

Mark: 5-MINUTE CRAFTS
Applicant: ADME (CY) LTD.

Declaration of Artur Mamedov
ADME (CY) LTD.
62 Agiou Athanasiou Avenue
BG WAYWIN PLAZA, office 101
4102 Limassol, Cyprus

**DECLARATION OF ARTUR MAMEDOV IN SUPPORT OF
CLAIM OF 2(F) ACQUIRED DISTINCTIVENESS**

1. I, Artur Mamedov, declare under penalty of perjury as follows:
2. I am over the age of eighteen (18) years, and I am competent to make this Declaration.
3. The facts stated in this Declaration are within my personal knowledge.
4. All statements made in this Declaration are true or made on information believed to be true.
5. I am the Chief Operating Officer at ADME (CY) LTD., the applicant for registration of 5-MINUTE CRAFTS (the “Word Mark”) with the U.S. Patent and Trademark Office, Application Serial No. TBD filed contemporaneously with this Declaration (the “Application”).
6. Because of the extensive use and promotion and recognition of the Word Mark in the U.S. and other countries since 2016 (for Class 41 services) and 2019 (for Class 35 services) by the applicant and its predecessors-in-interest and affiliated entities (hereinafter, collectively referred to as “Applicant” or “TheSoul Publishing”), (a) consumers now directly associate the Word Mark with the source of the following services identified in the Application, and (b) the Word Mark has become distinctive of the following goods and services in commerce:

Class 35: Advertising services, namely, promoting the brands, goods and services of others; Promoting the goods and services of others by means of distributing advertising on the Internet for others (collectively, the “Class 35 Services”);

Class 41: Entertainment services, namely, providing online videos, not downloadable, via digital networks, radio, television, satellite, audio, video, web-based applications, mobile phone applications, and computer networks featuring information in the fields of entertainment, animation, culture, arts, sports, pets, life hacks and fitness; entertainment services, namely, development, creation, production and post-production of website entertainment content; providing entertainment information via a website that displays trending news and information in the fields of current events and entertainment, animation, culture, arts, sports, pets, life hacks and fitness; providing online videos, not downloadable on social media platforms featuring instruction and information in the fields of entertainment, animation, culture, arts, sports, pets, life hacks and fitness; digital video, audio and multimedia entertainment publishing services in the nature of recording, production and post-production services in the fields of music, animation and video; video production services; audio recording and production; animation production services; entertainment services, namely, providing digital multimedia entertainment content in the nature of non-downloadable articles, videos and photos in the field of entertainment, animation, culture, arts, sports, pets, life hacks and fitness, provided via the internet; production and distribution of online web videos, animations, articles and photos in the fields of entertainment, animation, culture, arts, sports, pets, life hacks and fitness (collectively, the “Class 41 Services”).

Hereinafter, the Class 35 Services and Class 41 Services will be referred to collectively as the “5-MINUTE CRAFTS Goods and Services.”

7. Evidence that the Word Mark has become distinctive of the 5-MINUTE CRAFTS Goods and Services in commerce includes the following:
 - (a) numerous online materials that specifically show or promote the Word Mark in use as a trademark and source-identifier;
 - (b) the amount of resources and expenses dedicated to promotion of the Word Mark, including advertising and promotional materials that specifically show or promote the Word Mark in use as a trademark and source-identifier;
 - (c) numerous online materials that specifically show the number of users, followers, viewers, or subscribers to various online and social media platforms of Applicant; and
 - (d) other evidence that shows consumer recognition of the Word Mark as a trademark and source-identifier for goods and services offered by Applicant.
8. The widespread popularity and enormous following of Applicant’s 5-MINUTE CRAFTS Goods and Services, as evidenced in Exhibits A – P attached hereto and discussed below, help demonstrate that the Word Mark has acquired distinctiveness and consumers now directly associate the Word Mark with one source of such goods and services.
9. Applicant creates, distributes, promotes, and maintains hundreds of videos, and these short, informative, and entertaining videos each have millions of views. *See, e.g.,* Exhibits A – C.
10. The sheer quantity of viewers and subscribers evidenced by the numbers shown in Exhibits A – C demonstrates how many consumers and the public are aware of Applicant’s Word Mark and its use in connection with the 5-MINUTE CRAFTS Goods and Services.

11. Exhibit A attached hereto is a .pdf of the web page (dated December 11, 2020) at which Applicant's Facebook account titled "5-Minute Crafts" may be accessed at <https://www.facebook.com/5min.crafts/>.
12. Exhibit B attached hereto is a .pdf of the web page (dated December 11, 2020) at which Applicant's Facebook account titled "5-Minute Crafts GIRLY" may be accessed at <https://www.facebook.com/5minute.crafts.girly/>.
13. Exhibit C attached hereto is a .pdf of the web page (dated December 11, 2020) at which Applicant's YouTube channel titled "5-Minute Crafts" may be accessed at https://www.youtube.com/channel/UC295-Dw_tDNtZXFAPA6Aw.
14. Exhibit D attached hereto is a .pdf of the web page (dated December 11, 2020) at which Applicant's YouTube channel titled "5-Minute Crafts GIRLY" may be accessed at <https://www.youtube.com/channel/UC2etEuPIfohP4P53wM0KImA>.
15. Exhibit E attached hereto is a .pdf of the web page (dated December 11, 2020) at which Applicant's YouTube channel titled "5-Minute Crafts PLAY" may be accessed at <https://www.youtube.com/channel/UC57XAjJ04TY8gNxOWf-Sy0Q>.
16. The number of unsolicited articles and publicity discussing the goods and services associated with Applicant's Word Mark (including the short, instructional, and entertaining videos found on YouTube, Facebook, Instagram and TikTok) helps demonstrate the popularity and widespread recognition of the Word Mark in connection with the 5-MINUTE CRAFTS Goods and Services. *See* Exhibits F – I and L – P attached hereto, nine (9) representative examples of articles and publicity regarding the Word Mark and 5-MINUTE CRAFTS Goods and Services.

17. Exhibit F attached hereto is a .pdf of the web page at <https://nymag.com/intelligencer/2019/07/the-egg-is-bigger-than-before-what-is-5-minute-crafts.html>, accessed on December 11, 2020.
18. Exhibit G attached hereto is a .pdf of the web page at <https://www.technobezz.com/these-are-the-most-subscribed-youtubers/>, accessed on December 11, 2020.
19. Exhibit H attached hereto is a .pdf of the web page at <https://time.com/5636175/three-day-blue-egg/>, accessed on December 11, 2020.
20. Exhibit I attached hereto is a screenshot from the web page at https://twitter.com/5m_crafts?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor accessed on December 11, 2020.
21. Exhibit J attached hereto is a .pdf of the web page at <https://newsroom.tiktok.com/en-us/year-on-tiktok-the-brands-that-inspired-us>.
22. Exhibit K attached hereto includes two (2) screenshots from the "5-MINUTE CRAFTS" Snapchat account/channel as accessed on March 20, 2021.
23. Exhibit L attached hereto is a .pdf of the web page at <https://www.mediapost.com/publications/article/354259/barbie-shows-off-her-covid-19-craft-projects.html>, accessed on December 11, 2020.
24. Exhibit M attached hereto is a .pdf of the web page at <https://newdigitalage.co/2020/07/08/the-positive-content-digital-boom/>, accessed on December 11, 2020.

25. Exhibit N attached hereto is a .pdf of the web page at <https://ecompedia.com/the-surprising-virtual-trends-that-have-emerged-due-to-the-lockdown/>, accessed on December 11, 2020.
26. Applicant's Facebook account titled "5-Minute Crafts" had more than 97.6 million followers as of December 11, 2020, averages 30 posts per day (both videos and articles), and each of those videos averages 8 – 9 million views per video. *See* Exhibit A.
27. Applicant's Facebook account titled "5-Minute Crafts Girly" has more than 11.6 million followers as of December 11, 2020, averages 20 posts per day (both videos and articles), and each of those videos averages 600,000 views per video. *See* Exhibit B.
28. Applicant's Facebook account titled "5-Minute Crafts Kids" has more than 10.45 million followers as of December 2020, averages 20 posts per day (both videos and articles), and each of those videos averages 400,000 – 500,000 views per video.
29. Applicant's above-referenced Facebook accounts "5-Minute Crafts," "5-Minute Crafts Girly," and "5-Minute Crafts Kids" include many millions of followers in the U.S., upon information and belief, as well as millions of followers in other countries.
30. Each of the above-listed Facebook accounts is available to the public in the U.S. (and countries around the world) and each clearly identifies the services as 5-MINUTE CRAFTS. *See* Exhibits A-B. The Word Mark appears prominently on each account shown in Exhibits A-B.

31. Applicant’s YouTube account or “channel” titled “5-Minute Crafts” has more than 71,6 million subscribers as of March 20, 2021, averages 4 videos per day), and each of those videos averages 800,000 – 1,000,000 views per video.

32. Applicant’s YouTube account/channel titled “5-Minute Crafts” has had a cumulative total of more than 18.4 **billion** views.

33. Attached hereto as Exhibit C is a printout (dated December 11, 2020) of the web page at which Applicant’s YouTube account/channel “5-Minute Crafts” may be accessed:
https://www.youtube.com/channel/UC295-Dw_tDNtZXFeAPAW6Aw.


34. As shown in Exhibit C and the screenshot copied below (from the web page accessible at https://www.youtube.com/channel/UC295-Dw_tDNtZXFeAPAW6Aw as accessed on March 20, 2021 the 5-MINUTE CRAFTS mark appears prominently on the web page:



35. Applicant's YouTube account or "channel" titled "5-Minute Crafts GIRLY" has more than 19.1 million subscribers as of December 2020, averages 3 videos per day, and each of those videos averages 200,000 – 300,000 views per video.
36. Applicant's YouTube account/channel titled "5-Minute Crafts GIRLY" has had a cumulative total of more than 3.8 **billion** views.
37. Applicant's YouTube account or "channel" titled "5-Minute Crafts PLAY" has more than 17.7 million subscribers as of December 2020, averages 3 videos per day, and each of those videos averages 100,000 – 200,000 views per video.
38. Applicant's YouTube account/channel titled "5-Minute Crafts PLAY" has had a cumulative total of more than 4 **billion** views.
39. In addition to the YouTube channels discussed above (i.e., 5-Minute Crafts, 5-Minute Crafts GIRLY, and 5-Minutes Crafts PLAY), Applicant has a number of "smaller" channels, although each of the "smaller" channels has millions of subscribers.
40. Applicant's YouTube account/channel titled "5-Minute Crafts Family" has more than 10.3 million subscribers as of December 2020.
41. Applicant's YouTube account/channel titled "5-Minute Crafts MEN" has more than 4.77 million subscribers as of December 2020.
42. Applicant's YouTube account/channel titled "5-Minute Crafts Tech" has more than 2.62 million subscribers as of December 2020.
43. Applicant's YouTube account/channel titled "5-Minute Crafts Recycle" has more than 2.42 million subscribers as of December 2020.
44. Applicant's YouTube account/channel titled "5-Minute Crafts VS" has more than 2.94 million subscribers as of December 2020.

45. Applicant's YouTube account/channel titled "5-Minute Crafts TEENS" has more than 7.72 million subscribers as of December 2020.
46. Applicant's YouTube channels discussed above in Paragraphs 31-45 include many millions of subscribers and viewers in the U.S., upon information and belief, as well as millions of subscribers and viewers in other countries around the world.
47. Applicant's "5- Minute Crafts" TikTok account/channel has 8.3 million followers as of February 2021.
48. Applicant's "5- Minute Crafts" Snapchat account/channel has 8.9 million subscribers as of March 20, 2021. *See Exhibit K attached hereto.*
49. Applicant's above-referenced Snapchat account/channel "5-Minute Crafts" includes many millions of followers in the U.S., upon information and belief, as well as millions of followers in other countries.
50. The above-listed Snapchat account/channel is available to the public in the U.S. (and countries around the world) and clearly identifies the services as 5-MINUTE CRAFTS. *See Exhibit K.* The Word Mark appears prominently on each screenshot shown in Exhibit K, including the screenshot copied below that was created on March 20, 2021.

1:13







5-MINUTE CRAFTS

8.9M Subscribers

Fun diy-projects, crafts, experience the joy of doing it yourself!

Subscribed

Up Next

-  Season 4 • Episode 25
Stunning ways to upgrade your walls
2d ago
-  Episode 1
Surprise yourself with these science tricks!
January 4, 2021
-  Episode 2
Smart & helpful hacks for your home 😊
January 6, 2021
-  Episode 3
Surprisingly helpful banana hacks ✨
January 11, 2021

asier w/ Hacks Season 2 Season 3 Season 4

51. Applicant owns and operates more than 100 social media channels, with a variety of live-action and animated content.
52. The 5-MINUTE CRAFTS brand has been hailed as recently as May 2020 as “**the world’s No. 1 DIY digital brand. Ranked in the top five of all YouTube channels**” (emphasis added), as written in the article shown in Exhibit O attached hereto, a .pdf printout of the web page at <https://www.thelondoneconomic.com/news/positive-content-sees-a-boom-as-digital-consumption-rises-in-lockdown/11/05/>.
53. In February 2020, the 5-MINUTE CRAFTS YouTube channel was lauded as “the third-largest YouTube channel.” See Exhibit P attached hereto, a printout of the web page at <https://www.mediaplaynews.com/veteran-executives-join-digital-studio-behind-youtubes-5-minute-crafts/>.
54. Applicant’s “5-Minute Crafts” account/channel was featured by TikTok in their first-ever 'Year on TikTok' list which spotlights "the top brands and campaigns that inspired creativity and brought joy to the TikTok community in 2020." 5-Minute Crafts is highlighted among 'Brands that Built a Community in 2020' for showcasing "helpful ideas for craft projects that empower viewers to solve everyday problems with simple, creative solutions." See Exhibit J attached hereto, a printout of the web page at <https://newsroom.tiktok.com/en-us/year-on-tiktok-the-brands-that-inspired-us>.
55. 5-MINUTE CRAFTS goods and services have received favorable and laudatory coverage and reviews from Internet publications dedicated to topics relevant to consumers of 5-MINUTE CRAFTS goods and services. See Exhibits F – I and L – P. Evidence to be assessed and weighed in determining acquired distinctiveness includes

unsolicited media coverage like the examples shown here. *See In re Nat'l Assn. of Veterinary Technicians in America, Inc.*, No. 87171093 (July 19, 2019) [precedential] (citing *Converse, Inc. v. Int'l Trade Commission*, 907 F3d 1361, 128 USPQ2d 1538, 1546 (Fed. Cir. 2018)).

56. The above-referenced 5-MINUTE CRAFTS social media accounts/channels (e.g., Facebook, YouTube, TikTok) have received significant traffic from consumers and viewers in the U.S. and around the world, creating enormous exposure for the Word Mark and the 5-MINUTE CRAFTS Goods and Services.
57. Applicant has dedicated significant resources and expenses to promotion of the Word Mark in connection with the 5-MINUTE CRAFTS Goods and Services, including PR and marketing materials and content as shown in Exhibits Q – X attached hereto.
58. Exhibit Q attached hereto is a .pdf of the web page at <https://www.prnewswire.com/news-releases/one-of-the-worlds-most-popular-digital-brands-5-minute-crafts-to-livestream-5-hours-of-crafts-during-sundays-big-game-301221438.html>, accessed March 29, 2021, showing Applicant's promotional article dated February 3, 2021 titled "One of the World's Most Popular Digital Brands, 5-Minute Crafts to Livestream '5-Hours of Crafts' During Sunday's Big Game."
59. Exhibit R attached hereto is a .pdf of the web page at <https://www.prnewswire.com/news-releases/consumers-flock-to-positive-short-form-videos-in-wake-of-covid-19-outbreak-according-to-new-research-from-the-soul-publishing-301183292.html>, accessed March 29, 2021, showing Applicant's promotional article dated December 2, 2020 titled "Consumers Flock to Positive

Short-Form Videos in Wake of COVID-19 Outbreak, According to New Research from TheSoul Publishing,” that references Applicant’s survey of more than 2,000 men and women ages 16-55+ in the United States.

60. Exhibit S attached hereto is a .pdf of the web page at <https://www.palmbeachlwp.com/news/its-plastic-free-july-are-you-helping/>, accessed March 29, 2021, of the article titled “It’s Plastic Free July, Are You Helping” that references the popularity of Applicant’s 5-MINUTE CRAFTS Recycle channel and 5-MINUTE CRAFTS channel.
61. Exhibit T attached hereto is a .pdf of the web page at <https://www.mediapost.com/publications/article/354259/barbie-shows-off-her-covid-19-craft-projects.html>, accessed March 29, 2021, of the article dated July 31, 2020 titled “Barbie Shows Off Her COVID-19 Craft Projects” that describes how Mattel Inc. (owner of the famous BARBIE brand) is partnering with Applicant’s 5-MINUTE CRAFTS channel. The article also states: “As of July 2020, it is the fifth most-subscribed channel on the [YouTube] platform with more than 100M subscribers and over 100 million followers on Facebook.” *See* Exhibit T.
62. Exhibit U attached hereto is a .pdf of the web page at <https://ssouthernlifestyle.com/4-crafty-ways-to-recycle>, accessed March 20, 2021, of the article dated July 12, 2020 titled “4 Crafty Ways to Recycle” that includes content from, and promotes, the 5-MINUTE CRAFTS brand and channels.

63. Exhibit V attached hereto is a .pdf of the web page at <https://craftsr.us/fun-recycling-ideas/>, accessed March 20, 2021, of the article titled “Fun Recycling Ideas” that promotes Applicant’s 5-MINUTE CRAFTS RECYCLE channel.
64. Exhibit W attached hereto is a .pdf of the web page at <https://www.themanual.com/culture/best-educational-youtube-channels-for-learning/>, accessed March 20, 2021, of the article dated May 12, 2020 and titled “8 Educational YouTube Channels for Learning Something New.” This article describes Applicant’s 5-MINUTE CRAFTS content and channels, as lauds it as an educational resource.
65. Exhibit X attached hereto is a .pdf of the web page at <https://www.clickz.com/the-pivot-to-video-is-back-and-thats-a-good-thing-for-innovation/263050/>, accessed March 29, 2021, of the article dated December 1, 2020 titled “The pivot to video is back, and that’s a good thing for innovation.” I wrote that article and it includes the following sentences: “At TheSoul Publishing, we debuted English-language channels on Pinterest and TikTok for ‘5-Minute Crafts’ earlier this year, capitalizing on the desire for DIY and craft ideas during quarantine. By testing and tailoring our content, we were able to quickly amass more than 10 million TikTok followers and see our Pinterest channels grow considerably month-over-month.” *See* Exhibit X.
66. Exhibit Y attached hereto is a .pdf of the web page at <https://www.forbes.com/sites/garydrenik/2020/10/27/digital-video-consumption-has-seen-a-huge-increase-amid-the-pandemic-now-content-creators-have-to-find-new-ways-to-keep-up/?sh=cb3934429065>, accessed March 20, 2021, of the article dated October 27, 2020 titled “Digital Video Consumption Has Seen A Huge Increase Amid The Pandemic, Now Content Creators Have To Find New Ways To Keep Up.”

This article is an interview that I did with this Forbes.com contributor discussing content creators and content such as our 5-MINUTE CRAFTS videos and channels.

See Exhibit Y.

67. Exhibit Z attached hereto is a .pdf of the web page at stylefashion.com/thesoul-spa-day-tips/, accessed March 20, 2021, of the article dated November 16, 2020 and titled “Treat Yourself Like Royalty With These Spa Day Tips #NationalPrincessDay” that promotes Applicant’s 5-MINUTE CRAFTS GIRLY YouTube channel.
68. An evidentiary showing of secondary meaning includes evidence of the trademark owner’s method of using the mark. *In re Owens-Corning Fiberglass Corp.*, 774 F.2d 1116, 1125, 227 USPQ 417, 422 (Fed. Circ. 1985). The above-referenced articles and social media evidence shows that Applicant has consistently promoted the 5-MINUTE CRAFTS Mark by featuring it in marketing/promotional articles and in social media and blog posts.
69. As evidenced by the popularity and consumer interaction detailed above, the Word Mark has become distinctive of Applicant’s 5-MINUTE CRAFTS Goods and Services.
70. In addition, the Word Mark has become distinctive of Applicant’s 5-MINUTE CRAFTS Goods and Services by reason of substantially exclusive and continuous use thereof in U.S. commerce by TheSoul Publishing for more than four (4) years before the date on which this claim of distinctiveness is made.
71. As a result of the above described public recognition, media attention, broad base of users, and Applicant’s continuous use of the Word Mark, consumers and users of the


relevant 5-MINUTE CRAFTS Goods and Services understand the Word Mark to identify the source of the goods and services offered under the Word Mark.

72. Applicant is the record owner of U.S. Trademark Registration Nos. 5790093 and 6004626 for the 5-MINUTE CRAFTS & design and 5-MINUTE CRAFTS & design trademarks shown below, respectively:



73. The undersigned solemnly declares that he is authorized to execute this declaration of behalf of said Applicant, that all statements made herein are of his own knowledge, that all statements made herein are true or made on information and belief believed by him to be true, and that those statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the Application or any registration resulting therefrom.

Declared and executed this 28th day of April, 2021.



Artur Mamedov