

Oregon Intellectual Property Blog

Search...



CATEGORIES

Select Category

30 Wednesday MAR 2016 Oregon hosts trademark dispute between “Highbrow” websites

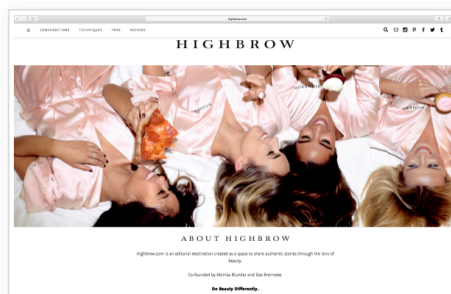
POSTED BY KENAN FARRELL IN DISTRICT OF OREGON, INTELLECTUAL PROPERTY, LITIGATION, OREGON, TRADEMARK

≈ LEAVE A COMMENT

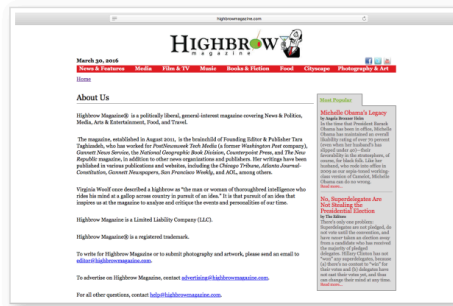
The Plaintiff in this action, [Highbrow, LLC](#), seeks a declaratory judgment that its use of the “HIGHBROW” trademark in connection with an online beauty website does not infringe or otherwise violate the rights of Defendant Highbrow Magazine, LLC.

Tags

Cancellation of Trademark, Declaratory Judgment of Non-Infringement, Litigation Update, Stacie F. Beckerman, State Declaratory Judgment of Non-Infringement and No Unfair Competition



[Highbrow Magazine](#) is a “politically liberal, general-interest magazine covering News & Politics,



According to the Complaint (below), Highbrow was threatened with litigation by Highbrow Magazine and thus preemptively filed this declaratory action in Oregon. A series of discussions over a non-litigious resolution were unsuccessful.

There is some interesting language in the final demand letter from Highbrow Magazine (see Exhibit 5) that arguably forced the hand of Highbrow:

“Note that we have also sent this letter to your domain registrar and Web hosting company, which means that they may be liable for contributory infringement for any continuing trademark infringement subsequent to receipt of this notice.”

By bringing the registrar and web host into the situation, Highbrow was left with really no other option but to seek a court’s declaration of non-infringement. Better in Oregon than New York for many reasons for the Portland-based Highbrow.

[Update – The parties settled and a Notice of Voluntary Dismissal was filed on 5/10/16]

HIGHBROW, LLC v. HIGHBROW MAGAZINE, LLC ET AL

Court Case Number: 3:16-cv-00544

File Date: Tuesday, March 29, 2016

Plaintiff: Highbrow, LLC

Plaintiff Counsel: Susan Bristow-Ford of Bristow-Ford Law

Defendant: Highbrow Magazine, LLC

Cause: Declaratory Judgment of Non-Infringement, Cancellation of Trademark, State Declaratory Judgment of Non-Infringement and No Unfair Competition

Complaint:

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

<p>HIGHBROW, LLC, a Nevada limited liability company</p> <p style="text-align: center;">Plaintiff</p> <p>v.</p> <p>HIGHBROW MAGAZINE, LLC, a Virginia limited liability company, and TARA TAGHZADEH, an individual</p> <p style="text-align: center;">Defendants</p>	<p>Case No. _____</p> <p>COMPLAINT</p> <p>(Declaratory Judgment of No Trademark Infringement, False Designation of Origin, Unfair Competition, Anticybersquatting Consumer Protection Act, and Claim for Cancellation of Trademark at the United States Patent and Trademark Office, Federal and Virginia State Law)</p> <p>DEMAND FOR JURY TRIAL</p>
--	---

For its complaint, plaintiff Highbrow, LLC ("Highbrow") states and alleges as follows:

Nature of the Case

1. This is an action for declaration of rights under the Lanham Act (15 U.S.C. § 1051 *et seq.*, "Lanham Act") and the laws of Virginia.
2. Highbrow seeks a declaration from this court that its use of "HIGHBROW" for an online website dedicated to "stories through the lens of beauty," including beauty tips, reviews, and tutorials, does not infringe or otherwise violate the rights of defendants Tara Taghizadeh ("Taghizadeh") and Highbrow Magazine, LLC ("Highbrow Magazine").

1 - COMPLAINT Bristow-Ford Law
577 SW 5th Ave. Ste. 1300

Show me more about this topic ^

SCRIBD 1 of 13 + - ↓ ↔ ↗

[View this document on Scribd](#)

Exhibit 5:

Case 3:16-cv-00544 Document 1-7 Filed 03/29/16 Page 1 of 20

EXHIBIT 5

Show me more about this topic ^

SCRIBD 1 of 20

View this document on Scribd

Reblog Like

Be the first to like this.

RELATED

Oregon Trademark
Litigation Update - CTS
Wholesale v. South Bay
Trading
In "District of Oregon"

Oregon Trademark
Litigation Update - Crave
Bake Shop v. Crave
In "District of Oregon"

Oregon Trademark
Litigation Update -
Upsource, LLC v. Upsource,
Inc.
In "Intellectual Property"



About Kenan Farrell
KLF Legal advises on intellectual property and business law.
[View all posts by Kenan Farrell »](#)

← Previous post

Next post →

LEAVE A REPLY

Enter your comment here...