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12 The United States Olympic Committee and  
the International Olympic Committee  
13

14 **UNITED STATES DISTRICT COURT**  
15 **DISTRICT OF ARIZONA**  
16

17 The United States Olympic  
Committee and the International  
18 Olympic Committee,

19 Plaintiffs,

20 v.

21 Does 1-10, inclusive,

22 Defendants.  
23

Case No.

**COMPLAINT**

24 Plaintiffs, the United States Olympic Committee (“USOC”) and the  
25 International Olympic Committee (“IOC”), by their attorneys complain and allege  
26 as follows:  
27  
28

1 **NATURE OF THE ACTION**

2 1. This is an action concerning Defendants’ use of Plaintiffs’  
3 valuable intellectual property on seven websites to advertise the sale of tickets to  
4 the 2008 Summer Olympic Games in Beijing, China. On information and belief,  
5 the tickets Defendants offer for sale do not exist, will not be delivered, or, in the  
6 case of the Opening and Closing Ceremony tickets, cannot be used even if they do  
7 exist and are delivered. These claims arise under the Ted Stevens Olympic and  
8 Amateur Sports Act, 36 U.S.C. §220501 *et seq.*; the Lanham Act, 15 U.S.C. §§  
9 1051 *et seq.*; and the statutory law of the State of Arizona, where plaintiffs are  
10 suffering injury and defendants are committing wrongful acts as hereinafter  
11 averred.

12 **THE PARTIES**

13 2. Plaintiff USOC is a non-profit, federally-chartered corporation  
14 with its principal place of business at One Olympic Plaza, Colorado Springs,  
15 Colorado 80909-5780. It is the coordinating body for the Olympic Movement in  
16 the United States and is recognized by the IOC as the National Olympic Committee  
17 for the United States. It trains and underwrites expenses for United States athletes  
18 at the Olympic and Paralympic Games, as well as determines which United States  
19 city may present a bid to host the Olympic and Paralympic Games. The mission of  
20 the USOC is to support United States Olympic and Paralympic athletes in achieving  
21 sustained competitive excellence and preserve the Olympic ideals, and thereby  
22 inspire all Americans. In 1950, the USOC was granted a federal charter, now  
23 codified as the Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. §220501  
24 *et seq.* (“OASA”).

25 3. Plaintiff IOC is an international, non-governmental, non-profit  
26 organization organized and existing under the laws of Switzerland with its principal  
27 place of business at Chateau de Vidy, Lausanne, 1007 Switzerland. The IOC was  
28 founded on June 23, 1894 by Baron Pierre de Coubertin as the umbrella

1 organization of the Olympic Movement. In 1896, the first Olympic Games of the  
2 modern era were hosted in Athens, Greece under the IOC's direction. Since then,  
3 the IOC has continued to supervise the organization of the Olympic Games,  
4 including 25 Olympic Summer Games and 20 Olympic Winter Games.

5 4. The true names and capacities of the Defendants named herein  
6 as Does 1-10, inclusive, are unknown to Plaintiffs, who therefore sue said  
7 Defendants by such fictitious names. Plaintiffs will seek leave to amend this  
8 Complaint to allege their true names and capacities when they are ascertained.  
9 Plaintiffs are informed and believe, and based thereon allege, that each of the  
10 Defendants is liable to Plaintiffs for the wrongful conduct alleged herein.  
11 Whenever and wherever reference is made in this Complaint to any act by a  
12 Defendant or Defendants, such allegations and reference shall also be deemed to  
13 mean the acts and failures to act of each defendant acting individually, jointly, and  
14 severally.

#### 15 **JURISDICTION AND VENUE**

16 5. This Court has jurisdiction over this action pursuant to Title 28  
17 U.S.C. Sections 1331, 1338(a) and (b), and 1367(a).

18 6. This Court has personal jurisdiction over the Defendants  
19 pursuant to Arizona's long-arm statute, Ariz. R. Civ. P. Rule 4(e)(2), because they  
20 have sufficient "minimum contacts" with the state of Arizona such that the exercise  
21 of personal jurisdiction would comport with the requirements of due process.  
22 Defendants have committed tortious acts within this judicial district, including by  
23 defrauding a consumer in Phoenix, Arizona, as alleged below. Defendants also  
24 have business contacts with companies located in Arizona, including (1) Domains  
25 By Proxy, which registered the domain names for Defendants' websites on their  
26 behalf, and (2) GoDaddy.com, the registrar with whom Domains By Proxy  
27 registered the domain names on Defendants' behalf. Thus, Defendants have  
28 purposefully availed themselves of the privileges of conducting their business

1 activities in the state of Arizona such that Defendants should reasonably anticipate  
2 being haled into court here.

3 7. Venue is proper in this judicial district pursuant to Title 28  
4 U.S.C. Section 1391(b)(2) because a substantial part of the events giving rise to  
5 these claims occurred in this district. As discussed below, a private investigator  
6 employed by Plaintiffs visited Defendants' websites from Phoenix, Arizona, and  
7 purchased tickets to the Opening Ceremony of the Beijing Games. The investigator  
8 requested expedited delivery of the tickets using a credit card with a billing address  
9 in Phoenix, but the purchased tickets were never delivered. Venue is also proper in  
10 this judicial district pursuant to Title 28 U.S.C. Section 1391(b)(2) because, on  
11 information and belief, a substantial part of the property that is the subject of this  
12 action is situated in this district, given that both the registrar and the registrant of  
13 Defendants' domain names are located in Arizona.

### 14 **THE PLAINTIFFS' VALUABLE RIGHTS**

#### 15 **Background**

16 8. The first modern Olympic Games were held in Athens in 1896.  
17 The Games have continued since that time. The 2008 Beijing Olympic Summer  
18 Games will begin with Opening Ceremonies on August 8, 2008, will feature  
19 numerous athletic events over a period of sixteen days, and will conclude with  
20 Closing Ceremonies on August 24, 2008.

21 9. The goal of the modern Olympic Movement is to contribute to  
22 building a peaceful and better world by educating youth through sport practiced  
23 without discrimination of any kind, in a spirit of friendship, solidarity and fair play.  
24 The Olympic Movement encompasses organizations, athletes, and other persons  
25 who agree to be guided by the Olympic Charter. These include the IOC (the  
26 Olympic Movement's umbrella organization), the international sports federations  
27 (non-governmental organizations responsible for the international administration of  
28 one or more sports), the USOC and other National Olympic Committees

1 (organizations that lead the Olympic Movement within each country), the  
2 Organizing Committees of the Olympic Games, local clubs, and persons belonging  
3 to them, particularly the athletes.

4 10. As part of their efforts to further the Olympic Movement,  
5 Plaintiffs and the other National Olympic Committees spend significant resources  
6 on efforts to promote the upcoming Olympic Games, directly and via their  
7 marketing partners. The USOC and its sponsors have spent nearly \$900 million in  
8 television advertising during NBC's broadcasts of the last two Olympic Games, and  
9 will spend \$437 million during the 2008 Olympic Games this summer. The USOC  
10 itself will spend more than \$1.5 million in promoting the U.S. Olympic Team prior  
11 to and during the 2008 Olympic Games.

### 12 **The Olympic Marks**

13 11. Since 1896, Plaintiffs have used certain trademarks in  
14 connection with the Olympic Games, including the word OLYMPIC and the  
15 well-known Olympic Rings symbol, which is the most recognized sports emblem in  
16 the United States. USOC research shows that more than 86% of the U.S.  
17 population can identify the Olympic Rings as the symbol for the Olympic Games.  
18 In addition, Plaintiffs also use specific marks in connection with each Olympic  
19 Games. Those marks include City & Year Marks, such as SYDNEY 2000,  
20 ATHENS 2004, TORINO 2006, and BEIJING 2008, and various symbols, logos,  
21 taglines, and other marks.

22 12. In the United States, the intellectual property rights to the words  
23 and symbols associated with the Olympic Games are statutorily protected by the  
24 OASA. *See* 36 U.S.C. §220506(a). The OASA grants to the USOC the "exclusive  
25 right to use" various marks associated with the Olympic Games. It further  
26 authorizes the USOC to pursue a civil action against any person who uses the  
27 protected marks, *inter alia*, "for the purpose of trade" or "to induce the sale of any  
28 goods or services." 36 U.S.C. §220506(c).



1 Olympic Marks and from the sale of television rights for broadcasting the Olympic  
2 Games. The IOC also receives a portion of the revenue derived from the sale of  
3 each ticket to the Beijing Games.

4 19. The USOC receives only very limited, specific funding from the  
5 United States' government. The IOC receives no funding from any government,  
6 and much of the revenues that it collects are redistributed to National Olympic  
7 Committees and international sports federations to train and support their athletes  
8 and promote the Olympic Movement. Thus, the protection of the Olympic Marks is  
9 essential to Plaintiffs' continued ability to help promote and coordinate the  
10 Olympic Games and thereby further the Olympic Movement.

11 **Authorized Tickets to the Beijing 2008 Olympic Games**

12 20. The Beijing Organizing Committee for the Olympic Games  
13 ("BOCOG") allots to National Olympic Committees a certain number of tickets to  
14 events in the Olympic Games, carefully considering each country's population,  
15 proximity to the Games, the number of athletes in each sport, past experience, and  
16 numerous other factors. The USOC and the other National Olympic Committees  
17 are responsible for coordinating the sales of tickets in each country, subject to the  
18 approval of the IOC and BOCOG.

19 21. Tickets to the 2008 Olympic Games in Beijing were first offered  
20 for sale in April 2007. Prices for tickets are intentionally kept low so as to allow as  
21 many people as possible to experience the Olympic Games ceremonies and  
22 competitions, while still generating revenue sufficient to support the staging of the  
23 Games. Thus, the average price for tickets to sports events in the Beijing Games is  
24 just \$11.

25 22. The USOC has an exclusive sponsorship agreement with Global  
26 Sports Consultants, L.L.C. d/b/a Jet Set Sports or CoSport that governs the sales of  
27 all authorized tickets to the 2008 Beijing Olympic Games in the United States. Jet  
28 Set Sports and CoSport are the only official providers with the right to distribute

1 and sell Olympic tickets and hospitality packages in the United States, and to use  
2 Olympic trademarks in the United States to promote and sell such hospitality and  
3 travel packages for the 2008 Beijing Olympic Games.

4 23. All tickets to the Olympic Games are intended to be  
5 nontransferable by the purchasing customer. The terms and conditions printed on  
6 the back of each ticket states, "You cannot resell or trade your Ticket."

7 24. For security reasons, tickets to the Opening and Closing  
8 Ceremonies have been specially designed to prohibit, to the greatest extent possible,  
9 counterfeiting and speculative ticket reselling. Specifically, each ticket to the  
10 Opening and Closing Ceremonies for the upcoming Games is embedded with a  
11 microchip containing the ticket's serial number, which can then be read by a  
12 database maintained by BOCOG to retrieve the bearer's photograph, passport  
13 details, addresses, e-mail addresses, and telephone numbers. Tickets to the  
14 Opening and Closing Ceremonies may be transferred once, but only if both the  
15 original purchaser and the transferee fill out and submit a form requiring specific  
16 identifying information to BOCOG by June 30th, 2008.

### 17 **THE DEFENDANTS' UNLAWFUL CONDUCT**

#### 18 **Defendants' Websites Use the Olympic Marks**

19 25. Defendants, on information and belief, operate two websites (the  
20 "Websites") offering for sale what they claim to be tickets to the 2008 Beijing  
21 Olympic Games. One of the Websites, which is located at [http://www.beijing-  
22 2008tickets.com/](http://www.beijing-2008tickets.com/) (the "Primary Website"), is the medium through which users may  
23 purchase the tickets, as explained below. The other website operated by  
24 Defendants (the "Secondary Website"), located at <http://www.official-ticket.com>,  
25 offers the same tickets for sale, but contains hyperlinks connecting the user to the  
26 Primary Website at the point of purchase.

27 26. The Olympic Marks are used on the Primary Website and in its  
28 domain name without Plaintiffs' consent. The Primary Website prominently



1 displays a replica of the Beijing 2008 Olympic Emblem. It also prominently  
 2 displays the word mark BEIJING 2008 written in large letters in the same  
 3 distinctive typeface used in that emblem. All of these marks are featured  
 4 prominently across the top of the home page and subpages of the Primary Website  
 5 in the arrangement depicted below:



9

10 The word mark BEIJING 2008 written in Plaintiffs' distinctive typeface, as well as  
 11 variations of the Beijing 2008 Olympic Emblem, are again displayed in two other  
 12 places on the home page.

13           27. The Primary Website also repeatedly use the word marks  
 14 OLYMPIC and BEIJING 2008 without Plaintiffs' authorization.

15           28. The home page of the Secondary Website, which offers for sale  
 16 tickets to a variety of sports events and music concerts, has a link that says  
 17 "Olympic Beijing 2008," which redirects the user to the Primary Website where the  
 18 user can theoretically purchase tickets to the Olympic Games.

19           29. The sole purpose of the Primary Website is to sell tickets to the  
 20 Olympic Games. The Primary Website offers no other good or service. Thus,  
 21 every instance of both Websites' use of the Olympic Marks appears in the context  
 22 of an offer to sell tickets.

23 **Defendants Are Offering To Sell Tickets They Cannot Legitimately Transfer**  
 24 **And Likely Do Not Possess**

25           30. The home page of Primary Website contains links to subpages  
 26 for 40 categories of Olympic events, including the Opening and Closing  
 27 Ceremonies and 38 categories of individual athletic competitions. Each subpage  
 28 offers a variety of tickets within each category, including tickets to each day of the

1 competition and frequently including several pricing options depending on where  
2 the seats are located at the event. The tickets offered for sale on the Websites range  
3 in price, from as low as €67 for early individual competitions, to as high as €6990  
4 per ticket for “VIP Platinum” tickets to the Opening Ceremony.

5 31. Plaintiffs are informed and believe, and based thereon allege,  
6 that tickets offered for sale on the Websites, and purchased from the Primary  
7 Website, are largely, if not entirely, nonexistent.

8 32. On information and belief, consumers have complained about  
9 tickets sold on the Secondary Website.

10 33. A private investigator employed by Plaintiffs visited the Primary  
11 Website from Phoenix, Arizona. He purchased a ticket to the Opening Ceremony,  
12 spending a total of €2027. His credit card has been charged for the tickets he  
13 ostensibly purchased, but he has not received them.

14 34. Another private investigator employed by Plaintiffs also visited  
15 the Primary Website and ordered one ticket to the Opening Ceremony and one  
16 ticket to a basketball event, totalling €2154. His attempts to request expedited  
17 delivery have been unsuccessful. He has also called all six of the telephone  
18 numbers provided on the Websites, but all of them either were not in service or led  
19 only to a voicemail message. No one has returned his calls.

20 35. Neither investigator was asked for their photograph or passport  
21 details, as required by BOCOG’s policy for admission, even with a valid ticket, to  
22 the Opening Ceremony, and neither provided such information. Accordingly, these  
23 investigators cannot receive from Defendants tickets that will gain them admission  
24 to the Opening Ceremony under BOCOG’s policy.

25 36. Defendants misleading state, prominently on the home page of  
26 the Primary Website, “Book your *official* tickets online trough [sic] our secure  
27 system. All tickets booked are confirmed and guaranteed.” (emphasis added.)  
28

1 **Plaintiffs Will Suffer Irreparable Harm From Defendants' Continuing**  
2 **Conduct**

3 37. Plaintiffs are filing this action to stop Defendants'  
4 misappropriation of their valuable intellectual property to deceive innocent  
5 customers. Not only will such customers be harmed by Defendants' conduct, but  
6 Plaintiffs will also be harmed in numerous ways.

7 38. First, Defendants' conduct threatens the Olympic brand that  
8 Plaintiffs have worked so hard to build and protect. If the Olympic Marks are  
9 permitted to be used in connection with fraudulent criminal activity, they will be  
10 tarnished in the public eye. Individual customers who purchase tickets from  
11 Defendants and do not receive them will likely be soured on their experience  
12 attempting to go to the Olympic Games, and may not attend future Games or  
13 purchase licensed merchandise, when, instead, they could have purchased from  
14 authorized channels. Indeed, customers who are defrauded by a site that uses the  
15 Olympic Marks will likely be wary in the future of trusting even authorized sites  
16 and vendors using the Olympic Marks, because they will have no assurance that the  
17 use of the Olympic Marks does, in fact, denote an authorized agent of the USOC.  
18 Given Plaintiffs' dependence on the value of their intellectual property to fund its  
19 mission, it is imperative that the Olympic brand be protected from the Defendants'  
20 efforts to undermine that brand for their own economic gain to the detriment of the  
21 Olympic Movement.

22 39. Defendants also injure Plaintiffs' relationships with their  
23 sponsors. The USOC's exclusive partner for ticket sales, Jet Set Sports, suffers  
24 directly by having to compete with unauthorized ticket sellers. Both the USOC and  
25 the IOC have numerous other sponsors in the United States who have paid  
26 substantial sums to be associated with the Olympic brand, the value of which is  
27 being threatened by Defendants' activity. Defendants' conduct, if allowed to  
28 continue, will likely adversely affect Plaintiffs' ability to attract such sponsors and

1 sponsorship revenues in the future.

2 40. Finally, the unauthorized sales of tickets (whether nonexistent or  
3 not) will affect authorized ticket sales by Jet Set Sports. Even as of this late date,  
4 there are tickets available for purchase in the United States as part of hospitality  
5 packages. Consumers who purchase (or believe they have purchased) tickets from  
6 Defendants are less likely to purchase such packages, and the USOC, which  
7 receives certain revenue from Jet Set Sports based on ticket sales, suffers directly as  
8 a result of Defendants' conduct.

9 **Defendants' Efforts to Conceal Their Identities**

10 41. Defendants are concealing from the public their true identities  
11 and contact information, in an apparent effort to remain anonymous and evade  
12 prosecution for their illicit conduct.

13 42. Neither of the Websites lists any individual or corporate entity  
14 as being the operator of the Websites, nor do they give any addresses. The  
15 Websites list phone numbers in six European countries, and states that they have  
16 offices in Victoria, Seychelles. None of those phone numbers leads to an operating  
17 telephone line, however.

18 43. In addition, Defendants have employed the services of an  
19 Arizona company, Domains By Proxy, an entity that, on information and belief,  
20 registers domain names on behalf of website owners seeking to remain anonymous.  
21 Thus, Domains By Proxy is the listed registrant on publicly-available records of  
22 Defendants' domain name registrations. Domains By Proxy registered those  
23 domain names with the registrar GoDaddy.com, another Arizona company.

24 44. Despite Defendants' efforts to conceal their identities, sufficient  
25 information is available to confirm that they have deceived, and will continue to  
26 deceive, consumers in Arizona and throughout the United States. Both of the  
27 Websites are registered with domain names ending in .com, a top-level domain  
28 commonly used in the United States. And, as explained above, they have multiple

1 contacts with corporations within the state of Arizona, and have completed  
2 confirmed sales of supposedly official tickets they cannot deliver to a consumer in  
3 the state of Arizona.

4 **FIRST CLAIM FOR RELIEF**

5 **Unauthorized Use of the Olympic Marks**  
6 **In Violation of 36 U.S.C. § 220506(a) and (c)**

7 45. Plaintiffs repeat and reallege each and every allegation set forth  
8 in paragraphs 1 through 44.

9 46. Defendants use the Olympic Marks including by using the word  
10 OLYMPIC, the Olympic Rings logo, and other marks that falsely represent  
11 association with or authorization by Plaintiffs on the Websites and by using the  
12 word mark BEIJING 2008 in the Primary Website's domain name.

13 47. Plaintiffs have not consented to Defendants' use of the Olympic  
14 Marks.

15 48. Defendants use the Olympic Marks for the purpose of trade and  
16 to induce the sale of goods.

17 49. Plaintiffs are entitled, pursuant to §220506(c) of the OASA, for  
18 all of the remedies available under the Lanham Act, which include treble damages,  
19 costs, and attorneys' fees.

20 50. Plaintiffs have no adequate remedy at law. The conduct of  
21 Defendants have caused and, if not enjoined, will continue to cause irreparable  
22 harm and damage to Plaintiffs' rights in their trademarks and to Plaintiffs' business,  
23 reputation and goodwill. Accordingly, Plaintiffs are entitled to injunctive relief,  
24 and Defendants' domain names should be impounded under 15 U.S.C. §§ 1116(a)  
25 and 1116(d)(1)(A) and 28 U.S.C. § 1651.

**SECOND CLAIM FOR RELIEF**

**Infringement of Registered Trademarks  
In Violation of Section 32(1) of the Lanham Act,  
37 U.S.C. §1114(1)**

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51. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 through 50.

52. Plaintiffs' federal trademark registrations for the Beijing 2008 Olympic Emblem and the word marks OLYMPIC and BEIJING 2008 are in full force and effect.

53. The display of logos, symbols, words, and other marks on the Websites and in the Primary Website's domain name, as alleged herein, constitutes the use in interstate commerce, without Plaintiffs' consent, of reproductions, counterfeits, copies, and colorable imitations of Plaintiffs' registered marks in connection with the sale, offering for sale, distribution, and advertising of goods.

54. Such use is likely to cause confusion, to cause mistake, or to deceive consumers regarding the source of Defendants' goods, as they are likely to lead the public to conclude incorrectly that Defendants' tickets originated with, or are sponsored or authorized by Plaintiffs, to the damage and harm of Plaintiffs and the public.

55. Defendants have acted willfully, with the intent to trade upon the goodwill and reputation of Plaintiffs, and with the intent to cause confusion, to cause mistake, and to deceive.

56. Plaintiffs are entitled to all of the remedies available under the Lanham Act, including treble damages, costs, and attorneys' fees.

57. Plaintiffs have no adequate remedy at law. The conduct of Defendants have caused and, if not enjoined, will continue to cause irreparable harm and damage to Plaintiffs' rights in their trademarks and to Plaintiffs' business, reputation and goodwill. Accordingly, Plaintiffs are entitled to injunctive relief,

1 and Defendants' domain names should be impounded under 15 U.S.C. §§ 1116(a)  
2 and 1116(d)(1)(A) and 28 U.S.C. § 1651.

3  
4 **THIRD CLAIM FOR RELIEF**

5 **False Endorsement or Association and False Designation of Origin**  
6 **In Violation of Section 43(a) of the Lanham Act,**  
7 **37 U.S.C. §1125(a)**

8 58. Plaintiffs repeat and reallege each and every allegation set forth  
9 in paragraphs 1 through 57.

10 59. By using them on the Websites and in the Primary Website's  
11 domain name, as alleged herein, Defendants use in commerce logos, symbols,  
12 words, and other marks that falsely designate the origin of its goods and use false or  
13 misleading descriptions of facts and false or misleading representations of facts,  
14 which are likely to cause confusion, or to cause mistake, or to deceive as to the  
15 origin, sponsorship, or approval of their goods and commercial activities by  
16 Plaintiffs.

17 60. Defendants' activities are likely to lead the public to conclude  
18 incorrectly that Defendants are endorsed by or associated with Plaintiffs, or that  
19 Defendants' tickets originated with, or are sponsored or authorized by, Plaintiffs, to  
20 the damage and harm of Plaintiffs and the public.

21 61. Defendants have acted willfully, with the intent to trade upon  
22 the goodwill and reputation of Plaintiffs, and with the intent to cause confusion, to  
23 cause mistake, and to deceive.

24 62. Plaintiffs are entitled to all of the remedies available under the  
25 Lanham Act, including treble damages, costs, and attorneys' fees.

26 63. Plaintiffs have no adequate remedy at law. The conduct of  
27 Defendants have caused and, if not enjoined, will continue to cause irreparable  
28 harm and damage to Plaintiffs' rights in their trademarks and to Plaintiffs' business,  
reputation and goodwill. Accordingly, Plaintiffs are entitled to injunctive relief,

1 and Defendants' domain names should be impounded under 15 U.S.C. §§ 1116(a)  
2 and 1116(d)(1)(A) and 28 U.S.C. § 1651.

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4 **FOURTH CLAIM FOR RELIEF**

5 **False Advertising**  
6 **In Violation of Section 43(a) of the Lanham Act,**  
7 **37 U.S.C. §1125(a)**

8 64. Plaintiffs repeat and reallege each and every allegation set forth  
9 in paragraphs 1 through 63.

10 65. The Websites use in commerce logos, symbols, words, and other  
11 marks that falsely designate the origin of Defendants' goods and use false or  
12 misleading descriptions of facts and false or misleading representations of facts,  
13 which, in commercial advertising or promotion, misrepresent the nature,  
14 characteristics, and qualities of Defendants' goods.

15 66. In addition to using the above marks, the Primary Website  
16 misleadingly states that it provides "official" tickets to the Olympic Games.

17 67. Defendants' conduct has harmed Plaintiffs' ability to conduct its  
18 business, including by damaging the Olympic brand that Plaintiffs have worked so  
19 hard to build and protect, as well as injuring Plaintiffs' relationships with their  
20 sponsors.

21 68. Defendants have acted willfully, with the intent to deceive the  
22 public regarding the nature, characteristics, and qualities of the tickets they offer for  
23 sale.

24 69. Plaintiffs are entitled to all of the remedies available under the  
25 Lanham Act, including treble damages, costs, and attorneys' fees.

26 70. Plaintiffs have no adequate remedy at law. The conduct of  
27 Defendants have caused and, if not enjoined, will continue to cause irreparable  
28 harm and damage to Plaintiffs' rights in their trademarks and to Plaintiffs' business,  
reputation and goodwill. Accordingly, Plaintiffs are entitled to injunctive relief,



1 and Defendants' domain names should be impounded under 15 U.S.C. §§ 1116(a)  
2 and 1116(d)(1)(A) and 28 U.S.C. § 1651.

3 **FIFTH CLAIM FOR RELIEF**

4 **Cybersquatting**  
5 **In Violation of Section 43(d) of the Lanham Act,**  
6 **37 U.S.C. §1125(d)**

7 71. Plaintiffs repeat and reallege each and every allegation set forth  
8 in paragraphs 1 through 70.

9 72. Defendants have registered and used a domain name that  
10 incorporate words and phrases that are both (1) protected by reason of 36 U.S.C. §  
11 220506 and (2) confusingly similar to and dilutive of Plaintiffs' registered  
12 trademark BEIJING 2008.

13 73. Defendants have a bad faith intent to profit from their use of the  
14 Olympic Marks, which they have used primarily with the intent to divert consumers  
15 from legitimate online locations for sales of authorized Olympic tickets to their own  
16 site accessible under the Defendants' domain name that could harm the business  
17 and goodwill represented by the marks for commercial gain, by creating a  
18 likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of  
19 the Defendants' websites.

20 74. Defendants have refused to provide their contact information  
21 when applying for the registration of the domain name, have intentionally failed to  
22 maintain accurate contact information, and have demonstrated a pattern of such  
23 conduct.

24 75. Defendants have extensively incorporated Plaintiffs' BEIJING  
25 2008 mark into their domain name.

26 76. Defendants are entitled to an order that Defendants' domain  
27 name be forfeited, cancelled, or transferred to Plaintiffs pursuant to 37 U.S.C.  
28 §1125(d)(1)(C).



1 sale any tickets or any other goods or services, that infringe said trademarks;

2 c. engaging in any conduct that tends falsely to represent, or  
3 is likely to confuse, mislead, or deceive members of the public into believing,  
4 that the actions of Defendants, the tickets sold by Defendants, or Defendants  
5 themselves are connected with Plaintiffs, are sponsored, approved, or  
6 licensed by Plaintiffs, or are in some way connected or affiliated with  
7 Plaintiffs;

8 d. affixing, applying, annexing, or using in connection with  
9 tickets or any other goods or services, a false description or representation,  
10 including words or other symbols, tending falsely to describe or represent  
11 such goods or services as being those of Plaintiffs;

12 e. otherwise competing unfairly with Plaintiffs in any  
13 manner;

14 f. registering and maintaining any domain name which  
15 bears, incorporates or utilizes on any level the Olympic Marks or any terms  
16 which are confusingly similar thereto;

17 g. effecting assignments or transfers, forming new entities or  
18 associations or utilizing any other means or device for the purpose of  
19 circumventing or otherwise avoiding prohibitions set forth in subparagraphs  
20 (a) through (f);

21 83. That Defendants' domain names be impounded under 15 U.S.C.  
22 §§ 1116(a) and 1116(d)(1)(A) and 28 U.S.C. § 1651 or, in the alternative, that  
23 Defendants be required to forfeit, cancel, or transfer to Plaintiffs any domain name  
24 which incorporates any of the Olympic Marks pursuant to 37 U.S.C.  
25 §1125(d)(1)(C).

26 84. That Defendants account for and pay over to Plaintiffs all  
27 damages sustained by Plaintiffs from lost sales of genuine Olympic tickets and  
28 other Olympic-related merchandise, and profits realized by Defendants by reason of

1 Defendants' unlawful acts herein alleged, trebled, to the full extent provided under  
2 Sections 35(a) and 35(b) of the Lanham Act, 15 U.S.C. §§ 1117(a)-(b), or in the  
3 alternative to statutory damages under Section 35(c) of the Lanham Act, 15 U.S.C.  
4 § 1117(c).

5 85. That Defendants account for and pay over to Plaintiffs, in  
6 accordance with Arizona law, all damages sustained by Plaintiffs and profits  
7 realized by Defendants by reason of Defendants' unlawful acts herein alleged and  
8 prejudgment interest and that those profits be increased as provided by law;

9 86. That Plaintiff recover from Defendants its reasonable attorneys'  
10 fees and costs of suit under 15 U.S.C. § 1117;

11 87. That Defendants, within ten days after the service of the  
12 judgment herein, be required to file with this Court and serve upon Plaintiffs'  
13 attorneys, a written report under oath setting forth in detail the manner in which  
14 they have complied with the judgment; and

15 88. That Plaintiffs have all other and further relief as the Court may  
16 deem just and proper under the circumstances.

17 Dated: July 22, 2008

18 RYLEY, CARLOCK & APPLEWHITE

19 By: /s/ Jeffrey R. Simmons

20  
21 Jeffrey R. Simmons  
22 John A. Hink  
23 Attorneys for Plaintiffs  
24 The United States Olympic Committee and  
25 the International Olympic Committee  
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