

Consumer Info: Benson, Jonathan **Business Info:** Benchmade Knife Company Inc

300 Beaver creek Rd

Oregon City, OR 97045-4142

503 655-6004

Location Involved: (Same as above)

Consumer's Original Complaint :

The company Benchmade Knife Company has made false claims to the copyright of my video content on YouTube.

I filmed videos and recorded audio all that is the content belonging to me Jonathan Benson.

Benchmade has falsified information and submitted it to YouTube that they own my copyright material and is a violation of the 1st Amendment and Harassment.

I want it noted to the Better Business Bureau of the reckless disregard for US laws to be noted on the report with the BBB and for this to reflect the company's ranking.

Consumer's Desired Resolution:

I want all the false claims to be removed from my sole copyright material and an apology made for making false claims.

BBB Processing

07/02/2009	web	BBB	Complaint Received by BBB
07/02/2009	LJB	BBB	Complaint Processed by BBB Operator
07/02/2009	Otto	EMAIL	Send acknowledgement to Consumer
07/02/2009	Otto	EMAIL	Inform Business of the Complaint
07/08/2009	WEB	BBB	RECEIVE BUSINESS RESPONSE : Jonathan Benson's complaint is inappropriate for BBB resolution because his complaint does not "involve a consumer-to-business or business-to-business transaction that relates to the advertisement or sale of a product or service." Mr. Benson alleges that Benchmade has made false claims to ownership of copyright rights, violated his 1st Amendment rights, and committed harassment. There is no mention of advertising or a sale. Therefore, the complaint on its face does not meet the BBB's complaint acceptance guidelines.

Mr. Benson and Benchmade have been involved for the better part of a year in a dispute regarding patent and trademark infringement by Mr. Benson and his company, RoadsideImports LLC. Mr. Benson posted a number of videos on YouTube in connection with this dispute, in which he criticized Benchmade and urged a boycott of its products.

Mr. Benson repeatedly used Benchmade's logo, consisting of the word "Benchmade" incorporating a butterfly design, in his videos. This logo is protected by both copyright and trademark laws, and Benchmade objects to its unauthorized use. Therefore, Benchmade filed a complaint with YouTube. YouTube responded by removing the videos.

Benchmade does not claim any copyright rights in Benson's words or video content.

07/08/2009 **SNZ** **EMAIL** Forward Business response to Consumer

07/08/2009 **WEB** **BBB** RECEIVED CONSUMER REBUTTAL : (The consumer indicated he/she DID NOT accept the response from the business.)

Well the BBB has mission statements that Benchmade fails to understand. Lets point them out:

Mission Statement

Our mission is to promote and foster the highest ethical relationship between business and the public through voluntary self-regulation, consumer and business education, and service excellence.

Our mission is to be the leader in advancing marketplace trust. By creating a community of trustworthy businesses. Setting standards for marketplace trust, encouraging and supporting best practice. Celebrating marketplace role models, and denouncing substandard marketplace behavior.

So now that the objectives are clearly established by the BBB, it is their mission to report unethical business practices and immoral behavior to the public.

Now I want the BBB to understand that this issue is being broadcast over the internet to clearly show the public how the BBB handles matters and if they simply push this under the rug that it will put a stain on their reputation as well.

The matter is serious and Benchmade's immoral and unethical matters should reflect their business record to the public that is the sole purpose of the BBB.

The statements about the Benchmade logo is invalid because I am not using it against the US Trademark laws. If Coke and put the Pepsi logo into ads and vice versa to show how the other party is inferior then using the logo to show the consumer what an immoral and unethical business Benchmade is and how they produce items such as the Infidel that is inferior to other products on the market is clearly not a violation and the ACLU will be the deciding factor on this because a class action lawsuit is underway because of these matters.

But it does need to be reported to the Better Business Bureau because it is in their mission statement to report unethical and immoral business practices to the general public and Benchmades reputation with the BBB should reflect such disgraceful and disgusting practices.

07/09/2009 **KM** **EMAIL** Forward Consumer Rebuttal to Business

07/09/2009 **KM** **BBB** Case judged to be Out of BBB Purview

07/09/2009 **Otto** **BBB** Inform Consumer - Case Closed Out of Purview

07/09/2009 **Otto** **BBB** Case Closed as Beyond Purview

07/09/2009 **BBB** MORE INFO RECEIVED FROM THE CONSUMER : Trademark law protects names and logos, including the names and logos of bands.

Copyright law, on the other hand, protects such things as artwork and songs. Making claims to Copyright infringement when speaking about Trademark is not a valid claim to Copyright.

Fair use is a doctrine in United States copyright law that allows limited use of copyrighted material without requiring permission from the rights holders, such as use for scholarship or review. It provides for the legal, non-licensed citation or incorporation of copyrighted material in another author's work under a four-factor balancing test.

In the United States, trademark law includes a fair use defense, sometimes called "trademark fair use" to distinguish it from the better-known fair use doctrine in copyright. As with copyright law, the trademark fair use doctrine is premised in significant part on the First Amendment guarantees of free speech. Fair use is consistent with the more limited protection granted to trademarks, generally specific only to the particular product market and geographic area of the trademark owner.

This information is extremely important to the Better Business Bureau because businesses of this size and reputation should understand the fair use doctrine and knowingly understand that I did not violate anything and the immoral and unethical practice of limiting free speech is disgraceful and disgusting and the BBB should note this on Benchmade's BBB record.