

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

MATT FURIE,

Plaintiff,

v.

JESSICA LOGSDON,

Defendant.

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Case No. _____

JURY TRIAL DEMANDED

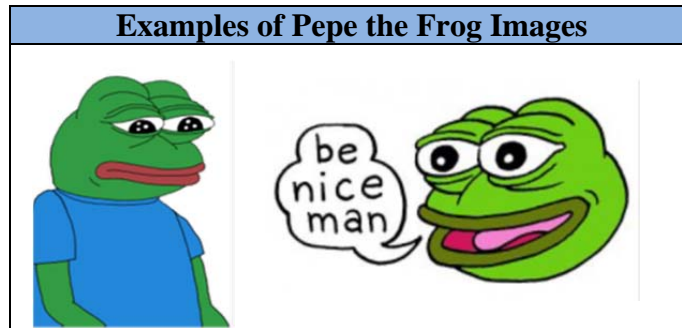
COMPLAINT

Plaintiff Matt Furie, for his Complaint against Defendant Jessica Logsdon, alleges on personal knowledge as to matters relating to himself, and on information and belief as to all other matters, as follows:

NATURE OF ACTION

1. This is an action to end the misappropriation of Pepe the Frog (“Pepe”) by Jessica Logsdon (“Logsdon” or “Defendant”), including her sale of paintings copying Pepe through her website, jessicalogsdon.com, and eBay storefront. *See* Exs. A (internet archive of jessicalogsdon.com); B (Logsdon’s eBay postings).

2. Artist Matt Furie created the Pepe the Frog character in the early 2000s. Pepe is an anthropomorphic frog often depicted with large, rounded, red/brown lips; bulging eyes and puffy eyelids; and a human-shaped body, as shown below:




3. At his creation, Pepe was a “peaceful frog-dude”—a kind and blissful cartoon character, who lived alongside three animal roommates, and became famous in part because of his catchphrase, “feels good man.” By 2014, the Pepe character featured prominently in internet memes.

4. But beginning in 2015, various fringe groups connected with the alt-right attempted to coopt Pepe by mixing images of Pepe with images of hate, including white supremacist language and symbols, Nazi symbols, and other offensive imagery. Furie has worked hard to counteract that negative image of Pepe, including collaborating with the Anti-Defamation League on the #SavePepe campaign to restore Pepe as a character representing of peace, togetherness, and fun.

5. Despite Furie’s efforts, individuals like Logsdon have misused Furie’s Pepe character and copied Pepe images for use in dozens of images sold online to promote the violent and hateful messages espoused by the alt-right fringe groups. In doing so, Logsdon not only copied Furie’s original creation, but also freeloaded off Pepe’s popularity and Furie’s labor.

6. For example, Logsdon offers for sale a copy of Pepe the Frog which she named “Alt-Right” (below left) and another work entitled “Pepe Patrol,” featuring an image of Pepe pointing a machine gun over a wall labeled “U.S. Border” (below right):

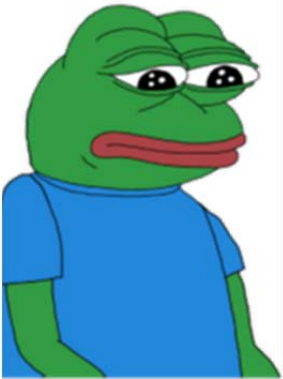


Infringing Work Entitled “Alt-Right”	Infringing Work Entitled “Pepe Patrol”
	

7. Moreover, according to Logsdon’s Twitter feed, @USARTStar, she claims to have sold oil paintings featuring Pepe the Frog, including one called “Antifa” depicting an image of a masked Pepe holding a machine gun in front of what appears to be the White House (below left), and another with Pepe making an “OK” sign with his hands below (right)—a gesture associated with the alt-right.¹ *See* Ex. C (excerpts from Logsdon’s Twitter feed).



¹ *See, e.g.,* Rollin Bishop, *The OK sign is becoming an alt-right symbol*, <https://theoutline.com/post/1428/the-ok-sign-is-becoming-an-alt-right-symbol>

8. Logsdon has also published and attempted to sell copies of Pepe the Frog with titles such as “Charlottesville” and “Drain the Swamp”—again, evoking events, images, and themes associated with the alt-right. These copies include the following:

Pepe the Frog Created by Matt Furie	Logsdon Infringing Work Entitled “Charlottesville”	Infringing Images from Logsdon’s “Drain the Swamp” collection
		

9. On September 15, 2017, Furie requested that Logsdon cease and desist her use of Pepe, and sent a takedown notification to Square (which hosts Logsdon’s website) pursuant to the Digital Millennium Copyright Act (“DMCA”) for Logsdon’s website, jessicalogsdon.com. Logsdon failed to comply with Furie’s cease and desist request and continues to promote these images on her Twitter and eBay pages. She also provided a counternotification under the DMCA to reinstate her infringing work.

10. This is therefore an action for copyright infringement. Logsdon has infringed Furie’s copyright in the Pepe the Frog character and image, and has done so knowingly and willfully.

PARTIES

11. Plaintiff Matt Furie is an artist residing in California. His art includes “children’s book illustrations for adults,” that blend child-like characters and adult situations. He is well-known for, among other things, his comic book series *Boy’s Club* and his wordless children’s book *The Night Riders*.

12. Defendant Jessica Logsdon is an individual residing in Kansas City, Missouri. On information and belief, Logsdon operates the website, jessicalogsdon.com and the Twitter feed, <https://twitter.com/usartstar>, and posts under the user name “theartistjessicalogsdon” on the websites eBay.com and 4chan.com.

JURISDICTION AND VENUE

13. This is an action for copyright infringement, arising under the Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 *et seq.* (“Copyright Act”).

14. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

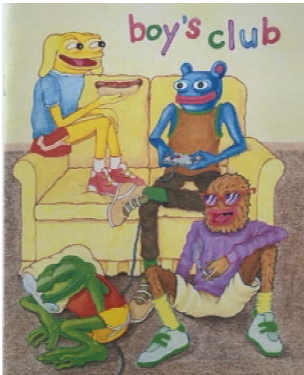
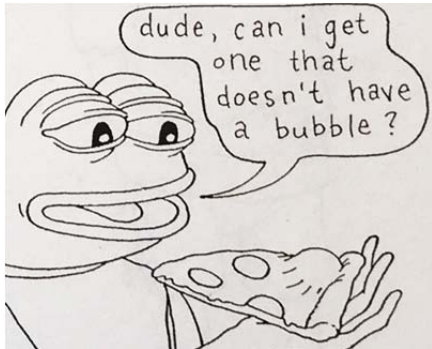
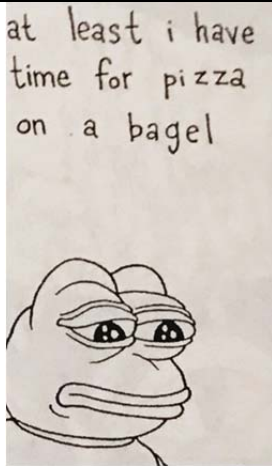
15. This Court has personal jurisdiction over Logsdon because she resides in Kansas City, Missouri, and has consented to the Court’s jurisdiction under 17 U.S.C. § 512(g)(3) pursuant to her counternotice under the DMCA. *See* Ex. D. In addition, this Court has personal jurisdiction over Logsdon because, on information and belief, she committed all or substantially all of the acts giving rise to the claims in Kansas City, Missouri, specifically by generating her infringing works from her place of business and/or her home.

16. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(a) because a substantial part of the events giving rise to the claims (namely, Logsdon’s copying of the Pepe character and images) occurred in this judicial district, and because Defendant resides in this district.

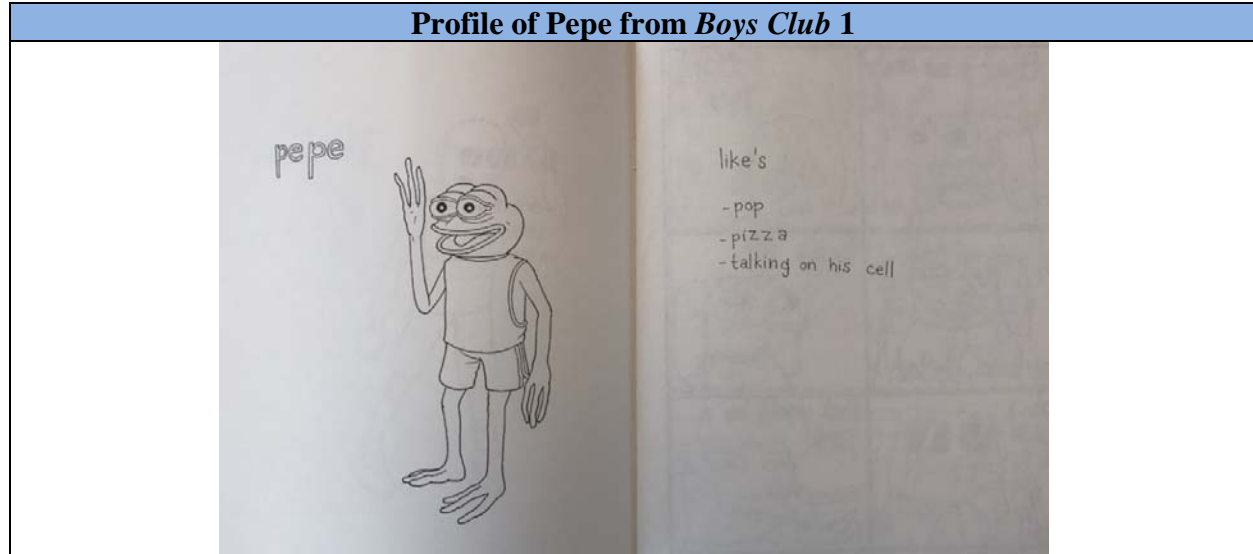
FACTS

Furie's Creation of Pepe the Frog

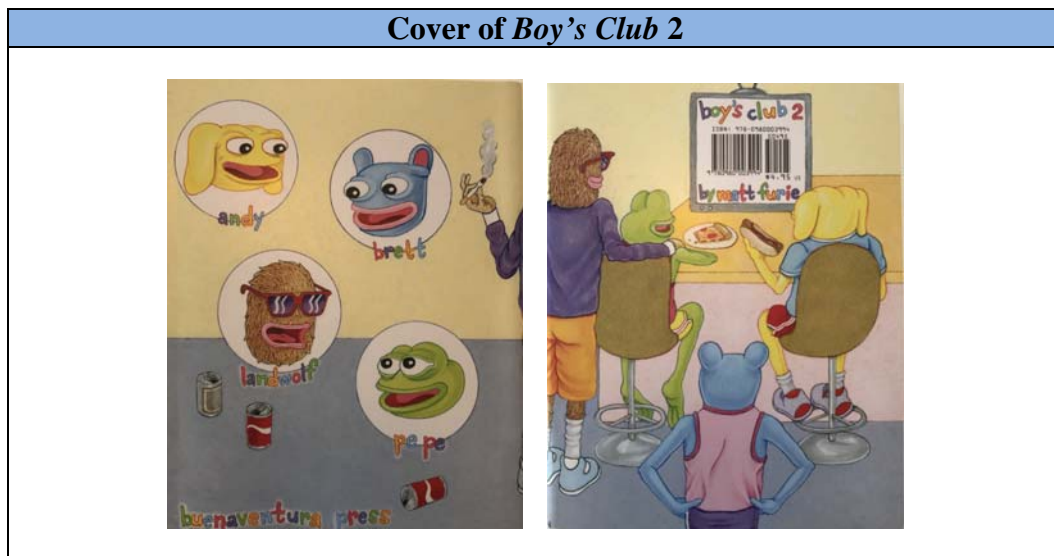
17. Matt Furie conceived of the character of Pepe the Frog in the early 2000s.
18. Pepe is an anthropomorphic frog with a human-shaped body and frog head. In color images, Pepe is typically depicted as green with large, rounded, red or brown lips, large eyes, and puffy eyelids. He often appears wearing a blue shirt.
19. The Pepe character was created as a “peaceful frog-dude” and a “blissfully stoned frog.”
20. Furie first included Pepe in a publication called *Play Time* in 2003.
21. Then in 2005, Pepe appeared in the on-line cartoon *Boy's Club*. In that appearance, Pepe first uses his most famous catchphrase, “feels good man.”
22. In 2006, *Boy's Club 1* was released in print. Pepe appeared on the cover of *Boy's Club 1*, as well as in several comic panels in the book. Examples are reprinted here:

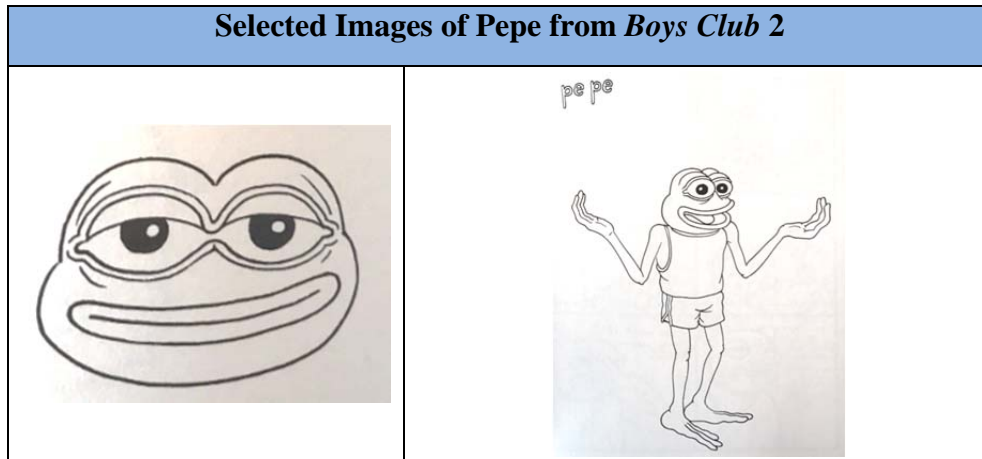
Cover of <i>Boy's Club 1</i>	Selected Images of Pepe from <i>Boys Club 1</i>	
		

23. In addition, *Boy's Club 1* included a profile of the Pepe character:

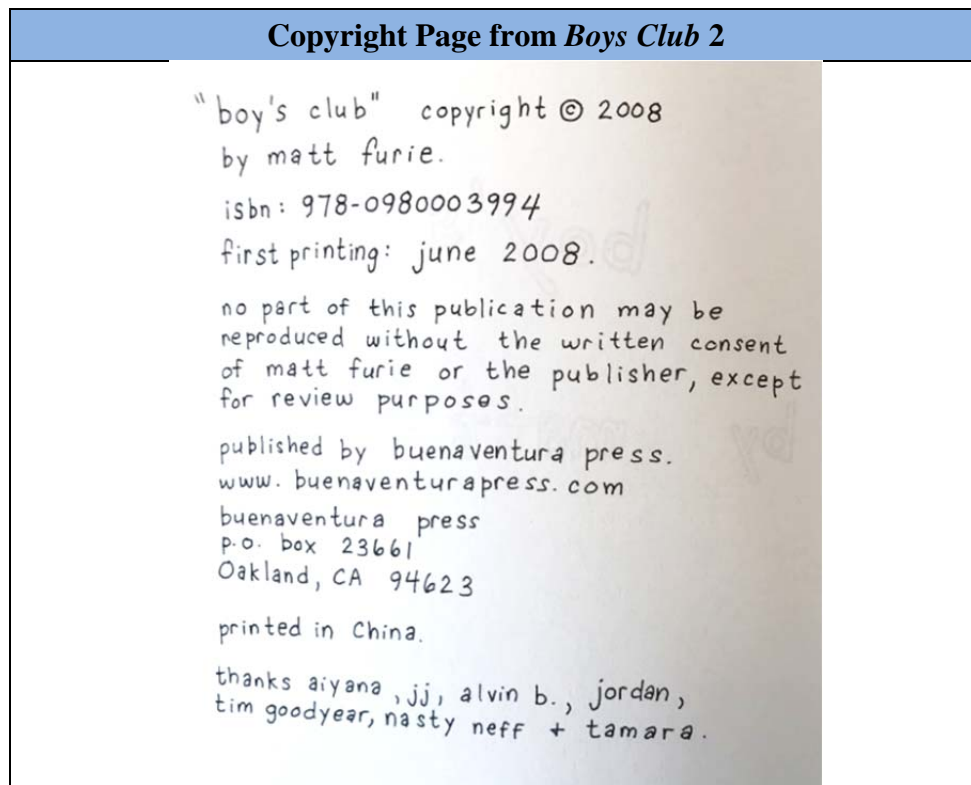


24. In June 2008, through Buenaventura Press, Furie published *Boys Club 2*, again featuring Pepe prominently on the cover, back jacket, and interior panels, examples of which are illustrated below:





25. *Boys Club 2* also included a copyright page, making clear that Furie owned the copyright in the work:



26. *Boy's Club* continued in publication through 2016.
27. From 2005 to 2016, Furie created other depictions of Pepe, including each of the following examples, all of which Furie drew:



28. Furie is the sole legal owner of the character and images of Pepe the Frog—an original, creative work in which Furie owns protectable copyright interests. Furie’s work is the subject of multiple copyright applications pending before the U.S. Copyright Office. *See* Exs. E1 through E8.

Licensing of Pepe

29. Furie has expressly licensed his intellectual property rights in Pepe to certain licensees, including Bored Teenager, Hashtag Collectables, Yesterdays, and the creators of the *What Do You Meme?* card game. Licensed Pepe merchandise includes, for example, “Pepe the Frog - official stuffed doll,” sold by Hashtag Collectables, illustrated below:



Popularity of Pepe

30. Over time, Pepe grew in popularity, and became a popular internet meme.

31. In August 2014, singer Katy Perry tweeted an image of Pepe, and in December 2014, rapper Nicki Minaj posted an image of Pepe to Instagram.

32. By May 2015, the website BuzzFeed had posted over 1,200 Pepe images. Likewise, in 2015, Pepe was the most retweeted meme on Twitter.

Fringe “Alt Right,” Neo-Nazis, and White Supremacists “Reclaim” Pepe

33. On information and belief, in late 2015, in reaction to Pepe becoming mainstream, some users of the Internet imageboard 4chan began a campaign designed to “reclaim” Pepe, by mixing him with offensive material—for example, Nazi propaganda images. Throughout 2015 and during the 2016 U.S. Presidential campaign, the number of memes juxtaposing Pepe with racist, anti-Semitic, and other bigoted imagery and themes grew.

34. On or about October 13, 2015, an unauthorized image of Pepe dressed as Donald Trump and standing behind the Presidential seal appeared on Twitter:



35. On or about September 10, 2016, Donald Trump Jr. posted to Instagram an image that was a modified version of the movie poster for the film “The Expendables,” labeled “The Deplorables” and featured Pepe standing behind Trump and alongside other supporters of Trump’s presidential campaign:



36. Shortly after “The Deplorables” image was posted, news outlets began referring to Pepe as a “white nationalist symbol,” and Hillary Clinton’s campaign website posted an “explainer” stating that Pepe has been coopted by the alt-right and other white supremacists as a symbol associated with anti-Semitism and white supremacy.²

37. On September 27, 2016, the Anti-Defamation League added Pepe the Frog to their database of General Hate Symbols.

38. The association of Pepe with symbols of hate and with the alt-right movement has been a nightmare for Furie.

Furie’s Efforts to Disassociate Pepe from Hateful Causes

39. Furie was dismayed with Pepe’s association with white supremacy, anti-Semitism, and the alt-right. In October 2016, Furie partnered with the Anti-Defamation League to launch the #SavePepe campaign, to “reclaim” Pepe as a symbol for peace, love, and acceptance.

40. On May 6, 2017, disappointed with the continued unauthorized use of Pepe in connection with hateful imagery and themes, Furie posted an online comic in which Pepe has

² “Donald Trump, Pepe the Frog and White Supremacists: an explainer,” <https://www.hillaryclinton.com/feed/donald-trump-pepe-the-frog-and-white-supremacists-an-explainer/>



died and is shown at his funeral. At that time, Furie hoped that use of the Pepe character in connection with hateful speech would diminish and eventually cease.





Jessica Logsdon's Images



41. Defendant Logsdon regards and markets herself as an artist who paints “political art.” However, instead of creating her own original works, many of Logsdon’s works are simply copies of Pepe, in specific scenarios. Certain of Logsdon’s works use Pepe to advocate violent, anti-immigrant, and alt-right messages.

42. Logsdon offers paintings of Pepe on her website, jessicalogsdon.com; on her Twitter feed; and on through her eBay merchant account.

43. Many of Logsdon’s images are blatant copies of Furie’s work, and many include “Pepe” in their titles. For example:



Title of Work	Infringing Image
“Smoking Pepe”	
“Alt-Right”	

Title of Work	Infringing Image
“Charlottesville”	
“Donald Trump Pepe”	
“Sad Pepe”	
“Pepe Patrol”	

Title of Work	Infringing Image
“Antifa”	
“President”	



44. On information and belief, Logsdon hosted an art show called “Drain the Swamp” in April 2017, where she displayed these infringing works, and charged an entry fee. On information and belief, Logsdon has also sold these infringing images online, charging anywhere up to \$500 per work.

45. On information and belief, Logsdon recently posted on the Internet message board, 4chan, that she was “influenced” by memes of Pepe circulating on the Internet during the 2016 U.S. Presidential campaign, and in particular, pointed to the memes discussed in the Clinton campaign’s “explainer.” Ex. F (4chan thread). On information and belief, one of the memes described in that “explainer,” which depicts Pepe dressed as Donald Trump standing behind the Presidential seal (below left), was then directly copied by Logsdon in an image that she has sold and posted online repeatedly (below right):

Image from “Explainer” Article	Infringing Work Entitled “Mr. President”
	

46. For example, in June 2017, Logsdon tweeted her infringing “Mr. President” image, along with the following comment: “I have several Muslim neighbors and it appears they spend their days sitting on their porches just like the other section 8 neighbors.”

47. On information and belief, Logsdon also copied the Pepe image posted by Nicki Minaj on Instagram in 2014 (below left):

Image from Nicki Minaj Instagram Post	Infringing Image Entitled “Miley”
	

48. On information and belief, Logsdon intentionally copied Furie’s Pepe the Frog images and character, including derivative images of Pepe on the internet.

Furie’s Cease and Desist Request

49. To stop Logsdon’s copying and misuse of Pepe the Frog, on September 15, 2017, Furie notified Logsdon of her infringement and requested that she cease and desist any further

use of Pepe the Frog. Furie also notified her hosting service of her infringement and sought removal of the materials from her website, jessicalogsdon.com, under the Digital Millennium Copyright Act.

50. In response, Logsdon posted Furie’s cease and desist letter on her Twitter page and on 4chan, where she claimed that she was planning to “fight[] this on many fronts” and “most important among them” is that she was “exercising [her] religious freedom as a Kekistani.”³ See Ex. F (4chan thread).

51. In addition, on September 20, 2017, Logsdon mailed a 24-inch by 24-inch painting to counsel for Furie, which was, on information and belief, in response to Furie’s cease and desist request. The painting featured Pepe hugging an American flag and the text “SHH,” “NO TEARS,” and “ONLY MEMES NOW.” The painting was not accompanied by any note or other explanation.

52. Logsdon has failed to comply with Furie’s cease and desist request and continues to promote her infringing work on her Twitter and eBay pages. Since receiving the cease and desist letter, Logsdon has re-posted her infringing images multiple times, moving them to the top of her Twitter feed. Logsdon also submitted a counternotification to her website host to reinstate her infringing webpages. In the counternotice, she stated under the penalty of perjury that she had a “good faith belief” that her material was wrongly removed under the DMCA.

³ The Southern Poverty Law Center has described “Kekistan” as a “satirical religion with a frog-headed god [that] has become a favorite new way for white nationalists to troll liberals.” See “What the Kek: Explaining the Alt-Right ‘Deity’ Behind Their ‘Meme Magic,’” <https://www.splcenter.org/hatewatch/2017/05/08/what-kek-explaining-alt-right-deity-behind-their-meme-magic>

COUNT I

**Copyright Infringement
17 U.S.C. § 101, *et seq.***

53. The allegations of paragraphs 1-52 are incorporated as if fully set forth herein.

54. Plaintiff Matt Furie is the sole and exclusive owner of the copyright of the image and character of Pepe the Frog. Furie's work is subject to pending multiple copyright applications before the Copyright Office, and he has paid the required fees and made the required deposit. Attached hereto as Exhibits E1 through E8 are redacted copies of the applications, as follows:

Exhibit	Title of Work	Date of Completion	Application Number
E1	Play Time	2003	1-5772540127
E2	Boy's Club 1	2006	1-5779240702
E3	Boy's Club 1 Zine	2006	1-5772648242
E4	Boy's Club 2	2008	1-5772648307
E5	Boy's Club 3	2009	1-5772648402
E6	Boy's Club 4	2010	1-5772648437
E7	Boy's Club Collective Edition	2016	1-5772648492
E8	Pepe in Blue Shirt	2016	1-5747939201

55. As the owner of the copyrighted Pepe the Frog character and image, Plaintiff owns the exclusive rights, among others, to copy the original work, to prepare derivative works based on the original, and to distribute copies of the work by sale or other transfer of ownership, or by rental, lease, or lending.

56. Defendant has used Pepe the Frog, created derivative works based on the original, and sold such works without Plaintiff's authorization.

57. Defendant's acts constitute infringement of Plaintiff's copyrighted work in violation of the Copyright Act, 17 U.S.C. § 101 *et seq.*

58. On information and belief, such infringement by Defendant was deliberate, reckless, and willful.

59. Plaintiff is entitled to recover from Defendant his actual damages and/or Defendant's unlawful profits.

60. Defendant's conduct has caused Plaintiff irreparable harm. Unless restrained and enjoined, Defendant will continue to commit acts of infringement, and cause Plaintiff to suffer substantial injuries, loss, and irreparable damage to his proprietary and exclusive rights to his copyright. Plaintiff's remedy at law is inadequate to fully compensate him for these inflicted and threatened injuries.

61. Plaintiff is entitled to a permanent injunction, as provided for in 17 U.S.C. § 502, enjoining Defendant and all others acting in concert with her from engaging in further acts of infringement.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the following relief be granted:

1. Grant a permanent injunction enjoining Defendant and anyone acting in concert with Defendant from copying or distributing any unauthorized copy of, or derivative work based on Pepe the Frog;

2. Award Plaintiff his actual damages for Defendant's infringement, or other damages on all Counts, in an amount to be determined at trial;

3. Grant to Plaintiff such other relief as the Court may deem just and proper under the circumstances.

JURY TRIAL DEMANDED

Plaintiff demands a trial by jury on all issues.

Dated: October 3, 2017 Respectfully Submitted,

/s/Charles W. German

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