

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

THE COLLEGE OF WILLIAM AND
MARY IN VIRGINIA,

Plaintiff,

v.

W M SYMPOSIA, INC.,

Defendant.

Case No. 4:25-cv-94

Jury Trial Demanded

PLAINTIFF'S COMPLAINT

Plaintiff The College of William and Mary in Virginia (“WM” or the “University”), by counsel, hereby alleges as follows for its Complaint against Defendant W M Symposia, Inc. (“WM Symposia”):

Introduction

1. Since its founding by Royal Charter in 1693, The College of William and Mary in Virginia has educated centuries of students under the banner of WM.

2. In fact, the inextricable link between Plaintiff WM, its educational services, and its WM brand predates not only the existence of American trademark law but the existence of America itself, with the mark first appearing etched on a hand-carved boundary stone that signaled the entrance to WM’s Williamsburg campus more than 300 years ago:



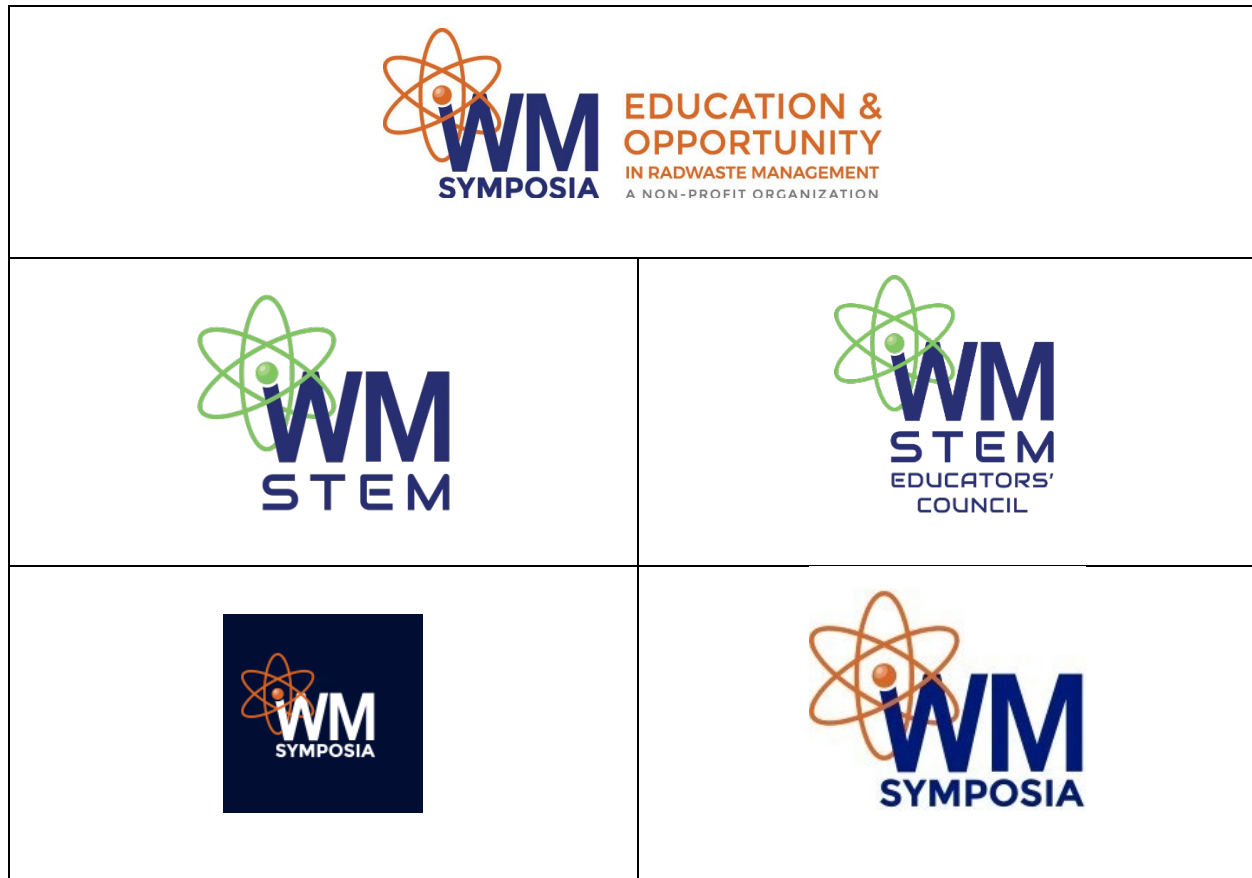
**(WM used to identify Plaintiff, The “Colledge” of William and Mary,
dated to the early 1690s)**

3. In the centuries since, WM has remained steadfast and dedicated to the WM brand, which is, and for years has been, universally recognized and synonymous with the world-class educational services provided by the University, one of America’s most treasured, historic, and prestigious academic institutions.

4. In fact, as the country’s second-oldest institution of higher education, which has been responsible for educating multiple U.S. presidents and is commonly referred to as a “Public Ivy,” WM is not just recognized across the nation but is—along with its famous WM brand—a true household name and among one of the few institutions of higher education to earn such wide recognizability for educational services.

5. WM has therefore persistently and consistently used WM as a flagship brand, and over the years expanded that use in meaningful ways that further enhance and entrench the association of WM with the University.

6. Despite WM’s colonial-era priority and the significant recognizability and goodwill embodied in its famous WM brand and trademarks, Defendant WM Symposia is willfully infringing on the University’s famous WM Marks through a path of escalating infringement that involves WM Symposia’s adoption, use, and attempts to register a series of WM-formative marks in connection with the provision of educational services. As discussed below, these instances include but are not limited to marks such as WM; WM STEM; WM STEM & Design (pictured below); WM SYMPOSIA; WM SYMPOSIA & Design (pictured below); WM STEM EDUCATORS’ COUNCIL & Design (pictured below); and more:



7. Concerned about the significant likelihood of confusion that WM Symposia's use of an identical WM and virtually identical WM-formative marks with educational services creates with WM's centuries-old, famous family of WM Marks, WM reached out to WM Symposia to ask it to rebrand and take steps required to prevent that confusion.

8. WM Symposia refused WM's attempts to resolve this issue absent litigation and doubled down on its intention to continue willfully violating WM's centuries-old senior trademark rights.

9. WM therefore had no choice but to bring this action for willful trademark infringement, unfair competition, false designation of origin, and trademark dilution under the Lanham Act, 15 U.S.C. §§ 1051, *et seq.*; willful unfair competition and infringement under the common law; and for cancellation of Defendant's unlawful federal trademark registrations.

The Parties

10. Plaintiff WM is a public institution of higher education of the Commonwealth of Virginia and maintains a place of business at 105 Jamestown Road, Williamsburg, Virginia 23185.

11. Upon information and belief, Defendant W M Symposia, Inc. a/k/a WM Symposia is a nonprofit corporation organized under the laws of the State of Arizona. WM Symposia maintains a place of business at 4635 South Lakeshore Drive, Tempe, Arizona 85282.

Jurisdiction and Venue

12. This Court has original jurisdiction over this Complaint for infringement of trademark, unfair competition, false advertising, and trademark dilution involving a famous mark, pursuant to 15 U.S.C. § 1121(a), as well as 28 U.S.C. § 1331 (Federal Question Jurisdiction); 28 U.S.C. § 1337(a) (Commerce Regulations); and 28 U.S.C. § 1338(b) (Trademark and Unfair Competition).

13. This Court has jurisdiction over all pendant state law claims pursuant to 28 U.S.C. § 1367(a) (Supplemental Jurisdiction) because all such claims are based upon the same or substantially the same conduct by WM Symposia.

14. WM Symposia is subject to the personal jurisdiction of this Court as WM Symposia has sufficient minimum contacts with the Commonwealth of Virginia based on, among other things, its use of the infringing marks to advertise and promote its services within this jurisdiction; to provide funds and offerings within the Commonwealth; and to specifically target businesses and individuals who live, work, and/or attend school in Virginia and are associated with Virginia's public academic institutions. By way of example only, and as outlined more fully below, WM Symposia (a) promotes and operates a "WM STEM" Council of which nearly 20% of councilmembers are employed by the Central Virginia Governor's School and therefore perform services for and actions related to WM Symposia's WM STEM program within the

Commonwealth; (b) has used the infringing marks to solicit applications from and provide scholarships to Virginia-based undergraduate students and to institutions located in and operated by the Commonwealth; and (c) applied for and obtained certifications as an educational provider from a Virginia-based accreditor in an attempt to lend more credibility to WM Symposia's infringing brand and business.

15. The Eastern District of Virginia, Newport News Division is the proper venue for this action pursuant to 28 U.S.C. § 1391(b)(2) for at least the reasons that WM and the intellectual property rights at issue are located within that judicial district and division. Venue is likewise proper in this judicial district and division based on 28 U.S.C. § 1391(b)(3).

The History and Fame of WM

16. On February 8, 1693, King William III and Queen Mary II of England signed a royal charter establishing a "perpetual College" in the recently established Virginia Colony. The institution was to be known as "The College of William and Mary in Virginia," and the charter included the promise to provide higher education in perpetuity. With the exception of periodic breaks in instruction for worldly events such as the Revolutionary and Civil Wars, WM has been operating under the WM brand, for the last 332 years.

17. As the second oldest institution of higher learning in the United States, WM is well-known throughout the world not only for its internationally recognized educational programs, but also for its storied place in American history. WM has been called the "Alma Mater of the Nation" because of the central role it played in the academic life of America's founding fathers and earliest presidents, with George Washington, Thomas Jefferson, John Tyler, and James Monroe included among its dozens of famous alumni.

18. WM is also recognized for establishing the first law school in the United States, which has educated dozens of federal judges and members of Congress. Similarly, over the course of its 250-year history, more than 500,000 lifetime members of Phi Beta Kappa—the nation’s oldest and most prestigious academic honor society—have learned about the organization’s founding at WM in 1776.

19. Just like WM’s centuries-old brand, WM’s main campus in Williamsburg, Virginia connects these historic achievements with the University’s modern positioning as a cutting-edge public research university that has educated more than 48,000 students in the last twenty years alone.

20. WM is famously located just steps from Colonial Williamsburg, and WM’s academic buildings—many of which are now landmarks in their own right—attract interest and attention from the millions of people from all over the world who visit this one-of-a-kind historic preservation site:



(WM’s Wren Building, the oldest academic building in the United States, adorned with WM and in which classes are still taught to this day)

21. The consuming public is therefore widely exposed to WM, and the University has taken great pains to ensure that WM maintains an institutional brand that is instantly recognizable as an indicator of academic quality, rigor, and integrity. Even a small sample of the unpaid news coverage WM has received over the past century more than confirm that. *See* Exhibit 1

22. As a result of these efforts, WM has successfully captured and maintained a strong position in a highly competitive educational market, both in the U.S. and internationally. WM boasts a current network of more than 116,000 alumni from all 50 states and around the world, with approximately 7,500 in Arizona alone as of the filing of this complaint.

23. The unique devotion of these alumni—many of whom maintain a lifelong relationship with the University and its offerings—serves as just one example of WM’s highly valuable reputational goodwill. At a time when the higher education marketplace is more competitive and varied than ever, it remains common for generations of families, some of which have no geographic ties to Virginia and hail from across the country, to send their children to attend William and Mary. *See e.g.*, Exhibits 2-5.

24. Such generational dedication is not new nor does it go unnoticed. In fact, as a single unpaid newspaper article from 1956 that was published and republished by papers across the country shows, the public’s devotion to WM is itself a newsworthy event. *See* Exhibit 6.

25. But one need not look at historic papers to know that. Every October, thousands of alumni converge on Williamsburg for WM’s annual homecoming celebrations, participating in several days of festivities that underscore their ongoing commitment to WM as an institution and their continued desire to participate in the WM community. Since 1860, thousands of alumni have also returned to WM for an entirely different type of celebration, placing WM at the center of the most important day of their lives and choosing to get married on campus in the University’s historic

Wren chapel. Today, WM hosts 70-80 such weddings every year—a number any modern venue would envy.

26. The strength of WM's public reputation and institutional brand is also reflected in the University's receipt of grants, gifts, and donations. For example, WM has consistently over multiple decades been awarded large-scale grants by preeminent organizations such as the Department of Energy and the National Science Foundation. *See, e.g.*, Exhibit 7. As just one example, WM recently received \$1.2 million from the National Science Foundation to further fund WM's Noyce Scholars Program, which is dedicated to advancing the recruitment and development of STEM educators in response to a nationwide K-12 shortage. *See* Exhibit 7.

27. Similarly, members of the public have, over the centuries, gifted and donated large sums to WM for the purpose of supporting and continuing the University's role as one of the finest academic and research institutions in the United States. In fact, in the past fiscal year, WM raised \$240 million in donations, including more than 33,000 non-corporate donations received directly from WM alumni, families, friends, faculty, students and staff. These are staggering numbers for a public university of WM's size, and the scale of WM's fundraising success has again garnered unpaid national media coverage from news organizations such as Forbes and The Washington Post. *See, e.g.*, Exhibit 8. Moreover, as a point of comparison, during that same time period, the University of Alabama—a school that is roughly four times the size of WM and houses one of most successful Division One football programs of all time—raised \$261 million.

28. As an institution dedicated to educational access, WM has also invested back in the academic marketplace, offering more than \$55 million annually in scholarships and grants. Furthermore, the University uses the WM name and the distinguished reputation attached to it to secure additional scholarship funding for its students and faculty through outside organizations.

For example, WM has a multi-year history of successfully positioning its students to receive nationally prestigious Goldwater Scholarships, established by Congress to reward students engaging in cutting edge undergraduate study in the sciences, mathematics, and engineering.

29. Further building on this broad institutional success, WM has also invested significant time, effort, and resources to develop and expand its educational offerings and commitment to advancing knowledge. These efforts were recognized by WM's ascension in February 2025 to become designated as an R1 research institution by the American Council on Education and the Carnegie Foundation. *See* Exhibit 9.

30. For example, the University has always provided robust offerings outside of the humanities, including specifically in fields of science, mathematics, and more. The prominence and importance of these offerings can be seen in unpaid newspaper articles about WM over the last century, examples of which are attached as Exhibit 10.

31. Yet always striving to do more and to enhance its offerings, WM has spent the last decade specifically focusing on expanding its Science, Technology, Engineering, and Mathematics ("STEM")-related offerings and capabilities through a targeted strategic campaign. As part of this effort, WM has increased its offered STEM majors by 46% over the last ten years and invested more than \$143 million to build a brand new, state-of-the-art Integrated Science Center to house its various STEM departments, classes, and laboratories. The 113,000 square foot complex now sits proudly in the heart of WM's main campus.

32. In total, the University now offers more than 115 undergraduate majors and minors across all areas of academic study, including the sciences, liberal arts, business, math, and technology. Through its six highly regarded graduate schools, WM also provides thousands of

post-baccalaureate students with continued education, instruction, and hands-on learning experience to further advance in their professional careers.

33. WM's provision of this wide array of educational services is made possible in large part due to its ability to attract and retain more than 700 full-time educators and instructional faculty, many of whom are world-renowned leaders in their respective fields and flock to the University because of its sterling reputation as a hub of academic and research excellence.

34. To that end, the WM of the past and today operates not only as an undergraduate and graduate institution, but also as an active and well-regarded player in the broader academic marketplace, publishing academic research and scholarship, hosting conferences and symposiums, partnering with outside entities, and sponsoring grants—just to name a few. Under the banner of WM, the University, its students, and its faculty contribute to, offer, and participate in an innumerable number of these academic endeavors across all areas of scholarship.

35. For example, on the topic of nuclear energy and radioactive waste, WM offers a graduate program in nuclear physics and has published multiple academic papers concerning the disposal of radioactive waste.

36. WM has also offered a multi-day International Low Energy Nuclear Reactions Symposium for experts around the world, and it hosts an ongoing research group dedicated to Experimental Nuclear and Hadronic Physics.

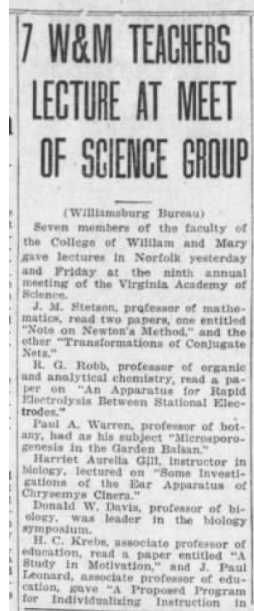
37. In 2024, and after receiving a \$1.5 million grant from the Department of Energy, WM hosted the inaugural class of its groundbreaking AI4Fusion “summer school,” which provides selected undergraduates with a two-week intensive program on the intersection between machine learning and nuclear fusion.

38. WM has also leveraged its demonstrated expertise into coveted partnerships with government entities and private industry. One such partnership is with the Thomas Jefferson National Accelerator Facility (“Jefferson Lab”), a U.S. Department of Energy national laboratory specializing in the study of nuclear physics. WM has collaborated with Jefferson Lab since at least the early 1960s when it assisted with the establishment of a laboratory tasked with studying the effects of radioactive material.

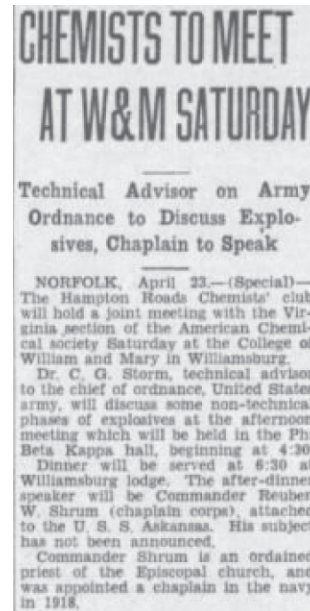
39. WM and Jefferson Lab have maintained this research-based partnership for decades, and the University has also translated it into longstanding STEM-related educational offerings. For example, since 1993, WM has hosted a Summer Residential Governor’s School for high school juniors and seniors with a special focus on science, engineering, aeronautical technology, and marine research. Every summer, the program partners directly with scientists at Jefferson Lab to provide these students with directed learning opportunities and mentorship across these fields.

40. These nuclear and radiation related efforts are just one example of how WM has dedicated significant time and resources, to carefully building and maintaining its institutional brand as a world-class provider of educational, academic, and research offerings to the public, its students, and a variety of consumer stakeholders across academia and industry.

41. Additional examples of WM’s prominent role in the hosting of institutes, conferences, and similar academic endeavors over the last century are contained in Exhibit 11, with select examples pictured immediately below:



(1931, Daily Press Article)



(1940, Daily Press Article)



(1963, Daily Press Article)



(2024, The Virginian-Pilot)

WM's Famous WM Marks

42. Simply put, WM is one of America's most treasured, widely recognized, and prestigious universities, and it has been recognized by and discussed across the nation (and around the world) using its WM Marks for more than three centuries.

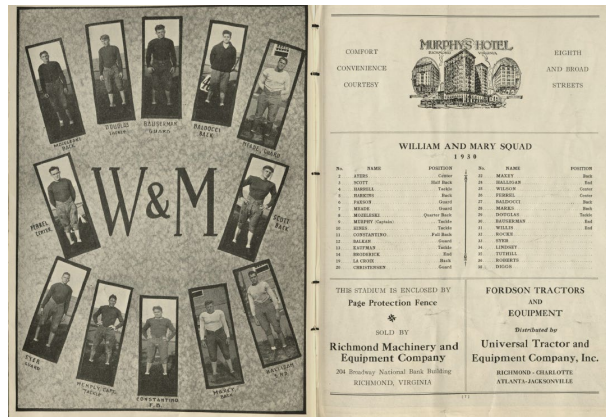
43. As described above, WM was first used as a source identifier for the University in the early 1690s, on boundary stones marking the entrance to its educational campus. Although these colonial-era relics have since been proudly retired to a display case in the University's main library, WM is still used in an identical capacity to this day, emblazoned on the many banners and signs that announce the institution's physical presence to the thousands of people who visit Williamsburg each year.

44. Yet, in the intervening 332 years, the University has also significantly expanded the use and reach of its WM Marks, using it continuously and extensively, as well as investing considerable resources to promote it as a flagship brand nationwide.

45. To name just a few examples, in its more modern history, WM has been used to identify and promote WM's academic and athletic programs in national media, on merchandise

and consumer goods purchased by the public all across the country, in connection with WM's highly valuable research endeavors and partnerships, to market its students to prospective employers, and to engage with WM's international network of alumni and supporters.

46. The following images represent just a small subset of the ways WM has been used nationwide since the early 1900's:



Advertising WM's 1930 Football Program



**Used to Identify WM in The Arizona Daily Star,
December 9, 1952**



Merchandise sold nationwide bearing WM



**Dated Images of Marks Throughout the Decades,
Including Use on Apparel**



**As Used on the Spring 2021 Edition of WM's Alumni Magazine Featuring Jen Psaki,
WM Alumna and Former White House Press Secretary**

47. As the landscape of higher education, and what it means to be a leading higher education provider, has changed drastically over the last 300 years, WM has persisted, adapted, and modernized, all while faithfully keeping WM at the center of its brand identity.

48. For example, as recently as last year, the University's visibility and national recognition again reached new heights when its women's basketball team had a highly publicized Cinderella-story run and secured a first-ever bid to the NCAA tournament. As always, WM was right at the forefront:



49. In addition to expanding the presence of WM through these many uses, the University also devotes significant time and resources to promoting WM, reinforcing its connection with the University, and further developing the goodwill it embodies.

50. For example, WM intentionally and prominently features WM on materials that advertise the University to prospective students across the United States and internationally, including on marketing materials sent to high school students and counselors nationwide:



WM Promotional Material Distributed to High School Students Nationwide



**Advertising for WM “Junior Day,” in which
the University Hosts Interested High School Juniors
from Across the Country**

51. WM also actively promotes the WM brand to outside partners and potential donors in an effort to form and maintain associations and relationships that are key to WM’s institutional success:



WM Used to Promote the University’s Donation Campaigns

52. As a result of WM’s tireless efforts, WM continues to be today what it has been since 1693, a core part of the University’s brand identity.

53. In fact, WM is the only brand identifier present in WM’s primary domain name <wm.edu>—a decision reflecting its synonymy with WM and one that further entrenches its

universal reach, as every individual interacting with the University online or through email in this digital age thus interacts with WM:



54. Simply put, the WM brand has been and continues to be so woven into the fabric of the University such that the public has and continues to see WM as synonymous with the University and the University with WM.

55. Through centuries of effort, promotion, and an unwavering dedication to excellence, the University has built up and now owns significant goodwill embodied in WM. Consumers and the public recognize WM as a source identifier that is uniquely associated with the University of William and Mary, and particularly with its high-quality educational and academic offerings.

56. To protect this valuable intellectual property and the integrity of the WM brand, WM has registered several WM trademarks (the “WM Registrations”) with the United States Patent and Trademark Office (“USPTO”), including, but not limited to:

Mark	Reg. No.	Goods and Services	Reg. Date
W & M	1,638,481	IC 25: clothing, namely, sweatshirts, sweat pants, caps, sportshirts, shorts, jackets, sweaters, jerseys, sun visors, hats, baby bibs, and socks	March 19, 1991

Mark	Reg. No.	Goods and Services	Reg. Date
	3,770,335	IC 25: T-shirts, shirts, sweatshirts IC 41: educational services, namely providing courses of instruction at the college level; arranging and conducting athletic competitions	April 6, 2010
	5,691,070	IC 25: Clothing, namely, shirts, shorts, pants, hats, tee shirts, sweatshirts, jackets and hats IC 41: educational services, namely, providing courses of instruction at the university level; entertainment services, namely, organizing and conducting collegiate athletic competitions and events and visual, literary and performing arts presentations	March 5, 2019
	5,691,912	IC 16: School supplies, namely, stickers, decals, paper notebooks, binders, notepads, calendars, daily/monthly planners, stationery, note cards, and writing instruments IC 24: Blanket throws; bed blankets; towels; fabric flags; fabric banners	March 5, 2019
	5,919,594	IC 16: Decals IC 21: Drinking glasses; Mugs	November 26, 2019
	5,925,512	IC 41: educational services, namely, providing courses of instruction at the university level; entertainment services, namely, organizing and conducting collegiate athletic competitions and events, and visual, literary, and performing arts presentations IC 25: clothing, namely, shirts, shorts, pants, tee shirts, sweatshirts, jackets, and hats	December 3, 2019

True and correct copies of WM's trademark registrations for the WM trademarks are attached as Exhibits 12-17 to the Complaint.

57. Each of the WM Registrations are valid and subsisting on the Principal Register and have been since their respective registration dates.

58. Three of those registrations—U.S. Reg. Nos. 3,770,335, 5,919,594, 5,925,512—have obtained incontestable status under the Lanham Act, 15 U.S.C. § 1065, and is therefore conclusive evidence of the validity of that Mark, of WM's ownership of that Mark, and of WM's exclusive right to use the WM Marks with educational services in the United States. The remaining WM Registrations are prima facie evidence of the validity of the WM Marks, of WM's ownership of the WM Marks, and of WM's exclusive right to use the WM Marks with educational services and related promotional materials in the United States.

59. In addition to those rights covered by the WM Registrations, the University also owns common law trademark rights in the word marks WM and W&M as well as several other WM or W&M Design marks and logos due to WM's longstanding use of those marks. Examples include, but are not limited to, the following marks:



(WM's common law marks together with the WM Registrations are collectively referred to throughout as the "WM Marks").

60. On top of this, the association between WM and its WM Marks is further protected and entrenched by the University's continued use of its longform name, William & Mary, for which it also holds two federal trademark registrations: U.S. Reg. No. 1,675,407 (Registered 1992) and U.S. Reg. No. 1,646,098 (Registered 1991).

61. As result of WM's widespread, three-centuries and counting consistent use and promotion of the WM Marks, and through 300+ years of unwavering dedication to excellence, the WM brand is instantly recognizable to the consuming public in the United States and worldwide as an indicator of academic quality, rigor, and integrity.

62. Accordingly, the WM Marks are famous and assets of significant value as identifiers of WM and its high-quality services, as well as WM's extensive goodwill in the marketplace.

WM Symposia and Its Infringing WM-Formative Marks

63. Much like WM, WM Symposia is an entity that holds itself out to the public as an "organization dedicated to providing education and information exchange" through symposiums, conferences, workshops, and other educational programming.

64. Also like WM, WM Symposia offers these education and information exchange related services in connection with a rapidly expanding family of WM-formative marks, including but not limited WM, WM STEM, WM STEM & Design, WM STEM EDUCATORS' COUNCIL & Design, WM SYMPOSIA, and WM SYMPOSIA & Design (collectively with all other uses of WM by WM Symposia, the "Infringing Marks") and through, among other channels, webpages hosted at a WM-formative domain name, <wmsymp.org> (the "Domain").

65. Unlike WM, however, WM Symposia is not a centuries-old institution nor does it have the right to use WM in connection with education-related services. Instead, and despite

claiming a much earlier first use date, WM Symposia is an entity that—according to public records—was not formed until 1992. *See* Exhibit 18.

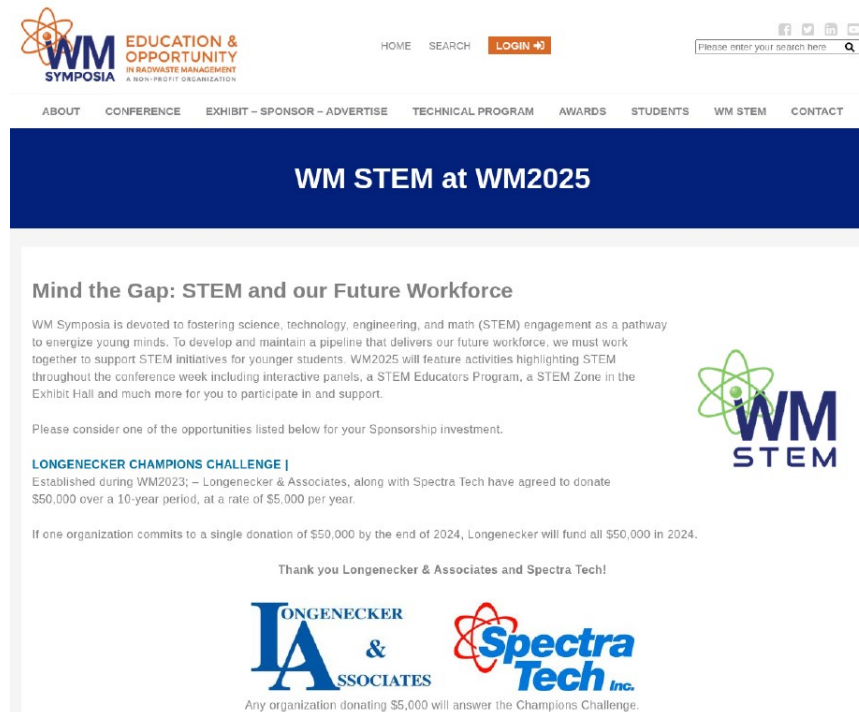
66. Despite beginning with limited operations that involved the hosting of a single yearly conference in Arizona that had the narrow scope of facilitating networking between industry professionals on the sole topic of radioactive waste management, WM Symposia’s recent activities demonstrate an attempt to expand rapidly the scope of its business operations offered under the Infringing Marks substantively and geographically into a space long held by WM. *See* Exhibits 19 and 20.

67. For example, WM Symposia has drastically expanded its service offerings—and also how WM Symposia uses WM-formative branding—from the facilitation of professional networking in a niche technical industry to the provision of educational services across the traditional academic fields of science, technology, engineering and math—i.e., STEM education.

68. Examples of this use can be seen on WM Symposia’s webpages hosted at the Domain (including the screenshot below), all of which emphasize the company’s recently created WM STEM program that WM Symposia heavily promotes and boasts as having “reached more than 5,000 students” to date:



69. WM Symposia has likewise begun branding its annual conferences with just the mark WM plus the operative year, claiming to draw an international audience and to offer continuing education credits to participants, and highlighting the available “Student Opportunities”:



70. In tandem with those offerings, WM Symposia actively advertises that it is now an “IACET Accredited Provider” via a blue and white official badge that is prominently displayed not once but twice on WM Symposia’s homepage (a portion of which is pictured immediately below):

WM STEM

As an IACET Accredited Provider, W M Symposia, Inc. offers IACET CEUs for its learning events that comply with the ANSI/IACET Continuing Education and Training Standard.

71. IACET is short for the International Accreditors for Continuing Education and Training, an organization based in Sterling, Virginia that “accredit[s] providers around the world that deliver quality learning.”

72. WM Symposia's decision to seek and promote this accreditation further demonstrates its enhanced focus on and desire to be perceived by the consuming public as a top-notch educational institution.

73. Adding to that public perception, WM Symposia’s Domain does not use the commonplace gTLD <.com>. Instead, WM Symposia elected to use <.org> —a gTLD that the public perceives as establishing greater credibility, particularly in the educational space.

74. WM Symposia likewise offers scholarships to undergraduate students in connection with its WM-formative marks, including but not limited to scholarships provided to students attending Virginia Commonwealth University (VCU), another Virginia public institution of higher education.

75. Accordingly, in offering these educational services, WM Symposia is not only encroaching on WM's core service offerings but is reaching into WM's own backyard to do it. In addition to offering WM-branded scholarships to Virginia-based undergraduate students, two of the "inaugural members" of the WM STEM Educators Council are Virginia-based academics who teach at one of the Commonwealth's Governor's Schools—a sister program to the Summer Residential Governor's School Program that WM has been involved with for decades.

76. In short, while WM Symposia was once a professionals-based organization focused on a niche subtopic of a single technical industry, it is now an entity using a family of infringing WM-formative marks to offer, market, sell, and advertise a host of educational services across a range of academic disciplines, including in STEM.

WM Symposia's Willful Violation of WM's Rights in the Famous WM Marks

77. As noted above, WM Symposia is the junior user of its WM-formative marks.

78. WM's ownership and use of the famous WM Marks predates WM Symposia by centuries. The WM Marks became famous long before WM Symposia existed.

79. WM Symposia nevertheless has adopted and expanded its use of the WM-formative marks in flagrant disregard for WM's rights and the risk of confusion that WM Symposia's actions create.

80. As noted above, WM Symposia has begun promoting, marketing, and offering its educational services—that are clearly within the bounds of WM's core services—under a rapidly growing set of Infringing Marks.

81. Each of the Infringing Marks include as their dominant element the identical and famous WM element that is immediately associated by the public with WM.

82. WM Symposia's only services fall squarely within the core of what WM offers under its centuries-old, famous WM Marks: educational and academic services that take the form of not only traditional classroom content but also conferences, symposiums, workshops, educator development, research, and more.

83. WM Symposia's expansion into and increasing focus on STEM education mirrors WM's activities in the same space as does its attempts to affiliate itself with the Virginia Governor's School Program.

84. WM Symposia's Domain is likewise incredibly similar to WM's long-established domain name—both in use of the prominent WM element but also gTLD's the public trusts and recognizes as being used by educational institutions. Email addresses used by WM Symposia will therefore also be highly similar to those used by WM.

85. WM Symposia's push to build relationships with professional and industry parties mimics WM's hard-earned partnerships with outside entities such as the Jefferson Lab, including affiliating itself with another U.S. Department of Energy National Laboratory for involvement in WM Symposia events:

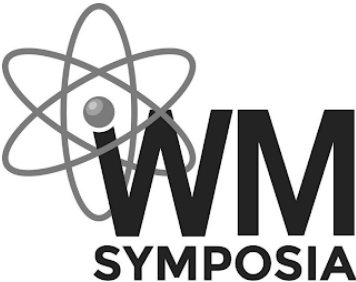
The screenshot displays the PNNL website's navigation bar with links for ABOUT, NEWS & MEDIA, CAREERS, EVENTS, and a search bar. Below the navigation bar, a secondary menu includes RESEARCH, PEOPLE, PARTNER WITH PNNL, and FACILITIES & CENTERS. The main content area features a large banner for "PNNL@WM2024 PHOENIX" with the dates "MARCH 10-14 | 2024". The banner also includes the "WM SYMPOSIA 2024 50 YEARS" logo. To the right of the banner, the text reads "Conference Waste Management Symposia 2024". Below this, a paragraph states: "Scientists from Pacific Northwest National Laboratory will join peers from around the world at Waste Management Symposia 2024, a premier international conference." A link for "PNNL Speaker Schedule at WM2024 (PDF)" is provided with a download icon. At the bottom, an orange button says "LEARN MORE ABOUT THE CONFERENCE".

86. Both entities likewise target similar consumers and prospective consumers; use similar channels of trade, marketing, and advertising; and overlap in many meaningful ways.

87. Simply put, WM Symposia's use of WM – whether as a standalone word mark or any of the other Infringing Marks and the Domain – to offer educational services blatantly infringes the WM Marks and creates a significant likelihood of confusion in the marketplace to the detriment of WM and the unsuspecting public-at-large, and WM Symposia knows it.

88. Not only has WM Symposia been rapidly expanding its violation of WM's rights in the famous WM Marks through its adoption of new Infringing Marks and substantive/geographic expansions of its services, it has also begun filing applications to obtain nationwide registrations for infringing WM-formative trademarks with the USPTO, despite the obvious and direct conflict with WM's prior rights.

89. WM Symposia has since obtained one of these registrations, U.S. Reg. No. 7,700,831, for its WM SYMPOSIA & Design Mark (the "WM Symposia Registration"):

Mark	Reg. No.	Goods and Services
	7,700,831	IC 35: Promoting education in the science, technology, engineering and mathematics (STEM) field relating to radioactive waste management, nuclear waste, and nuclear energy research and education IC 36: Providing educational scholarships in the science, technology, engineering and mathematics (STEM) field relating to radioactive waste management, nuclear waste, and nuclear energy research and education IC 41: Education services, namely, training educators in the field of science, technology, engineering and mathematics (STEM) relating to radioactive waste management, nuclear waste, and nuclear energy, and providing curricula in connection therewith; Educational services, namely, conducting conferences, seminars,

Mark	Reg. No.	Goods and Services
		workshops, and symposia in the field of radioactive waste management, nuclear waste, nuclear energy, and distribution of educational materials in connection therewith

90. However, WM Symposia is not entitled to the WM Symposia Registration and possesses no valid rights through it for a multitude of reasons that can be summarized as WM having senior, nationwide priority in the WM Marks, an issue that WM Symposia was acutely aware of because it was explicitly raised by the USPTO during the application process.

91. In a March 15, 2024 Office Action refusing WM Symposia’s initial application for the WM Symposia Registration, the examining attorney expressed significant concern about WM’s senior rights, noting in particular that the educational services covered by WM’s incontestable registration for its centuries-old WM & Design Mark (U.S. Reg. No. 3,770,335) “presumably encompass[] all services of the type described, *including* applicant’s classes in the fields of radioactive waste management, nuclear waste, nuclear energy, science, technology, engineering and mathematics (STEM)” and concluding “[t]hus, the applicant’s [WM Symposia’s] and registrant’s [WM’s] services are legally identical.” TTABVUE 14.

92. In other words, the examining attorney’s concern was based on the fact that WM’s scope of activity legally extends to both a) radioactive waste management, nuclear waste, and nuclear energy and b) science, technology, engineering and mathematics (STEM).

93. Despite this concern, none of the amended service descriptions WM Symposia provided in response to the Office Action actually narrowed away from either category and, in fact, the amended descriptions almost invariably *added* one of the two categories the examining attorney identified as covered by and conflicting with WM’s services. *See* Exhibit 21.

94. Notwithstanding the Examining Attorney's recognition of the overlap with WM's established trademark rights, the amendments were accepted and the mark was allowed to register. In short, WM Symposia was able to obtain the WM Symposia Registration without addressing the blatant conflict with WM's senior rights raised by the examining attorney or the resulting likelihood of confusion cited as the grounds for the initial denial.

95. The WM Symposia Registration completely subsumes the dominant WM element of WM's famous WM Marks, and all the WM Symposia Registration's services—both originally and as presently registered—are identical to, related to, or well within the zone of natural expansion of WM's services and offerings. As the original examining attorney noted when describing a problem that ultimately went completely unaddressed, WM Symposia's registration of and use of the WM Symposia Registration is therefore likely to cause consumer confusion, mistake, and/or deception as to the source origin, affiliation, sponsorship, or other relationship between WM Symposia on the one hand, and WM and its good and services on the other hand.

96. That likelihood of confusion is exacerbated by the fact that the WM Symposia Registration is not limited in channels of trade and does not include a claim to any particular color. This would seemingly permit WM Symposia to use the WM Symposia Registration in a confusingly similar color scheme to the green and gold that has been used by WM for many decades in connection with its services, brand, and its WM Marks, further contributing to the likelihood of confusion and dilution of WM's famous Marks.

97. On top of this, and in a further incursion on WM's senior rights, WM Symposia's solution to a *second* refusal from the USPTO—again, ultimately accepted—only further enables Defendant's continued and knowing violation of WM's centuries-old intellectual property. After the USPTO accepted WM Symposia's strategically un-narrowed service descriptions, it issued a

second Office Action requiring that the WM Symposia Registration disclaim “WM” specifically, on the basis that it was merely descriptive of WM Symposia’s services. This was based in large part on WM Symposia’s own filings, in which it stated that WM referred to the affiliation between its service offerings and the waste management industry.

98. The Office Action indicated the issue could be overcome by WM Symposia providing a disclaimer that would read “No claim is made to the exclusive right to use “WM” apart from the mark as shown.”

99. Instead, Defendant, who at this point was well aware of WM’s prior rights, took a different route so it could claim WM, despite the UPSTO’s accurate finding that it was merely an acronym descriptive of WM Symposia’s involvement in the waste management industry. WM Symposia filed a Claim of Acquired Distinctiveness under Section 2(f), stating that “WM has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use of the mark in commerce...”

100. WM Symposia’s declaration is obviously and demonstrably untrue for reasons that are well-covered in the first half of this complaint concerning WM’s longstanding use and offerings under WM. Nevertheless, WM Symposia was thus able to obtain the WM Symposia Registration with a specific acquired distinctiveness claim for “WM.”

101. Unfortunately, this statement would be a harbinger of Defendant’s continued campaign to offer educational services under and acquire rights to WM specifically, in purposeful disregard of the fact that those rights already and exclusively belong to the University.

102. Indeed, WM Symposia has applied for and is currently pursuing another USPTO registration (U.S. Appl. Ser. No. 98/055283), this time for the wordmark “WM,” with no limitation

on font style, size, or color, and in connection with educational services and offerings and in open violation of WM's prior rights (the "Applied-for Mark").

103. Specifically, WM Symposia is attempting to register the Applied-for Mark in connection with:

- "Promoting education in the science, technology, engineering and mathematics (STEM) field relating to radioactive waste management, nuclear waste, and nuclear energy research and education; none of the foregoing rendered by a college or university, relating to advocacy for the inclusion of women in the disciplines of science, technology, engineering and mathematics, or relating to the fields of the spiritual world, spiritual mediums, health or nutrition" in International Class 35;
- "Providing educational scholarships in the science, technology, engineering and mathematics (STEM) field relating to radioactive waste management, nuclear waste, and nuclear energy research and education; none of the foregoing rendered by a college or university, relating to advocacy for the inclusion of women in the disciplines of science, technology, engineering and mathematics, or relating to the fields of the spiritual world, spiritual mediums, health or nutrition" in International Class 36; and
- "Education services, namely, training educators in the field of science, technology, engineering and mathematics (STEM) relating to radioactive waste management, nuclear waste, and nuclear energy, and providing curricula in connection therewith; Educational services, namely, conducting conferences, seminars, workshops, and symposia in the field of radioactive waste management, nuclear waste, nuclear energy, and distribution of educational materials in connection therewith; none of the foregoing rendered by a college or university, relating to advocacy for the inclusion of women in the disciplines of science,

technology, engineering and mathematics, or relating to the fields of the spiritual world, spiritual mediums, health or nutrition” in International Class 41.

104. Just as is the case with the WM Symposia Registration and WM Symposia’s various other Infringing Marks, the Applied-for Mark completely subsumes the identical WM element that is core to the WM Marks and is likely to cause significant confusion among the consuming public who instantly associate WM in connection with the offering of education-based services, including those involving nuclear energy, radiation, and STEM, with the University of William and Mary.

105. With the full benefit of information regarding WM’s rights, it is clear that WM Symposia is not entitled to the registration of any of its Infringing Marks, including but not limited to the Applied-for Mark and the WM Symposia Registration.

106. Yet, with full knowledge of this fact, WM Symposia has persisted in pursuing its pending application and maintaining its registration despite WM’s objections to the same, further confirming WM Symposia’s intent to infringe and dilute WM’s senior, 300+ year old trademarks without pause or concern for the same.

Harm WM Symposia is Causing WM

107. The likelihood of confusion, mistake, and deception created by WM Symposia’s willful infringement, unfair competition, and false designation of origin, as well as its dilution of WM’s centuries-old WM Marks is causing and will continue to cause irreparable harm to WM, the goodwill embodied in its intellectual property, and the reputation for academic quality, rigor, and integrity symbolized by WM.

108. WM Symposia’s activities are likely to cause confusion among the public and consumers for the simple reason that the Infringing Marks, all of which are identical or nearly

identical to the WM Marks, are being used in connection with goods and services that are identical to those offered by WM for centuries under its WM Marks. WM Symposia's use of the Infringing Marks creates a false and/or misleading understanding that WM Symposia and its services are the same as/offered by WM and/or sponsored or endorsed by, affiliated with, connected to, or otherwise related to WM when they are not.

109. WM has no control over the quality or content of WM Symposia's educational services. It likewise has no say in when, where, and to whom those services are offered or how or by whom they are taught. In fact, WM has no control or say over any aspect of WM Symposia's business.

110. This alone creates substantial risk for WM—which has worked for centuries to maintain its status as one of the most respected institutions in the United States.

111. Yet the nature of WM Symposia's offerings pose even greater risk because the topics of nuclear energy and radioactive waste are societally important and politically sensitive. Accordingly, and by way of example, if Defendant were to begin espousing the idea that the best method for disposing of radioactive waste was to dump it in protected wetlands, WM's reputation would be irreparably harmed by the inevitable and mistaken conclusion that the public would draw between WM and a WM Symposia press release bearing the Infringing Marks.

112. The harm and risk this creates for WM is only compounded by the fact that WM is a famous mark. WM Symposia's use of the Infringing Marks therefore impairs three-centuries worth of fame that WM has created and protected as the academic institution known by that name.

113. Yet the harm WM Symposia is causing does not end there. As its website makes clear, WM Symposia is charging for conference attendance and accepts donations and other monetary gifts that are solicited and obtained using the Infringing Marks. It is therefore clear that

WM Symposia is using the Infringing Marks for the additional purpose of obtaining financial gain from the goodwill embodied in the WM Marks.

114. With public academic institutions facing unprecedented outside pressures, policing and maintaining reputational integrity is not only important—it is absolutely vital to institutional survival. WM Symposia’s continued infringing use of WM’s Marks thus threatens not only WM’s reputation, but its centuries-old institutional standing.

COUNT I
Federal Trademark Infringement
Lanham Act (15 U.S.C. § 1114)

115. WM hereby incorporates by reference all preceding paragraphs as though expressly stated herein.

116. The WM Marks are valid, protectible, and in most cases federally registered marks that belong to WM.

117. WM’s U.S. Reg Nos. 3,770,335, 5,919,594, 5,925,512 are also incontestable.

118. WM Symposia has knowingly and intentionally used and continued to use in commerce, without WM’s permission or authorization, the Infringing Marks in connection with the sale, offering for sale, distribution, and/or advertising of goods and services, including educational services, that do not originate from, and are not sponsored by or affiliated with WM.

119. WM Symposia’s actions, including without limitation by advertising, distributing, offering for sale, and selling goods and services in trademark classes registered by WM or within the natural zone of expansion of those classes and the goods and services within, have caused and/or are likely to cause confusion, mistake, or deception as to the source of origin of the goods offered by WM Symposia in connection with the Infringing Marks, in that customers and potential customers are likely to believe that those services offered by WM Symposia in connection with

the Infringing Marks are provided by, sponsored by, approved by, licensed by, affiliated or associated with, or in some other way legitimately connected to WM, when there is no such relationship.

120. The likely confusion, mistake, or deception caused by WM Symposia is willful and is in violation of section 32 of the Lanham Act, 15 U.S.C. § 1114.

121. WM Symposia's actions are causing, and unless enjoined by this Court, will continue to cause a likelihood of confusion and deception of members of the trade and public, and therefore injury to WM's goodwill and reputation as embodied in the famous WM Marks that is irreparable and for which WM has no adequate remedy at law.

122. WM Symposia has caused and will continue to cause substantial injury to the public and WM, and WM is entitled to injunctive relief and to recover WM Symposia's profits, WM's actual damages, enhanced profits and damages, costs, and reasonable attorneys' fees under 15 U.S.C. §§ 1114, 1116, and 1117.

COUNT II
Federal Unfair Competition and False Designation of Origin
Lanham Act (15 U.S.C. § 1125)

123. WM hereby incorporates by reference all preceding paragraphs as though expressly stated herein.

124. WM's famous WM Marks are inherently distinctive identifiers of source that consumers identify with WM, and each has enjoyed significant recognition by the consuming public as a source identifier of WM long before WM Symposia's actions addressed in this Complaint began.

125. The Infringing Marks constitute use of terms, names, symbols, and devices, and use of false designations of origin, all of which are likely to cause confusion, mistake, or deception as

to the source of origin of the goods and services provided by WM Symposia, in that customers and potential customers are likely to believe that such goods and services are provided by, sponsored by, approved by, licensed by, affiliated or associated with, or in some other way legitimately connected to WM, when there is no such relationship.

126. WM Symposia knowingly and intentionally has used and continues to use in commerce the Infringing Marks, without WM's permission or authorization and in direct contradiction to WM's requests that WM Symposia stop such use.

127. WM Symposia's actions have cause and/or are likely to cause confusion, mistake, or deception, in that customers and potential customers are likely to believe there is sponsorship, approval, licensing, affiliation, association, or some legitimate connection between the goods provided by WM Symposia in connection with the Infringing Marks and WM, when there is no such relationship.

128. The likely confusion, mistake, or deception caused by Defendant is willful and is in violation of section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

129. WM Symposia's actions are causing, and unless enjoined by this Court, will continue to cause a likelihood of confusion and deception of members of the trade and public, and additionally, irreparable injury to WM's goodwill and reputation as embodied in the famous WM Marks, for which injury WM has no adequate remedy at law.

130. WM Symposia has caused and will continue to cause substantial injury to the public and WM, and WM is entitled to injunctive relief and to recover WM Symposia's profits, WM's actual damages, enhanced profits and damages, costs, and reasonable attorneys' fees under 15 U.S.C. §§ 1114, 1116, and 1117.

COUNT III
Federal Trademark Dilution
Lanham Act (15 U.S.C. § 1125(c))

131. WM hereby incorporates by reference all preceding paragraphs as though expressly stated herein.

132. The WM Marks are famous within the meaning of 15 U.S.C. § 1125(c), and became famous before WM Symposia began using the Infringing Marks in connection with its services. The WM Marks are advertised and used extensively throughout the United States, and are highly recognized by the trade and consuming public.

133. WM Symposia is engaged in commercial use of the Infringing Marks.

134. WM Symposia's actions are disparaging and damaging, and are likely to cause dilution of the WM Mark through, at the very least, blurring and tarnishing.

135. WM Symposia's actions are likely to dilute by blurring the WM Marks by impairing the distinctiveness of those Marks.

136. WM Symposia's actions are likely to dilute by tarnishing the WM Marks by, at least, using the Infringing Marks to offer educational services and academic offerings that do not live up to the high standards set for goods and services offered under the WM Marks.

137. As a result of WM Symposia's likely dilution, WM has suffered, and will continue to suffer, irreparable injury and substantial damages, while WM Symposia has been and will continue to be unjustly enriched.

138. Upon information and belief, WM Symposia's dilution of the WM Marks is and was willful.

139. The likely dilution of the WM Marks caused by Defendant violates section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

COUNT IV

Cancellation of the WM Symposia Registration

140. WM hereby incorporates by reference all preceding paragraphs as though expressly stated herein.

141. WM has priority in the famous WM Marks over WM Symposia's Registered Mark based both on prior actual use and prior federal applications and registrations.

142. WM Symposia's Registered Mark is confusingly similar to WM's senior, famous WM Marks for several reasons, including but not limited to as a result of the shared virtually identical and dominant WM element; the virtually identical services; and the lack of limitation on channels of trade or prospective consumers in the services identified in WM Symposia's Registered Mark.

143. WM Symposia's Registered Mark is also dilutive of WM's famous WM Marks, including through tarnishment and blurring.

144. WM will be irreparably damaged by the continued registration of WM Symposia's Registered Mark based on at least the likelihood of confusion and dilution caused by that registration.

145. The WM Symposia Registration should therefore be cancelled pursuant to 15 U.S.C. § 1064 and § 1119.

COUNT V

Common Law Unfair Competition and False Designation of Origin

146. WM hereby incorporates by reference all preceding paragraphs as though expressly stated herein.

147. WM is the owner of all rights and title to, and has valid and protectable prior rights in, the famous WM Marks.

148. The famous WM Marks are distinctive marks that are eligible for protection under the common law.

149. WM has used the famous WM Marks in commerce long before WM Symposia began using the Infringing Marks in commerce.

150. WM Symposia has reproduced, copied, and imitated the famous WM Marks in connection with the promotion, advertising, sale, offering for sale, and distribution of education related services, in competition with WM and without WM's consent.

151. WM Symposia's use of the Infringing Marks has caused, and is likely to continue to cause, confusion with the famous WM Marks, and it constitutes unfair competition and false designation of origin in violation of WM's rights.

152. WM Symposia's acts of common law infringement and unfair competition have been willful and deliberate and committed in bad faith, and WM Symposia has and will continue to profit and be unjustly enriched in ways WM Symposia would otherwise not have been but for its unlawful conduct.

153. WM Symposia's willful and deliberate acts described above have caused injury and damages to WM, and have caused irreparable injury to WM's goodwill and reputation and, unless enjoined, will cause further irreparable injury, whereby WM has no adequate remedy at law.

154. WM is entitled to injunctive relief as well as actual damages, WM Symposia's profits, and an award of costs and attorneys' fees.

JURY DEMAND

WM respectfully demands a trial by jury on all claims and issues so triable.

PRAYER FOR RELIEF

WHEREFORE, WM prays for judgment against WM Symposia as follows:

A. Preliminarily and permanently enjoining and restraining WM Symposia, their directors, members, officers, agents, servants, employees, parents, subsidiaries, affiliates, and all persons in active concert or participation with, through, or under any of them, at first during the pendency of this action and thereafter perpetually from:

- i. advertising, marketing, promoting, offering for sale, selling, or distributing any good or service in connection with the Infringing Marks or any other mark confusingly similar to the WM Marks;
- ii. committing any other acts of trademark infringement, trademark dilution, unfair competition, and from implying a false designation of origin or a false description or representation with respect to the famous WM Marks;
- iii. using in any manner any trademark, name, logo, design, or source designation of any kind on or in connection with WM Symposia's goods or services that is likely to cause confusion, mistake, deception, or public misunderstanding that such goods or services are produced or provided by WM, or are sponsored or authorized by WM, or are in any way connected or related to WM;
- iv. using in any manner any labels, signs, literature, Internet websites, or advertising, or promotional materials, or other materials bearing the Infringing Marks or any other marks, words, or names that are confusingly similar to the famous WM Marks;

- v. making any statements on promotional materials or advertising for its goods or services that are false or misleading as to source or origin or affiliation with, sponsorship by, or connection to WM;
 - vi. using any designation that is likely to disparage, tarnish or dilute the distinctive quality of the famous WM Marks, including but not limited to the Infringing Marks;
 - vii. passing off, palming off, or assisting in passing off or palming off WM Symposia's goods and services as those of WM, or otherwise continuing any and all acts of unfair competition alleged in this Complaint.
- B. Requiring that WM Symposia deliver up to WM any and all materials, which in any way unlawfully use or make reference to the Infringing Marks, or any of WM's WM Marks.
- C. Requiring that WM Symposia, within thirty (30) days after service of notice of entry of judgment or issuance of an injunction pursuant thereto, file with the Court and serve upon WM's counsel a written report under oath setting forth details of the manner in which WM Symposia has complied with the Court's order pursuant to paragraphs A through B above.
- D. Ordering WM Symposia to pay over to WM all actual damages sustained by WM as a result of WM Symposia's willful infringement, unfair competition, false designation of origin, and dilution, as well as to pay to WM an accounting of WM Symposia's profits, , and ordering that the amount of damages awarded to WM be increased three times the amount thereof pursuant to 15 U.S.C. §§ 1117(b) and 1125.
- E. Ordering that WM recover and WM Symposia pay to WM the costs of this action, together with reasonable attorney's fees, in accordance with 15 U.S.C. § 1117 and other applicable laws.

- F. Ordering that WM recover and WM Symposia pay to WM all prejudgment and post-judgment interest on all monetary awards.
- G. Ordering that WM Symposia's federal registrations for WM SYMPOSIA (Registration No. 7,700,831) be cancelled pursuant to the Lanham Act.
- H. Ordering WM Symposia to withdraw any state or federal trademark registrations or applications for state trademark registrations incorporating the Infringing Marks to the extent that there are any state registrations that this Court cannot order for cancellation, and Ordering WM Symposia not to file for any such trademarks in the future.
- I. Awarding WM punitive damages.
- J. Awarding WM such other and further relief as this Court deems just and proper.

Dated this 8th day of August, 2025.

Respectfully submitted,

/s/ Amanda L. DeFord

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