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Alisa C. Simmons

September 1, 2020


Via Email ([REDACTED])
Confirmation by Courier

Mr. Daniel Burgess, Ph.D.

Re: Unauthorized Use of YOUR BRAIN ON PORN Trademark
Our Ref. No. 8956-145727

Dear Mr. Burgess:

As you know, we represent Mr. Gary Wilson (doing business as Your Brain On Porn) in connection with his intellectual property rights. You also know that Gary Wilson owns and uses the trademarks YOUR

BRAIN ON PORN; the YOUR BRAIN ON PORN Logo, ; YourBrainOnPorn.com, and YBOP in connection with providing educational services and providing information about pornography and its effects on viewers. Gary Wilson has used these marks as source identifiers for his services since 2010. You also know that Gary Wilson owns the web address www.YourBrainOnPorn.com and uses it to provide the Your Brain On Porn brand services, along with the corresponding Twitter account, @YourBrainOnPorn that features and reflects the Your Brain On Porn trademark. Gary Wilson began using the @YourBrainOnPorn username on Twitter in 2015.

Gary Wilson now *owns* U.S. Trademark Registration Nos. 6098839, 6098840, and 6038579 for his YOUR BRAIN ON PORN, YourBrainOnPorn.com, and YBOP trademarks, respectively. For your reference, we attach copies of the certificates of registration for these trademarks issued by the U.S. Patent and Trademark Office. These registrations grant Gary Wilson the exclusive right to use these marks in the U.S. in connection with providing the services listed in the registrations.

Gary Wilson has widely used these trademarks to identify the source of his educational materials and informational resources relating to risks associated with pornography use, including addiction. Gary Wilson also features the YOUR BRAIN ON PORN trademark and logo on the series of publications and educational materials authored by him providing information about pornography and its effects on viewers. Gary Wilson has invested significant resources in building and promoting his trademarks as

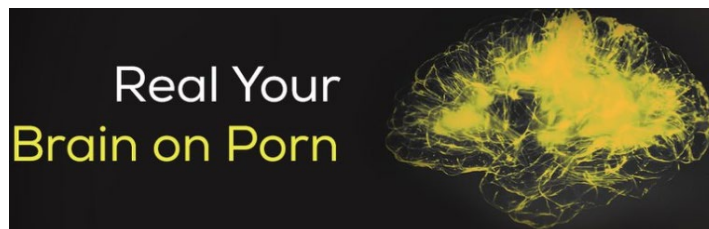
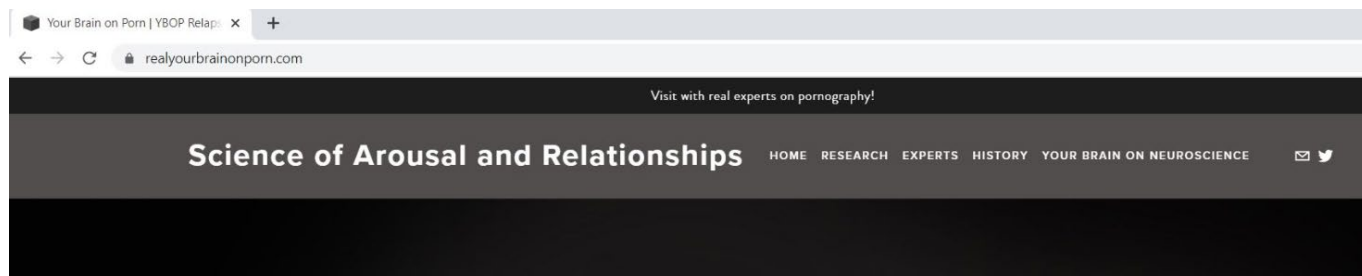
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reliable source identifiers for his services and the goodwill that those trademarks have come to represent and symbolize.

Despite your knowing about Gary Wilson's ownership and prior use of these trademarks and our earlier efforts to address your unauthorized use of Gary Wilson's trademarks, it has come to our attention that you willfully continue to use Gary Wilson's Your Brain On Porn and YBOP trademarks to provide competing services via the website RealYourBrainOnPorn.com and the Twitter account, @BrainOnPorn, closely associated with that website. You created the RealYourBrainOnPorn.com website and began using the @YourBrainOnPorn Twitter username last year, more than several years after Gary Wilson adopted and began using his Your Brain On Porn trademark and the Twitter username @YourBrainOnPorn. Via the RealYourBrainOnPorn.com website and the @BrainOnPorn Twitter account, you also prominently use and feature the mark REAL YOUR BRAIN ON PORN, which envelops Gary Wilson's entire Your Brain On Porn and YourBrainOnPorn.com trademarks, and falsely suggests that your website is the genuine Your Brain On Porn. We include representative examples of these unauthorized and infringing uses of Gary Wilson's trademarks from the RealYourBrainOnPorn.com website and from the Twitter account, @BrainOnPorn:





You continue to feature Gary Wilson's Your Brain On Porn and YBOP trademarks as icons for your website. On the pages of the website, you prominently feature and use the trademark Real Your Brain On Porn, which mark is just Gary Wilson's Your Brain On Porn trademark with the misleading adjective "Real" preceding it. You feature and use the unauthorized Real Your Brain On Porn trademark in connection with providing information and resources about pornography and its effects on viewers in competition with Gary Wilson. You do this on the RealYourBrainOnPorn.com website and via the Twitter account @BrainOnPorn. On the header for your @BrainOnPorn Twitter account, you again prominently feature the unauthorized and confusingly similar mark Real Your Brain On Porn. You undertook and continue to undertake these actions to deliberately confuse people looking for Gary Wilson's Your Brain On Porn brand of informational services and resources, presumably people who are potentially trying to remedy and address porn use-related issues. When you started your RealYourBrainOnPorn.com site, you even put out an April 18, 2019, press release announcing and promoting the RealYourBrainOnPorn.com website (copy attached) using Gary Wilson's geographic location in Oregon to make it look like he was behind or associated with your website.

Copying Gary Wilson's YOUR BRAIN ON PORN and YBOP trademarks as part of the unauthorized Real Your Brain On Porn brand name and logo and in the web address RealYourBrainOnPorn.com for your services and website unfairly and inaccurately suggests to consumers that you and your website are the authentic resource for Gary Wilson's Your Brain On Porn brand resources and informational services on the topics of porn addiction and recovering from internet-porn related problems. Presumably, you have only chosen to glom Gary Wilson's trademarks for your own to divert and confuse consumers seeking the Your Brain On Porn and YBOP brand of educational and informational resources for your own benefit and to point them instead to your preferred informational resources and also to sources of treatment, counseling, and therapy. Promoting and identifying yourself as "Real Your

Brain On Porn" will cause and, has in fact caused, consumers and the public to mistake you and your services, website and resources as those of Your Brain On Porn. We include a representative example:



Under U.S. trademark law, trademark infringement claims may be based on the facts at issue here. Actual confusion of consumers and intent to cause confusion are persuasive pieces of evidence supporting a finding of trademark infringement. Liability for willful trademark infringement can include treble damages and attorney's fees. This letter provides you with formal notice that Gary Wilson's Your Brain On Porn, YBOP and YourBrainOnPorn.com trademarks are federally registered with the U.S. Patent and Trademark Office. Any continued use of these marks by you will be considered as further willful trademark infringement.

You know that you do not have to use or associate yourself with Gary Wilson's Your Brain On Porn or YBOP trademarks to disseminate and promote your views on the subject of internet pornography. Given your disdain and the disdain of experts associated with you for Gary Wilson, his views, and his brand of educational and informational resources, it is astonishing that you would choose to build your brand identity around and associate yourself with Gary Wilson and his Your Brain On Porn brand in the first place unless for the purpose of deliberately confusing consumers.

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Rather than use Gary Wilson's trademarks you could easily stop using RealYourBrainOnPorn.com as the web address for your website and switch back to using the web address www.scienceofarousal.com, which currently redirects to the RealYourBrainOnPorn website. You could easily switch the icons used for the RealYourBrainOnPorn.com website to not feature Gary Wilson's trademarks. You could easily stop using the @BrainOnPorn username on Twitter and transition to @ScienceOfPorn, for example. You could undertake all of these actions and transitions and still disseminate and promote your views on internet pornography and offer the counseling and therapy services of your colleagues. Our concern here is not the suppression of viewpoints, as you know that Gary Wilson has never tried to stop or suppress your expression of your viewpoints. What we want and what has always been Gary Wilson's concern is your using his trademarks and source identifiers confusingly similar to his (e.g. Real Your Brain On Porn) to disseminate and promote your views and your services. We want to resolve these trademark issues with you once and for all and think that the activities at the RealYourBrainOnPorn.com and @BrainOnPorn on Twitter have gone on long enough. As a brand owner Gary Wilson is obliged to act to protect his trademarks and guard against consumer confusion.

To protect the Your Brain On Porn and YBOP brands and to prevent further consumer confusion from occurring, we request your immediate cooperation and demand that you immediately stop using Your Brain On Porn, Real Your Brain On Porn, YBOP, RYBOP, and @BrainOnPorn as source identifiers to promote your services and website and the services of others. Specifically, we need you to undertake these actions and confirm in writing that you have done so:

- (1) Stop using the YOUR BRAIN ON PORN wording as a source identifier, including, but not limited to the name REAL YOUR BRAIN ON PORN, and any confusingly similar wording and confirm in writing that you have done so;
- (2) Stop using the web address RealYourBrainOnPorn.com (and any confusingly similar web addresses) to offer and promote your services relating to internet pornography and to promote the counseling and therapy services of others in that field, transfer the domain name registration for RealYourBrainOnPorn.com to Gary Wilson, and transition your content to an existing web address, such as ScienceofArousal.com, that does not feature the wording YOUR BRAIN ON PORN or any confusingly similar wording;
- (3) Remove from your advertising and promotional materials, including but not limited to websites and social media sites (including social media user names) marks, logos, and slogans featuring YOUR BRAIN ON PORN, REAL YOUR BRAIN ON PORN, YBOP, RYBOP, Brain On Porn, and any other confusingly similar marks, and confirm in writing that you have done so;
- (4) Stop using the @BrainOnPorn user name on Twitter (<https://twitter.com/BrainOnPorn>) and on any other social media sites and transition to another username that does not feature "Brain On Porn," which is too similar to Gary Wilson's @YourBrainOnPorn and is causing confusion;
- (5) Refrain going forward from using YOUR BRAIN ON PORN or REAL YOUR BRAIN ON PORN and any confusingly similar wording as source identifiers for products and services; and
- (6) Refrain from search engine optimization on the wording YOUR BRAIN ON PORN and REAL YOUR BRAIN ON PORN.

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We look forward to hearing from you and to receiving your cooperation. Please provide your assurances in writing to us by September 10, 2020. Failure to cooperate and any continued use of trademarks confusingly similar to Your Brain On Porn's trademarks in connection with promoting and providing the your services will cause greater harm to our client and will be considered as further intentional, willful infringement of Gary Wilson's trademark rights. This letter is not intended as a complete statement of the facts or of Your Brain On Porn's rights, remedies, and causes of action, all of which are expressly reserved.

We look forward to receiving your cooperation and written assurances.

Sincerely,

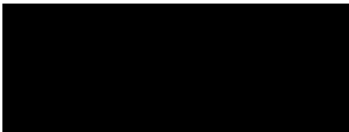
Fitch Even Tabin & Flannery LLP



Alisa C. Simmons

Enclosures

cc: John M. Naber, Esq.



United States of America

United States Patent and Trademark Office

YOUR BRAIN ON PORN

Reg. No. 6,098,839

Registered Jul. 14, 2020

Int. Cl.: 9, 16, 41, 42, 44

Service Mark

Trademark

Principal Register

Wilson, Gary (UNITED STATES INDIVIDUAL)

CLASS 9: Audiobooks in the fields of psychology and addiction and effects of pornography on users; audiobooks in the fields of psychology and addiction and effects of pornography on users; downloadable electronic books in the fields of psychology and addiction and effects of pornography on users; downloadable electronic books in the fields of psychology and addiction and effects of pornography on users

FIRST USE 00-00-2014; IN COMMERCE 00-00-2014

CLASS 16: Printed books in the fields of psychology and addiction and effects of pornography on users and its potential risks, including addiction and unwanted sexual conditioning

FIRST USE 00-00-2014; IN COMMERCE 00-00-2014

CLASS 41: Education services, namely, conducting lectures and presentations in the fields of psychology, sociology, pathology, sexology, neuroscience and addiction and risks of and effects on users of viewing pornography; providing a website featuring non-downloadable videos in the field of pornography's physiological, sociological and psychological effects on users and its potential risks or behavioral addiction; providing on-line publications in the nature of articles and reports in the field of pornography's physiological, sociological and psychological effects on users and its potential risks or behavioral addiction; providing a website featuring blogs and non-downloadable publications in the nature of articles and reports in the field of people who experiment with quitting Internet porn

FIRST USE 00-00-2010; IN COMMERCE 00-00-2010

CLASS 42: Providing a website featuring educational information in the field of research data in the fields of psychology, sociology, pathology, sexology, and neuroscience; research in the fields of psychology, sociology, pathology, sexology, and neuroscience; Providing a website featuring educational information relating to the sociological effects of pornography and its potential risks

FIRST USE 4-11-2019; IN COMMERCE 4-11-2019

CLASS 44: Providing a website featuring educational information in the field of pornography's physiological and psychological effects on users and its potential risks or behavioral addiction generally

FIRST USE 4-11-2019; IN COMMERCE 4-11-2019



Andrei Iancu

Director of the United States
Patent and Trademark Office



THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:
"PORN"

SER. NO. 88-391,933, FILED 04-18-2019

United States of America

United States Patent and Trademark Office

YourBrainOnPorn.com

Reg. No. 6,098,840

Registered Jul. 14, 2020

Int. Cl.: 41, 42, 44

Service Mark

Principal Register

Wilson, Gary (UNITED STATES INDIVIDUAL)

CLASS 41: Education services, namely, conducting lectures and presentations in the fields of psychology, sociology, pathology, sexology, neuroscience and addiction and risks of and effects on users of viewing pornography; providing a website featuring non-downloadable videos in the field of pornography's physiological, sociological and psychological effects on users and its potential risks or behavioral addiction; providing on-line publications in the nature of articles and reports in the field of pornography's physiological, sociological and psychological effects on users and its potential risks or behavioral addiction; providing a website featuring blogs and non-downloadable publications in the nature of articles and reports in the field of people who experiment with quitting Internet porn

FIRST USE 4-11-2019; IN COMMERCE 4-11-2019

CLASS 42: Providing a website featuring educational information in the field of research data in the fields of psychology, sociology, pathology, sexology, and neuroscience; research in the fields of psychology, sociology, pathology, sexology, and neuroscience; Providing a website featuring educational information relating to the sociological effects of pornography and its potential risks

FIRST USE 4-11-2019; IN COMMERCE 4-11-2019

CLASS 44: Providing a website featuring educational information in the field of pornography's physiological and psychological effects on users and its potential risks or behavioral addiction generally

FIRST USE 4-11-2019; IN COMMERCE 4-11-2019

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SER. NO. 88-391,938, FILED 04-18-2019



Andrei Iancu

Director of the United States
Patent and Trademark Office



United States of America

United States Patent and Trademark Office

YBOP

Reg. No. 6,038,579

Registered Apr. 21, 2020

Int. Cl.: 41, 42

Service Mark

Principal Register

Gary Wilson (UNITED STATES INDIVIDUAL)

CLASS 41: Education services, namely, conducting lectures and presentations in the fields of psychology, sociology, pathology, sexology, neuroscience and addiction and risks of and effects on users of viewing pornography; providing an educational website, which also acts as a clearinghouse for resources, namely, non-downloadable educational videos, non-downloadable curated lists of peer-reviewed research organized by topic, non-downloadable publications in the nature of peer-reviewed research, critiques of questionable research, and non-downloadable mainstream articles, all pertaining to pornography's physiological, sociological and psychological effects on users and its potential risks or behavioral addiction generally; Providing a website featuring resources, namely, non-downloadable self-reports and blogs by people who experiment with quitting Internet porn

FIRST USE 00-00-2012; IN COMMERCE 00-00-2016

CLASS 42: Providing an educational website that acts as a vehicle for gathering research data in the fields of psychology, sociology, pathology, sexology, and neuroscience; research in the fields of psychology, sociology, pathology, sexology, and neuroscience

FIRST USE 00-00-2012; IN COMMERCE 00-00-2016

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 88-392,793, FILED 04-18-2019



Andrei Iancu

Director of the United States
Patent and Trademark Office



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April 2019

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New website "RealYourBrainOnPorn.com" launches for scientifically accurate information about pornography

Scientists and therapists specially trained in sexuality have merged their knowledge to support media, students, and consumers previously misled by inaccurate health information about pornography.

ASHLAND, Ore. - April 18, 2019 - *PRLog* -- Have you ever read science claiming that pornography is addictive because it "burns out your dopamine", then been confused because you cannot find a diagnosis for "porn addiction" in either the World Health Organization or American Psychiatric Association? You are not alone. Pornography addiction actually has been rejected as a codified diagnosis by every major diagnostic body and rejected by scientists, but misinformation online is rampant.

In the last five years, anti-pornography groups have spent millions of dollars marketing fake science to consumers, then profit by selling untested therapies, anti-pornography apps, and books. This stops now.

Scientists and therapists who are experts in human sexuality have come together to provide accurate information to the public in www.realyourbrainonporn.com. The website introduces the [basic principles of science](#), links to [studies summarized by the professors who wrote them](#), then links you to dozens of scientists and therapists ready to connect (<http://www.realyourbrainonporn.com/> experts). These experts include the principle investigator for the first research-based porn literacy curriculum for youth, the first person to coin the expression "sex positive", the first neuroscience lab to test the addiction model of pornography, and the lab that demonstrated porn did not impact partner satisfaction in the largest pre-registered, failure-to-replicate in the field of human sexuality. Experts' background includes terminal degrees in addictions, communications and media, sociology, psychology, neuroscience, and physiology, among others.



Share announcement

If you have ever read news about pornography and thought it sounded a *little* too breathless, a *bit* over the top, or possibly completely fabricated, you are the majority. It is time to correct this public misinformation. Now you have a free resource to share with others!

Connect with us on the website, Twitter (<https://twitter.com/BrainOnPorn>), Facebook, YouTube, or Tumblr, with more resources being added as we expand our library.

Contact
Real Your Brain On Porn
***@gmail.com

Photo:
<https://www.prlog.org/12765427/1>

End



Source : Real Your Brain On Porn
 Email : ***@gmail.com ✓
 Tags : Pornography Addiction, Pornography Relapse, Your Brain On Porn
 Industry : Education
 Location : Ashland - Oregon - United States
 Subject : Projects

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Page Updated Last on: Apr 18, 2019

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