



MOTION PICTURE ASSOCIATION OF AMERICA, INC.
15301 Ventura Boulevard, Building E, Sherman Oaks, California 91403

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April 17, 2018

VIA EMAIL

Michael J. Schwab, Esq.
Moritt Hock & Hamroff LLP
1047 Broadway
39th Floor
New York, NY 10018

Re: Infringement of MPAA Trademarks and Copyright in DJ Khaled Videos

Dear Mr. Schwab:

I am an attorney at the Motion Picture Association of America, Inc. (“MPAA”). I understand that you represent Khaled Khaled (aka “DJ Khaled”). We recently became aware that, in at least one instance, Mr. Khaled posted a video to social media, falsely indicating that his video had been rated by the MPAA. *See* Letter from Truth in Advertising, Inc., et al., to Alan Soven and Robert S. Meloni, March 29, 2018, at page 3, available at https://www.truthinadvertising.org/wp-content/uploads/2018/03/3_29_18-Ltr-re-Khaled-Deceptive-Advertising_Redacted.pdf.

For more than forty years, the MPAA has administered its well-known system for rating motion pictures. The MPAA is the owner of all trademark rights in the rating symbols and designations used with that system, including G, PG, PG-13, R and NC-17. Specifically, the MPAA owns U.S. trademark registrations for the certification marks G, PG, PG-13, R and NC-17 in Box Design and in Rectangle Design. The MPAA is also the owner of the U.S. trademark registration for the certification mark “The Following PREVIEW Has Been Approved For ALL AUDIENCES By The Motion Picture Association of America” in Box Design (Reg. No. 2,160,013) (the “Trailer Tag”). These marks are in full force and effect and are incontestable. All of the MPAA certification marks and the Trailer Tag are widely known and famous throughout the United States as designating motion pictures rated by the Classification and Rating Administration (“CARA”). These marks may only be used by permission and authority of the MPAA, and only in connection with motion pictures that have been rated by CARA.

Michael J. Schwab, Esq.

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Additionally, MPAA holds a registered copyright in the Trailer Tag. We have consistently taken prompt action to prevent unauthorized uses.

While it appears that the video referenced in Truth in Advertising's letter has been removed from Instagram (where Truth in Advertising stated it had been posted), we wanted to inform you of this violation of the MPAA's trademark and copyright in the Trailer Tag, and request that you instruct Mr. Khaled not to use the Trailer Tag, or any other of the MPAA's marks, for any video which has not been rated by the MPAA (as his video was not). Also, while we were not able to locate any other of Mr. Khaled's videos on social media that use the MPAA's marks, we request your assurance, in writing, that no such videos that use the MPAA's marks are currently available to the public, and that Mr. Khaled will not use such marks without authorization in the future.¹

We request that you respond within one week of the date of this letter. Thank you for your anticipated cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ben Sheffner", with a long horizontal stroke extending to the right.

Benjamin S. Sheffner

cc: Robert S. Weisbein, Esq.

¹ As you are no doubt aware, Mr. Khaled's is a prolific social media user, and we have not reviewed all of his posts and videos.