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Oscar Targets ‘Hackademy Awards’ in Trademark Action
*Academy Seeks Ban on Use of Parody Award Name For Raising Awareness
of Movie Tobacco Use Influence on Young People*

SACRAMENTO, Calif., Feb. 18, 2009 — Threatened legal action by The Academy of Motion Picture Arts and Sciences could snuff out the ability of Breathe California of Sacramento-Emigrant Trails to title an annual event “The Hackademy Awards,” a 12-year tradition that highlights how tobacco use in movies can influence young people to pick up the habit.

The Academy contends that the Hackademy Awards trademark owned by Breathe California infringes upon the Academy’s own trademarks, possibly leading people to confuse the Hackademy Awards with the Oscars. Breathe California believes its Hackademy Awards is a clear example of parody, and in this case, parody designed to achieve a social good — helping prevent tobacco use from infecting new generations.

“Breathe California selected a name with a humorous and ironic twist to help call attention to an extremely important social issue — the pervasive use of smoking in movies and how that influences teens’ attitudes toward cigarettes. It’s impossible to believe anyone confuses the two events, and the Hackademy Awards in no way infringe upon or dilutes the Academy of Motion Picture Arts and Sciences’ trademark,” said attorney Zachary Wadle, with the Sacramento firm of Weintraub Genshlea Chediak, which is representing Breathe California of Sacramento-Emigrant Trails pro bono. “The organization’s mission is to reduce teen smoking through public outreach efforts and The Hackademy Awards has been one of Breathe California’s most effective vehicles in successful outreach.”

The issue is now headed to the Trademark Trial and Appeal Board, an arm of the U.S. Patent and Trademark Office.

Breathe California of Sacramento-Emigrant Trails has been nationally publicizing the event since the middle 1990s and trademarked The Hackademy Awards name in 2007. It sponsors the Hackademy Awards through its Thumbs Up! Thumbs Down! program, which relies on about four-dozen teenaged volunteer movie reviewers. The teens spend the year monitoring movies for scenes depicting tobacco use, and then gather each January to vote on picks for a Thumbs Up! or Thumbs Down! movie, actor and actress.

Thumbs Down! movies exemplify how tobacco use in movies can needlessly validate smoking as a consequence-free habit. Thumbs Up! awards recognize a movie that either doesn't include tobacco use where one might expect to see it, or even better, includes a realistic message about tobacco's disastrous effect on health. Actors and actresses in each category are also recognized because of their power as role models who young people look up to.

Breathe California plans to announce its 2008 picks February 18 at a ceremony in Sacramento's Memorial Auditorium. An embargoed release on this year's Hackademy award recipients is available at:

<http://sacbreathe.org/Events/Hackademy%20Awards/2009HacksRelease.pdf>. More information about the Hackademy Awards is also available at www.scenesmoking.org.

Studies by Dartmouth College have established a direct link between smoking depicted in films and an increased willingness by teens to try smoking. These studies show that 52 percent of the youth who use tobacco products do so because of exposure to smoking in movies. Studies also show that in the United States alone, 2,050 teens will begin smoking on a daily basis. Approximately 660 of them will eventually die prematurely from diseases related to tobacco use.

This year, every feature length Academy Award nominated movie includes tobacco imagery. In 2008, 12 billion tobacco impressions were delivered by youth-rated movies in theaters alone, nearly twice as many impressions as were delivered by R-rated films, according to Smoking Presentation Trends in U.S. Movies, 1991 — 2008, a new study by Breathe California of Sacramento-Emigrant Trails and the Center for Tobacco Control Research and Education at the University of California, San Francisco. The report can be accessed online at <http://repositories.cdlib.org/ctcre/tcpmus/Movies2008>.

Movie depictions of tobacco use act to promote smoking among young people for a number of reasons, beyond the fact that accompanying depictions of health consequences, much less social consequences such as bad breath, are relatively rare. Instead, younger movie goers see the habit directly tied to expressions of glamour, power, charisma and sexiness, which can dilute or cancel out the effectiveness of public health messages that warn them against tobacco use.

“We are not asking that tobacco use be banned from movies. We understand how it can be appropriate when depicting certain historical characters. And where directors insist on using it in other contexts, we would at least like to see an R rating applied. As it is now, smoking is a predictable element in most PG-13 movies, where it essentially serves as an advertising campaign promoting tobacco use to a younger audience,” said Kori Titus, deputy director of Breathe California of Sacramento-Emigrant Trails.

Breathe California of Sacramento-Emigrant Trails promotes cleaner air, healthier lungs and a tobacco-free tomorrow. Originally founded in 1917, the organization that is today Breathe California of Sacramento-Emigrant Trails is an independent non-profit. For more information, call (916) 444-5900, or visit www.sacbreathe.org.

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