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Attorneys for Plaintiffs NIRVANA L.L.C.

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

NIRVANA L.L.C., a Washington
Limited Liability Company,

Plaintiffs,

v.

MARK JACOBS INTERNATIONAL
LL.C., a Delaware Limited Liability
Company; SAKS INCORPORATED,
d/b/a SAKS FIFTH AVENUE, a
Tennessee Corporation; NEIMAN
MARCUS GROUP LIMITED, L.L.C., a
Delaware Limited Liability Company;
and Does 1 through 10,

Defendants.

Case No.:

COMPLAINT FOR:

- (1) COPYRIGHT INFRINGEMENT (17 U.S.C. § 101 *et seq.*);
- (2) FALSE DESIGNATION OF ORIGIN UNDER THE LANHAM ACT (15 U.S.C. § 1125(a) *et seq.*);
- (3) TRADEMARK INFRINGEMENT UNDER CALIFORNIA COMMON LAW; AND
- (4) UNFAIR COMPETITION UNDER CALIFORNIA COMMON LAW.

DEMAND FOR JURY TRIAL

1 Plaintiff Nirvana L.L.C. (“Nirvana”), for its Complaint against defendants
2 Marc Jacobs International L.L.C. (“Marc Jacobs”), Saks Incorporated, doing
3 business as Saks Fifth Avenue (“Saks”), Neiman Marcus Group Limited (“Neiman
4 Marcus”), and Does 1 through 10, alleges as follows:

5 **SUMMARY OF ACTION**

6 1. Defendants have infringed Nirvana’s copyright, misleadingly used
7 Nirvana’s common law trademarks, and utilized other elements with which Nirvana
8 is widely associated to make it appear that Nirvana has endorsed or is otherwise
9 associated with Defendant Marc Jacobs’ “Bootleg Redux Grunge” collection of
10 clothing it is selling to the public when, in fact, Nirvana has not done so and is not
11 so associated. Defendants Saks and Neiman Marcus are currently selling Marc
12 Jacobs’ infringing products in their stores throughout the United States. Nirvana
13 seeks compensatory and punitive damages for the harm Defendants’ actions have
14 caused, and injunctive relief to stop Defendants’ infringing conduct.

15 **JURISDICTION AND VENUE**

16 2. This is a civil action arising under the copyright and trademark laws of
17 the United States and the statutory and common laws of the State of California.
18 This Court therefore has federal question jurisdiction over this action pursuant to 15
19 U.S.C. § 1121, 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a), as well as supplemental
20 jurisdiction over the state law claims asserted herein.

21 3. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(a)
22 in that, *inter alia*, Plaintiffs and Defendants may be found in this district and a
23 substantial portion of the events described took place in this district.

24 **THE PARTIES**

25 4. Plaintiff Nirvana is, and at all times mentioned herein was, a
26 Washington limited liability that does business in this District.

27 5. Defendant Marc Jacobs is a Delaware limited liability company that
28 does business in this District.

6. Defendant Saks is a Tennessee corporation that does business in and has a retail store in this District.

7. Defendant Neiman Marcus is a Delaware limited liability company that does business and has a retail store in this District.

8. Does 1 -10, inclusive, are sued herein under fictitious names because their true names and capacities are unknown at this time. The complaint will be amended appropriately when their names and capacities are ascertained.

9. On information and belief, Nirvana alleges that each of such fictitiously named Defendants is responsible in some manner for the occurrences alleged herein.

10. Defendants Marc Jacobs, Saks, Neiman Marcus and Does 1-10 are collectively referred to as the “Defendants” hereafter.

11. Defendants, and each of them are individuals and business entities who, upon information and belief, are acting in concert and active participation with each other in committing the wrongful acts alleged herein.

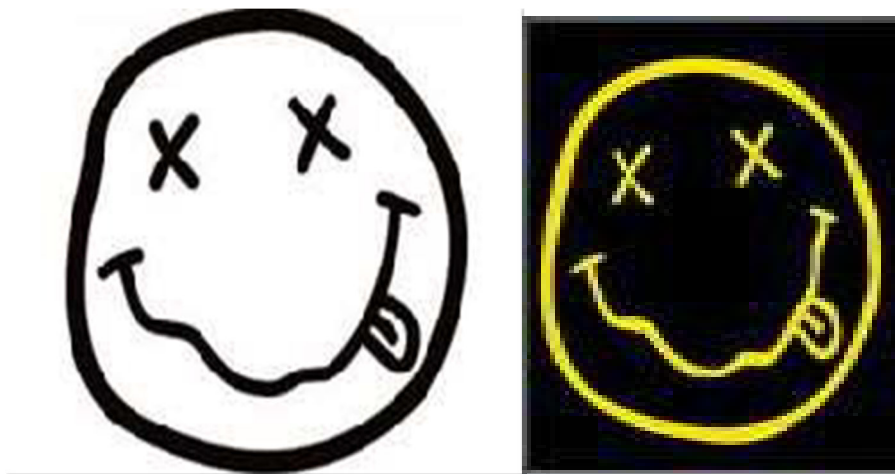
GENERAL ALLEGATIONS

12. Nirvana is one of the most famous and influential rock bands in history. According to *Rolling Stone*'s artist biography, "Few bands in rock history have had a more immediate and tangible impact on their contemporary pop musical landscape than Nirvana did in the early Nineties[,]" almost single-handedly popularizing the "alternative rock" and "grunge" musical genres with which they became widely associated. (<http://rollingstone.com/music/artists/nirvana/biography>). Nirvana is one of the best-selling rock bands of all time, with more than 75 million records sold worldwide, and was inducted into the Rock and Roll Hall of Fame in 2014. All of their albums have received awards and accolades. For example, Nirvana's second album *Nevermind* was named the top album of the 1990s by both *Rolling Stone* and *Time* magazines, while The Rock and Roll Hall of Fame Museum ranked *Nevermind* number 10 on its "The Definitive 200 Albums of All Time" list in 2007. In 2002, *NME* awarded the first single from *Nevermind*, "Smells Like Team Spirit," the

1 number two spot on its list of “100 Greatest Singles of All Time”, while VH1 placed
 2 “Smells Like Teen Spirit” at number one on its list of “100 Greatest Songs of the
 3 Past 25 Years” in 2003. In 2004, *Rolling Stone* ranked “Smells Like Teen Spirit”
 4 ninth on its list of [“The 500 Greatest Songs of All Time.”](#)

5 13. Among the copyrighted works owned by Nirvana is a “Smiley Face”
 6 design and logo, Copyright Registration No. VA0000564166, created by Kurt
 7 Cobain in about 1991 and registered for copyright in 1993. A true and correct copy
 8 of Nirvana’s copyright registration for that design and logo, together with a deposit
 9 copy of the registered images, is attached as Exhibit 1.

10 14. Nirvana’s “Smiley Face” logo was first licensed in 1992.
 11 Representations of that copyrighted and licensed “Smiley Face” design and logo are
 12 shown below:



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 22 15. Nirvana has used that copyrighted design and logo continuously since
 23 1992 to identify its music and licensed merchandise. It has licensed its copyrighted
 24 logo on literally dozens of different t-shirts, shirts, hats, hoodies, bags, backpacks,
 25 glasses, wallets, and other items of merchandise, many of which have sold
 26 extensively for decades, both with and without use of the “Nirvana” mark adjacent
 27 to the Smiley Face design and logo. Exemplar uses, beginning with the first use on
 28

1 a poster advising of release party for Nirvana's *Nevermind*, album, are set forth
 2 below:



19 16. Through Nirvana's more than 25-years of use of its copyrighted
 20 "Smiley Face" design and logo to identify its services and merchandise, that design
 21 and logo has become widely associated with and identifies Nirvana as the source of
 22 the goods and services that bear it in the minds of the consuming public. Further,
 23 through that extensive use, that design and logo has come to symbolize the goodwill
 24 associated with Nirvana to a significant portion of the consuming public, which
 25 assumes that all goods or services that bear the logo are endorsed by or associated
 26 with Nirvana.

DEFENDANTS' WRONGFUL CONDUCT

17. In or about November 2018, Marc Jacobs announced the release of its “Bootleg Redux Grunge” clothing collection. Included in that collection are items of clothing that utilize a design and logo virtually identical to Nirvana’s copyrighted image, as shown below:



18. Marc Jacobs’ infringing products all use a “smiley face” image that is obviously similar to, and an intentional copy of, Nirvana’s copyrighted image as shown below, with the minor differences unlikely to be noticed by the consuming public. Further, Marc Jacobs is using that image on products obviously similar to licensed Nirvana products as shown below:





19. In addition to Defendants' use of a virtually identical image to Nirvana's copyrighted image on the infringing products themselves, Defendants are using a virtually identical copy of Nirvana's copyrighted image more generally to promote Marc Jacobs' overall "Bootleg Redux Grunge Collection," which includes many other products, by making the Nirvana image the signature image used at promotional events for the "Bootleg Redux Grunge" collection," as shown below:



20. Defendants' use of Nirvana's copyrighted image on and to promote its products is intentional, and is part and parcel of a wider campaign to associate the

entire “Bootleg Redux Grunge” collection with Nirvana, one of the founders of the “Grunge” musical genre, so as to make the “Grunge” association with the collection more authentic. Promotional copy accompanying each online listing of Marc Jacobs’ products bearing an image of the infringing “Smiley Face” design and logo advertises this line as a “Bootleg” Grunge collection, admitting the “bootleg” or unauthorized nature of these products, while emphasizing the “Grunge” genre of music with which Nirvana is widely associated. Further, each Marc Jacobs webpage promoting those infringing products also state that, “This bootleg [product] sure smells like teen spirit[,]” a conspicuous reference to one of Nirvana’s most famous songs, “Smells Like Teen Spirit,” with which Nirvana is widely associated. Marc Jacobs’ promotional materials also uses the title to another famous Nirvana song, “Come As You Are,” to promote this unauthorized product line as depicted above. Indeed, Marc Jacobs personally wears in infringing t-shirt directly above this Nirvana song title to promote his “Bootleg Grunge” collection:



1 21. All of Defendants’ actions as described above are completely
2 unauthorized by Nirvana, and are calculated to mislead the public into falsely
3 believing that Nirvana endorses the entire “Bootleg Redux Grunge” collection and
4 those products within that collection that display Nirvana’s copyrighted “Smiley
5 Face” design and logo, when Nirvana has not done so. Further, Defendants’
6 misconduct is intentional. Although Nirvana has demanded that Defendants cease
7 and desist all such wrongful activities in writing, Defendants have not only ignored
8 those demands and failed to stop any of the other wrongful activities as described
9 above, they have further expanded their wrongful activities by use of additional
10 elements widely associated with Nirvana to mislead the public into believing there is
11 an association between Nirvana and Marc Jacobs when there is not. For example,
12 after Nirvana demanded on or about December 4, 2018 that Marc Jacobs cease and
13 desist its infringing conduct, Marc Jacobs on December 9, 2018 published
14 promotional materials for its “Bootleg Redux Grunge” collection in the *New York*
15 *Times* that both referenced Nirvana’s famous “Nevermind” album and
16 “recommended” well-known Nirvana songs “Smells Like Teen Spirit,” “As You
17 Are,” and “Heart Shaped Box” as quintessential “Grunge” songs. Further, Marc
18 Jacobs is displaying a meme from a video of Nirvana and its co-founder and singer
19 Kurt Cobain performing “Smells Like Teen Spirit” on its “Tumblr” page. See
20 [http://marcjacobs.tumblr.com/post/180377235602/kurt-cobain-in-nirvanas-smells-](http://marcjacobs.tumblr.com/post/180377235602/kurt-cobain-in-nirvanas-smells-like-teen-spirit/amp)
21 [like-teen-spirit/amp](http://marcjacobs.tumblr.com/post/180377235602/kurt-cobain-in-nirvanas-smells-like-teen-spirit/amp). Through these efforts, Defendants are further evoking Nirvana
22 in the minds of the promotion’s readers and meme’s viewers, further attempting to
23 associate Marc Jacobs’ “Bootleg Redux Grunge” collection with Nirvana, even
24 though no such association exists.

25 22. Defendants’ wrongful actions as described above have caused Nirvana
26 to suffer irreparable injuries, and threaten to dilute the value of Nirvana’s licenses
27 with its licensees for clothing products confusingly similar to those infringing
28 products offered by Defendants. Defendants’ misuse of Nirvana’s intellectual

1 property to promote themselves and the “Bootleg Redux Grunge:” collection
2 damages the goodwill associated with Nirvana and violates its rights in numerous
3 ways.

4 **FIRST CLAIM FOR RELIEF**
5 **(Copyright Infringement, 17 U.S.C. § 101 *et. seq.* by Nirvana Against All**
6 **Defendants)**

7 23. Nirvana realleges and incorporates by reference all of the preceding
8 paragraphs.

9 24. Nirvana owns a valid U.S. Copyright in its “Smiley Face” design and
10 logo, and has obtained a copyright registration for it as shown in Exhibit 1.

11 25. By creating and selling products depicting substantially similar to
12 Nirvana’s copyrighted “Smiley Face” design and logo as described above, and by
13 reproducing and displaying those images to promote Defendants “Bootleg Redux
14 Gunge” collection, Defendants have reproduced, publicly displayed, distributed, and
15 created unauthorized derivatives of Nirvana’s copyrighted work in violation of
16 Nirvana’s exclusive rights as set forth in 17 U.S.C § 106 *et seq.*

17 26. As a proximate result of Defendants’ copyright infringement, Nirvana
18 has suffered significant damages in an amount not presently known with certainty,
19 but which will be proved at trial. Further, Nirvana is suffering irreparable harm
20 because of Defendants’ infringing activity.

21 27. Nirvana is entitled to the range of relief provided by 17 U.S.C. § 502-
22 505, including injunctive relief and compensatory damages in an amount to be
23 determined at trial.

24 **SECOND CLAIM FOR RELIEF**
25 **(False Designation of Origin Under the Lanham Act, 15 U.S.C. § 1125(a) *et. seq.***
26 **by Nirvana Against All Defendants)**

27 28. Plaintiffs reallege and incorporate by reference all of the preceding
28 paragraphs.

29. Through decades of musical, licensing and other activity, Nirvana’s
“Smiley Face” design and logo has, to a significant portion of the consuming

1 public, come to identify Nirvana as the source of the musical services and licensed
2 products it has authorized to be released to the public. Nirvana owns and enjoys
3 common law trademark rights in said design and logo under federal law, which
4 rights are superior to any rights that Defendants may claim in and to that
5 trademark with respect to Defendants' products, services, and commercial
6 activities. Nirvana's design and logo mark is inherently distinctive and has
7 acquired secondary meaning with the trade and consuming public, and/or has
8 become distinctive in the minds of customers, in that Plaintiffs' marks are
9 associated with Nirvana and the unique products it licenses and musical services it
10 provides.

11 30. Defendants have, without Nirvana's permission, misappropriated
12 Nirvana's "Smiley Face" design and logo, and combined that unauthorized use with
13 numerous other references to Nirvana's name, song titles, music, and images of a
14 Nirvana band member to mislead and confuse the public into believing that Nirvana
15 approves of, endorses, or is otherwise associated with Defendants and the "Bootleg
16 Grunge" Collection they are selling, when in fact Nirvana does not approve of,
17 endorse, or in any way wish to be associated with Defendants, their "Bootleg
18 Grunge" collection, or any of their other products or services. Defendants' actions
19 as described above are likely and will continue to cause confusion or mistake, or to
20 deceive as to the origin, sponsorship, or approval of Defendant, their products,
21 services and commercial activities by or with Nirvana, and thus constitute common
22 law trademark infringement, false designation of origin, passing off, and unfair
23 competition in violation of Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. 11 §
24 1125(a)(1)(A).

25 31. Defendants' misconduct as described above is intentional. As a
26 proximate result of said actions, Nirvana has suffered, is suffering, and will continue
27 to suffer, irreparable injury to its rights, and has suffered, and will continue to suffer,
28

1 substantial loss of goodwill and loss in the value of its common law marks, unless
2 and until Defendants are enjoined from continuing their wrongful acts.

3 32. Nirvana is entitled to the range of relief provided by 15 U.S.C. §§
4 1116-17, including injunctive relief and compensatory damages in an amount to be
5 determined at trial.

6 **THIRD CLAIM FOR REIEF**
7 **(California Common Law Trademark Infringement by Nirvana Against All**
8 **Defendants)**

9 33. Plaintiffs reallege and incorporate by reference all of the preceding
10 paragraphs.

11 34. Through decades of musical, licensing and other activity, Nirvana's
12 "Smiley Face" design and logo has, to a significant portion of the consuming public,
13 come to identify Nirvana as the source of the musical services and licensed products
14 it has authorized to be released to the public. Nirvana owns and enjoys common law
15 trademark rights in said under federal law, which rights are superior to any rights
16 that Defendants may claim in and to that trademark with respect to Defendants'
17 products, services, and commercial activities. Nirvana's mark is inherently
18 distinctive and has acquired secondary meaning with the trade and consuming
19 public, and/or has become distinctive in the minds of customers, in that Plaintiffs'
20 marks are associated with Nirvana and the unique products it licenses and services it
21 provides.

22 35. Defendants have, without Nirvana's permission, misappropriated
23 Nirvana's "Smiley Face" design and logo, and combined that unauthorized use with
24 numerous other references to Nirvana's name, song titles, music, and images of a
25 Nirvana band member to mislead and confuse the public into believing that Nirvana
26 approves of, endorses, or is otherwise associated with Defendants and the "Bootleg
27 Grunge" Collection they are selling, when in fact Nirvana does not approve of,
28 endorse, or in any way wish to be associated with Defendants, their "Bootleg
Grunge" collection, or any of their other products or services. Defendants' actions

1 as described above are likely and will continue to cause confusion or mistake, or to
2 deceive as to the origin, sponsorship, or approval of Defendant, their products,
3 services and commercial activities by or with Nirvana s, and thus constitute
4 common law trademark infringement, false designation of origin, passing off, and
5 unfair competition in violation of California law.

6 36. Defendants' misconduct as described above is intentional, willful,
7 wanton, malicious and oppressive. As a proximate result of said actions, Nirvana
8 has suffered, is suffering, and will continue to suffer, irreparable injury to its rights,
9 and has suffered, and will continue to suffer, substantial loss of goodwill and loss in
10 the value of its common law marks, unless and until Defendants are enjoined from
11 continuing their wrongful acts.

12 37. Nirvana is entitled to injunctive relief and compensatory and punitive
13 damages in an amount to be determined at trial.

14 **FOURTH CLAIM FOR RELIEF**
15 **(California Unfair Competition by Plaintiffs Against All Defendants)**

16 38. Plaintiffs reallege and incorporate by reference all of the preceding
17 paragraphs.

18 39. Defendants' actions are likely to cause confusion, to cause
19 misrepresentation, to cause mistake, and/or to deceive the public as to the affiliation,
20 approval, sponsorship, or connection between Defendants and Nirvana, and
21 constitute unfair competition at common law.

22 40. By reason of Defendants' actions in connection with Defendants'
23 products, services and commercial activities, Nirvana has suffered, and will
24 continue to suffer, irreparable injury to its rights, and has suffered, and will continue
25 to suffer, substantial loss of goodwill and loss in the value of its trademark, unless
26 and until Defendant is enjoined from continuing her wrongful acts.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

1. Preliminarily and permanently enjoining Defendants and all those acting in active concert with them from all sales of any product or service using Nirvana's "Smiley Face" design and logo, or any other image substantially similar thereto, or to promote Defendants' "Bootleg Redux Grunge" collection in any manner;
2. Preliminarily and permanently enjoining Defendants and all those acting in active concert with them from using Nirvana's "Smiley Face" design and logo, and Nirvana's name, song titles, any other indicia of Nirvana and any other of Nirvana's common law marks or any marks confusingly similar thereto, for the purpose of the sale, distribution, marketing, advertising, licensing, or implying the endorsement of, or association with Nirvana, or otherwise promoting Defendants or Defendants' goods, services or commercial activities;
3. Requiring Defendants to remove from the Internet and any and all other media in which Defendants have ever placed them all advertising, merchandising, electronic press kits, videos, promotional materials, and any other things bearing any or all of the copyrighted Nirvana "Smiley Face" design and logo, marks, names, images of Nirvana band members, or real or fictitious sayings to promote Defendants' "Bootleg Grunge" Collection or any other of Defendants' products or services;
4. Requiring Defendants to account to Plaintiffs for all revenues Defendants have received as a result of their unauthorized misappropriation and infringement of Plaintiffs' copyright and common law trademarks from the inception of said infringement to the date of judgment herein;
5. That Plaintiffs have and recover a money judgment reflecting their compensatory and general damages at trial;

1 6. For punitive damages against defendants for their oppressive,
2 fraudulent, and malicious conduct;

3 7. That Defendants be ordered to pay Plaintiffs' costs, including
4 reasonable attorneys' fees, and

5 8. For such other and further relief as the Court deems just and proper.

6
7 DATED: December 28, 2018 RIMON, P.C.

8
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22 Attorneys for *Plaintiff*

23 NIRVANA L.L.C.

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff hereby demands a trial by jury on all of the claims in their complaint that are triable by a jury.

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Attorneys for *Plaintiff*

NIRVANA L.L.C.

EXHIBIT 1

LIBRARY OF CONGRESS

*Copyright Office
of the United States*

WASHINGTON, D.C.

THIS IS TO CERTIFY that the attached additional certificate is a claim of copyright for a work entitled **HAPPY FACE** registered under number **VA 564 166**. This work has been registered in accordance with provisions of the United States Copyright Law (Title 17 United States Code).

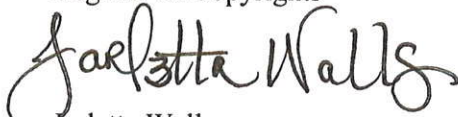
THIS IS TO CERTIFY ALSO, that the attached additional certificate is a claim of copyright for a work entitled **HAPPY FACE** registered under number **VA 993-107**. This work has been registered in accordance with provisions of the United States Copyright Law (Title 17 United States Code).

THIS IS TO CERTIFY FUTHER, that the attached color copy is a true representation of the work entitled **HAPPY FACE** deposited in the Copyright Office March 11, 1993 with a claim of copyright registered under number **VA 564 166**.

THIS IS TO CERTIFY TOO, that due to the nature of the work deposited, the attached color photocopy is the best possible electrostatic positive print available.

IN WITNESS WHEREOF, the seal of this Office is affixed hereto on September 29, 2015.

Maria A. Pallante
Register of Copyrights

By: 
Jarletta Walls
Supervisory Copyright Specialist
Records Research and Certification Section
Office of Public Records and Repositories

Use of this material is governed by the U.S. copyright law 17. U.S.C. 101 et seq.



Additional Certificate of Registration of a Claim to Copyright

This is to certify that the statements set forth
in the attached have been made a part of the
records of the Copyright Office with claim
of copyright registered under number

In testimony whereof, the seal of this office
is affixed hereto on



VA 564 166

September 29, 2015

Maria A. Pallante

Register of Copyrights and
Associate Librarian for Copyright Services

C-731 • 06/2011—10,000

NATURE OF AUTHORSHIP Briefly describe nature of the material covered by this author's work and copyright is claimed.

2
YEAR IN WHICH CREATION OF THIS
WORK WAS COMPLETED 1991

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
Country of first publication Month of November Day of 1 Year of 1991

FORM VA

UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

VA 564 166

EFFECTIVE DATE OF REGISTRATION

March 11 1993

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

TITLE OF THIS WORK

NATURE OF THIS WORK See instructions

Happy Face

Tee shirt

PREVIOUS OR ALTERNATIVE TITLES

Nirvana

PUBLICATION AS A CONTRIBUTION If this work was published in a periodical, serial, or collection, give information about the effective work in which the contribution appeared Title of Collective Work

Published in a periodical or serial give Volume

Number

Issue Date

On Pages

NAME OF AUTHOR

a Nirvana, Inc.

DATES OF BIRTH AND DEATH

Year Born

Year Died

Was this contribution to the work a "work made for hire"?

☒ Yes

AUTHOR'S NATIONALITY OR DOMICILE Name of Country

State of Washington

OR

Citizen of U.S.A.

Domiciled in U.S.A.

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous

☐ Yes ☒ No

Pseudonymous

☐ Yes ☒ No

If the answer is "yes" to these questions, the "work made for hire" instructions apply.

NATURE OF AUTHORSHIP

Tee shirt design - entire work

Briefly describe nature of the material created by this author in which copyright is claimed

NAME OF AUTHOR

DATES OF BIRTH AND DEATH

Year Born

Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes☐ No

AUTHOR'S NATIONALITY OR DOMICILE Name of Country

OR

Citizen of U.S.A.

Domiciled in U.S.A.

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous

☐ Yes ☐ No

Pseudonymous

☐ Yes ☐ No

If the answer is "yes" to these questions, the "work made for hire" instructions apply.

NATURE OF AUTHORSHIP

Briefly describe nature of the material created by this author in which copyright is claimed

NAME OF AUTHOR

DATES OF BIRTH AND DEATH

Year Born

Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes☐ No

AUTHOR'S NATIONALITY OR DOMICILE Name of Country

OR

Citizen of U.S.A.

Domiciled in U.S.A.

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous

☐ Yes ☐ No

Pseudonymous

☐ Yes ☐ No

If the answer is "yes" to these questions, the "work made for hire" instructions apply.

NATURE OF AUTHORSHIP

Briefly describe nature of the material created by this author in which copyright is claimed

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED 1991

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Month: November Day: 1 Year: 1991

COPYRIGHT CLAIMANT'S Name and address should be given even if the claimant is the author or the author given in space 1

Nirvana, Inc.

c/o Lee Johnson - WAC Management

13343 Bellevue Redmond Road, Bellevue, WA 98005

APPLICATION RECEIVED

MAR 11 1993

MAR 11 1993

TWO DEPOSITS RECEIVED

REMARKS NUMBER AND DATE

TRANSFER If the claimant's name has in space 1 and address in space 2, and a brief statement of how the claimant obtained ownership of the copyright

NONE ON BACK

Copyright in this work is claimed by the author or the author given in space 1. If the author is not the claimant, the claimant must give the author's name and address in space 1 and a brief statement of how the claimant obtained ownership of the copyright.

DO NOT WRITE HERE

2

VA 564 166

EXAMINE BY	FILE	FORM 5-1
CHECK BY		
<input type="checkbox"/> CORRESPONDENCE		FOR COPYRIGHT OFFICE USE ONLY
<input type="checkbox"/> DEPOSIT ACCOUNT		

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

- ☐ Yes If your answer is "Yes," why is another registration being sought? (Check appropriate box) 5
- ☐ This is the first published edition of a work previously registered or unpublished work.
- ☐ This is the first application submitted by this author as copyright claimant.
- ☐ This is a changed version of the work, as shown by space 6 on this application.
- If your answer is "Yes," give: Previous Registration Number Year of Registration

DERIVATIVE WORK OR COMPILATION Complete both space 4a & 4b for a derivative work, complete only 4a for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. 6b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. See instruction on page concerning this spaceDEPOSIT ACCOUNT Is the registration fee to be charged to a Deposit Account established in the Copyright Office, give name and number of Account. 7CORRESPONDENCE Give name and address to which correspondence to this application should be sent. Name-Address-App/ City State Zip 8

Deborah L. Benson

MORSE, ALTMAN, DACEY & BENSON

73 Tremont Street, Suite 402

Boston, MA 02108-1900

Our File #38620

Area Code & Telephone Number (617) 523-3515 Be sure to give your daytime phone number

CERTIFICATION I, the undersigned, hereby certify that I am the

- Check only one 8
- ☐ author
- ☐ other copyright claimant
- ☐ owner of exclusive rights

X Authorized agent of Morse, Inc.

Name of Author or Owner Copyright Claimant or Owner of Exclusive Rights

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this is a published work, this date must be the date on or after the date of publication given in space 1.

Deborah L. Benson

and dated 9, 1993



Signature (X)

MAIL CERTIFICATE TO

Certificate will be mailed in separate envelope

Deborah L. Benson	438620
MORSE, ALTMAN, DACEY & BENSON	
73 Tremont Street, Suite 402	
Boston, MA 02108-1900	

- Also give:
- Completed all necessary forms?
 - Spent your application in space 1?
 - Forwarded check or money order to the Copyright Office or Copyright?
 - Enclosed your deposit material with the application and fee?
- U.S. Copyright Office
Library of Congress, Washington, D.C. 20540

* If a fee is shown, the person who submitted a fee is not responsible for a fee not being received in the Copyright Office. The Copyright Office is not responsible for a fee not being received in the Copyright Office.

U.S. Department of Commerce, Patent and Trademark Office, Washington, D.C. 20540

Form 5-1 (10-18-90)

Certificate of Registration

0003



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

Register of Copyrights, United States of America

FORM CA

VA 993-107



U90000993107

TX TXU PA PAU VA MAU CA SNU NS
EFFECTIVE DATE OF SUPPLEMENTARY REGISTRATION

DEC 21 1998

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

A

TITLE OF WORK ▼

Happy Face

REGISTRATION NUMBER OF THE BASIC REGISTRATION ▼

VA 554 166

YEAR OF BASIC REGISTRATION ▼

1993

NAME(S) OF AUTHOR(S) ▼

Nirvana, Inc.

NAME(S) OF COPYRIGHT CLAIMANT(S) ▼

Nirvana, Inc.

B

LOCATION AND NATURE OF INCORRECT INFORMATION IN BASIC REGISTRATION ▼

Line Number Line Heading or Description

INCORRECT INFORMATION AS IT APPEARS IN BASIC REGISTRATION ▼

CORRECTED INFORMATION ▼

EXPLANATION OF CORRECTION ▼

C

LOCATION AND NATURE OF INFORMATION IN BASIC REGISTRATION TO BE AMPLIFIED ▼

Line Number Line Heading or Description Copyright Claimant

AMPLIFIED INFORMATION ▼

Nirvana, L.L.C.
c/o Allen Draher, Attorney
Preston Gates & Ellis LLP
701 Fifth Ave., Ste. 5000
Seattle, WA 98104

Copyright Registration assigned from Nirvana, Inc. to Nirvana on 11/15/97
Copyright Registration assigned from Nirvana to Nirvana, L.L.C. on 7/29/98

EXPLANATION OF AMPLIFIED INFORMATION ▼

Change of address

MORE ON BACK ▶

• Complete all applicable spaces (2)-(4) on the reverse side of this page.
• See detailed instructions.
• Sign the form at space F.

DO NOT WRITE HERE

Page 1 of 2 pages

004

FORM CA RECEIVED

FORM CA

DEC 21 1998

8/2/99

FUNDS RECEIVED DATE

EXAMINED BY

JTA

CHECKED BY

CORRESPONDENCE ☒REFERENCE TO THIS REGISTRATION ADDED TO
BASIC REGISTRATION ☒ YES ☐ NOFOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

CONTINUATION OF: (Check which) ☐ PART B OR ☐ PART C

D

DEPOSIT ACCOUNT: If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name _____

Account Number _____

CORRESPONDENCE: Give name and address to which correspondence about this application should be sent.

Name Allen Draher, Preston Gates & Ellis LLPAddress 701 Fifth Ave., Ste. 5000

Seattle WA 98104

(City) (State) (ZIP)
Area Code and Telephone Number ▶ (206) 623-7580Be sure to
give your
daytime phone
number

E

CERTIFICATION* I, the undersigned, hereby certify that I am the (Check one)

☐ author ☐ other copyright claimant ☐ owner of exclusive right(s) ☒ duly authorized agent of

Nirvana, L.L.C.

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name Allen DraherDate 12-14-98

F

Handwritten signature OQ Allen DraherMAIL
TOName Allen Draher, Preston Gates & Ellis LLPNumber/Street/Apt 701 Fifth Ave., Ste. 5000City/State/ZIP Seattle, WA 98104Certificate
will be
stuffed in
window
envelope

NOTES:

- Complete all necessary sections.
- Sign your application in space P.

1. Application form
2. Nonreturnable \$20 filing fee
in check or money order
payable to
Register of Copyrights
Library of Congress
Washington, D.C. 20540-0000

G

*17 U.S.C. § 506(c): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

October 1994

U.S. COPYRIGHT OFFICE WWW.FORMS.1998

VA 564 166



Title: Happy Face
Nature of Work: Tee shirt (design of)
Author: Nirvana, Inc.