow continued infringement of the UNITY DAY Mark or statements implying an affiliation with Clear Channel's past festivals.

This matter could be easily settled if you were to: (1) rebrand your festival using a mark that is not confusingly similar to Clear Channel's Mark, e.g., "Brotherly Love Day" or "Philly Fest," etc. and (2) remove references to previous UNITY DAY festivals from your website. It remains Clear Channel's desire to settle this matter amicably. After you have had a chance to review the preceding and meet with your Board, please contact me regarding the possibility of an amicable settlement.

I look forward to hearing from you soon.

Regards,
Matthew

NOTE: Nothing contained or omitted in this letter is intended to be, nor should be deemed to be or construed as, a waiver or relinquishment of any of Clear Channel's rights, remedies, claims, and contentions in respect to the matter, whether legal, equitable, or factual; each and all of which are expressly hereby reserved.

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