

# EXHIBIT 3

Laura & Linda

On Jun 14, 2013, at 1:54 PM, oh twigs wrote:

> Hey Laura and Linda,

>

> Thank you for replying and for your advice. I appreciate that you have a trademark and that you have been performing and making music under The Twigs for many years. We obviously all want to avoid confusion and I don't want to cause any problems. I would love to speak to you about some alternative choices that I have come up with, is there a number that I could contact you on for a quick chat?

>

> Twigs x

>

>

> On Mon, Jun 10, 2013 at 2:43 PM, Info <[info@twigs.com](mailto:info@twigs.com)> wrote:

> Hello!

> Thanks for reaching out. We are always happy to see talented women producing and promoting their own music. You seem to have a promising career in the music business which is why it's important that you know the following.

>

> We own the U.S. Trademark for the name "The Twigs" for use in music and entertainment. We have used it for over 20 years as we've toured around the world and we were granted the exclusive use of that trademark in 1996. This trademark and its derivations ("Twig", "Twigs", "Twigg," etc) has been defended successfully in the U.S. and it's territories in every single case. You would be surprised how many artists have wanted to use the name over the years, but there have been a lot! It doesn't matter what type of music they've done or how different it is from ours, the law has always been on our side. We still perform, record and produce under the name and our music is heard around the world on radio, TV and film.

>

> Marketplace confusion is a serious issue as streaming services, itunes etc can be accessed from almost every country. So the sad fact is if you ever want to tour in U.S. or sell your music here (or on any web portal that can be accessed in the U.S.) or, get paid from any internet radio that may play your music, you are opening yourself up to many infringement lawsuits and just plain hassles that take up a ton of time and money.

>

> As far as performing in your own country under your name, you will have to consult an attorney about your own country's laws. (One famous example, the British band The Charlatans were forced to add "UK" at the end of their name when they wanted to tour the U.S.). That was of course before the days of the internet and I would bet that the marketplace confusion that still happens with

# EXHIBIT

>> Hey Laura and Linda,

>>

>> Thank you for replying and for your advice. I appreciate that you have a trademark and that you have been performing and making music under The Twigs for many years. We obviously all want to avoid confusion and I don't want to cause any problems. I would love to speak to you about some alternative choices that I have come up with, is there a number that I could contact you on for a quick chat?

>>

>> Twigs x

>>

>>

>> On Mon, Jun 10, 2013 at 2:43 PM, Info <[info@twigs.com](mailto:info@twigs.com)> wrote:

>> Hello!

>> Thanks for reaching out. We are always happy to see talented women producing and promoting their own music. You seem to have a promising career in the music business which is why it's important that you know the following.

>>

>> We own the U.S. Trademark for the name "The Twigs" for use in music and entertainment. We have used it for over 20 years as we've toured around the world and we were granted the exclusive use of that trademark in 1996. This trademark and its derivations ("Twig", "Twigs", "Twigg," etc) has been defended successfully in the U.S. and it's territories in every single case. You would be surprised how many artists have wanted to use the name over the years, but there have been a lot! It doesn't matter what type of music they've done or how different it is from ours, the law has always been on our side. We still perform, record and produce under the name and our music is heard around the world on radio, TV and film.

>>

>> Marketplace confusion is

**From:** oh twigs <[oh.twigs@gmail.com](mailto:oh.twigs@gmail.com)>

**Subject:** Re: Hi from London!

**Date:** June 18, 2013 5:38:12 PM EDT

**To:** Info <[info@twigs.com](mailto:info@twigs.com)>

Hello Laura and Linda,

I firstly want to say thank you for your patience on this matter and for getting back to me so quickly.

I fully respect your feelings on this but before I move on I just have to check if there's there any conversation to be had about us both existing and whether or not a payment of some kind could help.

I promise the last thing I want to do is cause you any offence but I'm sure you can tell how important the name Twigs is to me.

When I became known as Twigs it was such a significant turning point in my life, my home environment was very destructive growing up and after moving from the countryside to London at 16 to get out I found myself very alone and incredibly vulnerable. 'Twigs' was literally a character that I made for myself and a way out of some really dark times. I didn't want to be known as Tahliah anymore because to many bad things had happened.

Becoming 'Twigs' is the best thing that has ever happened for me and my confidence. I started training hard and got work as a dancer and through that I started modelling as 'Twigs' which funded my love of making music. Being Twigs allowed me to develop into a music artist which is literally my only love and the whole of my life.

I know that you don't know me personally and so this email is a lot! It's embarrassing for me to send this but if I didn't try everything possible to be known as Twigs I'd always wonder if there would have been a way because it's so so much more than just a name, 'Twigs' for me was a way out of a whole lot of heart ache and the beginning of something very healing.

I hope you understand the sentiment behind sending this email and I hope to hear from you soon.

Twigs xx

On Mon, Jun 17, 2013 at 6:47 PM, Info <[info@twigs.com](mailto:info@twigs.com)> wrote:

Hello!

It may be hard to get both of us on the phone as we are traveling this summer.

You could email some alternative choices to us, but in the end you most likely will have to consult with an attorney to be sure they are cleared. The artists in the past who've wanted to add words to the beginning or end of "Twig or Twigs" (etc.) run into trouble mainly from the streaming services as most data doesn't get entered correctly so, royalties may end up getting paid to the wrong artist. As we said, we have been through this many, many times. Better to choose a name unique to you now and protect it than run into lawsuits later after you've worked so hard on your career.

We are happy to help if we can and sincerely wish you the best in your career as strong women in the music business need to be heard! So if you want to run some names by us that's fine, but to protect yourself as we said you might want to investigate other choices and get legal advice.

Best,

# EXHIBIT

**From:** oh twigs <oh.twigs@gmail.com>  
**Subject:** Hi from London!  
**Date:** June 5, 2013 6:34:10 AM EDT  
**To:** info@twigs.com

Hey there, my name is Twigs,

Hi from London!

I just thought that I would get in touch because it seems that we're putting music out in to the world using a similar name. Twigs has been my nickname since childhood so when I started making music it was natural for me to use Twigs. I was oblivious that other people were or could be releasing music with a similar name. About a year ago I started putting my music online but recently I noticed that you guys existed and were called The Twigs. Although we're very different I appreciate that you've been releasing music and performing as The Twigs a lot longer than I have been Twigs so I thought I should reach out and say hi and check that you are ok with it. :)

I have been listening to your music on line it's really cool!

This is the EP I released last year... I hope you like it!

Twigs x

<http://twigstwigs.tumblr.com>  
<http://twigstwigs.bandcamp.com>

**From:** oh twigs <oh.twigs@gmail.com>  
**Subject:** Re: Hi from London!  
**Date:** June 25, 2013 9:13:16 AM EDT  
**To:** Info <info@twigs.com>

OK thanks for being so understanding and I hope you don't mind me sending you a figure. As I said I have to try or I would always wonder if it had been possible. I'm obviously not trying to buy the name from you, my hope is that there's an amount that would enable you to exist as The Twigs and me to exist as Twigs. Does \$15,000 sound like an amount that would do that?

Twigs x

On Wednesday, 19 June 2013, Info wrote:

> Hi,  
> Please don't be embarrassed, we so appreciate your honesty and struggles. Music has truly been a life saver for us and whilst the road has not been an

easy one, we have worked long and hard to protect our music and our business. Securing a U.S. trademark takes a lot of time, energy and money, and when it's finally granted, the responsibilities in maintaining it are clear: we HAVE to defend it, that is the law. I don't really know if there's any amount of money that could compensate us for what we've devoted our whole adult lives to.

>

> It sounds like you've come a long way, and maybe it's time to embrace a new name -- one that represents where you're going, instead of where you've been.

Music is so global and universal now, maybe finding a name that is truly yours alone will help you blossom bigger and faster. And once you've found it, do the research, consult a lawyer and trademark it! We know lawyers cost money, at the time it was money we didn't have, but since we knew we were in this for life, we scraped together the funds, started the process and eventually secured the trademark.

>

> There are many people each year that want to use the name "Twigs" or some version thereof for their music. Our trademark is defended in every case, and this is for them as much for us: marketplace confusion is a serious issue and it will do nothing but hold them back and make them liable for lawsuits. We have the exclusive legal right to use the name in the fields of music and entertainment in the U.S. and its territories. Plus, any global company that is U.S. owned (i.e. Facebook, itunes etc) has to follow these trademark laws as well.

>

> So again, as far as what you can use in the U.K., you'll have to consult an attorney, but if you are in this for the long haul (which it sounds like you are), please don't look at changing your name as a setback, but a launching pad. You seem like a very soulful, thoughtful person and we wish you all the best.

>

> Laura & Linda

On Jun 18, 2013, at 5:38 PM, oh twigs wrote:

> Hello Laura and Linda,

>

> I firstly want to say thank you for your patience on this matter and for getting back to me so quickly.

>

> I fully respect your feelings on this but before I move on I just have to check if there's there any conversation to be had about us both existing and whether or not a payment of some kind could help.

> I promise the last thing I want to do is cause you any offence but I'm sure you can tell how important the name Twigs is to me.