

**By Electronic Mail and Courier Service**

Declan Elms  
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111 8th Ave.  
New York, NY 10011

October 20, 2016

Dear Mr. Elms,

I am the director of Civil Enforcement, North America, for Louis Vuitton Malletier (“Louis Vuitton”). I write to demand that your client, Vested Interest, immediately cease and desist its infringements of Louis Vuitton’s intellectual property.

Louis Vuitton is the owner of world famous registered and common law trademarks (the “LV Trademarks”), including the LOUIS VUITTON and LV word marks, the LV initial monogram, and the Toile Monogram shown below:



The Toile Monogram, which consists of the LV initial monogram and three distinctive design elements – a circle with a four-leafed flower inset; a curved beige diamond with a four-point star inset; and its negative – was created by George Vuitton, Louis Vuitton’s son, in the 1890’s to protect the Louis Vuitton brand from unlawful imitators. Since that time, Louis Vuitton has manufactured and sold products bearing the Toile Monogram and secured numerous federal trademark registrations bearing the LV Trademarks. LV has also manufactured and sold products bearing the federally copyrighted Multicolor Toile Monogram, created in collaboration with Takashi Murakami:



Since its founding in 1854, Louis Vuitton has built up a worldwide reputation for its design, innovation, quality, and style in women’s and men’s leather goods and fashion apparel and accessories. The LV Trademarks, including the Toile Monogram and Multicolor Toile Monogram, are among the most famous trademarks in the luxury goods industry and the world. To help protect its valuable trademarks and copyrights and to preserve the good will and exclusivity of Louis Vuitton designs, Louis Vuitton closely controls the sale of its products and the use of its trademarks, and has devoted and continues to devote substantial resources to protect the LV Trademarks and copyrights.

It has come to my attention that Vested Interest has been engaged in blatant counterfeiting of Louis Vuitton leather and canvas handbags. As confirmed by the numerous screenshots and letters from defrauded customers attached to this letter, Vested Interest has been selling counterfeit Louis Vuitton handbags (the “Infringing Articles”) on Internet retail and resale platforms such as Amazon Marketplace, Craigslist, and eBay using descriptions such as “Genuine Louis Vuitton handbag,” “Real LV Neverfull,” and “NWT Multicolor Noir ONLY \$50.” The Infringing Articles are offered at prices in many cases less than 5% of the normal retail price for the corresponding authentic Louis Vuitton handbags.

Although the images used in the listings appear to consist of photographs of authentic Louis Vuitton handbags, and in some cases in fact consist of photographs copied from Louis Vuitton’s own website, the Infringing Articles to delivered to customers are, as noted above, cheap forgeries. They consist of so-called “vegan leather,” which despite the name is a synthetic product that replicates neither the texture nor the durability of the genuine luxury leathers used in authentic Louis Vuitton handbags. The Infringing Articles are of obviously crude manufacture: paper-thin, poorly stitched, and wholly unsuitable for even the lightest use. They are printed with the following counterfeit variation of the Toile Monogram, or with a corresponding counterfeit variation of the Multicolor Toile Monogram:



In addition, the Infringing Articles are packaged with a letter stating:

**LUXURY HANDBAGS KILL INNOCENT ANIMALS**

Hello from Vested Interest, a nonprofit activist organization dedicated to ending animal suffering. The handbag you almost bought was made from the skin of a living, breathing, feeling animal. It was slaughtered for its skin. To keep you from being complicit in its murder, we've swapped out the blood-drenched handbag for this stylish substitute that looks just as nice but better expresses the fact that leather is murder. If you would like to donate to the cause of protecting innocent living beings from this senseless slaughter, you don't need to do anything more, and your purchase price will go to end this inhumane practice. You can keep the handbag and use it to help spread the word. If you would prefer not to, just let us know, and we will be glad to issue you a full refund, you monster.

This letter confirms that Vested Interest is engaged in blatant acts of copyright infringement, trademark infringement, and false advertising. Louis Vuitton has received numerous complaints from consumers who have been defrauded by Vested Interest's behavior. Representative quotations include:

"How can these guys do this to you?"

"Can you help me get my money back?"

“I’m not sure I can wear my LV bag in good consciences again.”

“I couldn’t believe I was getting such a good deal. Then I couldn’t believe how shoddy the bag was. Now I can’t believe I fell for it.”

“What a rip off!”

Vested Interest’s actions constitute copyright infringement, trademark infringement, unfair competition, and false advertising under state and federal law and are causing irreparable harm to Louis Vuitton’s reputation for high-quality luxury goods. We hereby demand that Vested Interest immediately cease all sales of the Infringing Articles; destroy all remaining Infringing Articles; issue full, immediate, and unconditional refunds to all buyers of the Infringing Articles; and issue a public apology to Louis Vuitton for Vested Interest’s malicious and harmful conduct. If you do not confirm to me by noon on November 16, 2016 that Vested Interest agrees to do so, Louis Vuitton will be compelled to take further legal action.

Very truly yours,

Consuela Cooper, Esq.

**Intellectual Property**  
**Fall 2016**  
**Writing Assignment #2**

Vested Interest is in fact a one-woman operation. Your *pro bono* client, Agatha "Aggie" Vest, is the founder and sole staff member of Vested Interest, which she operates out of the Queens apartment she shares with four other socially-minded twenty-somethings. She works as an editorial intern at a fashion magazine; in her spare time she blogs, tweets, and instagrams about ethical issues in the fashion supply chain. She has a pile of student debt and almost no assets: so on the one hand she can't afford to pay for much in the way of lawyering, but on the other, she feels she has nothing to lose in standing up to the man and is more than happy to take a public stance now. Her top priority is bringing public attention to what she sees as the ethical problems with how major fashion houses source their leather.

*Write a draft response to Ms. Cooper's cease-and-desist letter for your client's review and approval. The response should be suitable for public posting and should reflect both your analysis of the legal issues and your client's goals. The response is due by noon on November 16. As before, please submit a fully anonymized version of your response; I will let you know who to submit it to.*