

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

<p>FACEBOOK, INC., a Delaware corporation; INSTAGRAM, LLC, a Delaware limited liability company; and WHATSAPP INC., a Delaware corporation;</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>facebook-verify-inc.com; httpswwwfacebook.com; myfacebooklogin.net; rackearfacebook.com; curtindoimagensnofacebook.com; mtouchfacebook.com; instagramfrenzy.com; instagramhjack.com; espiarwhatsappwep.com; parapreciosescribenosporwhatsapp.com; videocall-whatsapp.com; whatsappcolor.com;</p> <p style="text-align: center;">Defendants.</p>	<p>CIVIL CASE NO. _____</p> <p style="text-align: center;">COMPLAINT FOR CYBERSQUATTING (IN REM RELIEF)</p> <p style="text-align: center;">JURY TRIAL DEMANDED</p>
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Plaintiffs Facebook, Inc. (“Facebook”), Instagram, LLC (“Instagram”), and WhatsApp Inc. (“WhatsApp”) (collectively, “Plaintiffs”) allege as follows:

NATURE OF THE CASE

This is an action *in rem* against the infringing domain names <facebook-verify-inc.com>, <httpswwwfacebook.com>, <myfacebooklogin.net>, <rackearfacebook.com>, <curtindoimagensnofacebook.com>, <mtouchfacebook.com>, <instagramfrenzy.com>, <instagramhjack.com>, <espiarwhatsappwep.com>, <parapreciosescribenosporwhatsapp.com>, <videocall-whatsapp.com>, and <whatsappcolor.com> (collectively hereafter “Defendant Domain Names”) based on the Anticybersquatting Consumer Protection Act (“ACPA”), 15

U.S.C. § 1125(d). The Defendant Domain Names have been registered, trafficked in and/or used with a bad faith intent to profit from Plaintiffs' trademarks in violation of the ACPA. Designed to impersonate Plaintiffs, the Defendant Domain Names are used to divert unsuspecting consumers to commercial websites unaffiliated with Plaintiffs, and on information and belief, to websites that distribute viruses and malware, while potentially exposing the consumer to phishing scams, identity theft, or other types of fraud. Plaintiffs seek injunctive relief and the transfer of the Defendant Domain Names to them.

JURISDICTION, VENUE AND JOINDER

1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a).

2. This Court has *in rem* jurisdiction over the Defendant Domain Names pursuant to 15 U.S.C. § 1125(d)(2)(A). Plaintiffs are not able to obtain *in personam* jurisdiction over the registrant who would have been a defendant or, through due diligence, were not able to find a person who would have been a defendant because the identity(ies) of the registrant's authorized licensee(s) of the Defendant Domain Names are concealed by a proxy service. 15 U.S.C. § 1125(d)(2)(A)(ii). Additionally, under 15 U.S.C. § 1125(d)(2)(C), the Defendant Domain Names are deemed to have their situs in this judicial district because VeriSign Inc. – the <.com> and <.net> registry – is located in Reston, Virginia.

3. Upon information and belief, Compsys Domain Solutions Private Limited (“Compsys”), a business entity located in India, provides a domain registration proxy service. Compsys registers a domain name in its own name and, as the registrant and owner of the domain name, licenses the domain name to a person for trafficking and use.

4. Plaintiffs, through due diligence, were unable to identify the authorized licensee(s) of the Defendant Domain Names registered through Compsys. In fact, Compsys, as well as the

registrars Tirupati Domains and Hosting Pvt. Ltd. (“Tirupati”) and PDR Ltd. d/b/a Public Domain Registry.com (“PDR”), have refused to disclose the identities of the authorized licensee(s) of the Defendant Domain Names in response to Plaintiffs’ requests.

5. Upon information and belief, the authorized licensee(s) of the Defendant Domain Names is/are the same person or entity and/or are under the control of the same person or entity, as evidenced by the similarity of the Defendant Domain Names, the use of the same registrars, similar pay-per-click content displayed on the directory sites, and the registrations occurred within close time periods. Moreover, all Defendant Domain Names share the same IP address.

6. Pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(aa), Plaintiffs have given notice of the violations of their rights and will give notice of their intent to proceed *in rem* to the postal and e-mail addresses set forth in the WHOIS registration records for the Defendant Domain Names.

7. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)(2) and 15 U.S.C. § 1125(d)(2) because the property – the Defendant Domain Names – is located in the Eastern District of Virginia and the entity that maintains the registrations for the Defendant Domain Names – VeriSign Inc. – is located in the Eastern District of Virginia.

8. Joinder of the Defendant Domain Names is proper under Fed. R. Civ. P. 20(a)(2) in that the *in rem* cybersquatting claim set forth herein arises out of the same series of transactions and the same questions of law that are common to all of the Defendant Domain Names.

PARTIES

9. Plaintiff Facebook is a Delaware corporation with its principal place of business located at 1601 Willow Road, Menlo Park, California 94025.

10. Plaintiff Instagram is a Delaware limited liability company with its principal place of business located at 1601 Willow Road, Menlo Park, California 94025.

11. Plaintiff WhatsApp is a Delaware corporation with its principal place of business

at 1601 Willow Road, Menlo Park, California 94025.

12. Facebook is the ultimate parent company of Instagram and WhatsApp.

13. <facebook-verify-inc.com> is an internet domain name registered on November 21, 2017, using the registrar Tirupati. A true and accurate copy of the WHOIS registration record for this domain name is attached as **Exhibit 1**.

14. <httpswwwfacebook.com> is an internet domain name registered on November 16, 2017, using the registrar Tirupati. A true and accurate copy of the WHOIS registration record for this domain name is attached as **Exhibit 2**.

15. <myfacebooklogin.net> is an internet domain name registered on October 27, 2017, using the registrar PDR. A true and accurate copy of the WHOIS registration record for this domain name is attached as **Exhibit 3**.

16. <rackearfacebook.com> is an internet domain name registered on February 1, 2018, using the registrar Tirupati. A true and accurate copy of the WHOIS registration record for this domain name is attached as **Exhibit 4**.

17. <curtindoimagensnofacebook.com> is an internet domain name registered on December 1, 2017, using the registrar Tirupati. A true and accurate copy of the WHOIS registration record for this domain name is attached as **Exhibit 5**.

18. <mtouchfacebook.com> is an internet domain name registered on November 21, 2017, using the registrar Tirupati. A true and accurate copy of the WHOIS registration record for this domain name registration is attached as **Exhibit 6**.

19. <instagramfrenzy.com> is an internet domain name registered on February 26, 2018, using the registrar Tirupati. A true and accurate copy of the WHOIS registration record for this domain name is attached as **Exhibit 7**.

20. <instagramhjack.com> is an internet domain name registered on November 9,

2017, using the registrar Tirupati. A true and accurate copy of the WHOIS registration record for this domain name is attached as **Exhibit 8**.

21. <espiarwhatsappwep.com> is an internet domain name registered on February 26, 2018, using the registrar Tirupati. A true and accurate copy of the WHOIS registration record for this domain name is attached as **Exhibit 9**.

22. <parapreciosescribenosporwhatsapp.com> is an internet domain name registered on January 23, 2018, using the registrar Tirupati. A true and accurate copy of the WHOIS registration record for this domain name is attached as **Exhibit 10**.

23. <videocall-whatsapp.com> is an internet domain name registered on February 1, 2018, using the registrar Tirupati. A true and accurate copy of the WHOIS registration record for this domain name is attached as **Exhibit 11**.

24. <whatsappcolor.com> is an internet domain name registered on November 16, 2017, using the registrar Tirupati. A true and accurate copy of the WHOIS registration record for this domain name is attached as **Exhibit 12**.

25. All of the Defendant Domain Names are configured to use the same IP address, namely, 199.191.50.142. This IP address is used by a server in the British Virgin Islands.

26. All of the Defendant Domain Names have been registered with the use of a domain registration proxy service, in this case Compsys, to block access to the authorized licensee(s)'s identity and contact information.

27. Upon information and belief, rather than acting merely as a domain registration proxy service, which typically discloses the identity of the authorized licensee(s) once an administrative domain name dispute is instituted, Compsys does not disclose the identity of its authorized licensee(s) as part of the dispute. As a result, the identities of the authorized licensee(s) are never publicly revealed. For example, a recent World Intellectual Property Organization

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