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**Sent:** Wednesday, May 13, 2020 2:25 PM

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**Subject:** Important Issue Regarding Intellectual Property - Art Basel / Art Fairs

Chairman Arriola and Members of the Finance & Economic Resiliency Committee:

Let me begin with a “Thank You” to each of you for the incredible time and energy that you provide to protect the interests of The City of Miami Beach and residents. Your tremendous effort is highly appreciated and does not go unnoticed.

I write to you today as a private citizen and one with a strong background in business creation/development & brand building. Having founded a number of venture backed companies, and having served for a number of years as the Chair of the Production Industry Council (“PIC”) (most recently appointed by Commissioner Samuelian – to whom I am eternally grateful) I believe that I have insights into the unique business/branding needs of our very special and prominent city.

This letter is in reference to a motion that I brought forth, and that was unanimously approved, by the PIC and presented to Commission in the form of an LTC (#018-2020) dated January 9, 2020.

Let me briefly set the stage.

I believe that the City of Miami Beach has a problem that I believe can be summarized simply as follows:

- a. Virtually every resident, visitor, guest, friend, colleague, member of the media, and others refer to the two-week period in early December as “Art Basel week” DESPITE the fact that there are 20 plus other important and recognized art fairs.
- b. These many art fairs together drive substantial revenue and exposure to COMB, and have become foundational to the branding for COMB as a world class destination.
- c. “Art Basel” is a highly protected brand / trademark wholly owned by MCH Swiss Exhibition, Basel Switzerland.
- d. MCH Swiss Exhibition company has, and will continue to, vigorously defend its rights to protect the use of its trademark.
- e. Should MCH Swiss Exhibition company move its art fair to another city, it would pull the plug on COMB’s use of the “Art Basel” brand, and with it take all of the associated economic brand value.
- f. The COMB must NOT lose any brand value associated with the collection of art fairs that has been built over the years, and COMB can only protect its position by building and relying on its OWN brand that will withstand the test of time.
- g. A non-exclusive license by Art Basel to COMB to use its brand will not suffice as the Art Basel brand will never be granted to COMB in perpetuity and without restriction.
- h. COMB can/should no longer ride nearly exclusively on the coattails of the Art Basel brand and must 1) ESTABLISH, 2) OWN and 3) PROTECT its own trademark and domain

name that encompass all art fair and related activities under a grand umbrella of brand protection.

- i. Art Basel WILL continue to be Art Basel, and nothing related to Art Basel will change. However, under what I propose, the COMB will be able to have the latitude to promote art related events without the fear of trademark infringement for this exceedingly important economic engine that drives much of what the City of Miami Beach is famous for.
- j. COMB, as the owner of its own protected brand, will enable the City to promote all art related activities under its OWN brand, and not be beholden to any other interests. One cannot put a value on this freedom.

I hereby strongly suggest that the COMB move quickly to identify, create and protect its own brand (trademark and domain name), that will serve as an overarching brand and become the *de facto* name for the ALL art related activities and fairs hosted by COMB. This will provide the long-term branding protection that COMB absolutely needs.

I will be pleased, should the City request, to donate my time free of charge to assist the City in this important effort.

To ignore the possible repercussions of COMB not owning, and being fully in control of, its own brand would be sheer folly with substantial downside and long-term adverse economic repercussions.

Thank you for your time and consideration.

Best,

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