

**CEASE AND DESIST DEMAND**

January 21, 2014

CERTIFIED MAIL AND EMAILIdiotarod NYC  
300 7<sup>th</sup> Ave  
New York, NY 10003idiotarodnyc@yahoo.com

Re: Infringement of IDITAROD Trademark

Dear Sir or Madam:

This firm represents Iditarod Trail Committee, Inc. (“ITC”) and is writing to you at its request. Any communications you may wish to have with ITC concerning this matter should be directed to the undersigned.

ITC is the owner of the trademark IDITAROD (U.S. Registration No. 73627960 and others). This mark has been used for years in connection with ITC’s promotion of the annual Iditarod Sled Dog Race, and is as famous as the race it promotes. It has come to ITC’s attention that you are using a slight variation of the mark IDITAROD in connection with a so-called “New York Idiotarod”—a race that features teams of people pulling shopping carts and which is advertised at <http://www.idiotarodnyc.com/>. According to your website, the Idiotarod NYC is “the urban version of the Alaskan Iditarod dogsled race.”

ITC has not licensed you to make use of its IDITAROD mark in connection with your race or website, and your use of “Idiotarod” constitutes an infringement of ITC’s statutory and common law trademark rights. Moreover, the infringement is willful in that you are deliberately making use of an infringing mark because of its association with the Iditarod Sled Dog Race.

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The federal and common law of trademark prohibits the use of a variation of ITC's mark in a manner that is likely to cause confusion. 15 U.S.C. § 1114(1). In the case of a famous mark such as IDITAROD, and regardless of whether there is any likelihood of confusion, federal law also prohibits the dilution of ITC's mark by blurring the mark's association with only one product, or by tarnishing the positive associations the mark has come to convey. 15 U.S.C. § 1114(1).

Your use of "Idiotarod" is likely to cause confusion by suggesting that ITC is somehow associated with your race. Your use of "Idiotarod" is certainly likely to dilute ITC's famous mark by reducing its sole association with the Iditarod Sled Dog Race, and by causing the public to associate the mark with an event that celebrates wacky costumes and antics over one that honors the endurance and athleticism of champion sled dogs and the courage and skill of the men and women that run them. As a result of your trademark infringement, ITC is entitled to injunctive relief and an award of, among other things, ITC's damages, together with ITC's costs. 15 U.S.C. §§ 1116, 1117(a). Because your infringement is willful, ITC is entitled to treble damages. 15 U.S.C. § 1117(a)(3).

By this letter, ITC demands that you immediately cease any use of "Idiotarod" or "IDITAROD" or any variations of ITC's mark, and provide written assurance that you will refrain from any such use in the future. If you do not immediately comply with the foregoing demand, then ITC will be entitled to take legal action to obtain injunctive relief, treble damages, and ITC's attorney fees and costs.

ITC's trusts you will give this matter your prompt attention.

Very truly yours,

DAVIS WRIGHT TREMAINE LLP



Jon S. Dawson

cc: Stan Hooley