

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

LAMAR JACKSON, an Individual,

CASE NO:

Plaintiff,

vs.

AMAZON.COM, INC.
AND AMAZON.COM SERVICES, INC.

Defendants.

PLAINTIFF, LAMAR JACKSON'S COMPLAINT

Plaintiff, Lamar Jackson, an individual, ("Jackson" or "Plaintiff"), by counsel, hereby brings this Complaint for Infringement of His Right to Publicity, and other causes of action, against Amazon.com, Inc., ("Amazon") and Amazon.com Services, Inc. ("Services"), (collectively known as "Defendants") and states as follows:

NATURE OF THE ACTION

1. This is a civil action by Plaintiff Jackson for: (I) unauthorized violations of Jackson's right of publicity under Florida Statute 540.08, *et seq.*; (ii) false advertising and endorsement in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); (iii) deceptive and unfair trade practices under Fla. Stat. § 501.201, *et seq.*; and (iv) violations of Jackson's common law right of publicity. These causes of action arise from Defendants' deliberate and unauthorized use of Jackson's name, nicknames, image and persona in connection with the false advertising and endorsement of unlicensed and infringing articles

of clothing using the names and slogans the public readily associates with Jackson including: “Lamarvelous,” “Action Jackson” and “Not Bad for a Running Back,” (the “Infringing Items”). The Infringing Items are being directly advertised, marketed, promoted and sold by Defendants through false and misleading advertising, by means of their unauthorized use of Jackson’s first and surnames, slogans, nicknames, likeness and image, to market and advertise the items as if Jackson endorses and/or is the source of origin and designation of the Infringing Items. Defendants deliberately attempt to confuse and deceive the public that the Infringing Items are affiliated or approved as part of Jackson’s brand to commercially exploit Jackson’s celebrity and notoriety for significant profit, when, in fact, they have no consent or license by Jackson or the National Football League (the “NFL”) to use Jackson’s publicity rights.

2. Although Defendants have received continuous and significant negative publicity for their facilitation of widespread infringement of intellectual property rights held by third parties in the Amazon Marketplace, the sales at issue in this matter, the Infringing Items, are not merely third party sales that are facilitated by Amazon in the Amazon Marketplace, rather the sales at issue are infringing items of clothing which Defendants themselves falsely promote and advertise and expressly designate as “ships from and sold by Amazon.com.” Despite Jackson’s and other brand owners’ extensive lobbying to Defendants to respect and protect their intellectual property rights, including the notoriety and reputation of their brands, Defendants have not only refused to take reasonable steps to police intellectual property infringement, through their deceptive and misleading advertising, Defendants themselves are pirating Jackson’s right to publicity, by failing to source their “ships from and sold by Amazon.com” items only from those authorized

manufacturers, wholesalers and retailers who have obtained licenses, consent, or permission from Jackson or the NFL to manufacture, advertise and sell these products.

3. In spite of their deceptive perception, Defendants are not connected to or affiliated with Jackson in any way, nor do they have permission from Jackson or the NFL to use Jackson's image, slogans, or likeness. In fact, Defendants are blatantly exploiting Jackson's fame for their own commercial gain, intending to confuse and deceive the public by creating a false designation and connection to Jackson to sell their goods by, among other things, referencing his famous uniform number 8, his athletic ability as Baltimore's quarterback, Action Jackson and Not Bad for a Running Back, all of which are elements and slogans from his persona as a dual-threat quarterback, when no such relationship exist.

4. At no time did Jackson or the NFL license or grant permission to Defendants to use his name, likeliness, persona, or fame to advertise, promote and sell the Infringing Products. In fact, Jackson has requested that Defendants, through their own self-imposed policies and procedures, remove and stop selling the Infringing Items being promoted and sold directly on the Amazon Marketplace. However, in spite of Plaintiff's request, and knowledge of the false designation of origin of the Infringing Items, Defendants refuse to do so and continue with their deceptive and misleading promotion and advertisement for profit from sale of these items.

5. As a result of Defendants' false advertising, false designation of origin, and infringing activity, Plaintiff seeks permanent injunctive relief preventing Defendants from their false advertising and sales of the Infringing Items, recovery of actual damages, disgorgement of Defendants' profits, statutory damages, punitive damages, treble damages under 15 U.S.C. § 1117 (b), attorney's fees and costs under Florida Statute § 540.08, *et seq*

.and Fla.Stat. § 501.201, *et. seq.*, together with such other and further relief as the Court deems just and proper.

THE PARTIES

6. Plaintiff Jackson is a resident of the State of Florida residing in Broward County, Florida.

7. Defendant Amazon is a corporation existing under the laws of Delaware with its principle place of business at 410 Terry Avenue North, Seattle, Washington 98109.

8. Defendant Services is a corporation existing under the laws of Washington with its principle place of business in Seattle, Washington.

JURISDICTION AND VENUE

9. This action arises out of Defendants' false advertising, endorsement and designation of origin in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a) *et. seq.*, and thus this Court has jurisdiction over the subject matter pursuant to 28 U.S.C. § 1331 and 15. U.S.C. § 1121. This Court has supplemental jurisdiction over the related state law claims pursuant to 28 U.S.C. § 1367(a) because these claims form part of the same case or controversy.

10. This Court has personal jurisdiction over Defendants because they advertise, market, distribute and/or sell the Infringing Items and other products throughout the United States on the Amazon Marketplace, including to customers within this judicial district.

11. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because Defendants conduct, transact, and /or solicit business in this judicial district, such that their contacts with this district subject them to personal jurisdiction with respect to this action and, upon information and belief, a substantial part of the events or omissions giving rise to

Jackson's claims, specifically Defendants' false advertising and infringements on Jackson's right to publicity, have occurred, and continue to occur in this judicial district, causing damage to Jackson in this judicial district in which Jackson also resides.

BACKGROUND

Jackson's Publicity Rights

12. Based upon his unparalleled work ethic and unique football talents, Jackson's persona, including his name, image, and likeness have become synonymous with excellence and are invested with substantial goodwill in the eyes of the public. Accordingly, Jackson has an extremely valuable right to publicity, a right to substantial commercial value, which he has not agreed to license or transfer to Defendants for any purposes whatsoever. Jackson has developed and cultivated his name, identity, and persona to create celebrity and universal recognition. Jackson has become a world-renowned superstar as quarterback uniform number 8 of the Baltimore Ravens in the NFL. He is widely accepted and known as one of the best dual-threat quarterbacks ever to play in the NFL setting records in 2019 for the most rushing yards by a quarterback and at the same time leading the NFL with 36 touchdown passes. Jackson has the unmatched ability to "run like a running back" and at the same time throw touchdown passes with the accuracy and acumen of the elite quarterbacks in the NFL. Jackson's unique skill set is universally recognized and has changed the quarterback position at every level of the game. Throughout his stellar football career, Jackson has accumulated numerous awards and accolades as one of the most dominant and athletic quarterbacks in College Football and now in the NFL including: (a) his current reign as the 2019 Most Valuable Player in the NFL; (b) former winner of the Heisman Trophy in 2016 while attending the University of Louisville; (c) winner of the Maxwell and Walter Camp Awards

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