

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

**Case No.:**

JOSEPHA A. CAMPINHA-BACOTE d/b/a	:	
TRANSCULTURAL C.A.R.E.	:	Judge:
ASSOCIATES,	:	
	:	
Plaintiff,	:	<b>COMPLAINT</b>
	:	
-vs-	:	
	:	
ANNETTE REARDEN,	:	
	:	
Defendant.	:	

**INTRODUCTION**

1. This is an action by Dr. Josepha Campinha-Bacote d/b/a Transcultural C.A.R.E. Associates (“Transcultural C.A.R.E.”), a sole proprietorship registered under the laws of Ohio, to recover damages arising from infringement of Dr. Campinha-Bacote’s copyright in her creative works by Defendant Annette Rearden (“Defendant”). Defendant reproduced Dr. Campinha-Bacote’s copyrighted logo for public display without permission.

**THE PARTIES**

2. Plaintiff Dr. Campinha-Bacote is President and founder of Transcultural C.A.R.E., with its principal place of business located at 11108 Huntwicke Place, Cincinnati, Ohio 45241. Transcultural C.A.R.E. is a private organization providing keynote presentations, workshops, seminars, consultations, and training focusing on clinical, administrative, research and educational issues related to cultural competence, transcultural health care & mental health. Dr. Campinha-Bacote operates a website by and through which her copyrighted works such as her tools and models can be ordered by individuals who pay a fee.

3. Upon information and belief, Defendant Annette Rearden is a resident of the state of

Alaska and domiciled in this District at 1952 Commodore Dr., Anchorage, Alaska 99507.

### **JURISDICTION**

4. This is a suit for copyright infringement under the United States Copyright Act of 1976, 17 U.S.C § 101 *et seq.*

5. This Court has subject matter jurisdiction over Plaintiff's claims for copyright infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

### **VENUE**

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b), 1400(a) and D.Ak. LR 3.3(a)

### **BACKGROUND**

7. In January 1991, Dr. Campinha-Bacote developed a logo which is depicted as a globe with five hands holding it with the words "Transcultural C.A.R.E." This logo is the subject matter of this suit. This logo is an original work that is copyrighted under U.S. law, and a copy of the logo is attached hereto as "Exhibit A".

8. Dr. Campinha-Bacote's logo qualifies as a "work made for hire" under 17 U.S.C. § 101.

9. On October 16, 1991 Dr. Campinha-Bacote applied to the U.S. Copyright Office and received a Certificate of Registration for her work under Registration No. TX 3 179 789, with an effective date of October 21, 1991. Dr. Campinha-Bacote complied in all respects with the Copyright Laws of the United States and a copy of the Registration is attached hereto as "Exhibit B".

10. The Plaintiff is the sole owner of all rights in the copyrighted work.

11. On or about December 30, 2009, Dr. Campinha-Bacote became aware of a PowerPoint presentation created by Annette Rearden through an online website which could be formerly

found at <http://sites.google.com/site/annetterearden/CultureCareTheory.pptx>. It was in this PowerPoint presentation on slide 13 that contained a copied image of Dr. Campinha-Bacote's logo.

12. To ascertain the source/author of this publication, Dr. Campinha-Bacote contacted The Google Team ("Google") at [help@google.com](mailto:help@google.com) in December 2009.

13. Google informed Dr. Campinha-Bacote that they would investigate the copyright infringement claim.

14. On January 19, 2010 Google informed Dr. Campinha-Bacote that they completed the processing of the complaint and removed the content from the internet.

15. Thereafter, Dr. Campinha-Bacote contacted Annette Rearden in attempts to resolve this infringement.

16. Defendant has admitted to unauthorized use of the Dr. Campinha-Bacote's copyrighted logo.

17. Upon information and belief, Defendant knew that the logo belonged to Dr. Campinha-Bacote.

18. Dr. Campinha-Bacote did not authorize Defendant to copy, display, or reproduce her works.

19. The Plaintiff notified Defendants of the nature of its violations prior to commencing this action.

20. Plaintiff informed Defendants that in order to resolve this matter Defendant would have to comply with her policy by paying a fee for using her copyrighted logo without permission. A copy of this policy is attached hereto as "Exhibit C".

21. In response, Defendant refused to comply with this requirement.

**COUNT I**

22. This Count alleges copyright infringement, pursuant to 17 U.S.C. § 501. The Plaintiff repeats and realleges paragraphs 1 through 21 above.

23. Defendant admitted that they did not have permission to use Plaintiff's logo.

24. Defendant's acts constituted copyright infringement.

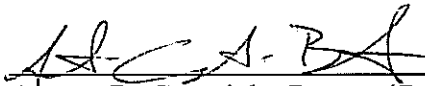
25. The Plaintiff has been damaged by the Defendants' actions.

**DEMAND FOR RELIEF**

WHEREFORE, the Plaintiff demands that:

- a. the Defendant be ordered to pay statutory damages pursuant to 17 U.S.C. § 504;
- b. the Defendants pay the Plaintiff reasonable attorney's fees and costs of this action, pursuant to 17 U.S.C. § 505;
- c. the Defendants pay pre-judgment and post-judgment interest on any damages awarded; and
- d. the Court award the Plaintiff all other relief it deems justified.

Respectfully submitted,



Avonte D. Campinha-Bacote (*Pro Hac Vice*)

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(513) 313-3806

*Attorney for Plaintiff,*

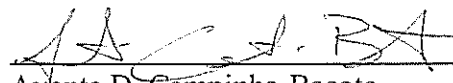
Transcultural C.A.R.E. Associates

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served by ordinary U.S. Mail, postage prepaid, this \_\_\_\_ day of \_\_\_\_\_, 2010, upon:

Annette Rearden  
1952 Commodore Dr.  
Anchorage, Alaska 99507

Myron Angstman  
PO Box 585  
Bethel, Alaska 99559  
*Attorney for Defendant,*  
Annette Rearden

  
\_\_\_\_\_  
Avonte D. Campinha-Bacote