



Patent, Trademark & Copyright Law DailyTM

SEARCH ALL

Go

[Search Tips](#)

[Advanced Search](#) | [Search History](#) | [Saved Searches](#)

Patent, Trademark & Copyright Law Daily: All Issues

Go:



[+ Add to Favorites](#)



[Split Screen](#)

[Patent, Trademark & Copyright Law Daily: All Issues](#) > [2009](#) > [October](#) > [10/29/2009](#) > [Lead Report](#) > [Infringement: Chamber of Commerce Sues Activist Group for Fake Press Conference](#)

Infringement

Chamber of Commerce Sues Activist Group for Fake Press Conference

The U.S. Chamber of Commerce on Oct. 27 filed a lawsuit in the U.S. District Court for the District of Columbia against a group that set up a fake news conference a week earlier to falsely announce that the Chamber had reversed its stance on climate legislation (*Chamber of Commerce of the United States of America v. Servin*, D. D.C., No. 09-cv-2014, complaint filed 10/26/09).

The Yes Men—a group which practices “identity correction,” often posing as representatives of businesses or government entities for the purpose of misrepresenting the entity’s positions to the public—invited members of the media to attend a press conference where the Chamber was supposedly going to make an announcement on climate change legislation. The event and announcement were a hoax, as was the message that the Chamber supported climate change legislation, with the Chamber not involved in or aware of the ruse.

The Chamber said that the infringing and fraudulent acts prevented the public from knowing the true position of the intellectual property owner whose trademarks were used without permission. Further, it said that the entire hoax was perpetrated to promote the Yes Men’s movie, which was nationally released on Oct. 20.

Fake Press Conference Held

On Oct. 19, the Yes Men held a press conference at the National Press Club using Chamber logos and identifying themselves as representatives of the Chamber to announce that the Chamber would support the passage of a climate bill.

This announcement, which was a hoax, contradicted the Chamber’s actual position opposing climate change legislation. Representatives from news organizations such as the Washington Post, Reuters, Greenwire, and Mother Jones were fooled into showing up to the Press Club. Twenty minutes into the press conference a real representative from the Chamber came in to identify the event as a hoax.

The Chamber filed a complaint with the district court under the Lanham Act for trademark infringement, unfair competition, trademark dilution, false advertising, and cyberpiracy, 15 U.S.C. §§ 1114 and 1125.

Theft Masquerading as Social Activism

The Chamber alleged that the Yes Men executed a comprehensive scheme to promote their movie, *The Yes Men Fix the World*—which was released one day after the fake press conference—and increase sales of tickets and merchandise.

The scheme included conducting a fraudulent press conference at the National Press Club, during which Jacques Servin, a member of the Yes Men, impersonated an executive or representative of the Chamber, used the Chamber’s logo and service marks without authorization and fraudulently attributed statements to the Chamber, the complaint alleges. Further, the scheme involved issuing fraudulent statements using the Chamber’s marks without authorization and referring members of the public to an website associated with the domain name chamber-of-commerce.us, several introductory pages of which are nearly identical to the Chamber’s website.

Allegedly, the Yes Men contacted members of the media to notify them of the upcoming press conference and set up the room to look like a Chamber event. The complaint said, “The podium at the front and center of the room displayed the Chamber’s logo and marks. To further perpetuate their fraud, Defendants seeded the room with fake ‘reporters’ and, upon information and belief, all of the ‘reporters’ at the fraudulent press conference [save those from real news agencies] were fakes who were impersonating media representatives.”

The Chamber also alleged that the following statement on another Yes Men-associated website supported the conclusion that the group had a bad faith intent: “[w]e’re going to make this the worst Monday ever for the anti-climate PR machine at the US Chamber of Commerce.”

“The acts are nothing less than commercial identity theft masquerading as social activism” the complaint said. “These infringing and fraudulent acts are antithetical to public debate on important issues, because they prevent the public and the press from knowing the true position of the intellectual property owner whose trademarks and copyrights were used without permission, and they disguise the true motives of the persons who took that property.”

Follow these links for other recent articles related to:

Topics:

[Climate Change Conferences](#)
[Copyrights](#)
[Infringement](#)
[Trademarks](#)

Courts/Tribunals:

[U.S. District Courts, District of Columbia](#)

The Chamber's specific causes of action included a claim that the Yes Men infringed the Chamber's registered trademarks "U.S. Chamber of Commerce," and "The Spirit of Enterprise," and that such a use was likely to cause confusion, or to cause mistake, or to deceive under 15, U.S.C. § 1114(1).

The Chamber also charged that by using those marks the Yes Men engaged in false designation of origin and unfair competition under 15 U.S.C. § 1125 (a). The complaint said, "Defendants have adopted and used, and are continuing to use, their identical and confusingly similar marks with actual knowledge of the Chamber's prior rights, with the intent to cause confusion, and in bad faith.

Finally, the complaint alleged that the Yes Men had diluted the Chamber's trademarks, falsely advertised the Chambers' commercial activities and services, and committed cyberpiracy by registering, trafficking in, and using the domain name chamber-of-commerce.us, which is confusingly similar to, or dilutive of the U.S. Chamber of Commerce mark.

The Chamber sought an injunction against the Yes Men and declaratory relief.

Reactions From Yes Men and Chamber

Laurel Whitney, a representative of the Yes Men, told BNA, "It's very disappointing—even to us!—that the Chamber would take this approach to what's obviously political speech." Further, she said that, as of Oct. 28, the Yes Men had yet to have been served with the complaint.

In an Oct. 26 press statement, Steven Law, the Chamber's general counsel, said, "The Chamber is a strong proponent of free speech and encourages public debate on issues of the day However, the law is clear that you can't misappropriate others' intellectual property for personal financial gain."

"The defendants are not merry pranksters tweaking the establishment. Instead, they deliberately broke the law in order to further commercial interest in their books, movies, and other merchandise. Ironically and unfortunately, this lawsuit might even help in that regard, but these acts are nothing less than commercial identity theft masquerading as social activism and must be stopped," Law said.

The Chamber is represented by Michael John Mueller of Hunton & Williams, Washington, D.C.

By Nathan Pollard

Full text of the complaint at <http://pub.bna.com/ptcj/COCHoaxComplaint.pdf>

[Previous](#) | [Next](#)

[Top](#)

[Home](#) | [About](#) | [Help](#)

[Contact Us](#) or call 1-800-372-1033

ISSN 1535-1610

Copyright © 2009, The Bureau of National Affairs, Inc. | [Copyright FAQs](#) | [Internet Privacy Policy](#) | [BNA Accessibility Statement](#) | [License](#)

Reproduction or redistribution, in whole or in part, and in any form, without express written permission, is prohibited except as permitted by the BNA Copyright Policy. <http://www.bna.com/corp/index.html#V>