NOTICE TO CEASE AND DESIST

Johnny Threads Inc.
881 Worcester St. Suite 1
Natick MA 01760

MilMie Designs
Attn: Heather Firca
190 Ashington Circle
Lake Bluff, Illinois 60044

June 24th, 2024

Ms. Firca,

On June 23rd, 2024 Johnny Threads Inc. (hereby referred to as "JT") received an email from the legal department at Etsy, Inc. detailing a DMCA takedown report, filed under penalty of perjury, by Heather Firca (hereby referred to as "HF") from MilMie Designs alleging copyright infringement for a design listed on the JT Etsy Store with listing ID# 1749647929. The listing featured an all text graphic design with the phrase "Shake Shake Shake Senora". This design was created by JT with an original proprietary font which was designed exclusively by JT.

First and foremost, it has been adjudicated on numerous occasions that basic text based graphics using common words and/or phrases can not be copyrighted unless the phrase is protected with a trademark. JT has now confirmed with the US Copyright Office that HF does not own a trademark on the phrase "Shake Shake Shake Senora".

Second, JT has also now confirmed with the US Copyright Office that HF does not have a copyright associated in any way with this design or phrase. Simply saying that a design is copyrighted or trademarked on an Etsy listing or website, doesn't make it so. Furthermore, US copyright law explicitly allows artists and creators

to create fair use variations of designs with altered font and/or graphics.

Finally, JT has found numerous examples of the phrase “Shake Shake Shake Senora” being used in similar text based graphics which pre-date the HF listing. HF undoubtedly is ***NOT*** the original creator of the design HF is illegally trying to take ownership of.

It is without question that HF is fraudulently and illegally abusing the takedown provisions in the DMCA Act to remove competitors. HF has absolutely no right to assert a copyright infringement claim on this design, yet HF is intentionally providing false information to Etsy, Inc. and maliciously threatening the livelihood of the JT Etsy Store.

JT hereby demands that HF immediately cease and desist from contacting Etsy, Inc. and/or any other corporation, entity, platform, or person directly or indirectly associated with JT with any IP infringement, trademark or defamatory claims.

Additionally, JT hereby demands the following:

1. Immediately contact Etsy, Inc. and retract the copyright infringement claim.
2. Send an email to legal@etsy.com (copy support@johnnythreads.com on this email) with a detailed explanation retracting the copyright infringement claim.
3. Send a message to the JT Etsy store with a message explaining the copyright infringement claim retraction so that JT can prove to Etsy that HF has made a statement of the retraction.

Regards,
Johnny Threads Inc.