

August 29, 2024

**Via Email:** [indigokillskids@proton.me](mailto:indigokillskids@proton.me)

ATTENTION: THE OWNER AND/OR OPERATOR OF THE WEBSITE, **indigokillskids.ca**

**Re: CEASE AND DESIST NOTICE for indigokillskids.ca**

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We are writing to you on behalf of our client, Indigo Books & Music Inc. (“**Indigo**”), a reputable corporation in the book and lifestyle retail business.

It has come to our attention that your website, **indigokillskids.ca**, is engaging in unlawful activities, including:

- 1. infringing Indigo’s trademarks and copyright protected work in violation of the *Copyright Act* and the *Trademarks Act* of Canada;**
- 2. publishing false and malicious content that is intended to defame Indigo and unlawfully harm its business and reputation; and**
- 3. using unlawful means to interfere with the business of Indigo and incite a boycott of Indigo and protests at its retail store locations.**

Indigo owns Canadian trademark registrations for the !NDIGOKIDS word mark and the !NDIGOKIDS design mark and owns the copyright in the !NDIGOKIDS colour design. The website has misappropriated the !NDIGOKIDS word and design trademarks and its copyright protected !NDIGOKIDS colour design and has inserted the word “kills” in between !NDIGO and KIDS while mirroring the exact font and style of the !NDIGOKIDS design mark and the colour of the !NDIGOKIDS copyright protected design as shown below:

The word and design used by Indigo:



The word and design used by indigokillskids.ca:



The website also infringes additional Indigo registered Canadian trademarks which are set out on **Schedule A** to this letter together with the !NDIGOKIDS word and design marks (collectively the “**Indigo Trademarks**”).

The website domain name itself and the content of the website unlawfully use the Indigo Trademarks and copyright protected work of Indigo in connection with false and malicious statements, including to falsely state, among other things, that “Indigo kills kids” and that Indigo is complicit in the death of children.

Indigo has not directly or indirectly funded HESEG. This is also factually false.

It is clear from the domain name and content of the website that the intention is to use unlawful means to cause economic and reputational harm to the business of Indigo. The website is unlawfully using the Indigo Trademarks and copyright protected work along with false statements to incite a national “boycott” of the retail stores of Indigo on September 25, 2024.

We have taken reasonable steps to identify the owner of the domain; however, you have taken efforts to remain anonymous, using a domain registry and website host outside of Canada that maintains anonymity.

Despite our continuing efforts to identify you, we are addressing this notice to you at your email address, as the responsible party for the content on the website.

**You are hereby instructed to:**

- 1. Immediately remove the infringing domain indigokillskids.ca from your website host and transfer the domain to Indigo Books & Music Inc.;**
- 2. Immediately cease and desist all use of Indigo Trademarks and copyright protected work of Indigo and any variants thereof, including any mark or work similar in appearance, sound and/or meaning;**
- 3. Immediately remove all false and defamatory content related to Indigo from your website;**
- 4. Cease any further conduct intended to unlawfully interfere with the business of Indigo or cause economic or reputational harm; and**
- 5. Provide written confirmation within three (3) business days that you have complied with these demands.**


Failure to comply with this cease and desist letter will result in our client pursuing all available legal remedies, including but not limited to, seeking injunctive relief, monetary damages, and recovery of legal costs.

Please be advised that you will be held liable for any and all damages resulting from your unlawful actions.

We trust that you will take this matter seriously and act promptly to rectify the situation. Please confirm in writing that you have complied with the demands set forth in this letter.

Thank you for your immediate attention to this urgent matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Jeffrey A. Kaufman', with a long horizontal flourish extending to the right.

Jeffrey A. Kaufman

**SCHEDULE A**

INDIGO REGISTERED TRADEMARKS USED ON **indigokillskids.ca**

**Canadian Trademark Registrations:**

TMA510146 for INDIGO - Used in the domain name (indigokillskids.ca) and appears at least five (5) additional times on the website.

TMA967316 for !NDIGO Design - Appears at the bottom right hand corner of the website under the word "boycott"

TMA861679 for !NDIGO KIDS – Used in the domain name and it appears at least three (3) additional times on the website

TMA1093433 for !NDIGOKIDS Design - Appears at least two (2) times on the website.

Collectively, the "**Indigo Trademarks**".