

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

JAMES CONCANNON,

PLAINTIFF,

-AGAINST-

LEGO SYSTEMS, INC. AND LEGO A/S,

DEFENDANTS.

Civ. Action No. _____

JURY TRIAL DEMANDED

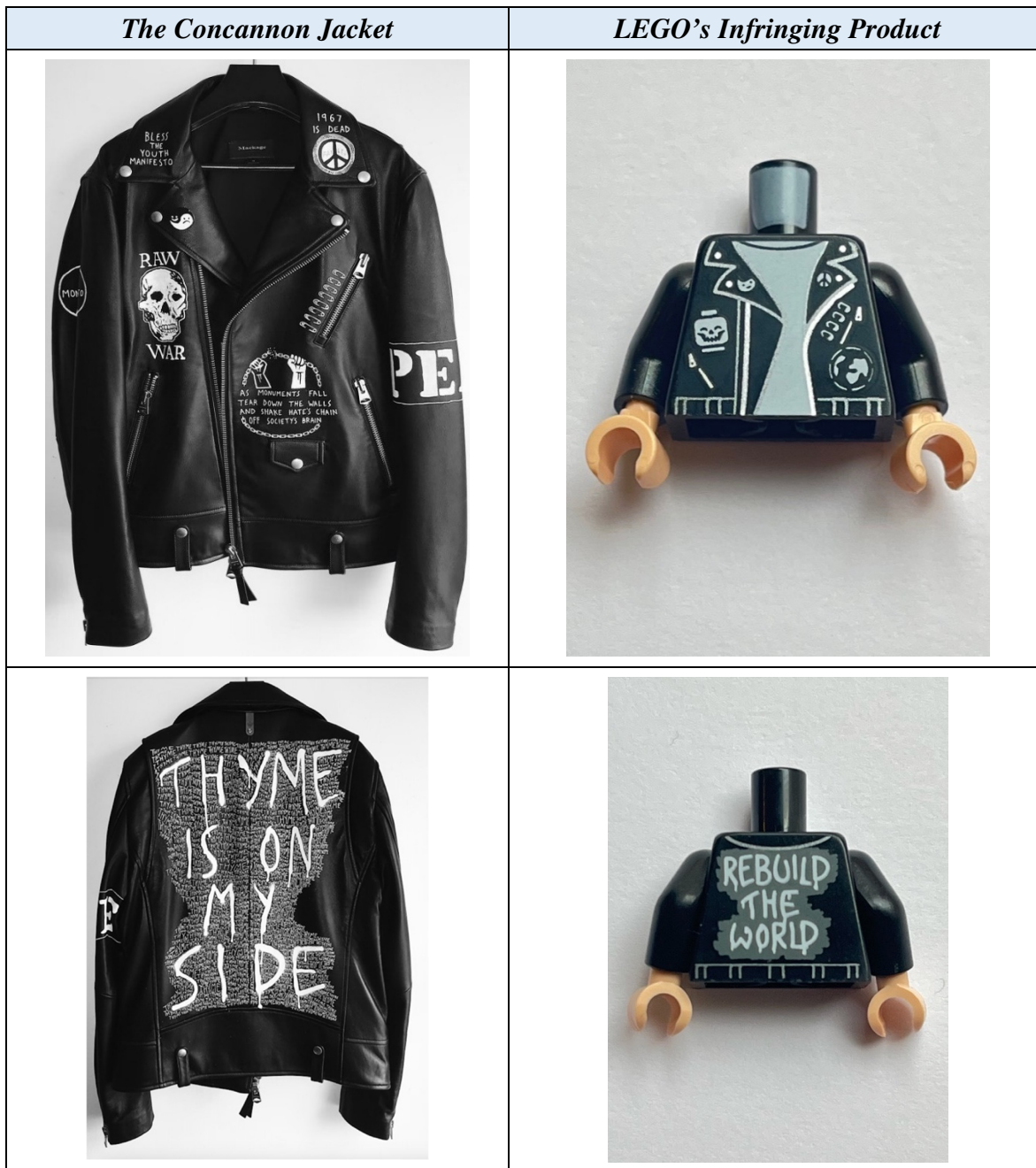
COMPLAINT

Plaintiff James Concannon, by and through his attorneys at Jayaram Law, Inc., brings this action against Defendants LEGO Systems, Inc. and LEGO A/S (collectively “LEGO”), and for his Complaint alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement against LEGO, the largest toy company in the world, arising from LEGO’s unauthorized copying and commercial exploitation of the work of American artist James Concannon.
2. James Concannon is a multi-disciplinary artist based in Connecticut and New York. LEGO is the largest toy company in the world, with annual revenue of over \$5 billion.
3. In 2018, Concannon created a custom leather jacket (the “Concannon Jacket”) as a gift for Antoni Porowski, one of the stars of Netflix’s *Queer Eye* series and a fan of Concannon’s work. The Concannon Jacket features Concannon’s original artwork, composed and arranged in Concannon’s signature propaganda-infused aesthetic. Concannon owns the copyright in the artwork embodied in the Concannon Jacket, which is registered with the United States Copyright Office.

4. In September 2021, LEGO announced the release of a “Queer Eye – The Fab 5 Loft” LEGO set, which is based on the *Queer Eye* Netflix series. The Fab 5 Loft set includes a “LEGO version” of the Concannon Jacket—in other words, a blatant copy of Concannon’s original creation. A side-by-side comparison of the Concannon Jacket and LEGO’s knockoff version (the “Infringing Product”) is depicted below:



5. Despite admitting that it intentionally copied the Concannon Jacket when it developed the Fab 5 Loft set, LEGO did not offer to compensate Concannon for copying his creation, did not ask Concannon's permission to copy his creation, and did not give Concannon any credit when it did copy his creation. Instead, it offered to send Concannon a free Fab 5 Loft set—which retails for \$99.99—for Concannon's six-year-old son to play with, only to later revoke that offer, telling Concannon that LEGO does not give away its products for free.

6. Concannon is a working artist with a serious medical condition who supports himself and a young child through his work.

7. Concannon brings this action to hold LEGO accountable for its blatant disregard for his intellectual property rights and recover damages for LEGO's willful infringement.

PARTIES

8. Upon information and belief, Defendant LEGO Systems, Inc. is a Delaware corporation with its place of business at 555 Taylor Road, Enfield, CT 06082.

9. Upon information and belief, Defendant LEGO A/S is a private corporation with its place of business at Aastvej 1, Dk-7190, Billund, Denmark.

10. Plaintiff James Concannon is an American citizen who resides in Connecticut.

JURISDICTION AND VENUE

11. This civil action asserts claims arising under the Copyright Laws of the United States, 17 U.S.C. § 101 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. § 1331 and 1338(a).

12. This Court has personal jurisdiction over Defendant LEGO Systems, Inc. because, on information and belief, it is a resident of this District with its principal place of business located

within this District. This Court has personal jurisdiction over Defendant LEGO A/S because, on information and belief, it continuously and systematically does business in Connecticut.

13. Venue is proper in this District under 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claim occurred in this District, and Defendant LEGO Systems, Inc. resides in this District.

FACTUAL BACKGROUND

Queer Eye's Authorized Uses of Concannon's Work

14. James Concannon is a multi-disciplinary artist who specializes in the infiltration and subversion of pop culture. Examples of Concannon's works, featuring his distinct propaganda-inspired aesthetic, are pictured below.



15. In June 2017, Concannon received an email from a clearance coordinator at ITV America, the producer of the new *Queer Eye* Netflix series, which was set to launch in early 2018. A reboot of the popular television show from the early 2000's, Netflix's *Queer Eye* would feature an all-new cast and new locations, while sticking to its predecessor's theme of providing style and home makeovers to help transform people's lives.

16. In her 2017 email, ITV's clearance coordinator told Concannon that one of the *Queer Eye* cast members, Antoni Porowski, "would love to be able to" wear three of Concannon's custom-made "art t-shirts"—"Acid And Nancy Reagan," "The Crank Generation," and "Cry Me A River Phoenix"—at different times throughout the show's first season. The email attached a release form, which Concannon signed, granting ITV America (on behalf of Netflix) the right to display Concannon's creations on the show. The release also granted Netflix the right to display Concannon's works in connection with the show's advertising. A few months later, another ITV clearance coordinator reached out to Concannon, seeking his permission to add a fourth Concannon t-shirt—"James Dean Speed Queen"—to the list of works that would be featured on the show. Concannon agreed.

17. Through this exchange, Concannon learned that one of *Queer Eye*'s new cast members, Antoni Porowski, was a fan of Concannon's work. Concannon and Porowski connected through social media, met in person, and eventually became friends.

18. Over the next couple of years, Concannon gifted several custom creations to his friend Porowski. Each time one of Concannon's t-shirts was going to be featured on the show, *Queer Eye*'s producers sought Concannon's permission and obtained a signed release specifying the work that would appear on the show and the nature of the rights being granted. Between 2017 and 2021, *Queer Eye*'s producers continued to feature Concannon's works on the show—and

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.