

Pharrell, Will.i.am Fight Over 'i am'

Luchina Fisher (@luchina)

Jul 3, 2013, 6:27 AM



Pharrell Williams has filed a lawsuit against will.i.am of the Black Eyed Peas over the phrase "i am."

In the suit, Williams asks a judge to rule that his trademark for his "i am OTHER" company does not infringe on will.i.am's "I AM" trademark for his line of businesses.

The suit, filed Monday in New York federal court and obtained by ABCNews.com, refers to will.i.am by his real name, William Adams.

"The complaint seeks a declaration from the Federal Court in New York that i am Other does not infringe, dilute or unfairly compete with will.i.am or any of Mr. Adams' alleged 'I AM' trademarks, virtually all of which have been rejected by the USPTO [United States Patent and Trademark Office]," Williams' attorney, Brad Rose, said in a statement to ABCNews.com.

Williams is seeking a declaratory judgment of non-infringement.

An attorney for will.i.am did not respond to ABCNews.com's request for comment.

The two music megastars have been battling over the use of the phrase since last December, when will.i.am sent Williams a cease and desist letter demanding that he stop using the "I AM" trademark for his company, [i am OTHER](#), which he launched in 2010.

Williams' company produces the hit Web series "Awkward Black Girl," as well as other programming, apparel and music artists.

Will.i.am uses "I AM" for his line of endeavors, including IAMAUTO, in which he joined with Chrysler to design a car, and his charity foundation, [i.am.angel](#).

In the lawsuit filed Monday, Williams claimed that will.i.am has been using the words in a Dr. Seuss-inspired way, as in, "Sam I am; I am Sam; I am Sam; Sam I am."

"In contrast, the 'I AM OTHER' mark means 'I am something else,' leaving what that 'else' is to the imagination of the consumer. It certainly does not mean 'I am Will,'" Williams argued in the suit.

Last month, will.i.am filed a notice of opposition to Williams' company to abandon use of the phrase, prompting this statement from Williams:

"I am disappointed that Will, a fellow artist, would file a case against me. I am someone who likes to talk things out and, in fact, I attempted to do just that on many occasions. I am surprised in how this is being handled and I am confident that Will's trademark claims will ultimately be found to be as meritless and ridiculous as I do."

In response, will.i.am tweeted, "I am not suing @Pharrell & I never was."

In a statement to the BBC, his lawyer, Ken Hertz, added, "We think their proposed trademark is too close to our registered and common law trademarks. They disagree. ... We hope to work out a sensible compromise that will allow both parties to move forward without unnecessary acrimony."

As a member of The Black Eyed Peas, will.i.am has sold more than 31 million albums and won seven Grammys.

Williams, a member of the Grammy Award-winning duo The Neptunes, has teamed with such artists as Justin Timberlake, Kanye West and Jay-Z, and can be heard on Robin Thicke's new No. 1 single, "Blurred Lines," as well as Daft Punk's latest hit, "Get Lucky."



Pharrell Williams vs. will.i.am: What to Know About This Trademark Fight

9:37 AM PDT 7/2/2013 by Eriq Gardner



Is the phrase "I Am Other" likely to mislead fans of the two musicians on who that "other" might be?

Pick one word to describe the trademark fight between **will.i.am** and **Pharrell Williams** and it's got to be "confusion."

Last week came word that will.i.am was suing Williams, but in truth there was no such lawsuit. At least at that moment. What was happening was that the two musicians were battling each other over Williams' attempt to register "I Am Other" at the United States Patent and Trademark Office.

But on Monday, Williams' I Am Other Entertainment launched a real lawsuit in New York federal court against William Adams and his I.Am.Symbolic company. The lawsuit seeks a declaratory judgment of trademark noninfringement. It also has the potential to add to the comedy of the proceedings.

After all, the essential purpose of a trademark is to identify the *source* of products or goods. Trademark infringement claims come when someone -- like will.i.am -- points out how someone else -- like Pharrell Williams -- is allegedly using a mark that is confusingly similar and might obscure that source.

Where it gets interesting in this fight between will.i.am and Pharrell Williams is the particular phrase in question.

As Williams' company puts it in the new lawsuit, "The I AM OTHER mark means 'I am something else,' leaving what that 'else' is to the imagination of the consumer. It certainly does not mean 'I am Will' or in any way suggest Defendants or the WILL.I.AM mark. The inclusion of the respective terms 'WILL' and 'OTHER,' as well as the location of 'I AM' in each mark, evoke considerable different commercial impressions making consumer confusion unlikely."

In other words, the mark itself expressly disclaims any association with the Black Eyed Peas singer.

The lawsuit was filed by attorney **Brad Rose** at Pryor Cashman after months of dispute, starting with a cease-and-desist letter sent by will.i.am's team last December and continuing through the registration fight at the trademark office these past four months.

In the lawsuit, will.i.am's hold over "I Am" is described as *very weak*. The complaint acknowledges that he has a trademark on that phrase but only covering clothing goods. Will.i.am has tried to register "I Am" in other classes of goods like jewelry and accessories, but a trademark examiner reportedly rejected those attempts because they were "confusingly similar to prior registrations" made by others.

Pharrell Williams also points to popular culture, from Dr. Seuss' use of the words "Sam I am" from the book *Green Eggs and Ham* to the long list of other musicians who have put "I Am" to use. For example, there's **Beyonce's** 2008 album, *I Am...*, as well as the 146 artists (I Am Virgin, I Am Ghost, I Am Band ...) counted by the plaintiff on AllMusic.com.

"Thus, the I AM formative is diluted in the music industry, and Defendants cannot preclude others from using that phrase especially when it is used in conjunction with additional, distinctive words," says the lawsuit.

Good news for anybody who wishes to start up a rock group named I Am Litigious, perhaps.

Then there's will.i.am's view, which is aptly described in the cease-and-desist letters from his lawyer.

Yes, there might be others who use "I Am," but will.i.am is famous, has invested in a "family" of marks (I Am Scholarship, I Am Home, I Am Angel, etc.), and has collaborated with Pharrell Williams in the past, which might lead consumers to believe that "I Am Entertainment" represents another such collaboration.

As **Jill Pietrini**, attorney for will.i.am, tells her counterpart, "Any citation of third party I AM formative registrations for cosmetics and clothing as alleged evidence that Mr. Adams' mark is somehow weak is unpersuasive because none of the registrants are well known as musicians in the entertainment industry. Your citation of other musicians using I AM formative marks is equally unpersuasive because none of these musicians have collaborated with Mr. Adams the way Mr. Williams has, and none of them appear to have the visibility and recognition in the entertainment industry, the way Mr. Williams has. Mr. Williams cannot avoid liability by pointing to other uses of I AM."

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Pharrell Williams Sues Will.I.Am In 'I Am' Trademark Row

By **Kurt Orzeck**

Law360, Los Angeles (July 01, 2013, 11:41 PM ET) -- Hip-hop producer Pharrell Williams hit Will.i.am with a trademark infringement suit Monday in New York federal court, claiming the Black Eyed Peas singer is trying to prevent him from using the phrase "I am" in his company brand name.

Will.i.am, whose real name is William Adams, has allegedly sent Williams cease-and-desist letters claiming that "I am OTHER" infringes the trademark for the Black Eyed Pea member's moniker. Williams countered Monday that music fans can easily distinguish the marks and the artists with whom they are associated, and that Will.i.am's trademarks don't cover cosmetics and other products.

"The complaint seeks a declaration ... that 'I am OTHER' does not infringe, dilute or unfairly compete with Will.i.am or any of [Adams'] alleged 'I Am' trademarks, virtually all of which have been rejected by the [U.S. Patent and Trademark Office]," Brad D. Rose of Pryor Cashman LLP, which is representing Williams, said Monday.

Williams is a rapper, producer and songwriter who co-wrote and performed a featured spot on Daft Punk's recent chart-topping song "Get Lucky." He has also founded clothing brands, crafted jewelry, designed sunglasses and furniture and produced fabrics.

"In short, Williams is a modern-day Renaissance man," the suit says.

Williams' "I am OTHER" Entertainment has a website, iamother.com, and an accompanying YouTube channel that focuses on music and culture, the suit says. The phrase "I am OTHER" is intended to "foster and encourage individuality," as reflected by original programming that inspires imagination, according to the complaint.

Williams claims he has multiple pending trademark applications for "I am OTHER," including music recordings, clothes, perfumes and other goods. Will.i.am's trademarks cover concerts and clothes but are otherwise limited, because his application for music and videos was on the supplemental registry, which is used for marks that haven't yet acquired distinctness and doesn't afford the same protections as the principal registry, the suit says.

Moreover, Will.i.am has filed more than a dozen trademark applications — for "I Am," "I Am Plus" and other variations — that were rejected because of their similarity to prior registrations, Williams alleges. Dozens of musicians use "I Am" in their artistic products, including Beyonce Knowles with her "I Am ... Sasha Fierce" album, making Will.i.am's mark "relatively weak within the entertainment industry," the infringement suit argues.

The suit claims that Will.i.am's counsel sent Williams a cease-and-desist letter in

December, claiming that the plaintiff was leading visitors of his website to think that Will.i.am is affiliated with the "I am OTHER" trademark. The letter allegedly said Will.i.am was considering an injunction or other legal remedies for Williams' "unlawful acts."

Williams responded a week later, saying the "I am OTHER" mark is distinguishable both visually and phonetically from the Will.i.am mark, and that they have different meanings. The Will.i.am mark is a play on his name and conjures well-known verses from Dr. Seuss' "Green Eggs and Ham," whereas the "I am OTHER" mark means, "I am something else," leaving "else" to the imagination of the consumer, according to the suit.

Williams added that Will.i.am's fans would know that Williams, who has been using the "I am OTHER" mark in connection with his celebrity persona, is a different entertainer, the suit claims. The suit alleges that, in cosmetics alone, there are more than 30 co-existing registered marks that use the words "I Am."

After sending another demand letter, Will.i.am filed objections to Williams' pending applications for the "I am OTHER" mark in May, the suit says.

Williams' counsel said that declaratory relief is required to settle the dispute in a timely manner, as it could take years for the USPTO to establish its position in the trademark battle and Williams' business interests are hanging in the balance, the suit says.

Ken Hertz of Hertz Lichtenstein & Young LLP, which is representing Will.i.am, said that they don't comment on client matters that involve pending litigation, Will.i.am's publicist said Monday.

Last week, Will.i.am tweeted multiple times, "i.am not suing @Pharrell and I never was ..."

Williams is represented by Brad D. Rose and Dyan Finguerra-DuCharme of Pryor Cashman LLP.

The case is I am OTHER Entertainment LLC v. William Adams et al., case number 1:13-cv-04547, in the U.S. District Court for the Southern District of New York.

--Editing by Jeremy Barker.

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billboardbiz

Will.i.am Lawyer Sounds Off on Pharrell Trademark Dispute

By Glenn Peoples, Nashville | July 01, 2013 10:47 AM EDT



Attorneys for Will.i.am Pharrell Williams are in a heated exchange over trademarks will.i.am owns and trademark applications by Williams. At issue is who has the right to use the words "I Am" and how they can use it.

The events leading up to the public dispute started over 12 months ago when Williams filed eight registrations covering the use of "I Am Other" in various consumer goods and services. Will.i.am, whose real name is William Adams, owns the trademark for "I Am," used in his clothing line, and "Will.I.Am," used in entertainment, consumer electronic products and will.i.am's philanthropic endeavors.

A recent report at Rolling Stone said will.i.am had taken legal action against Pharrell Williams over the name of Williams' i am OTHER venture that includes musicians, a branded YouTube channel, a Brooklyn-based bicycle manufacturer

and a company that makes yarns and fabrics from recycled plastic bottles.

"I am disappointed that Will, a fellow artist, would file a case against me," Williams said in a statement to Rolling Stone. "I am someone who likes to talk things out and, in fact, I attempted to do just that on many occasions."

Not so, says will.i.am's attorney, Ken Hertz. He tells Billboard will.i.am has merely filed a routine opposition to Williams' applications after his team ran out of time to broker an agreement. An opposition needed to be filed six months after the publication of Williams' application, according to Hertz.

There are differing stories on what happened before the notice of opposition was filed. In a statement to Billboard, Williams' attorney, Brad Rose, reiterated his earlier claim that will.i.am "has obstructed every overture" Williams has made to resolve the matter and refutes Hertz's claim that will.i.am's team has engaged in a dialogue. "Even to this day, nobody in Will's camp has reached out to resolve this matter notwithstanding Mr. Hertz" public statements that such contact has been made."

Hertz tells Billboard he was happy to discuss "a very specific, limited right" for Williams to use to "I Am Other" under "very specific, non-competitive circumstances." He notes that Williams' applications covers a use the term "I Am Other" in cosmetics, musical sound recordings, jewelry, clothing and many other classes of goods and services.

After the two sides failed to reach an agreement, will.i.am's team followed a routine course of action, says Hertz. "We did what we're allowed to do, which is object to those applications." The filing claims Williams' "proposed mark is confusingly similar" to will.i.am's registered marks. In addition, it argues the services Williams proposes to offer are similar to those offered by will.i.am, which include clothing and entertainment.

Rose counters that will.i.am "misguidedly believes that he has the sole right to the words I AM in commerce, notwithstanding the myriad of I Am compound trademarks that coexist on the trademark register and in the marketplace."

SPIN

'I Am' Battle Continues: Will.i.am and Pharrell's Lawyers Fire Shots



Blurred (trademark) lines: Will.i.am and Pharrell

June 28 2013, 11:52 AM ET | by Marc Hogan

Will.i.am's lawyer isn't wrong, he's just Will.i.am's lawyer

Will.i.am and Pharrell Williams continue to give trademark lawyers rare opportunities to be quoted in Rolling Stone. In case you aren't a trademark lawyer or a Black Eyed Peas stan, it was reported last week that Will.i.am has filed a legal claim challenging Pharrell's "i am OTHER" brand on the grounds that it's too similar to Will.i.am's "I AM." Now, a lawyer for Will.i.am has issued a statement that, while at least partly accurate, is utterly irrelevant to the next-level ridiculousness of Will.i.am filing a legal claim against Pharrell over the words "I am."

Will.i.am's lawyer, Ken Hertz, gave a statement to RS explaining that his client didn't sue Pharrell at all. As we previously explained, Will.i.am filed a notice of opposition, a type of filing that can routinely be made to challenge attempts to register a patent or trademark. We'll let the lawyer explain: "This is how the process works," Hertz is quoted as saying. "We own a trademark. They have applied for a trademark. We think their proposed trademark is too close to our registered and common law trademarks. They disagree." Hertz also said the two sides' lawyers have been in touch for about a year and the recent legal action came about as a result of government-required deadlines.

Yeah, but what about those of us laypeople who still think it's inherently hilarious for Will.i.am to sue Pharrell Williams over three letters and a space? Does Will.i.am also claim copyright on the Hebrew name of God, which translates as "I Am That I Am"? While we're at it, why not Kanye West's Yeezus screamer "I Am a God"? And isn't it simply a bad look for one super-producer to remind people to compare his own work with that of a more adventurous super-producer with a slightly similar legal name?

Pharrell's lawyer, Brad Rose, also gave RS a statement, which essentially says, "Nuh uh!" Behold, if you can read it without your eyeballs glazing over, the voice of I Am Other: "The plain truth is that Will has obstructed every overture made by Pharrell to amicably resolve this matter and has steadfastly refused to engage in a dialogue. Will and his trademark counsel have instituted no less than eight cases against Pharrell in the Trademark Trial and Appeal Board and have also threatened on more than one occasion to sue Pharrell for trademark infringement in Federal District Court for damages and an injunction. All of this because Will misguidedly believes that he has the sole right to the words I AM in commerce, notwithstanding the myriad of I Am compound trademarks that coexist on the trademark register and in the marketplace."

Now let's go back to discussing how Robin Thicke and Pharrell's Marvin Gaye-biting "Blurred Lines" is clearly better than Daft Punk and Pharrell's Chic-co-opting "Get Lucky" — and for that matter, any recent Will.i.am hit.

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THE WALL STREET JOURNAL.

WSJ.com

June 28, 2013, 10:00 AM ET

Musicians Will.i.am, Pharrell Williams Hit Sour Notes in Trademark Dispute

By Lyneka Little



Wsj.com

Will.i.am

Rapper Will.i.am and singer-songwriter Pharrell Williams are at odds over the words "I am." A lawyer for Will.i.am says his client has a trademark on the phrase "I am" and that Pharrell's proposed trademark for "I am other" is too similar. The dispute was detailed in a story in [Rolling Stone](#). A note on will.i.am's Twitter stated that, despite the claims of some news reports, he is not suing Pharrell: "i.am not suing @Pharrell & I NEVER WAS.. What i.am doing is... #iamSCHOLARSHIP sending kids to school debt free. go2 <http://www.iamANGELfoundation.org>"

Speakeasy reached out to Williams and received this statement from him:

"I AM disappointed that Will, a fellow artist, would file a case against me. I AM someone who likes to talk things out and in fact I attempted to do just that on many occasions. I AM surprised in how this is being handled and I AM confident that Will's trademark claims will ultimately be found to be as meritless and ridiculous as I do."

Ken Hertz, a Senior Partner at Hertz Lichtenstein & Young, LLP and a lawyer for will.i.am, sent Speakeasy this response about the dispute:

will.i.am is not suing Pharrell Williams. What will.i.am has done is what any trademark owner must do to protect and maintain a trademark. Our client is following the standard procedures of the U.S. Patent and Trademark Office to defend trademarks that have been registered and that he has used widely and

continuously for many years. This is a run-of-the-mill trademark procedure that has been going on since late last year.

will.i.am has registered several trademarks, including "I AM", which is also emphasized in, and a significant element of, his professional and trademarked name. He has been using the "I AM" mark in connection with various goods, services and philanthropic activities for more than a decade. Furthermore, our client is in the process of registering other marks that include the words "I AM" – and building a family of "I AM" marks, such as "I AM ANGEL" that operates numerous charitable and social assistance programs, including i.am.home, i.am.scholarship, and i.am.STEAM. He also uses the "I AM" mark in the names of his various business entities, such as i.am.bizzy, llc, i.am.on.tour, inc., i.am.symbolic, llc, and so on.

Like many trademark owners, we use third party "watch" services to monitor new uses of, and new applications to register, similar marks. The applications are published by the U.S. Patent and Trademark Office before being approved for registration to allow existing trademark owners an opportunity to object. Prior to lodging our objection with the U.S.P.T.O., will.i.am's trademark lawyer reached out to Pharrell's trademark lawyer in an attempt to resolve the dispute, and the parties discussed the matter for several months. Unfortunately, due to deadlines imposed by the U.S.P.T.O., will.i.am had no choice but to lodge his objection at the time he did.

This is how the process works. We own a trademark. They have applied for a trademark. We think their proposed trademark is too close to our registered and common law trademarks. They disagree.

We hope to work out a sensible compromise that will allow both parties to move forward without unnecessary acrimony.

Brad Rose, an attorney for Pharrell, sent this follow-up statement:

The statements made by Will and his advisors over the past two days amount to revisionist history in the face of the public condemnation against Will that has resulted after this story broke yesterday. The plain truth is that Will has obstructed every overture made by Pharrell to amicably resolve this matter and has steadfastly refused to engage in a dialogue. Will and his trademark counsel have instituted no less than eight cases against Pharrell in the Trademark Trial and Appeal Board and have also threatened on more than one occasion to sue Pharrell for trademark infringement in Federal District Court for damages and an injunction. All of this because Will misguidedly believes that he has the sole right to the words I AM in commerce, notwithstanding the myriad of I Am compound trademarks that coexist on the trademark register and in the marketplace.

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VARIETY

Will.i.am's Attorney Denies He's Suing Pharrell Williams



June 27, 2013 | 12:55PM PT

Ted Johnson, Senior Editor, @tedstew

After reports that will.i.am was taking legal action against Pharrell Williams over the latter's effort to trademark a brand called "i am OTHER," will.i.am's attorney is denying that a lawsuit is being filed but that they are engaged in "a run-of-the-mill trademark procedure."

"Will.i.am is not suing Pharrell Williams," the singer's attorney, Ken Hertz, said in a statement. "What will.i.am has done is what any trademark owner much do to protect and maintain a trademark. Our client is following the standard procedures of the U.S. Patent and Trademark Office to defend trademarks that have been registered and that he has used widely and continuously for many years."



It may not be litigation per se, but the U.S. Patent and Trademark Office has set a schedule for discovery and a trial that extends into next year. A purpose of the registrations is to prevent confusion in the marketplace, particularly in merchandising.

In his statement, Hertz said that his client is following "standard procedures" of the Trademark Office "to defend trademarks that have been registered and that he has used widely and continuously for years." Will.i.am has registered several trademarks, including "I AM," and has been registering other marks that include the words "I AM" along with other phrases, like "I AM ANGEL," for philanthropic uses. He said that when Williams' legal team applied for registration of the i am OTHER mark, they did try to resolve the dispute, but with Trademark Office deadlines for approving the trademark approaching, "will.i.am had no choice but to lodge his objection at the time he did."

Hertz said, "This is how the process works. We own a trademark. They have applied for a trademark. We think their proposed trademark is too close to our registered and common law trademarks. They disagree."

He added, "We hope to work out a sensible compromise that will allow both parties to move forward without unnecessary acrimony."

Will.i.am's objections to Williams' trademark application were first reported in Rolling Stone on Wednesday.

Update: Brad D. Rose, attorney for Williams, said that the "statements made by Will and his advisors over the past two days amount to revisionist history in the face of the public condemnation against Will that has resulted after the story broke yesterday. The plain truth is that Will has obstructed every overture made by Pharrell to amicably resolve this matter and has steadfastly refused to engage in a dialogue."

Rose added that will.i.am and his attorneys have "instituted no less than eight cases against Pharrell in the Trademark Trial and Appeal Board" and have threatened "on more than one occasion" to sue for trademark infringement in federal court.

"All of this because Will misguidedly believes that he has the sole right to the words I AM in commerce, notwithstanding the myriad of I Am compound trademarks that coexist on the trademark register and in the marketplace," Rose said.

Will.i.am Sues Pharrell Williams Over "i am OTHER" Brand

By Emily Votaw, N.Y. | June 26, 2013 11:51 AM EDT



March 11: Will.i.am visits The Science Museum where he announced The Prince's Trust new Science, Technology, Engineering and Maths workshops for teens in London, England. Getty Images

Will.i.am is suing Pharrell Williams over his 'i am OTHER' brand. According to official court documents obtained by [Rolling Stone](#), will.i.am cites that the logo utilized by Pharrell bears a "confusingly similar" resemblance to his own 'I AM' trademarked goods. "The registration of the mark... is likely to dilute the I AM mark and the WILL.I.AM mark," the document read.

The Black Eyed Pea front man also claims to own the copyright to the phrase 'I AM' and that the creative brand 'i am OTHER' will directly 'dilute' his ownership of the maxim.

Pharrell is reportedly disappointed in the announcement of the lawsuit. "I am someone who likes to talk things out and, in fact, I attempted to do just that on many occasions. I am surprised in how this is being handled and I am confident that Will's trademark claims will ultimately be found to be as meritless and ridiculous as I do," he said in a statement to Rolling Stone.

Will.i.am's first solo effort, "#willpower," was released in April. The rapper/producer performed "We Can't Stop" and "Fall Down" with Miley Cyrus on Jimmy Kimmel last night (June 26).



Will.i.am Takes Legal Action Against Pharrell's 'i am OTHER' Brand

Producer-rapper claims the two logos are 'confusingly similar'

by JON BLISTEIN
JUNE 26, 2013

Will.i.am is taking legal action against Pharrell Williams over the latter's new creative brand "i am OTHER" – claiming that he owns the copyright to the phrase "I AM" and that Pharrell's logo is "confusingly similar," according to court documents obtained by *Rolling Stone*.

In his notice of opposition, will.i.am argues that Pharrell would be using his "i am OTHER" brand on clothing and other items in a manner similar to the goods that bear his own "I AM" logo. "The registration of the mark . . . is likely to dilute the I AM mark and the WILL.I.AM mark," the document reads.

Random Notes: Hottest Rock Pictures

Lawyers for Pharrell and "i am OTHER" filed an answer to will.i.am's notice of opposition, denying all such claims.

"I am disappointed that Will, a fellow artist, would file a case against me," Pharrell says in a statement to *RS*. "I am someone who likes to talk things out and, in fact, I attempted to do just that on many occasions. I am surprised in how this is being handled and I am confident that Will's trademark claims will ultimately be found to be as meritless and ridiculous as I do."

Representatives for will.i.am had not responded to a request for comment at press time.

<http://www.rollingstone.com/music/news/will-i-am-takes-legal-action-against-pharrells-i-am-other-brand-20130626>