

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

)	
URBAN ONE, INC., d/b/a iPOWER RICHMOND and)	
iPOWER 92.1)	
Plaintiff,)	
v.)	Case No <u>3:17cv624</u>
)	
AMIR SHABAZZ (a/k/a HENNY HARDAWAY))	
)	
and)	
)	
TWITTER, INC.)	
)	
Defendants.)	
)	

COMPLAINT

Plaintiff Urban One, Inc., d/b/a iPower 92.1 and iPower Richmond, by and through its undersigned attorney, for its Complaint against defendants Amir Shabazz (a/k/a Henny Hardaway) and Twitter, Inc., upon information and belief, hereby alleges as follows:

JURISDICTION

1. Urban One, Inc. is a Delaware corporation with its principal place of business at 1010 Wayne Avenue, 14th Floor, Silver Spring, MD 20910. Directly, and through its subsidiaries and affiliates, Urban One owns and/or operates more than 50 radio stations in 15 cities in the United States. Urban One, Inc. owns the Richmond-based radio station WCDX-FM, which is branded as iPower Richmond and iPower 92.1.

2. Defendant Amir Shabazz was a part-time radio personality at iPower Richmond who used the on-air name “Henny Hardaway” until his employment was terminated on August 11, 2017. Upon information and belief, Amir Shabazz currently resides in Georgia where he operates Shabazz Media Group.

3. This Court has original jurisdiction under the trademark laws of the United States, 15 U.S.C. § 1051, et seq., 18 U.S.C. § 1832, et seq., 18 U.S.C. § 1030, et. seq., and the laws of the Commonwealth of Virginia.

4. This Court also has jurisdiction under 28 U.S.C. § 1332(a), in that it is a civil action between citizens of different states in which the matter in controversy exceeds, exclusive of costs and interest, \$75,000.

5. This Court also has subject matter jurisdiction over iPower Richmond's Lanham Act claims as federal questions pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a)-(b), and supplemental jurisdiction pursuant to 28 U.S.C. § 1367. This Court has pendent jurisdiction over the Virginia state claims under 28 U.S.C. § 1338(b).

VENUE

6. Venue is proper in this district pursuant to 28 U.S.C. § 1391 and 1400.

THE PARTIES

7. Urban One, Inc. owns and operates WCDX-FM radio station, branded as iPower Richmond and iPower 92.1 (hereinafter referred to as "Plaintiff" or "iPower Richmond").

8. Defendant Amir Shabazz ("Shabazz") was a part-time radio personality at iPower Richmond who used the on-air name "Henny Hardaway" until his employment was terminated at the radio station on August 11, 2017. Upon information and belief, Amir Shabazz currently resides in Georgia.

9. Defendant Twitter, Inc., ("Twitter") is a Delaware corporation with its principal place of business in California. Twitter operates a global platform for self-expression via short messages known as "tweets." Upon information and belief, Twitter has more than 300 million active monthly users.

FACTUAL ALLEGATIONS

10. In 2009, iPower Richmond created a Twitter account to advertise, gain followers, increase its social media presence, and increase overall revenue.

11. iPower Richmond's Twitter account used the username or handle "@iPowerRichmond."

12. Over the course of the following approximately eight years, iPower Richmond radio station increased its Twitter audience to approximately 12,500 followers.

13. Upon information and belief, Plaintiff has communicated electronically with followers through its Twitter Account, and those communications were stored electronically in the Plaintiff's Twitter Account.

14. iPower Richmond derived independent economic value from information available through its Twitter account, which it has developed through many years of substantial time, effort, expense, research and communication with its followers.

15. iPower Richmond took, and continues to take reasonable steps to maintain the secrecy of its proprietary information, including restricting access to, and distribution of, this confidential information only to employees and agents of iPower Richmond who need the information and/or access to perform services on behalf of iPower Richmond.

16. The confidential information includes, but is not limited to, the following: the passwords to iPower Richmond's Twitter account, including "@iPowerRichmond" used by iPower Richmond and its agents and employees, and list of followers (collectively, the "Confidential Information").

17. The Confidential Information is not generally known or readily accessible, and is maintained in confidence by iPower Richmond, with limited access provided to agents and

employees of iPower Richmond. iPower Richmond has at all times taken reasonable steps to protect such Confidential Information from being stolen or misused. The Confidential Information would be of substantial value to iPower Richmond's competitors if it became known to them.

18. On September 9, 2015, iPower Richmond hired Amir Shabazz as a part-time radio personality.

19. During and within the course of his employment with iPower Richmond, and as an agent and employee of iPower Richmond, Amir Shabazz was permitted access to iPower Richmond's password-protected social media account at www.twitter.com/ipowerrichmond, to disseminate information and to promote iPower Richmond to the public and its Twitter followers.

20. On Friday, August 11, 2017 iPower Richmond terminated Amir Shabazz's employment.

21. At the time of his termination, iPower Richmond had approximately 12,500 followers. Upon information and belief, according to some industry standards, each Twitter follower is valued at approximately \$2.50/month. Given iPower Richmond's approximately 12,500 followers on or about August 11, 2017, the Twitter account had a value of \$31,250/month.

22. Sometime between the evening of Friday, August 11, 2017 and the morning of Saturday, August 12, 2007, Amir Shabazz used iPower Richmond's Confidential Information to access iPower Richmond's Twitter account.

23. Amir Shabazz logged in to iPower Richmond's Twitter account and changed the username from "iPowerRichmond" to "RealTalkofVa."

24. Mr. Shabazz began communicating with iPower Richmond's followers without the permission of iPower Richmond.

25. Mr. Shabazz communicated lewd and/or pornographic material to iPower Richmond's followers without the permission of iPower Richmond.

26. Amir Shabazz then changed the iPowerRichmond Twitter account username from "RealTalkofVa" to "HennyTalk75," and deleted all prior posts. *See* Exhibit A.

27. On August 27, 2017 at 5:04 PM, Amir Shabazz tweeted to iPower Richmond's approximately 12,500 followers, under the username of "Henny Hardaway @HennyTalk75" the following: "Time to start on a clean slate. #myfirsttweet." *See* Exhibit B.

28. Amir Shabazz has used the stolen "followers" to advertise for his own enterprise "Shabazz Media Group." *See* Exhibit C (September 8, 2017 Tweet: "Follow my company @ShabazzMediaGrp").

29. Amir Shabazz also created a new account with the username "iPowerRichmond" to prevent the radio station from being able to use that username again. *See* Exhibit D.

30. Mr. Shabazz's use of the iPower Richmond account and communication with its followers is, and was done in an attempt to discredit iPower Richmond, destroy confidence in iPower Richmond and to market and advertise his own services.

31. Amir Shabazz has publicly acknowledged the value of social media "followers," when on August 28, 2017, he posted "So I had an interview today for a Radio Personality job and I was asked about my [Instagram] follower numbers" and "Follow me on IG @HennyTalk75." *See* Exhibit E. On September 3, 2017, he posted to iPower Richmond's 12,500 followers: "Instagram is @hennytalk75 follow me. Im trying to get 10k followers. Thank you twitter." *See* Exhibit F.

32. iPower Richmond first reported the issue to Defendant, Twitter, Inc. on or about August 12, 2017 (Twitter Case #64960496) and repeatedly through the month of August (Twitter Case #66223256).

33. To date, Defendant Twitter, Inc. has taken no action to resolve this matter.

34. Upon information and belief, the total number of followers on the stolen Twitter Account has decreased from approximately 12,500 to approximately 12,400 over the past month, indicating a permanent loss of value likely caused by Amir Shabazz.

35. From approximately August 11, 2017 to the present, and ongoing, Amir Shabazz's actions have substantially injured iPower Richmond's economic interests.

CLAIMS FOR RELIEF

COUNT I

**Violation of the Defend Trade Secrets Act (18 U.S.C. § 1832, et seq.)
(Defendant Amir Shabazz)**

36. Plaintiff refers to and incorporates all above paragraphs as though fully set forth herein.

37. At all relevant times, Plaintiff has taken reasonable measures to keep Plaintiff's confidential information and business intelligence protected, confidential and secret.

38. Plaintiff's confidential information has actual and potential independent economic value from the fact that it is not generally known to, and cannot be readily ascertained through proper means by others who can obtain economic value from its disclosure and/or use.

39. Indeed, Plaintiff's confidential information and business intelligence – as separate components, all together, and/or in combination with other components – are valuable and lucrative assets constituting legally protectable trade secrets.

40. Upon information and belief, Defendant Shabazz has acquired Plaintiff's trade secrets knowing or having reason to know that such acquisition occurred through improper means, such as Amir Shabazz's unauthorized access, use and changes to iPower Richmond's Twitter Account, and/or his undisclosed and unauthorized use of a computer or computer network to access, use and change such information.

41. Upon information and belief, Defendant Shabazz has disclosed and/or used Plaintiff's trade secrets without Plaintiff's consent, and with knowledge that the trade secrets were acquired through improper means.

42. Upon information and belief, Defendant Shabazz has disclosed and/or used Plaintiff's trade secrets without Plaintiff's consent, knowing and/or having reason to know that the trade secrets were provided from or through a person or persons who used improper means to acquire them.

43. Upon information and belief, Defendant Shabazz has disclosed and/or used Plaintiff's trade secrets without Plaintiff's consent, knowing and/or having reason to know that the trade secrets were obtained or acquired under circumstances giving rise to a duty to maintain their secrecy and/or limit their use.

44. Upon information and belief, Defendant Shabazz has disclosed and/or used Plaintiff's trade secrets without Plaintiff's consent, knowing and/or having reason to know that the trade secrets were obtained or acquired from or through a person or persons who owed a duty to Plaintiff to maintain their secrecy and/or limit their use.

45. By engaging in the conduct described throughout this Complaint, Defendant Shabazz has misappropriated Plaintiff's confidential information and business intelligence constituting trade secrets to the detriment of Plaintiff and for the Defendant's own commercial

and economic advantage, in violation of the federal Defend Trade Secrets Act, 18 U.S.C. § 1832, et seq.

46. Defendant has used and benefited from, and will continue to use and/or benefit from his misappropriation of Plaintiff's trade secrets for his own commercial and economic advantage, in violation of the federal Defend Trade Secrets Act, 18 U.S.C. § 1832, et seq.

47. Defendant Shabazz's conduct was willful and malicious.

48. Defendant Shabazz's conduct has caused and will continue to cause severe and immediate monetary injuries to Plaintiff, including damage to its reputation and goodwill for which it has no adequate remedy at law.

WHEREFORE, the Plaintiff prays for judgment as set forth below.

COUNT II
Violation of the Virginia Uniform Trade Secrets Act (Va. Code Ann. §§ 59.1-336 to 343)
(Defendant Amir Shabazz)

49. Plaintiff refers to and incorporates all above paragraphs as though fully set forth herein.

50. At all relevant times, Plaintiff has taken reasonable and necessary measures to safeguard the secrecy and confidentiality of its confidential information and business intelligence, including trade secrets, which are valuable and lucrative assets of iPower Richmond and for which independent actual and potential economic value is derived from not being known or easily accessible to other persons who can obtain economic value from its use or disclosure.

51. Upon information and belief, Defendant has misappropriated Plaintiff's confidential information and trade secrets, including but not limited to its Twitter Account, Twitter handle, Twitter username and/or Twitter followers.

52. By engaging in the conduct described throughout this Complaint, Defendant has acquired, disclosed and/or used Plaintiff's trade secrets and confidential information through improper and/or unauthorized means, without the consent of the Plaintiff, to the detriment of the Plaintiff, with actual and/or constructive advantage, in violation of the Virginia Uniform Trade Secret Act, Virginia Code §§ 59.1-336, et seq.

53. Any and all confidential information and trade secrets owned or possessed by Defendant that were acquired by Defendant at any time after the termination of Amir Shabazz on August 11, 2017 were derived utilizing improper means to acquire them (including use of a computer or computer network without authority) and/or were acquired under circumstances giving rise to a duty to maintain their secrecy and/or derived from or through a person who owed a duty to Plaintiff to maintain their secrecy.

54. Defendant Shabazz has used and will use and/or benefit from his misappropriation of Plaintiff's trade secrets and confidential information, without the consent of the Plaintiff, to the detriment of the Plaintiff, and for the Defendant's own commercial advantage, in violation of the Virginia Uniform Trade Secret Act, Virginia Code §§ 59.1-336, et seq.

55. Defendant Shabazz's conduct has caused and will continue to cause severe and immediate monetary injuries, including damage to the reputation and goodwill of Plaintiff, for which it has no adequate remedy at law

WHEREFORE, the Plaintiff prays for judgment as set forth below.

COUNT III
Violation of the Computer Fraud and Abuse Act (18 U.S.C. § 1030)
(Defendant Amir Shabazz)

56. Plaintiff refers to and incorporates all above paragraphs as though fully set forth herein.

57. Upon information and belief, Plaintiff's computers and Twitter Account are involved in interstate and foreign commerce and communication, and are protected under 18 U.S.C. § 1030(e)(2).

58. Upon information and belief, Defendant Shabazz knowingly and intentionally accessed Plaintiff's computers without authorization or in excess of authorization following his termination on August 11, 2017.

59. Upon information and belief, after gaining unauthorized access to Plaintiff iPower Richmond's Twitter Account, Defendant Shabazz obtained and used valuable information in transactions involving interstate and/or foreign communications. This information included, among other things, a list of iPower Richmond's followers, and the means of sending messages to those followers. The use included sending unauthorized messages from iRadio Richmond's Twitter account without authorization and copying or converting proprietary data and re-displaying and/or re-using it as Defendant's own.

60. Defendant knowingly, willfully, and with an intent to defraud, accessed Plaintiff iRadio Richmond's Twitter account and/or computers without authorization or in excess of authorization and obtained valuable information that, upon information and belief, Defendant used to obtain something of value.

61. Defendant Shabazz's conduct has caused a loss to Plaintiff iRadio Richmond in excess of \$5,000.

62. Plaintiff has been damaged by Defendant's actions, including being forced to expend resources to investigate the unauthorized access and abuse of its computer network and/or social media account.

63. Plaintiff has suffered irreparable and incalculable harm and injuries resulting from Defendant Shabazz's conduct, which harm will continue unless Defendant is enjoined from further unauthorized use of iRadio Richmond's protected computer network and/or social media account. Plaintiff has no adequate remedy at law.

WHEREFORE, the Plaintiff prays for judgment as set forth below.

COUNT IV
Violations of the Stored Communications Act (18 U.S.C. §§ 2701-2712)
(Defendant Amir Shabazz)

64. Plaintiff refers to and incorporates all above paragraphs as though fully set forth herein.

65. The Stored Communications Act incorporates the definition of an "electronic communication" from the Electronic Communication Privacy Act, 18 U.S.C. § 2510, et seq.: "any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system that affects interstate or foreign commerce..."

66. The statutes define "electronic storage" as "temporary storage of a wire or electronic communication incidental to the electronic transmission thereof." 18 U.S.C. § 2510 (17)(A).

67. It is unlawful for a person to obtain access to stored communications on another's computer system without authorization. 18 U.S.C. § 2701.

68. Upon information and belief, the stolen Twitter account contains electronically stored, electronic communications to and from the Plaintiff.

69. Upon information and belief, Defendant Shabazz violated 18 U.S.C. 121 § 2701(a)(1) when he intentionally accessed the Plaintiff's electronic communications without authorization and obtained, altered, or prevented authorized access to a wire or electronic communication in electronic storage.

70. Upon information and belief, Defendant Shabazz violated 18 U.S.C. 121 § 2701(a)(2) when he intentionally exceeded authorization to access Plaintiff's communications and obtained, altered, or prevented authorized access to a wire or electronic communication while in electronic storage by accessing files on the Plaintiff's Twitter Account without Plaintiff's permission.

71. As a result of Defendant Shabazz's knowing and intentional access violation of 18 U.S.C. § 2701, the Plaintiff has suffered injuries to its privacy rights, and economic harm due to Defendant Shabazz's unjust enrichment at its expense.

WHEREFORE, the Plaintiff prays for judgment as set forth below.

COUNT V
Tortious Interference with Prospective Economic Advantage
(Defendant Amir Shabazz)

72. Plaintiff refers to and incorporates all above paragraphs as though fully set forth herein.

73. Plaintiff iPower Richmond has had, and continues to enjoy relationships with iPower Richmond Twitter followers and prospective users of the Account, and existing and prospective advertisers who pay for advertisements on iPower Richmond's website and/or radio station. Defendant Amir Shabazz, as a former agent and employee of Plaintiff iPower Richmond,

has extensive knowledge of those relationships. Mr. Shabazz knows the history of iPower Richmond's relationships with the iPower Richmond followers and advertisers in detail, including which of those relationships contain the probability of future economic benefit to iPower Richmond, when, and on what terms, by reasons of iPower Richmond's ongoing marketing of its services to iPower Richmond's followers and advertisers.

74. Defendant Shabazz engaged in wrongful conduct by misappropriating and using iPower Richmond's Confidential Information to access the Account, attempting to wrongly discredit iPower Richmond in the eyes of its followers, by and through his improper use of the Account, erasing material, attempting to destroy iPower Richmond's customers' confidence in iPower Richmond by and through his use of the Account, and after ceasing to perform services for iPower Richmond, using its relationships to promote himself.

75. Defendant's wrongful conduct was designed to disrupt, and has in fact disrupted, as well as adversely affected Plaintiff's economic relationships with its followers and prospective users of the Account, and iPower Richmond's existing and prospective advertisers who buy advertisements, in that as a result of Defendants' conduct, there is decreased traffic to Plaintiff's website through the Account, which in turn decreases the number of website pageviews and discourages listeners from listening, and advertisers from buying advertisements.

76. Defendant Shabazz engaged in the wrongful conduct described above in an attempt to market and advertise his services and the services of his employer all at the expense of the Plaintiff, iPower Richmond. The Defendant's conduct constitutes interference with the Plaintiff's prospective economic advantage.

77. As a direct and proximate result of Defendant Shabazz's wrongful acts, Plaintiff has suffered damage to its business and business relationships by way of lost advertising

revenue, as well as its reputation and goodwill in excess of the minimum jurisdiction of this Court.

78. Defendant Shabazz's aforementioned conduct was willful and oppressive, fraudulent, or malicious, and the Plaintiff is entitled to punitive damages.

79. Unless and until enjoined by order of this Court, Defendant Shabazz will continue his illegal efforts and scheme to interfere with Plaintiff's prospective economic advantage and cause damage to its reputation and goodwill. Plaintiff has no adequate remedy at law for the irreparable injuries Defendant has caused and continues to cause, including, but not limited to damage to Plaintiff's prospective economic advantage, business, reputation and goodwill.

WHEREFORE, the Plaintiff prays for judgment as set forth below.

COUNT VI
Conversion
(Defendant Amir Shabazz)

80. Plaintiff refers to and incorporates all above paragraphs as though fully set forth herein.

81. At all times herein mentioned, Plaintiff was and still is, the owner of the Twitter Account, and was, and still is, entitled to possession of the Account. The Account and the approximately 12,500 followers generated by the Account, were and are the sole property of iPower Richmond.

82. Plaintiff iPower Richmond gave Defendant Shabazz permission to use the Account while he acted as an agent of iPower Richmond. Once Amir Shabazz ceased to work for iPower Richmond, he was required to cease all access to the Account of iPower Richmond.

83. On or about August 11 or 12, 2017, unbeknownst to Plaintiff, and without Plaintiff's consent, Defendant Amir Shabazz took possession, exercised dominion and control

over, and wrongfully converted the Account to his own use by changing the handle on the account from @iPowerRichmond to @RealTalkofVa, and then again to @HennyTalk75. Defendant has used and continues to use the Account with the handle @HennyTalk75 to communicate with and market his services to Plaintiff's Followers.

84. According to industry standards, each Twitter follower is currently valued at approximately \$2.50 per month. Given the Account's approximately 12,500 followers, on or about August 11, 2017, the Account had a value of approximately \$31,250 per month.

85. Defendant Shabazz's taking, possession, and/or exercise of dominion and control over Plaintiff's property was inconsistent with Plaintiff's rights as owner of such property.

86. Between the time of Defendant Shabazz's conversion of the Account to his own use, and the filing of this action, Plaintiff iPower Richmond has expended time and money in pursuit of the wrongfully converted Account, all to its further damage, in an amount to be proved at trial.

87. Defendant Shabazz's acts as alleged above were willful, wanton, malicious, oppressive, and justify the awarding of punitive damages.

WHEREFORE, the Plaintiff prays for judgment as set forth below.

COUNT VII
Unjust Enrichment
(Defendant Amir Shabazz)

88. Plaintiff refers to and incorporates all above paragraphs as though fully set forth herein.

89. As a result of the actions outlined above, Defendant Shabazz has received monetary, informational, and competitive benefits and services as a result of the time, effort,

labor, materials and cost expended by Plaintiff over several years to create, utilize, and enjoy the economic benefits of its confidential information, its business intelligence, and its trade secrets.

90. Defendant Shabazz has evidenced by his own actions that he acknowledges the receipt of the monetary, informational, and competitive benefits and services he has received at the expense of and detriment to Plaintiff iPower Richmond, and that he has actual knowledge of the benefits he has improperly obtained from iPower Richmond.

91. Defendant's Shabazz's receipt of those benefits and services has allowed him to use Plaintiff's own proprietary knowledge and information to drive existing and future clients, listeners, accounts, followers and/or advertisers away from iPower Richmond for the Defendant Shabazz's benefit, in amounts exceeding the jurisdictional requirement of this Court.

92. Defendant Shabazz's receipt of these benefits has unjustly enriched him, and the circumstances surrounding his receipt and enjoyment of those benefits makes it inequitable and unjust for him to retain such benefits without payment of their value to the Plaintiff.

WHEREFORE, the Plaintiff prays for judgment as set forth below.

COUNT VIII
Quantum Meruit
(Defendant Amir Shabazz)

93. Plaintiff refers to and incorporates all above paragraphs as though fully set forth herein.

94. As a result of the actions outlined above, Defendant Shabazz has received monetary, informational, and competitive benefits and services as a result of the time, effort, labor, materials and cost expended by Plaintiff over several years to create, utilize, and enjoy the economic benefits of its confidential information, its business intelligence, and its trade secrets.

95. Defendant Shabazz has evidenced by his actions that he acknowledges the receipt of the monetary, informational, and competitive benefits and services he has received at the expense of and detriment to Plaintiff iPower Richmond and that he has actual knowledge of the benefits he has improperly obtained from Plaintiff iPower Richmond

96. Defendant Shabazz's receipt of those benefits and services has allowed him to compete using Plaintiff's own proprietary knowledge and information, and to drive existing and future clients, listeners, accounts, followers and/or advertisers away from Plaintiff iPower Richmond for his benefit, in amounts exceeding the jurisdictional requirement of this Court.

97. Defendant Shabazz's receipt of these benefits and services has provided direct and indirect monetary benefits to him, and the circumstances surrounding his receipt and enjoyment of those benefits and services makes it inequitable and unjust for Defendant Shabazz to retain such benefits without payment of their value to Plaintiff.

WHEREFORE, the Plaintiff prays for judgment as set forth below.

COUNT IX
Trademark Infringement (15 U.S.C. § 1125(a))
(Defendant Amir Shabazz)

98. Plaintiff refers to and incorporates all above paragraphs as though fully set forth herein.

99. This claim is for trademark infringement under the laws of the United States, Section 43 (a) of the Lanham Act, 15 U.S.C. § 1125(a)(1).

100. The Plaintiff is a radio station, "iPower Richmond" that has used the common law trademark and service mark "iPowerRichmond" for approximately a decade, and has used that trademark as part of its Twitter username or handle since approximately 2009.

101. In August, 2017, Defendant Amir Shabazz stole the Plaintiff's Twitter account followers by improperly logging in to the iPower Richmond Twitter Account, changing the handle of the account to identify himself and then deleting all prior references to iPower Richmond.

102. Upon information and belief, Defendant Amir Shabazz created a new account under the same handle (which was now "available" again through Twitter), and used his own password on that account, which has not been disclosed to iPower Richmond.

103. Upon information and belief, Defendant Amir Shabazz is thus also using Plaintiff's "iPowerRichmond" mark on Twitter, through his use of the Twitter handle "@iPowerRichmond."

104. Defendant Shabazz's use of the "@iPowerRichmond" handle is likely to cause confusion, mistake, and to deceive consumers.

105. Defendant Shabazz's actions constitute a blatant attempt to confuse the consuming public and to trade off iPower Richmond's goodwill. For example, the social media link from iPower Richmond's website to its Twitter feed has not changed since August 11, 2017, but now connects all visitors to the confusing, deceptive and misleading page maintained by Defendant Amir Shabazz. *See* Exhibit G – "Contact Us" section of iPower Richmond website, with link to Twitter page and current Twitter page for @iPowerRichmond, maintained by Defendant Amir Shabazz.

106. Defendant Shabazz has acted knowingly and willfully, with full knowledge of the likelihood of confusion and with the intent to deceive consumers in order to trade off the efforts and earned goodwill and reputation of iPower Richmond.

107. By reason of the foregoing acts of trademark infringement, Plaintiff has been injured in an amount not yet ascertained.

108. Further, Defendant Shabazz has been unjustly enriched by virtue of his deception of consumers and misappropriation of Plaintiff's goodwill.

109. In addition, as a result of Defendant Shabazz's acts of infringement, Plaintiff iPower Richmond has suffered and will continue to suffer irreparable harm for which it has no adequate remedy at law, including damage to iPower Richmond's goodwill. Unless this Court enjoins Defendant Shabazz's acts of infringement, iPower Richmond will continue to suffer an irreparable harm.

110. Defendant Shabazz's actions have been knowing, intentional, wanton, and willful. The principles of equity warrant an award to iPower Richmond of treble damages and profits, attorneys' fees, and the costs of this action pursuant to 15 U.S.C. § 1117.

COUNT X
False Designation of Origin (15 U.S.C. § 1125(a))
(Defendant Amir Shabazz)

111. Plaintiff refers to and incorporates all above paragraphs as though fully set forth herein.

112. Defendant Shabazz's use of the "iPowerRichmond" mark in interstate commerce without iPower Richmond's consent, is a false designation of origin causing a likelihood of confusion, mistake, and deception as to source, sponsorship, affiliation, and/or connection in the minds of the public.

113. Defendant Shabazz's conduct has infringed Plaintiff iPower Richmond's trademark rights in violation of Section 43 (a) of the Lanham Act, 15 U.S.C. § 1125(a)(1).

114. Defendant Shabazz's actions have been knowing, intentional, wanton, and willful. The principles of equity warrant an award to Plaintiff iPower Richmond, Inc. of treble damages and profits, attorneys' fees, and the costs of this action pursuant to 15 U.S.C. § 1117.

COUNT XI
Trademark Dilution (15 U.S.C. § 1125(c))
(Defendant Amir Shabazz)

115. Plaintiff refers to and incorporates all above paragraphs as though fully set forth herein.

116. This claim is for trademark dilution under the laws of the United States, Section 43 of The Lanham Act, 15 U.S.C. § 1125(c). Because of the substantive investment that Plaintiff iPower Richmond has made in marketing its business, throughout years of continuous use in commerce, including advertising and extensive marketing, Plaintiff's service marks and trademarks have become instantly recognizable and distinctive in the radio industry, have gained secondary meaning, and have become both distinctive and famous. Thus, Plaintiff iPower Richmond's marks qualify as "famous marks" under the Federal Trademark Dilution Act ("FTDA"), 15 U.S.C. § 1125(c).

117. Defendant Shabazz's unauthorized use of the iPower Richmond mark dilutes the capacity of iPower Richmond's marks to identify and distinguish its services.

118. By reason of the foregoing acts of trademark dilution, Plaintiff has been injured in an amount not yet ascertained.

119. Further, Defendant Shabazz has been unjustly enriched by virtue of their dilution of Plaintiff iPower Richmond's marks.

120. In addition, as a result of Defendant Shabazz's acts of infringement, iPower Richmond has suffered and will continue to suffer irreparable harm for which it has no adequate

remedy at law, including damage to its goodwill. Unless this Court enjoins Defendant Shabazz's acts of infringement, the Plaintiff will continue to suffer irreparable harm.

121. Defendant Shabazz's actions have been knowing, intentional, wanton, and willful. The principles of equity warrant an award to Plaintiff of treble damages and profits, attorneys' fees, and the costs of this action pursuant to 15 U.S.C. § 1117.

COUNT XII
Trademark Infringement (Common Law)
(Defendant Amir Shabazz)

122. Plaintiff refers to and incorporates all above paragraphs as though fully set forth herein.

123. Plaintiff's marks are valid service marks and trademarks, and Plaintiff iPower Richmond has used the marks before Defendant.

124. Defendant Shabazz's use of the iPower Richmond mark is likely to cause confusion, mistake, and to deceive consumers.

125. Defendant Shabazz's actions constitute a blatant attempt to confuse the consuming public and to trade off iPower Richmond's goodwill.

126. Defendant Shabazz has acted knowingly and willfully, with full knowledge of the likelihood of confusion and with the intent to deceive consumers in order to trade off the efforts and earned goodwill and reputation of Plaintiff iPower Richmond.

127. By reason of the foregoing acts of trademark infringement, Plaintiff has been injured in an amount not yet ascertained.

128. Further, Defendant Shabazz has been unjustly enriched by virtue of his deception of consumers and misappropriation of Plaintiff iPower Richmond's goodwill. On information and belief, Defendant Shabazz has been unjustly enriched in an amount that exceeds \$75,000.

129. In addition, as a result of Defendant Shabazz's acts of infringement, Plaintiff iPower Richmond has suffered and will continue to suffer irreparable harm for which iPower Richmond has no adequate remedy at law, including damage to its goodwill. Unless this Court enjoins Defendant Shabazz's acts of infringement, Plaintiff iPower Richmond will continue to suffer an irreparable harm.

COUNT XIII
Contributory Trademark Infringement
(Defendant Twitter, Inc.)

130. Plaintiff refers to and incorporates all above paragraphs as though fully set forth herein.

131. The actions of Defendant Twitter, Inc., described above and specifically, without limitation, its knowledge, participation and inducement of the unauthorized use of Plaintiff iPower Richmond's Twitter Account and followers, and protected trademark information constitutes vicarious trademark infringement in violation of federal law and the laws of the Commonwealth of Virginia.

132. On or around August 11, 2017, through the online reporting system, Plaintiff informed Defendant Twitter, Inc. of Defendant Shabazz's above-described acts of infringement and impersonation. On or around August 28, 2017, Plaintiff sent a letter to Defendant Twitter, Inc., again describing Defendant Shabazz's acts of infringement and impersonation. However, to date, Defendant Twitter, Inc. has failed to act.

133. Defendant Twitter, Inc. has the ability to take corrective action to control the actions of the Defendant Amir Shabazz, has the authority to bind all users and exercise control over the Accounts at issue; however, Defendant Twitter, Inc. has failed to take corrective action

or control over the Accounts at issue. Upon information and belief, Defendant Twitter, Inc. derives financial benefit from its failure to act.

134. The actions of Defendant Shabazz, if not enjoined, will continue.

135. Plaintiff has suffered and continues to suffer damages in an amount to be proven at trial, consisting of, among other things, diminution in the value of and goodwill associated with the iPower Richmond mark, and injury to the Plaintiff's business.

136. Upon information and belief, the Defendants actions as described above were, and continue to be deliberate and willful.

COUNT XIV
Negligence
(Defendant Twitter, Inc.)

137. Plaintiff refers to and incorporates all above paragraphs as though fully set forth herein.

138. Defendant, Twitter, Inc. has specific policies against impersonation, harassment, trademark infringement, copyright infringement, graphic content, unlawful use, impersonation, multiple account abuse, and "username squatting." *See* Exhibit H – "The Twitter Rules," available at: <https://support.twitter.com/articles/18311> (last accessed on September 14, 2017).

139. According to Twitter, "All users must adhere to the policies set forth in the Twitter Rules. Failure to do so may result in the temporary locking and/or permanent suspension of account(s)." *Id.*

140. Plaintiff informed Defendant Twitter about Mr. Shabazz's violations of "The Twitter Rules" and was told "Thanks for letting us know. If we find that this account is violating the Twitter Rules... we will take action on it." *See* Exhibit I – Violation of Twitter Rules Report to Twitter.

141. At the time of this filing, Defendant Twitter has taken no such action.

142. Defendant Twitter owes a duty to its users, including Plaintiff iPower Richmond, to comply with its own policies and to enforce its own rules when informed of violations of those rules.

143. Defendant Twitter's failure to take any action in response to the reported violations of its own rules and policies constitutes a breach of its duty to Plaintiff.

144. Defendant Twitter's breach of its duty has proximately caused damages to Plaintiff, including economic harm and damage to its business, as described above.

JURY TRIAL DEMAND

Plaintiff demands a jury trial on all claims asserted herein.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff requests that this Court enter judgment in its favor against Defendants Amir Shabazz and Twitter, jointly and severally, and award the Plaintiff damages as well as injunctive relief as follows:

(a) A temporary restraining order, a preliminary injunction, and a permanent injunction, enjoining Defendant Shabazz and all persons acting or claiming to act under, in concert with, or for Defendant Shabazz from:

- (1) Engaging in any solicitation of iPower Richmond's followers;
- (2) Communicating with any of iPower Richmond's followers;
- (3) Using, copying, dealing with, disclosing, trading, or otherwise exploiting or misappropriating iPower Richmond's Confidential Information in order to, including but without limitation, communicate with iPower Richmond's followers;

- (4) Destroying any documents or files of any kind, actively or passively, whether in written or electronic form, that relate in any way to iPower Richmond's employment of Amir Shabazz, iPower Richmond's Confidential Information, and/or iPower Richmond's actual or prospective followers; and
- (5) Continuing to "squat" on the @iPowerRichmond Twitter Handle, or otherwise maintain the Twitter Account, and from otherwise continuing to infringe upon and/or dilute iPower Richmond's intellectual property rights, trademarks and/or famous marks.

(b) A temporary restraining order, a preliminary injunction, and a permanent injunction, requiring Defendant Shabazz and all persons acting or claiming to act under, in concert with, or for Defendant Shabazz, to return all of iPower Richmond's Confidential Information in their custody, possession, or control to iPower Richmond, including but without limitation, the iPower Richmond Twitter Account with all followers;

(c) For general and compensatory damages, plus interest, due to the conduct of Defendants complained of herein and in at least the amount of the property converted;

(d) For damages for the proximate and foreseeable loss resulting from Defendant's conversion;

(e) For general damages in the amount necessary to prevent the unjust enrichment of Defendants;

(f) For Defendants' profits pursuant to 15 U.S.C. § 1117;

(g) For treble damages pursuant to 15 U.S.C. § 1117;

(h) For the maximum statutory and punitive damages available under 18 U.S.C. §§ 2701, including a minimum of \$1,000 for each violation of the Stored Communications Act.

(i) For punitive damages;

(j) For all statutory relief available pursuant to the Defend Trade Secrets Act, the Virginia Uniform Trade Secrets Act, the Stored Communications Act, and/or the Computer Fraud and Abuse Act.

(k) For reasonable attorneys' fees;

(l) For all costs incurred; and

(m) For other such relief as the court may deem proper.

Dated: September 15, 2017

Respectfully submitted,

/s/ Nicholas G. Hallenbeck
Nicholas G. Hallenbeck, Esq. (VSB No. 77889)
Yuo-Fong Amato, Esq. (*Pro Hac Vice* Pending)
GORDON REES SCULLY MANSUKHANI LLP
1300 I Street, N.W., Suite 825
Washington, D.C. 20005
(202) 399-1009
(202) 800-2999 (Facsimile)
nhallenbeck@grsm.com
bamato@grsm.com

Counsel for Plaintiff

Exhibit A



Tweets 48.2K Following 921 Followers 12.4K Likes 733

Follow

Henny Hardaway

@HennyTalk75

Radio Personality. Host iDont Need a Name This Podcast @n0namep0dcast. CEO of @ShabazzMediaGrp Def Jam Influencer Virginia State University Alum

Atlanta via 757 VA

youtube.com/channel/UCISLD...

Joined February 2009

840 Photos and videos



New to Twitter?

Sign up now to get your own personalized timeline!

Sign up

You may also like

106.5 The Beat @1065thebeat

DJ Lonnie B @DJLonnieB

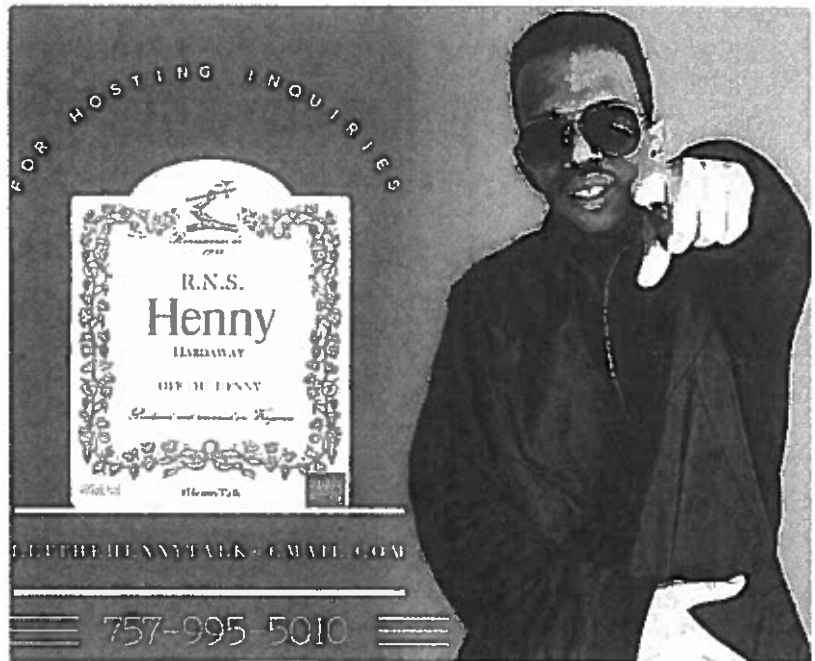
99.3/105.7 KISS FM

Tweets Tweets & replies Media

Pinned Tweet



Henny Hardaway @HennyTalk75 · Sep 4 ATLANTA: Event Hosting, Emcee, Mixtape Hosting or Special Guest for your podcast radio show email me at LetTheHennyTalk@gmail.com



2

Henny Hardaway Retweeted



Tressure Price @IAmTressureP · 17h

4



Henny Hardaway @HennyTalk75 · 9h

Tressure Price @IAmTressureP

Exhibit B

  161  296



Henny Hardaway @HennyTalk75 · Aug 27
Time to start on a clean slate. #myfirsttweet

  3



Back to top 1

Exhibit C

Henny Hardaway Retweeted



Beth Galvin @bethgalvinfox5 · Sep 8



Retweet 19

Like 9



Henny Hardaway @HennyTalk75 · Sep 8



Henny Hardaway @HennyTalk75 · Sep 8
Follow my company @ShabazzMediaGrp

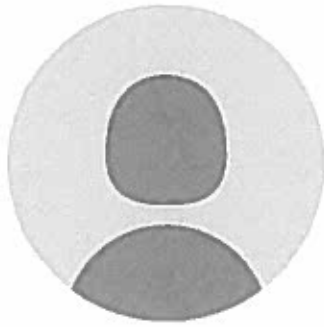


Henny Hardaway @HennyTalk75 · Sep 8
Industry Plants is a term i will use in my industry. Several of my contemporaries are Industry Plants.



Henny Hardaway @HennyTalk75 · Sep 8

Exhibit D



Followers
5

Follow

IPower Richmond

@IpowerRichmond

Joined August 2017

@IpowerRichmond hasn't Tweeted

When they do, their Tweets will show up here

New to Twitter?

Sign up now to get your own personalized timeline!

Sign up

Worldwide trends

ミサイル

318K Tweets

Lady Gaga

232K Tweets

#بلا حميا اساس وحدثنا

53.4K Tweets

Arsenal

330K Tweets

#باوزا_مدرب_المنتخب_السعودي

26K Tweets

#CristinaEnVivo

61.1K Tweets

#bbcqt

5,776 Tweets

#XF11

30.1K Tweets

Eslovenia

26.5K Tweets

Alexis Sanchez

13.2K Tweets

Exhibit E



Henny Hardaway @HennyTalk75 · Aug 28

THE SOUTHERN BELLE @LetShaketaSpeak



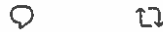
Henny Hardaway @HennyTalk75 · Aug 28



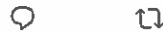
Henny Hardaway @HennyTalk75 · Aug 28



Henny Hardaway @HennyTalk75 · Aug 28



Henny Hardaway @HennyTalk75 · Aug 28



Henny Hardaway @HennyTalk75 · Aug 28

So I had an interview today for a Radio Personality job and I was asked about my IG follower numbers



Henny Hardaway @HennyTalk75 · Aug 28

THE SOUTHERN BELLE @LetShaketaSpeak



Henny Hardaway @HennyTalk75 · Aug 28

Follow me on IG @HennyTalk75



Henny Hardaway Retweeted



Terry McAuliffe @TerryMcAuliffe · Aug 28



Henny Hardaway Retweeted



Terry McAuliffe @GovernorVA · Aug 28

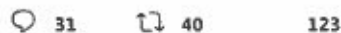


Exhibit F



Henny Hardaway @HennyTalk75 · Sep 3



Henny Hardaway @HennyTalk75 · Sep 3

Instagram is @hennytalk75 follow me. Im trying to get 10k followers. Thank you twitter.



Henny Hardaway @HennyTalk75 · Sep 3



Henny Hardaway @HennyTalk75 · Sep 3



Henny Hardaway Retweeted

309 13K 27K



Henny Hardaway @HennyTalk75 · Sep 3



Henny Hardaway Retweeted



Lynda Vialet @LyndaVialet · Sep 3

1 1



Henny Hardaway @HennyTalk75 · Sep 3

1

Exhibit G



Home

On Air

Rickey Smiley Morning Show
iPower 92.1/104.1 Staff
Jackie Paige
Cam Cooper
A-Plus
Community Clovia

Music Playlist

RVA

iPower... in the 304
Cam Vs. Food

Prizes

On Air Prize Rules

Events

Photos

Stone Soul

Contact Us

Facebook
Twitter
Instagram
YouTube

ABOUT US

PRIVACY

TERMS OF SERVICE

ADVERTISING

EEO

FCC PUBLIC FILE

CAREERS

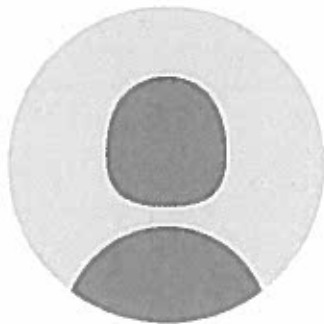
FAQ

R1 DIGITAL

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Followers
5

Follow

IPower Richmond

@IpowerRichmond

Joined August 2017

@IpowerRichmond hasn't Tweeted

When they do, their Tweets will show up here.

New to Twitter?

Sign up now to get your own personalized timeline!

Sign up

Worldwide trends

ミサイル
318K Tweets

Lady Gaga
232K Tweets

#نلاحمنا_اساس_وحدثنا
53.4K Tweets

Arsenal
330K Tweets

#باوزا_مدرب_المنتخب_السعودي
26K Tweets

#CristinaEnVivo
61.1K Tweets

#bbcqt
5,776 Tweets

#XF11
30.1K Tweets

Eslovenia
26.5K Tweets

Alexis Sanchez
13.2K Tweets

Exhibit H

(/)

The Twitter Rules

We believe that everyone should have the power to create and share ideas and information instantly, without barriers. In order to protect the experience and safety of people who use Twitter, there are some limitations on the type of content and behavior that we allow. All users must adhere to the policies set forth in the Twitter Rules. Failure to do so may result in the temporary locking and/or permanent suspension of account(s).

Please note that we may need to change these rules from time to time and reserve the right to do so. The most current version will always be available at twitter.com/rules (<https://twitter.com/rules>).

Content Boundaries and Use of Twitter

In order to provide the Twitter service and the ability to communicate and stay connected with others, there are some limitations on the type of content that can be published with Twitter.

- **Trademark (/articles/18367):** We reserve the right to reclaim usernames on behalf of businesses or individuals that hold legal claim or trademark on those usernames. Accounts using business names and/or logos to mislead others may be permanently suspended.
- **Copyright (/articles/15795):** We will respond to clear and complete notices of alleged copyright infringement. Our copyright procedures are set forth in the Terms of Service.
- **Graphic content:** You may not use pornographic or excessively violent media in your profile image or header image. Twitter may allow some forms of graphic content in Tweets marked as sensitive media (/articles/20169200?lang=en). When content crosses the line into gratuitous images of death, Twitter may ask that you remove the content out of respect for the deceased.
- **Unlawful use:** You may not use our service for any unlawful purposes or in furtherance of illegal activities. International users agree to comply with all local laws regarding online conduct and acceptable content.
- **Misuse of Twitter badges:** You may not use badges, such as but not limited to the "promoted" or "verified" Twitter badge, unless provided by Twitter. Accounts using these badges as part of profile photos, header photos, or in a way that falsely implies affiliation with Twitter, may be suspended.

Abusive Behavior

We believe in freedom of expression and in speaking truth to power, but that means little as an underlying philosophy if voices are silenced because people are afraid to speak up. In order to ensure that people feel safe expressing diverse opinions and beliefs, we do not tolerate behavior that crosses the line into abuse, including behavior that harasses, intimidates, or uses fear to silence another user's voice.

Any accounts and related accounts engaging in the activities specified below may be temporarily locked and/or subject to permanent suspension.

- **Violent threats (direct or indirect):** You may not make threats of violence or promote violence, including threatening or promoting terrorism.
- **Harassment:** You may not incite or engage in the targeted abuse or harassment of others. Some of the factors that we may consider when evaluating abusive behavior include:
 - if a primary purpose of the reported account is to harass or send abusive messages to others;
 - if the reported behavior is one-sided or includes threats;
 - if the reported account is inciting others to harass another account; and
 - if the reported account is sending harassing messages to an account from multiple accounts.
- **Hateful conduct:** You may not promote violence against or directly attack or threaten other people on the basis of race, ethnicity, national origin, sexual orientation, gender, gender identity, religious affiliation, age, disability, or disease. We also do not allow accounts whose primary purpose is inciting harm towards others on the basis of these categories.

- **Multiple account abuse:** Creating multiple accounts with overlapping uses or in order to evade the temporary or permanent suspension of a separate account is not allowed.
- **Private information:** You may not publish or post other people's private and confidential information, such as credit card numbers, street address, or Social Security/National Identity numbers, without their express authorization and permission. In addition, you may not post intimate photos or videos that were taken or distributed without the subject's consent. Read more about our private information policy here (</articles/20169991>).
- **Impersonation:** You may not impersonate others through the Twitter service in a manner that is intended to or does mislead, confuse, or deceive others. Read more about our impersonation policy here (</articles/18366>).
- **Self-harm:** You may encounter someone considering suicide or self harm on Twitter. When we receive reports that a person is threatening suicide or self harm, we may take a number of steps to assist them, such as reaching out to that person expressing our concern and the concern of other users on Twitter or providing resources such as contact information for our mental health partners.

Spam

We strive to protect people on Twitter from technical abuse and spam. Any accounts engaging in the activities specified below may be temporarily locked or subject to permanent suspension.

- **Username squatting** (</articles/18370>): You may not engage in username squatting. Accounts that are inactive for more than six months may also be removed without further notice. Some of the factors we take into consideration when determining what conduct is considered to be username squatting are:
 - the number of accounts created;
 - creating accounts for the purpose of preventing others from using those account names;
 - creating accounts for the purpose of selling those accounts; and
 - using feeds of third-party content to update and maintain accounts under the names of those third parties.
- **Invitation spam:** You may not use twitter.com's address book contact import to send repeat, mass invitations.
- **Selling usernames:** You may not buy or sell Twitter usernames.
- **Malware/Phishing:** You may not publish or link to malicious content intended to damage or disrupt another person's browser or computer or to compromise a person's privacy.
- **Spam:** You may not use the Twitter service for the purpose of spamming anyone. What constitutes "spamming" will evolve as we respond to new tricks and tactics by spammers. Some of the factors that we take into account when determining what conduct is considered to be spamming are:
 - if you have followed and/or unfollowed large amounts of accounts in a short time period, particularly by automated means (aggressive following or follower churn);
 - if you repeatedly follow and unfollow people, whether to build followers or to garner more attention for your profile;
 - if your updates consist mainly of links, and not personal updates;
 - if a large number of people are blocking you;
 - if a large number of spam complaints have been filed against you;
 - if you post duplicate content over multiple accounts or multiple duplicate updates on one account;
 - if you post multiple unrelated updates to a topic using #, trending or popular topic, or promoted trend;
 - if you send large numbers of duplicate replies or mentions;
 - if you send large numbers of unsolicited replies or mentions;
 - if you add a large number of unrelated users to lists;
 - if you repeatedly create false or misleading content;
 - if you are randomly or aggressively following, liking, or Retweeting Tweets;

- if you repeatedly post other people's account information as your own (bio, Tweets, URL, etc.);
- if you post misleading links (e.g. affiliate links, links to malware/clickjacking pages, etc.);
- if you are creating misleading accounts or account interactions;
- if you are selling or purchasing account interactions (such as selling or purchasing followers, Retweets, likes, etc.); and
- if you are using or promoting third-party services or apps that claim to get you more followers (such as follower trains, sites promising "more followers fast", or any other site that offers to automatically add followers to your account).

See our support articles on Following rules and best practices (/articles/68916) and Automation rules and best practices (/articles/76915) for more detailed information about how the Rules apply to those particular account behaviors. Accounts created to replace suspended accounts will be permanently suspended.

Accounts under investigation may be removed from search for quality. Twitter reserves the right to immediately terminate your account without further notice in the event that, in its judgment, you violate these Rules or the Terms of Service (<https://twitter.com/tos>).

Twitter

English ^

[About \(https://about.twitter.com\)](https://about.twitter.com)
[Company \(https://about.twitter.com/company\)](https://about.twitter.com/company)
[Blog \(https://blog.twitter.com\)](https://blog.twitter.com)
[Help \(/\)](#)
[Status \(http://status.twitter.com\)](http://status.twitter.com)
[Jobs \(https://about.twitter.com/careers\)](https://about.twitter.com/careers)
[Terms \(https://twitter.com/tos\)](https://twitter.com/tos)
[Privacy \(https://twitter.com/privacy\)](https://twitter.com/privacy)
[Cookies \(https://support.twitter.com/articles/20170514\)](https://support.twitter.com/articles/20170514)
[Ads Info \(https://support.twitter.com/articles/20170451\)](https://support.twitter.com/articles/20170451)
[Brand \(https://about.twitter.com/company/brand-assets\)](https://about.twitter.com/company/brand-assets)
[Advertise \(https://ads.twitter.com/start?ref=gl-tw-tw-twitter-advertise\)](https://ads.twitter.com/start?ref=gl-tw-tw-twitter-advertise)
[Businesses \(https://business.twitter.com\)](https://business.twitter.com)
[Media \(https://media.twitter.com\)](https://media.twitter.com)
[Developers \(https://dev.twitter.com\)](https://dev.twitter.com)

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(/)

Trademark policy

Updated June 30, 2016

What is a Trademark Policy Violation on Twitter?

Using another's trademark in a manner that may mislead or confuse others about your brand affiliation may be a violation of our trademark policy.

How Does Twitter Respond to Trademark Reports?

We review each report and do the following:

- If we determine that there is a violation of our trademark policy, we may suspend the account. In some instances, we may give the account holder an opportunity to comply with our policies before suspending the account. For more information, see our Parody, Commentary, and Fan Account Policy (/articles/106373).
- We may also provide the account holder with your name and information included in the copy of the report.
- If you would like to report a trademark violation in a Twitter Ad (<https://business.twitter.com/en/help/troubleshooting/how-twitter-ads-work.html>), please visit our Trademark Policy for Promoted Ads (/articles/20170140) to learn more.

Please note that Twitter only investigates requests that are submitted by the trademark holder or by an authorized representative of the trademark holder.

What is not a Trademark Policy Violation?

Referencing another's trademark is not automatically a violation of Twitter's trademark policy. Examples include:

- Using a trademark in a way that is outside the scope of the trademark registration (e.g. territory, or goods and services identified in the registration).
- Nominative and other fair uses of trademarks are protected uses under our trademark policy, so long as the account is clearly distinguished from the trademark owner. This includes use by resellers in certain regions and accounts engaging in parody, commentary, or news. For more information, see our Parody, Commentary, and Fan Account Policy (/articles/106373).

How do I Report a Trademark Policy Violation?

Submit trademark reports through our support form (/forms/trademark). Using the appropriate form ensures we have all the information necessary to process your report quickly. Please provide all information requested in the form. If you submit a report with incomplete information, we will follow up with you to request that information. Please note that this will result in a delay in processing your report.

If you have trouble using the form, try updating your browser or switching to another browser.

Tweet

English ^

[About \(https://about.twitter.com\)](https://about.twitter.com) [Company \(https://about.twitter.com/company\)](https://about.twitter.com/company) [Blog \(https://blog.twitter.com\)](https://blog.twitter.com) [Help \(/\)](#)
[Status \(http://status.twitter.com\)](http://status.twitter.com) [Jobs \(https://about.twitter.com/careers\)](https://about.twitter.com/careers) [Terms \(https://twitter.com/tos\)](https://twitter.com/tos)
[Privacy \(https://twitter.com/privacy\)](https://twitter.com/privacy) [Cookies \(https://support.twitter.com/articles/20170514\)](https://support.twitter.com/articles/20170514)
[Ads Info \(https://support.twitter.com/articles/20170451\)](https://support.twitter.com/articles/20170451) [Brand \(https://about.twitter.com/company/brand-assets\)](https://about.twitter.com/company/brand-assets)

(/)

Copyright policy

Topics Covered:

- What Types of Copyright Complaints Does Twitter Respond To?
- Am I a Copyright Holder? How Do I Know?
- What Information Do You Need To Process a Copyright Complaint?
- How Do I File a Copyright Complaint?
- How Are Claims Processed?
- What Happens Next?
- What Happens If I Receive a Copyright Notification?
- When Should I File a Counter-notice?
- What Information Do You Need to Process a Counter-notice?
- What Happens After I Submit a Counter-notice?
- Filing a Copyright Notice or Counter-notice Is Serious Business!

What Types of Copyright Complaints Does Twitter Respond To?

Twitter responds to copyright notifications submitted under the Digital Millennium Copyright Act ("DMCA"). Section 512 of the DMCA outlines the statutory requirements necessary for formally reporting copyright infringement, as well as providing instructions on how an affected party can appeal a removal by submitting a compliant counter-notice.

Twitter will respond to reports of alleged copyright infringement, such as allegations concerning the unauthorized use of a copyrighted image as a profile or header photo, allegations concerning the unauthorized use of a copyrighted video or image uploaded through our media hosting services, or Tweets containing links to allegedly infringing materials. Note that not all unauthorized uses of copyrighted materials are infringements (see our Fair Use (</articles/20171959-fair-use>) page for more information).

Tip: If you are concerned about the use of your brand or entity's name, please review Twitter's Trademark Policy (</articles/18367>). If you are concerned about the use of a fictional character, please see our Parody, Commentary, and Fan Accounts Policy (</articles/106373%20>). These are generally not copyright issues.

Am I a Copyright Holder? How Do I Know?

If you are unsure whether you hold rights to a particular work, please consult an attorney or another adviser as Twitter cannot provide legal advice. There are plenty of resources to learn more about copyright law including <http://copyright.gov> (<http://copyright.gov/>), <https://lumendatabase.org/> (<https://lumendatabase.org/topics/5>), and <http://www.eff.org/issues/bloggers/legal/liability/IP> (<http://www.eff.org/issues/bloggers/legal/liability/IP>), to name a few.

Tip: In general, the photographer and NOT the subject of a photograph is the actual rights holder of the resulting photograph.

What Information Do You Need To Process a Copyright Complaint?

To submit a notice of claimed copyright infringement, you will need to provide us with the following information:

1. A physical or electronic signature (typing your full name will suffice) of the copyright owner or a person authorized to act on their behalf;
2. Identification of the copyrighted work claimed to have been infringed (e.g., a link to your original work or clear description of the materials allegedly being infringed upon);
3. Identification of the infringing material and information reasonably sufficient to permit Twitter to locate the material on our website or services;
4. Your contact information, including your address, telephone number, and an email address;
5. A statement that you have a good faith belief that the use of the material in the manner asserted is not authorized by the copyright owner, its agent, or the law; and
6. A statement that the information in the notification is accurate, and, under penalty of perjury, that you are authorized to act on behalf of the copyright owner.

Tip: If you are reporting the content of a Tweet, please give us a direct link to that Tweet following these instructions:

<https://support.twitter.com/articles/80586> (/articles/80586). Or please specify if the alleged infringement is in the header, avatar, etc. A LINK TO A PROFILE PAGE IS INSUFFICIENT FOR TWITTER TO IDENTIFY INFRINGING MATERIALS.

How Do I File a Copyright Complaint?

You can report alleged copyright infringement by visiting Twitter's Help Center and filing a copyright report (/forms/dmca). If you are logged in to twitter.com, you can visit the Twitter Help Center directly from your Twitter account by clicking the 'Help' link located in the sidebar.

Filing a DMCA complaint is the start of a pre-defined legal process. Your complaint will be reviewed for accuracy, validity, and completeness. If your complaint has satisfied these requirements, we will take action on your request - which includes forwarding a **full copy of your notice** (including your name, address, phone and email address) to the user(s) who posted the allegedly infringing material in question.

If you are concerned about your contact information being forwarded, you may wish to use an agent to report for you.

Please be aware that under 17 U.S.C. § 512(f), you may be liable for any damages, including costs and attorneys' fees incurred by us or our users, if you knowingly materially misrepresent that material or activity is infringing, as was the case in *Lenz v. Universal* (<http://cyber.law.harvard.edu/node/4568>) and *OPG v. Diebold* (<https://www.chillingeffects.org/weather.cgi?WeatherID=480>). If you are unsure whether the material you are reporting is in fact infringing, you may wish to contact an attorney before filing a notification with us.

How Are Claims Processed?

We process reports in the order in which they are received. Once you've submitted your ticket, we will email you a ticket confirmation. Please note, submitting duplicate copyright notices may result in a delay in processing.

If we decide to remove or disable access to the material, we will notify the affected user(s) after removing or disabling access to the material, provide them with a full copy of the reporter's complaint (including the provided contact information) along with instructions on how to file a counter-notice, and forward a redacted copy of the complaint to Lumen (<https://lumendatabase.org/twitter>).

What Happens Next?

Twitter's response to notices of alleged copyright infringement may include the removal or restriction of access to allegedly infringing material. If we remove or restrict access to user content in response to a notice of alleged infringement, Twitter will make a good faith effort to contact the affected account holder with information concerning the removal or restriction of access, including a full copy of the takedown notice, along with instructions for filing a counter-notification.

Tip: If you've not yet received a copy of the copyright notification regarding the content removed from your account, please respond to the support ticket we sent you.

In an effort to be as transparent as possible regarding the removal or restriction of access to user-posted content, we clearly mark withheld Tweets and media to indicate to viewers when content has been withheld (examples below). We also send a redacted copy of each copyright complaint and counter-notice that we process to Lumen (<https://lumendatabase.org/twitter>), where they are posted to a public-facing website (with your personal information removed).

Withheld Tweet:

Tweet withheld

12h

This Tweet from @Username has been withheld in response to a report from the copyright holder. [Learn more](#)

Withheld Media:**Media not displayed**

This image has been removed in response to a report from the copyright holder.

Under appropriate circumstances, Twitter may suspend and warn repeat violators, and in more serious cases, permanently terminate user accounts.

What Happens If I Receive a Copyright Notification?

If you receive a copyright notification, it means that the content described in the notification has been removed from Twitter or access to the content on Twitter has been restricted. Please take the time to read through our notice to you, which includes information on the notification we received as well as instructions on how to file a counter-notice.

When Should I File a Counter-notice?

If you believe that the material reported in the copyright notification you received was misidentified or removed in error, you should file a counter-notice as per the instructions below.

Tip: Re-posting material removed in response to a copyright notification may result in permanent account suspension. If you believe the content was removed in error, please file a counter-notification rather than simply re-posting the material.

What Information Do You Need to Process a Counter-notice?

To submit a counter-notice, you will need to provide us with the following information:

1. A physical or electronic signature (typing your full name will suffice);
2. Identification of the material that has been removed or to which access has been disabled and the location at which the material appeared before it was removed or access to it was disabled (the description from the copyright notice will suffice);
3. A statement under penalty of perjury that you have a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled; and
4. Your name, address, and telephone number, and a statement that you consent to the jurisdiction of the Federal District Court for the judicial district in which the address is located, or if your address is outside of the United States, for any judicial district in which Twitter may be found, and that you will accept service of process from the person who provided notification under subsection (c)(1)(C) or an agent of such person.

To submit a counter-notice, please respond to our original email notification of the removal and include the required information in the body of your reply as we discard all attachments for security reasons.

What Happens After I Submit a Counter-notice?

Upon receipt of a valid counter-notice, we will promptly forward a copy to the person who filed the original notice. If we do not receive notice within 10 business days that the original reporter is seeking a court order to prevent further infringement of the material at issue, we may replace or cease disabling access to the material that was removed.

Tip: We cannot offer any legal advice. Should you have questions, please consult an attorney.

Filing a Copyright Notice or Counter-notice is Serious Business!

Please think twice before submitting a claim or counter-notice, especially if you are unsure whether you are the actual rights holder or authorized to act on a rights holder's behalf. There are legal and financial consequences for fraudulent and/or bad faith submissions. Please be sure that you are the actual rights holder, or that you have a good faith belief that the material was removed in error, and that you understand the repercussions of submitting a false claim.

Tweet

English ^

- About (<https://about.twitter.com>)
- Company (<https://about.twitter.com/company>)
- Blog (<https://blog.twitter.com>)
- Help (/)
- Status (<http://status.twitter.com>)
- Jobs (<https://about.twitter.com/careers>)
- Terms (<https://twitter.com/tos>)
- Privacy (<https://twitter.com/privacy>)
- Cookies (<https://support.twitter.com/articles/20170514>)
- Ads Info (<https://support.twitter.com/articles/20170451>)
- Brand (<https://about.twitter.com/company/brand-assets>)
- Advertise (<https://ads.twitter.com/start?ref=gl-tw-tw-twitter-advertise>)
- Businesses (<https://business.twitter.com>)
- Media (<https://media.twitter.com>)
- Developers (<https://dev.twitter.com>)

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Impersonation policy

Impersonation is a violation of the Twitter Rules (</entries/18311>). Twitter accounts portraying another person in a confusing or deceptive manner may be permanently suspended under the Twitter impersonation policy.

An account will not be removed if:

- the user shares your name but has no other commonalities, or
- the profile clearly states it is not affiliated with or connected to any similarly-named individuals.

Accounts with similar usernames or that are similar in appearance (e.g. the same avatar image) are not automatically in violation of the impersonation policy. In order to be impersonation, the account must also portray another person in a misleading or deceptive manner.

Twitter users are allowed to create parody, commentary, or fan accounts. Please refer to Twitter's [parody, commentary, and fan account policy \(/articles/106373\)](/articles/106373) for more information about these types of accounts.

For frequently asked questions about reporting impersonation on Twitter, [click here \(/articles/20170142\)](/articles/20170142).

[Twitter](#)[English](#) 

[About \(https://about.twitter.com\)](https://about.twitter.com) [Company \(https://about.twitter.com/company\)](https://about.twitter.com/company) [Blog \(https://blog.twitter.com\)](https://blog.twitter.com) [Help \(/\)](#)
[Status \(http://status.twitter.com\)](http://status.twitter.com) [Jobs \(https://about.twitter.com/careers\)](https://about.twitter.com/careers) [Terms \(https://twitter.com/tos\)](https://twitter.com/tos)
[Privacy \(https://twitter.com/privacy\)](https://twitter.com/privacy) [Cookies \(https://support.twitter.com/articles/20170514\)](https://support.twitter.com/articles/20170514)
[Ads Info \(https://support.twitter.com/articles/20170451\)](https://support.twitter.com/articles/20170451) [Brand \(https://about.twitter.com/company/brand-assets\)](https://about.twitter.com/company/brand-assets)
[Advertise \(https://ads.twitter.com/start?ref=gl-tw-tw-twitter-advertise\)](https://ads.twitter.com/start?ref=gl-tw-tw-twitter-advertise) [Businesses \(https://business.twitter.com\)](https://business.twitter.com)
[Media \(https://media.twitter.com\)](https://media.twitter.com) [Developers \(https://dev.twitter.com\)](https://dev.twitter.com)

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Username squatting policy

Username squatting is prohibited by The Twitter Rules (/articles/18311).

Please note that if an account has had no updates, no profile image, and there is no intent to mislead, it typically means there's no name-squatting or impersonation. Note that we will not release squatted usernames except in cases of trademark infringement. If your report involves trademark infringement (/articles/18367), please consult those policies for instructions for reporting these accounts.

Attempts to sell, buy, or solicit other forms of payment in exchange for usernames are also violations and may result in permanent account suspension.

Tweet

English ^

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- Ads Info (<https://support.twitter.com/articles/20170451>)
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- Businesses (<https://business.twitter.com>)
- Media (<https://media.twitter.com>)
- Developers (<https://dev.twitter.com>)

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Trademark policy

Updated June 30, 2016

What is a Trademark Policy Violation on Twitter?

Using another's trademark in a manner that may mislead or confuse others about your brand affiliation may be a violation of our trademark policy.

How Does Twitter Respond to Trademark Reports?

We review each report and do the following:

- If we determine that there is a violation of our trademark policy, we may suspend the account. In some instances, we may give the account holder an opportunity to comply with our policies before suspending the account. For more information, see our Parody, Commentary, and Fan Account Policy (/articles/106373).
- We may also provide the account holder with your name and information included in the copy of the report.
- If you would like to report a trademark violation in a Twitter Ad (<https://business.twitter.com/en/help/troubleshooting/how-twitter-ads-work.html>), please visit our Trademark Policy for Promoted Ads (/articles/20170140) to learn more.

Please note that Twitter only investigates requests that are submitted by the trademark holder or by an authorized representative of the trademark holder.

What is not a Trademark Policy Violation?

Referencing another's trademark is not automatically a violation of Twitter's trademark policy. Examples include:

- Using a trademark in a way that is outside the scope of the trademark registration (e.g. territory, or goods and services identified in the registration).
- Nominative and other fair uses of trademarks are protected uses under our trademark policy, so long as the account is clearly distinguished from the trademark owner. This includes use by resellers in certain regions and accounts engaging in parody, commentary, or news. For more information, see our Parody, Commentary, and Fan Account Policy (/articles/106373).

How do I Report a Trademark Policy Violation?

Submit trademark reports through our support form (/forms/trademark). Using the appropriate form ensures we have all the information necessary to process your report quickly. Please provide all information requested in the form. If you submit a report with incomplete information, we will follow up with you to request that information. Please note that this will result in a delay in processing your report.

If you have trouble using the form, try updating your browser or switching to another browser.

Twitter

English ^

[About](https://about.twitter.com) (<https://about.twitter.com>) [Company](https://about.twitter.com/company) (<https://about.twitter.com/company>) [Blog](https://blog.twitter.com) (<https://blog.twitter.com>) [Help](#) (/)
[Status](http://status.twitter.com) (<http://status.twitter.com>) [Jobs](https://about.twitter.com/careers) (<https://about.twitter.com/careers>) [Terms](https://twitter.com/tos) (<https://twitter.com/tos>)
[Privacy](https://twitter.com/privacy) (<https://twitter.com/privacy>) [Cookies](https://support.twitter.com/articles/20170514) (<https://support.twitter.com/articles/20170514>)
[Ads Info](https://support.twitter.com/articles/20170451) (<https://support.twitter.com/articles/20170451>) [Brand](https://about.twitter.com/company/brand-assets) (<https://about.twitter.com/company/brand-assets>)

Exhibit I

(/)

Thank you for your report.

Thanks for letting us know. If we find that this account is violating the Twitter Rules (<https://support.twitter.com/articles/18311>), we will take action on it.

Learn more (<https://support.twitter.com/articles/20170134>) about block, mute and other ways to control your experience on Twitter. You can print out a copy of your report at this link.

What username is causing the issue?: @HennyTalk75

Harassment

Directed at someone I legally represent (e.g. a client or my child)

== Reported Tweet URL: <https://twitter.com/HennyTalk75/status/901958591107788800>

We have been trying to get this issue resolved since August 12, 2017, and unfortunately, no one at Twitter has been helpful. On or about August 11, 2017, a former employee changed the password on our company twitter account and then changed the name of the account from iPowerRichmond to RealTalkofVA. He began tweeting porn to our 12.4k followers and then disparaging comments about our company. He then changed the name of the account to HennyTalk75, where he is tweeting daily to our 12.4k followers. On 8/27/17, he deleted all of our former tweets and said he was starting new tweets. We can no longer access our 12.4k followers and want this account suspended and our followers restored. Our business is being damaged. Can you please assist us ASAP? If you check the history of HennyTalk75, you will see that it was the result of this person's changing the account name and information. My name is Sundria Ridgley, and I am Vice President and Deputy General Counsel of Urban One, Inc. d/b/a Radio One Richmond (which owns <https://ipowerrichmond.com/>). My phone number is 386-277-2258. Thank you for your assistance.

Your email: sridgley@urban1.com

Twitter username (optional): n/a

Signature: Sundria R Ridgley

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English 

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[Status \(http://status.twitter.com\)](http://status.twitter.com) [Jobs \(https://about.twitter.com/careers\)](https://about.twitter.com/careers) [Terms \(https://twitter.com/tos\)](https://twitter.com/tos)

[Privacy \(https://twitter.com/privacy\)](https://twitter.com/privacy) [Cookies \(https://support.twitter.com/articles/20170514\)](https://support.twitter.com/articles/20170514)

[Ads Info \(https://support.twitter.com/articles/20170451\)](https://support.twitter.com/articles/20170451) [Brand \(https://about.twitter.com/company/brand-assets\)](https://about.twitter.com/company/brand-assets)

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