

## **COMPLAINT TRANSMITTAL COVERSHEET**

Attached is a Complaint that has been filed against you with the World Intellectual Property Organization (**WIPO**) Arbitration and Mediation Center (the **Center**) pursuant to the Uniform Domain Name Dispute Resolution Policy (the **Policy**) approved by the Internet Corporation for Assigned Names and Numbers (**ICANN**) on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the **Rules**) approved by ICANN on September 28, 2013, and in effect as of July 31, 2015, and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the **Supplemental Rules**) in effect as of July 31, 2015.

The Policy is incorporated by reference into your Registration Agreement with the Registrar(s) of your domain name(s), in accordance with which you are required to submit to a mandatory administrative proceeding in the event that a third party (a **Complainant**) submits a complaint to a dispute resolution service provider, such as the Center, concerning a domain name that you have registered. You will find the name and contact details of the Complainant, as well as the domain name(s) that is/are the subject of the Complaint in the document that accompanies this Coversheet.

Once the Center has checked the Complaint to determine that it satisfies the formal requirements of the Policy, the Rules and the Supplemental Rules, it will forward an official copy of the Complaint, including annexes, to you by email as well as sending you hardcopy Written Notice by post and/or facsimile, as the case may be. You will then have 20 calendar days from the date of Commencement within which to submit a Response to the Complaint in accordance with the Rules and Supplemental Rules to the Center and the Complainant. You may represent yourself or seek the assistance of legal counsel to represent you in the administrative proceeding.

- The **Policy** can be found at <https://www.icann.org/resources/pages/policy-2012-02-25-en>
- The **Rules** can be found at <https://www.icann.org/resources/pages/udrp-rules-2015-03-11-en>
- The **Supplemental Rules**, as well as other information concerning the resolution of domain name disputes can be found at <http://www.wipo.int/amc/en/domains/supplemental/eudrp/newrules.html>
- A **model Response** can be found at <http://www.wipo.int/amc/en/domains/respondent/index.html>

Alternatively, you may contact the Center to obtain any of the above documents. The Center can be contacted in Geneva, Switzerland by telephone at +41 22 338 8247, by fax at +41 22 740 3700 or by email at domain.disputes@wipo.int.

You are kindly requested to contact the Center to provide an alternate email address to which you would like (a) the Complaint, including Annexes and (b) other communications in the administrative proceeding to be sent.

A copy of this Complaint has also been sent to the Registrar(s) with which the domain name(s) that is/are the subject of the Complaint is/are registered.

By submitting this Complaint to the Center the Complainant hereby agrees to abide and be bound by the provisions of the Policy, Rules and Supplemental Rules.

*Before the:*

**WORLD INTELLECTUAL PROPERTY ORGANIZATION  
ARBITRATION AND MEDIATION CENTER**

COURTNEY COX

309 Cameron Street  
Alexandria, VA 22314

IVY LANE LIVING

309 Cameron Street  
Alexandria, VA 22314

**(Complainants)**

-v-

BETSY RIOT

“123 Noguns Ave.”  
“Fema Camp, Utah 84101 US”  
Phone: “+1.5043211582”  
Email: [riotbetsy@gmail.com](mailto:riotbetsy@gmail.com)<sup>1</sup>

Privacy Protect, LLC  
(PrivacyProtect.org)  
10 Corporate Drive  
Burlington MA 01803 US  
Phone: +1.8022274003  
Email: [contact@privacyprotect.org](mailto:contact@privacyprotect.org)

**(Respondent)**

**Disputed Domain Name:**

<*ivy-lane-living.com*>

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**AMENDED COMPLAINT**

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<sup>1</sup> This address information used by “Betsy Riot” to register the <*ivy-lane-living.com*> domain is fictitious. There is no “123 Noguns Ave.” in Utah or anywhere else. There is no “Fema Camp” municipality in Utah. And the phone number “+1.5043211582” belongs to a Louisiana business called “Good Energy Films.” (See Annex 16.) This information, which was provided to Complainants by the Domain Registrar in response to Complainants’ Original Complaint, is provided here for completeness and as further evidence of Respondents’ bad faith in registering that domain.

## I. Introduction

[1.] This Complaint is hereby submitted for decision in accordance with the Uniform Domain Name Dispute Resolution Policy (the **Policy**), approved by the Internet Corporation for Assigned Names and Numbers (**ICANN**) on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the **Rules**), approved by ICANN on September 28, 2013, and in effect as of July 31, 2015, and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the **Supplemental Rules**) in effect as of July 31, 2015. (See the Uniform Domain Name Dispute Resolution Policy, *available at* <https://www.icann.org/resources/pages/policy-2012-02-25-en> (copy provided as Annex 1).)

This dispute concerns an apparent effort by the Respondent (unknown members of the extremist and loosely affiliated group, Betsy Riot) to impersonate, disrupt, and destroy the legitimate full-service interior design business, Ivy Lane Living (Second Complainant), co-owned by First Complainant, Courtney Cox. Respondent engaged in a malicious scheme to copy, misappropriate, and maliciously doctor images from the legitimate business website of Ivy Lane Living ([www.ivylaneliving.com](http://www.ivylaneliving.com)) (including images that feature the First Complainant, Ms. Cox) and interposed them on a fraudulent and vindictive website using the nearly identical domain name <ivy-lane-living.com> in order to dupe actual and potential clients of Ivy Lane Living to visit the fraudulent website, read the vulgar and highly disparaging statements about the First Complainant, view the doctored images depicting graphic and violent scenes (see example below), and determine not to do business with the Complainants.



In the dining room, Ms. Cox combines nature and industrial: a tree trunk table base meets a concrete top, and lead bullets meet the flesh of teenagers. For this room, Ms. Cox opted for a retro wall hanging of the corpses of Columbine school shooters Eric Harris and Dylan Klebold. "I appreciate the classics," she said. "And while my family has personally benefited from every bullet shot in every one of the hundreds of school shootings since my husband began working for the NRA in 2002, this throwback to 1999, when our country decided to do absolutely nothing about school massacres, is a real testament to the grip my husband's organization has on Congress's testicles, and that's something I really appreciate." The centerpiece features succulents with berry springs for a touch of whimsy.

*Example of an image misappropriated from Complainants' website, doctored to depict graphic violence, and posted on the fraudulent <ivy-lane-living.com> website. (See Annex 2.)*

The scheme also involved an intent to use—and the actual use of—the fraudulent website to bolster the Respondent's own public notoriety and entice visitors to visit its own website, where it advertised the sale of merchandise created by its own members. Respondent acknowledges, and even boasts, that it profits from and funds its activities from the sales of that merchandise. In furtherance of this scheme, Respondent has rigged the <ivy-lane-living.com> domain to automatically redirect to another of its fraudulent websites about and related to the National Rifle Association's ("NRA") Executive Vice President and known spokesperson Wayne LaPierre, <waynelapierre.com>, which likewise links directly to Respondent's own website.<sup>2</sup>

As demonstrated herein, (1) the domain name registered by Respondent is identical to the Ivy Lane Living name, in which Ms. Cox and her business have common law trademark

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<sup>2</sup> While the contents of the fraudulent <ivy-lane-living.com> website are currently not accessible, the facts that Respondent now directs visitors to another of its fraudulent websites is evidence that it could (and likely will) revert the website back to the vulgar, offensive, and illegitimate content that disparages Complainants and is intended to ruin their legitimate business. Transfer of the domain is now more important than ever.

rights; (2) Respondent Betsy Riot has no rights or legitimate interests with respect to the domain name (and in fact now merely uses the illegitimate domain to link to a completely separate fraudulent website); and (3) the domain name has been registered and used in bad faith. Accordingly, Complainants request that the Panel order that ownership of the offending domain be immediately transferred to Ms. Cox.

## **II. The Parties**

### **A. The Complainants**

[2.] The First Complainant in this administrative proceeding is Courtney Cox, a successful and celebrated interior design artist and professional, mother of two, and co-founder and co-owner of Ivy Lane Living. The Second Complainant in this administrative proceeding is Ivy Lane Living, a successful full-service interior design business located in Alexandria, VA and serving the Virginia, Maryland, and Washington, DC area. Ivy Lane Living operates in Alexandria, VA and has been prominently featured and praised by prominent national and regional publications including Architectural Digest, the Washington Post, Home and Design, and Romancing the Home.

The complaints should be consolidated because Ms. Cox and Ivy Lane Living have a common grievance against the Respondent and it would be procedurally efficient to permit the consolidation of complaints. *See Fulham Football Club (1987) Limited and others v. Domains by Proxy, Inc./Official Tickets Ltd.*, D2009-0331 (WIPO May 12, 2009) (finding consolidation appropriate where multiple complainants had a common grievance against the owners of disputed domain names); *Chung, Mong Koo and Hyundai Motor Company v. Individual*, D2005-1068 (WIPO Dec. 21, 2005) (finding that consolidation was appropriate for Hyundai and its Chairman and CEO where both he and the company claimed common law trademark rights in the same name).

[3.] The Complainants' contact details are:

Courtney Cox

Address: c/o Ivy Lane Living  
309 Cameron Street  
Alexandria, VA 22314

Telephone: 1-703-566-6582

Email: info@ivylaneliving.com

Ivy Lane Living

Address: 309 Cameron Street  
Alexandria, VA 22314

Telephone: 1-703-566-6582

Email: info@ivylaneliving.com

[4.] The Complainants' authorized representatives in this administrative proceeding are:

Elizabeth M. Locke, P.C.  
Thomas A. Clare, P.C.  
Dustin A. Pusch  
Clare Locke LLP  
10 Prince Street  
Alexandria, VA 22314  
(202) 628-7402 (Phone)  
(202) 478-0475 (Facsimile)  
libby@clarelocke.com  
tom@clarelocke.com  
dustin@clarelocke.com

[5.] The Complainants' preferred method of communications directed to the Complainant in this administrative proceeding is:

Electronic-only material

Method: email

Address: libby@clarelocke.com, tom@clarelocke.com,  
dustin@clarelocke.com

Contact: Elizabeth M. Locke, P.C.; Thomas A. Clare, P.C.;  
Dustin Pusch

Material including hardcopy (where applicable)

Method: Post/Courier

Address: Clare Locke LLP  
10 Prince Street  
Alexandria, VA 22314

Contact: Elizabeth M. Locke, P.C.; Thomas A. Clare, P.C.;  
Dustin Pusch

## **B. The Respondent**

[6.] According to representations made on the fraudulent, illegitimate, and disputed website <ivy-lane-living.com>, the Respondent in this administrative proceeding is the loosely affiliated, extremist and radicalized group, “Betsy Riot” Respondent also operates other fraudulent websites of prominent individuals, as well as its own website, [www.betsyriot.com](http://www.betsyriot.com).

Copies of the printout of the database searches conducted on April 18, 2018 are provided in Annex 3.

[7.] Respondent’s address and contact information were obscured in the WhoIs database because Respondent intentionally concealed that information by using a privacy service to register their fraudulent <ivy-lane-living.com> domain. Accordingly, the address, telephone, and email information were those of the privacy service used by Respondent to register <ivy-lane-living.com>: Privacy Protect, LLC. That information was as follows:

Registrant Name:	Domain Admin
Registrant Organization:	Privacy Protect, LLC (PrivacyProtect.org)
Registrant Street:	10 Corporate Drive
Registrant City:	Burlington
Registrant State/Province:	MA
Registrant Postal Code:	01803
Registrant Country:	US
Registrant Phone:	+1.8022274003
Registrant Email:	<a href="mailto:contact@privacyprotect.org">contact@privacyprotect.org</a>

After filing their Original UDRP Complaint, Complainants received notification from the Domain Registrar of the information Respondent used to register its fraudulent <ivy-lane-living.com> domain. That address and contact information, which is blatantly fictitious (see *supra* n.1, *infra* § 12, & Annex 16) is:

Registrant Name:	Betsy Riot
Registrant Organization:	Betsy Riot
Registrant Street:	123 Noguns Ave.
Registrant City:	Fema Camp
Registrant State/Province:	UT
Registrant Postal Code:	84101
Registrant Country:	US
Registrant Phone:	+1.5043211582
Registrant Email:	riotbetsy@gmail.com

### **III. The Domain Name(s) and Registrar(s)**

[8.] This dispute concerns the domain name identified below:  
<ivy-lane-living.com> (domain registration date: August 14, 2017)

[9.] The registrar with which the domain names are registered is:

PDR Ltd. d/b/a PublicDomainRegistry.com  
URL: <http://www.publicdomainregistry.com>  
10 Corporate Drive  
Burlington, MA 01803  
Phone: +1.8022274003  
Email: [abuse-contact@publicdomainregistry.com](mailto:abuse-contact@publicdomainregistry.com)

### **IV. Language of Proceedings**

[10.] The language of the Registration Agreement for the disputed domain is English. The latest Domain Registration Agreement for any “person or entity registering a domain or domains” through PublicDomainRegistry.com is in English. (Annex 4.) Respondent utilized PublicDomainRegistry.com’s data obfuscation and “Domain Privacy Service” option when it registered the domain, which substitutes the contact information of the Registrar for the registrant’s own contact information. (See PublicDomainRegistry.com Domain Registration Agreement § 6 (Annex 4).) Additionally, the Domain Registration Agreement provides that the governing law and jurisdiction of any disputes arising from or related to the Agreement is Massachusetts. (See PublicDomainRegistry.com Domain Registration Agreement § 16.b (Annex 4).) Lastly, the fraudulent website itself, <ivy-lane-living.com>, created by Respondent, is in English. Therefore, all available evidence indicates that Respondent speaks and understands English, and this proceeding should likewise be conducted in English.

### **V. Jurisdictional Basis for the Administrative Proceeding**

[11.] This dispute is properly within the scope of the Policy and the Administrative Panel has jurisdiction to decide the dispute. The registration agreement, pursuant to which the domain names that are the subject of this Complaint are registered, incorporates the Policy. (See Annex 1, Annex 4.) The disputed domain name <ivy-lane-living.com> was registered through PublicDomainRegistry.com on August 14, 2017. (See Annex 3.) PublicDomainRegistry.com’s Domain Registration Agreement states that the registrant “agree[s] to be bound by the appropriate domain dispute resolution policy (“Dispute

Policy’) applicable to the domain that you have selected, including the Uniform Domain Name Dispute Resolution Policy.” (See Annex 4.) These Terms specifically reference ICANN and incorporates by reference and binds the registrant to the “terms and conditions set forth by . . . ICANN” and requires the registrant “[t]o comply with ICANN’s Uniform Dispute Resolution Policy.” (See Annex 4.) The registrar also links to that same policy. (See Annex 4.) Furthermore, PublicDomainRegistry.com is an ICANN-accredited registrar. (See ICANN-Accredited Registrars, available at <https://www.icann.org/registrar-reports/accredited-list.html> (a copy of which is provided as Annex 5.)

## **VI. Factual and Legal Grounds**

[12.] This Complaint is based on the following grounds. Under the governing UDRP Policy, the Panel must find for Complainants and transfer the offending domains where: (1) the registered domain names at issue are identical or confusingly similar to a trademark or service mark in which Complainants have rights; (2) the Respondent has no legitimate rights in the domain name; and (3) the domain name has been registered and used in bad faith. As set forth below, these criteria are all satisfied here, and the Panel should find in favor of Complainants and transfer the domain name <ivy-lane-living.com> to Complainants. **First**, Complainants have common law trademark rights in the mark Ivy Lane Living because, under WIPO precedent, Complainants’ business name Ivy Lane Living name is being used for trade or commerce for commercial interior design services, as evidenced by the ownership and operation of the website [www.ivylaneliving.com](http://www.ivylaneliving.com), their showroom office in Alexandria, VA, and their reputation and prominence as a business under that name serving the Virginia, Maryland, and Washington, DC area since 2009. The domain name registered by Respondent is identical to this mark. **Second**, Respondent, who identifies itself as the loosely affiliated group Betsy Riot, has no legitimate rights to the use of the Ivy Lane Living name. **Third**, Respondent has registered and used the domain name in bad faith as part of an apparent effort to malign Complainants, ruin their business, profit from the use of Complainants’ name and mark, and now publicize its other fraudulent websites for all of the same purposes. Accordingly, Complainants request that the domain name at issue be immediately transferred to Complainants.

A. **The domain name <ivy-lane-living.com> is identical to the Ivy Lane Living mark, in which Complainants have trademark rights.**

**Complainants' Rights in the Marks**

Complainants Courtney Cox and Ivy Lane Living have common law trademark rights in the mark Ivy Lane Living. The UDRP Policy “does not distinguish between registered and unregistered trademarks and service marks in the context of abusive registration of domain names.” *The British Broadcasting Corporation v. Jaime Renteria*, WIPO Case No. D20000-0050 (Mar. 23, 2000). Common law trademark rights in a business name are established where the Complainants show that they have “a reputation and goodwill in respect of the name or sign in question.” *S.N.C. Jesta Fontainebleau v. Po Ser*, WIPO Case No. D2009-1394 (Nov. 21, 2009). A mark that is “descriptive” is distinguished from a mark that is “inherently distinctive (i.e., arbitrary, fanciful, or suggestive).” *Fairview Commercial Lending, Inc. v. Aleksandra Pesalj*, WIPO Case No. D2007-0123 (April 16, 2007); *La Mafafa, Inc. dba Cultura Profética v. Domains Real Estate*, WIPO D2009-0534 (Jul. 1, 2009) (for a mark to be descriptive, there must be a “direct descriptive correlation between” the mark and the business, otherwise the mark is “inherently distinctive.”) A “descriptive” mark bears a “higher . . . hurdle” for a common law trademark claim because the term has likely “achieved a secondary meaning” in the marketplace. *Fairview Commercial Lending, Inc. v. Aleksandra Pesalj*, WIPO Case No. D2007-0123 (April 16, 2007). Conversely, marks that are “arbitrary” or “fanciful” are generally held distinctive as a matter of law. *See Abercrombie & Fitch Co. v. Hunting World, Inc.*, 537 F.2d 4, 11, fn 12 (2d Cir. 1976).

Here, there is no question that the mark Ivy Lane Living is a *distinctive* and *arbitrary* mark (not a descriptive mark) because while Ivy Lane Living comprises “common word[s],” they are applied to Complainants’ interior design business “in an unfamiliar way.” *See id.* (“It need hardly be added that fanciful or arbitrary terms enjoy all the rights accorded to suggestive terms as marks without the need of debating whether the term is ‘merely descriptive’ and with ease of establishing infringement”). Indeed, the mark was selected by the Complainants for their business because it had personal meaning to them and does *not* “describe” their services or any goods that they sell. *Fairview Commercial Lending, Inc. v. Aleksandra Pesalj*, WIPO Case No. D2007-0123 (Apr. 16, 2007). Now, after its continuous use in connection with Complainants’ business for well over a decade, the “Ivy lane Living” mark is inextricably connected to Complainants’ interior design business. Likewise, there is no fear that by recognizing Ivy Lane Livings common law rights in its trademark, that it would be infringing on other businesses’ rights to “merely descri[be]” their services. *Abercrombie & Fitch Co.*, 537 F.2d at 11.

Moreover, Complainants have a common law right in the “Ivy Lane Living” mark because it is used for commercial purposes. The business name Ivy Lane Living is inextricably associated with Complainants’ full-service interior design business, their commercial website [ivylaneliving.com](http://ivylaneliving.com), the significant media coverage and recognition of Complainants and their mark in regional and national publications, and numerous listings on interior design advertising services and websites. *See La Mafafa, Inc. dba Cultura Profética v. Domains Real Estate*, WIPO D2009-0534 (Jul. 1, 2009) (the use of the trademark in connection with complainant’s musical “performances, promotion and sale of recordings” was sufficient for “use in commerce of a common-law trademark in the United States.”)

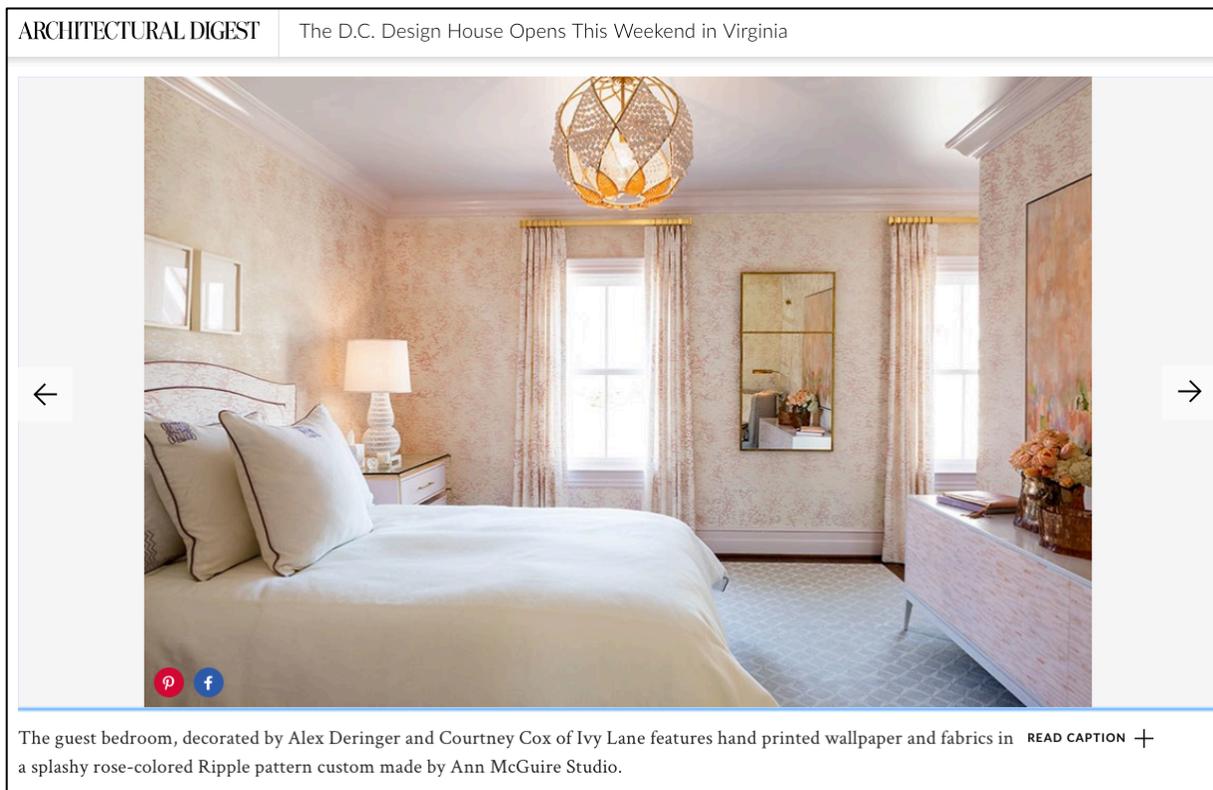
Ivy Lane Living is a prominent and highly regarded and recognized full-service interior design business serving the Virginia, Maryland, and Washington, DC area. (*See Annex 6.*) Complainants incorporated their business as an LLC and registered it with the Virginia State Corporation Commission, and have provided their commercial interior design services continuously for over 9 years since then. (*See Annex 7.*) Complainants opened their showroom office in Alexandria, VA in October 2014: their flagship store, Ivy Lane Living, and an offshoot, Ivy Lane Linens. Complainants operate their full-service interior design consultancy out of the flagship Ivy Lane Living location, and selling “custom private-label upholstered furniture,” “custom linens,” and other antiques, furniture, and home accessories. (*See Annex 6.*)

Additionally, Complainants operate their website, [www.ivylaneliving.com](http://www.ivylaneliving.com) to advertise and publicize the goods and services they sell to customers and clients throughout the Virginia, Maryland, and Washington, DC area. (*See Annex 6.*) Complainants registered the domain name <[ivylaneliving.com](http://ivylaneliving.com)> on July 2, 2014, and have renewed and maintained it continuously since that time, renewing it as recently as January 25, 2018. (*See Annex 8.*) The commercial website operates as a showcase for Complainants designs and project history and the specific goods they sell, and provides contact information in order to engage Complainants in interior design services and to sell the custom and other home furnishings they offer. (*See Annex 6.*) The website includes numerous photos of Complainants’ past projects and their clients’ homes as a way to advertise their services to potential clients. (*See Annex 6.*) And Complainants also offer clients the option through the website to register for a custom newsletter which apprises subscribers of the latest services and goods Complainants offer and as a means to grow their large client list. (*See Annex 6.*) The website likewise links to Complainants’ accompanying Pinterest and Instagram accounts and pages, which further display and advertise the goods and services they offer. (*See Annex 6.*)

Equally as important as the [www.ivylaneliving.com](http://www.ivylaneliving.com) website itself is the search engine presence of Complainants’ business and mark. When a Google search for “Ivy Lane Living” is

conducted, the entire first page of search results link to Complainants' business. (See Annex 9.). And the information that appears on the right-hand side of the page (called the "Google Knowledge Panel") is for Complainants' business, Ivy Lane Living. (See Annex 9.) Therefore, when actual or prospective clients search for Ivy Lane Living through Google, they find (and expect to find) information related to Complainants' full-service interior design business, Ivy Lane Living. Complainants rely heavily on their website and its web traffic to maintain current customers and to generate new business.

It is beyond dispute that the commercial and interior design community identifies Ivy Lane Living with the services and business offered by the Complainants. Attached hereto as Annex 10 is a collection of articles from major national and regional media publications featuring Ivy Lane Living, its designs, and its prominence as a woman-owned full-service interior design business. Ivy Lane Living has been profiled by major commercial publications such as *Architectural Digest*, *Home & Design*, *Romantic Homes*, *The Washington Post*, *WUSA9* (Washington, DC's CBS affiliate), *DC Modern Luxury*, *The Washingtonian*, *Virginia Living*, and *Washington Life*, which all focus on and reference the prominence and notoriety of the interior design services offered by Ivy Lane Living. (See Annex 10.) And each article links to the legitimate [www.ivylaneliving.com](http://www.ivylaneliving.com) website. (See Annex 10.)



*Ivy Lane Living design featured in the April 9, 2015 edition of the national trade publication, Architectural Digest (available at <https://www.architecturaldigest.com/gallery/dc-design-house-opens-in-virginia-slideshow#8>, Annex 10)*

Additionally, Houzz.com, the leading internet database “for home remodeling and design” and online “community of more than 40 million homeowners home design enthusiasts and home improvement professionals—across the country and around the world”, features Ivy Lane Living on its website and has awarded Ivy Lane Living four consecutive “Best of Houzz” awards for design. (See Houzz.com Ivy Lane Living Page, available at <https://www.houzz.com/pro/2ivyane/ivy-lane-living>) (Annex 11).)

In short, all of the factors that demonstrate that the Complainants have a common law trademark and rights in the Ivy Lane Living mark are present here and weigh strongly in Complainants’ favor. See *Fairview Commercial Lending, Inc. v. Aleksandra Pesalj*, WIPO Case No. D2007-0123 (Apr. 16, 2007); *La Mafafa, Inc. dba Cultura Profética v. Domains Real Estate*, WIPO D2009-0534 (July 1, 2009); *Imperial College v. Christophe Dessimoz*, WIPO Case No. D2004-0322 (June 30, 2004) (press releases, newsletters, and evidence of the complainant’s website featuring the mark associated with the complainant’s use was sufficient to establish that complainant had a common law trademark in the disputed mark because it established that it was identified by that mark within its own community); *Funskool (India) Ltd. v. funschool.com Corporation*, WIPO Case No. D2000-0796 (Nov. 30, 2000) (“The Policy places no limitation on the operative extent of a trademark, which the Complainant must show the disputed domain name to be identical or confusingly similar to.”); *FinanceMalta v. Adriano Cefai*, WIPO Case No. D2011-1246 (Sep. 8, 2011) (finding evidence of advertisements and events/seminars featuring the disputed mark “to establish to the satisfaction of the Panel that the Complainant was well-known (certainly in [its geographical area] and possibly elsewhere)” under the disputed mark “when Respondent registered the Domain Name.”). Accordingly, the evidence demonstrates that Complainants have common law trademark rights in the name of their business, Ivy Lane Living.

**The Domain Name <ivy-lane-living.com> Is Identical to Complainants’ Ivy Lane Living Mark**

The domain name registered by Respondent, <ivy-lane-living.com>, is identical to the Complainants’ mark. It is well-established that a complainant has an enforceable right in the other names by which it is typically known. See *Steven Rattner v. BuyThisDomainName (JohnPepin)*, WIPO Case No. D2000-0402 (Jul. 3, 2000). The domain name at issue here uses the Ivy Lane Living mark in its entirety, with the only distinction being the added dashes in between the words, and under settled law and WIPO precedent, “[t]he addition of a hyphen” to an otherwise identical domain name does not remove confusion of marks and transfer of the latter-registered domain to the owner of the mark is appropriate. See *France Telecom SA v. France Telecom Users Group*,

WIPO Case No. D2002-0144 (Apr. 22, 2002). Therefore, they are identical to marks in which the Complainants have common law trademark rights.

**B. The Respondent has no rights or legitimate interests in the domain name <ivy-lane-living.com>.**

The <ivy-lane-living.com> domain name that is the subject of this proceeding should be transferred to Complainants because Respondent cannot demonstrate that it has rights or legitimate interests in the use of Complainants' mark. As set forth below, Respondent is not named and does not own a business that goes by "Ivy Lane Living," but rather, upon information and belief—including based on Respondent's own statements—goes by the name "Betsy Riot." Moreover, Respondent is not using the domain name in connection with the bona fide offering of any goods or services, but rather as part of a malicious scheme to disrupt (and ruin) the business of Complainants. Therefore, Respondent's use of Complainants' mark in the domain name is plainly not legitimate.

To begin with, it bears noting that Complainants are only required to make out a *prima facie* case that Respondent lacks rights or legitimate interests in the domain name <ivy-lane-living.com>, and once they have done so, the burden shifts to the Respondent to show that it has such rights and interests. *See Accor v. Eren Atesmen*, WIPO Case No. D2009-0701 (WIPO July 10, 2009); *OSRAM GmbH. v. Mohammed Rafi/Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org*, WIPO Case No. D2015-1149 (Sept. 1, 2015). In fact, the mere assertion by Complainants that the Respondent has no legitimate interest in the domain name in question is sufficient to shift the burden of proof to the Respondent. *See Lee A. Iacocca v. Texas International Property Associates*, 2007 WL 4672659 (UDRP-ARB Dec. 2007) (citing *Clerical Med. Inv. Group Ltd. v. Clericalmedical.com*, WIPO Case No. D2000-1228 (Nov. 28, 2000)). If the Respondent fails to respond or show any evidence that it has such legitimate interests or rights, it is appropriate to draw the inference that the Respondent has no such legitimate interests. *See, e.g., Chung, Mong Koo and Hyundai Motor Company v. Individual*, WIPO Case No. D2005-1068 (Dec. 21, 2005); *Julian Barnes v. Old Barn Studios*, WIPO Case No. D2001-0121 (Mar. 26, 2001) (finding that because the respondent failed to demonstrate his rights or legitimate interests in the domain names, the complainant succeeded in showing that no such rights or interests existed).

Here, the facts demonstrate that Respondent has no legitimate interest or right in the mark Ivy Lane Living or the domain name <ivy-lane-living.com>. Respondent is *not* commonly known by nor does it commonly use the mark Ivy Lane Living for any legitimate purpose, including for any legitimate commercial use. And as set forth above, a simple Google search confirms that "Ivy

Lane Living” commonly refers to and is used by the Complainants, and not by Respondent. (See Annex 9.)

Moreover, a Respondent lacks legitimate interests and rights in the disputed domain names where they are not used for the bona fide offering of goods and services. See, e.g., *Express Scripts, Inc. v. Windgather Investments Ltd. / Mr. Cartwright*, WIPO Case No. D2007-0267 (Apr. 26, 2007). Here, Respondent is used Complainants’ mark for a distinctly illegitimate purpose: to malign and disparage Complainants and deliberately cause actual and potential customers to stop using their goods and services. In January 2018, Complainants discovered the fraudulent and highly offensive website <ivy-lane-living.com>. (See Annex 2.) The website contained extremely vulgar and offensive material that essentially claims that Complainants have profited from the deaths of children who were killed in recent mass shootings.



From Respondent’s Fake Website, [www.ivy-lane-living.com](http://www.ivy-lane-living.com). (See Annex 2.) The website directly references that the unlawful website is “brought to you by the betsy riot,” the Respondent in this case.



Ms. Cox works with meaningful pairings. A distressed secretary desk displays faux books, a coral, and photographs of her husband's mentor, Wayne Lapierre, and white supremacist pedophile Ted Nugent from her husband's advisory board. Above the desk, gold frames set off a coupling of wall hangings: on the left, the bloodied bodies of two women lie on the site of a Las Vegas concert with profitable bullets lodged within their bodies. On the right: children flee Sandy Hook Elementary school after seeing their classmates and teachers mowed down by high capacity magazines Ms. Cox's husband ensures remains available to anyone who wants one. "The bullets in those young ladies, the Sandy Hook children who just an up-close look at more bullets, and the lovely items those bullets bought for my home. It all just comes full circle," she said, inviting us to admire her pedicure.

*This site is a creation of The Betsy Riot, a nonviolent, anti-racist, anti-fascist, feminist gun control movement because fuck these deathating assholes.*

*From Respondent's Fraudulent Website, [www.ivy-lane-living.com](http://www.ivy-lane-living.com). (See Annex 2.) The website includes a link to Respondent's own website.*

The fraudulent website prominently featured doctored pictures of Complainant Ms. Cox. Side-by-side comparisons of the photos demonstrates that the images were extracted directly from the legitimate ivylaneliving.com website for use in the fraudulent, illegitimate, and unlawful website, for example:

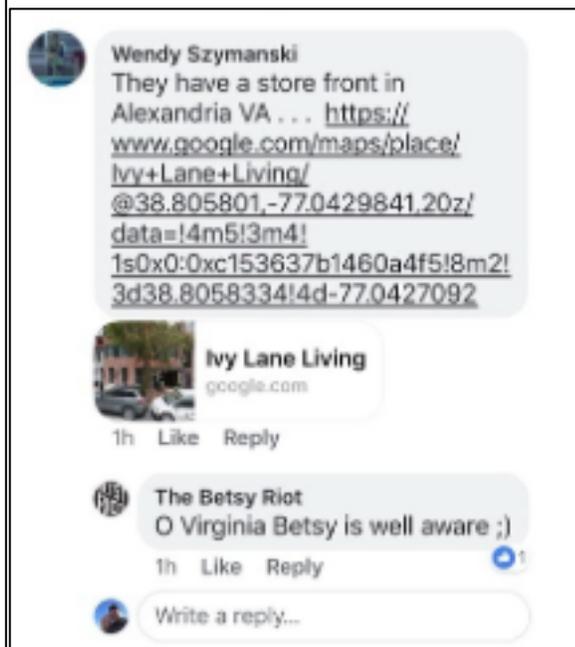
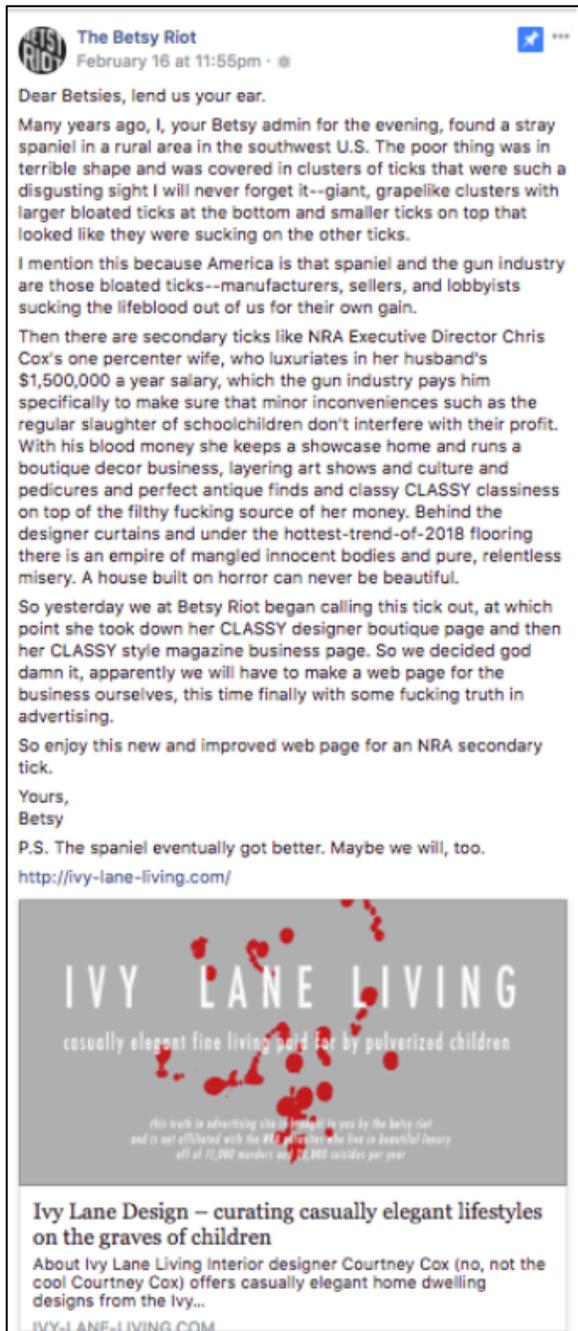


*Original image from legitimate website, [www.ivylaneliving.com](http://www.ivylaneliving.com) (See Annex 6.)*



*Doctored image from illegitimate website, [www.ivy-lane-living.com](http://www.ivy-lane-living.com) (See Annex 2.)*

In addition to using Ms. Cox's name and likeness (and that of her business, Ivy Lane Living), Respondent also posted the business address of Ivy Lane Living on Respondent's Facebook page in a post that featured and linked to the fraudulent website. (See Annex 12).<sup>3</sup>



*February 16, 2018 Facebook post on The Betsy Riot Facebook page with reference and link to the fraudulent <ivy-lane-living.com> website, comment from Betsy Riot follower Wendy Szymanski posting Complainants' business location, and response from The Betsy Riot that "Virginia Betsy is well aware ;)". (See Annex 12.)*

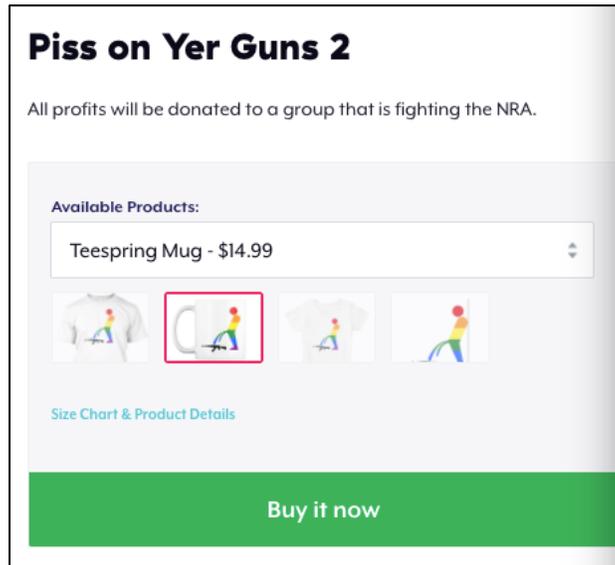
<sup>3</sup> Further bolstering Respondent's lack of legitimate interest or right in the use of the Ivy Lane Living name is the fact that Facebook recently took down the post that referenced and linked to the fraudulent website. On February 22, 2018, at the request of representatives of Complainants, Facebook deleted the post for violations of its Community Standards regarding Safety.

Respondent’s use of the <ivy-lane-living.com> domain name for this deceitful purpose is plainly not legitimate.

In addition to disrupting Complainants’ business in a transparent effort to force them to shut it down, Respondent appears to have yet another improper motive for using the <ivy-lane-living.com> domain: to divert legitimate customers away from Ivy Lane Living and to Respondent’s own website, where it advertises and profits from the sale of Betsy Riot merchandise. (*Compare* “Piss On Yer Guns – The Second Installment” Post, *available at* <https://betsyriot.com/fucking-shit-up/piss-on-yer-guns-the-second-installment/>, *with* Teespring.com Betsy Riot Merchandise Page, *available at* <https://teespring.com/shop/betsy-riot#pid=370&cid=6531&sid=front>, *and* Teespring.com “Piss on Yer Guns 2” Page, *available at* <https://teespring.com/new-piss-on-yer-guns-2#pid=522&cid=101870&sid=front> (Annex 13.)) The sales pitch for the Betsy Riot “line of products” includes a pledge that “[a]ny funds raised in excess will go toward other Betsy actions.” (*See* Annex 13.) And the actual merchandise pages pledge that that purchasing the merchandise was “show[ing] your support for [Betsy Riot].” (*See* Annex 13.)



*Image from Betsy Riot merchandise page on teespring.com (available at <https://teespring.com/shop/betsy-riot#pid=370&cid=6531&sid=front>). (See Annex 13.)*



*Image from merchandise page of Betsy Riot member on teespring.com, linked from Respondent's own website (available at <https://teespring.com/new-piss-on-yer-guns-2#pid=522&cid=101870&sid=front>. (See Annex 13.)*

Thus, Respondent attempted to use—and actually used—its fraudulent website to bolster its own notoriety and profit from the increased sales of its own merchandise. This use—intended to dupe potential and actual clients of Ivy Lane Living and to profit from mislabeled services that are in no way connected to Ivy Lane Living—is clearly not “bona fide.” *See, e.g., Express Scripts, Inc. v. Windgather Investments Ltd. / Mr. Cartwright*, WIPO Case No. D2007-0267 (Apr. 26, 2007) (finding that the use of the complainant’s marks to “divert internet users” to the respondent’s page for a reason other than offering complainant’s goods was not a bona fide offering of goods and/or services or a non-commercial fair use).

And just recently, Respondent has rigged the fraudulent domain <ivy-lane-living.com> to automatically direct visitors to another of its fraudulent websites, <waynelapierre.com>. (<https://waynelapierre.com/> attached as Annex 14.). The fraudulent website <waynelapierre.com> falsely purports to be NRA Executive Director Wayne LaPierre’s personal website, but instead lampoons Mr. LaPierre as the NRA’s “Top Toddler Slaughter Advocate and Corpsewank.” (See Annex 14.) The fraudulent Wayne LaPierre website links to a fake resume and, as it did with the fraudulent <ivy-lane-living.com> website, links directly to Respondent’s <betsyriot.com> website, where it still advertises the products and merchandise of its members, from which it profits. (See Annex 13 and Annex 14.)

Finally, in addition to having no bona fide commercial reason for use of the domain at issue, Respondent has no legitimate noncommercial or “fair use” purpose for using the domain name. *See Larry King v. Alberta Hot Rods*, WIPO Case No. D2005-0570 (Jul. 21, 2005.) Under

settled precedent, where a person creates an air of “anonymity” in its use of a domain name—which Respondent has done here by using a privacy service to obscure its contact information and by further using false and fictitious address and contact information to register the domain—there is a presumption against “finding that he had rights or legitimate interests” in a non-commercial or fair use of the domain name. *See Chung, Mong Koo and Hyundai Motor Company v. Individual*, D2005-1068 (WIPO Dec. 21, 2005).

Most importantly, Respondent cannot claim fair use under any right to free speech. The UDRP Policy is clear that use of the trademarked domain name is **only** “legitimate non-commercial or fair use” when it is used “without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.” (Policy ¶ 4(c)(iii) (Annex 1).) The *Justice for Children* case is particularly instructive here. In that case, the Panel ordered transfer of the domain name even though the content of the respondent’s fake website may have been protected speech. *Justice for Children v. R neetso / Robert W. O’Steen*, WIPO Case No. D2004-0175 (Jun. 4, 2004). The Panel did so even though a visitor to the fraudulent website would know immediately upon visiting it that the complainant was not the author of it. The Panel found significant that the fraudulent website’s domain mirrored the complainants’ domain name and that the respondent did not add “a derogatory or uncomplimentary word (e.g., ‘sucks’) in the Disputed Domain Name[.]” in order to “make the domain name unmistakably dissimilar to the mark”—just as Respondent failed to do here. *Justice for Children v. R neetso / Robert W. O’Steen*, WIPO Case No. D2004-0175 (Jun. 4, 2004). And in *Justice for Children*, as here, the fraudulent website was intended to confuse and mislead “a user seek[ing] the mark owner’s site by entering the mark followed by a common top-level domain, by the critic’s use of metadata that include[s] the mark, or because a search engine identifies the critic’s website by performing a similar search electronically.” *Justice for Children v. R neetso / Robert W. O’Steen*, WIPO Case No. D2004-0175 (Jun. 4, 2004). The Panel held that because even just one of the complainant’s customer’s “could easily find herself at Respondent’s site by any of these routes,” such confusion “fits not only within paragraph 4(c)(iii) but also the general purpose of the Policy, to prevent cybersquatting[.]” *Justice for Children v. R neetso / Robert W. O’Steen*, WIPO Case No. D2004-0175 (Jun. 4, 2004). The same conclusion follows here. Indeed, regardless of the contents of the fraudulent website, because Respondent’s use of Complainants’ trademark, Ivy Lane Living, in the domain name is “undeniably intended ‘to misleadingly divert consumers,’” Respondent “has not made a legitimate use of the domain name[.]” and transfer of the domain name to Complainants is necessary and appropriate. *Justice for Children v. R neetso / Robert W. O’Steen*, WIPO Case

No. D2004-0175 (Jun. 4, 2004). The contents of the fraudulent website confirm the correctness of that conclusion.

**C. The domain name <ivy-lane-living.com> was registered and is being used in bad faith.**

Under Paragraph 4(b) of the UDRP Policy, Respondent has registered and used the domain name <ivy-lane-living.com> in bad faith. Respondent's bad faith is demonstrated by (1) its intent to use the domain name in order to disrupt and destroy Complainants' business and trade; (2) its course of conduct in registering and parking several domain names using prominent persons' names in order to likewise attack those individuals and prevent them from using those domains; (3) its use of the <ivy-lane-living.com> domain to bolster its own public profile and attract Internet users to its own website for commercial gain; and (4) the entirety of the circumstances and Respondent's actions in maliciously attacking and disparaging a woman-owned business with the intent of destroying that business and the careers of its owners and employees.

*First*, as detailed above, Respondent's primary and underlying purpose in registering and using the <ivy-lane-living.com> domain name was and is to attack and disparage Complainants and to disrupt and destroy their business.

*Second*, under Paragraph 4(b)(ii) of the UDRP Policy, it is considered evidence of use and registration of a domain name in bad faith if the Respondent has registered the domain in order to prevent the owner of the mark from using it and Respondent has engaged in a pattern of such conduct. Respondent has done just that. Indeed, Respondent has a pattern and practice of registering domain names for the purpose of attacking and maligning individuals associated with those names/marks. For example, Respondent not only registered domains using the Ivy Lane Living name, but also registered the domains <waynelapierre.com> and <johnlott.com> with PublicDomainRegistry.com for the purpose of posting content antagonizing to those individuals and their legitimate business. (See Annex 15.) And now, as noted above, Respondent has rigged the fraudulent <ivy-lane-living.com> domain to automatically direct to its fraudulent <waynelapierre.com> website, illegitimately connecting the woman-owned, Virginia-based business Ivy Lane Living and Ms. Cox to the face of the NRA, while still linking to and promoting Respondent's own website, <betsyriot.com> and profiting from the sales of its merchandise. See *Toronto Port Authority v. Frank Touby and Community Bulletin Newspaper Group, Inc.*, WIPO Case No. D2007-0096 (May 9, 2007); *SunFest of Palm Beach County, Inc. v. Electronic System Technologies, Inc. et al.*, WIPO Case No. D2000-0631 (Oct. 3, 2000); *Easy Jet Airline Co. v. Steggles*, WIPO Case No. D2000-0024 (Mar. 17, 2000) (links from the disputed domain name to another website is not a bona fide use).

**Third**, as noted above, Respondent had an additional illegitimate motive for registering and using the <ivy-lane-living.com> domain name: to bolster its public profile and notoriety and thereby attract visitors to its own website, where it advertises and sells the merchandise of its members and profits from those sales.

**Finally**, it bears emphasis that the four bad-faith circumstances set forth in Paragraph 4(b) are “without limitation.” Thus, the Panel is entitled to find bad faith based not only on the presence or absence of the listed factors, but also based on the overall circumstances and full picture of Respondent’s conduct. *See Telestra Corp. Ltd. v. Nuclear Marshmallows*, No. D2000-0003 (WIPO Feb. 18, 2000) (noting that, when considering whether passive holding of a domain name constitutes bad faith, “the Administrative Panel must give close attention to all the circumstances of the Respondent’s behavior.”) Here, Respondent is attacking a woman-owned business for no reason other than to destroy that business and the trade, reputation, and profession of its co-owner, Ms. Cox (and now rigging the fraudulent domain to automatically direct unknowing visitors to the fraudulent website <waynelapierre.com> and associate Complainants with NRA Executive Director Wayne LaPierre for the same purposes). Furthermore, the Respondent used fake information (including billing details) in order to register the <ivy-lane-living.com> domain name. There is no “123 Noguns Ave.” in Utah or anywhere else. There is no “Fema Camp” municipality in Utah. And the phone number “+1.5043211582” belongs to a Louisiana business called “Good Energy Films.” (See Annex 16.) These facts, combined with the lack of any legitimate purposes for creating the fraudulent and highly offensive website and domain name, plainly demonstrate that Respondent has acted in bad faith.

## **VII. Remedies Requested**

[13.] In accordance with Paragraph 4(i) of the Policy, for the reasons described in Section VI above, Complainants request that the Administrative Panel appointed in this administrative proceeding transfer <ivy-lane-living.com> to Complainants.

## **VIII. Administrative Panel**

[14.] Complainants elect to have the dispute decided by a single-member Administrative Panel.

### **IX. Mutual Jurisdiction**

[15.] In accordance with Paragraph 3(b)(xii) of the Rules, Complainants will submit, with respect to any challenges that may be made by Respondent to a decision by the Administrative Panel to transfer or cancel the domain names that are the subject of this Complaint, to the jurisdiction of the courts at the location of the principal office of the concerned registrar publicdomainregistry.com and PDR Ltd. d/b/a publicdomainregistry.com in Burlington, MA.

### **X. Other Legal Proceedings**

[16.] Complainants are not aware of any other legal proceedings that have been commenced or terminated in connection with or relating to the domain name that is the subject of this Complaint.

### **XI. Communications**

[17.] This Complaint and Complaint Transmittal Coversheet have been submitted to the Center in electronic form, including annexes, in the appropriate format.

[18.] A copy of this Complaint has been transmitted to the concerned registrar on June 13, 2018 in electronic form in accordance with paragraph 4(c) of the Supplemental Rules. The Complaint has been submitted to the email address **abuse@publicdomainregistry.com**, which is the address PDR uses for submission of complaints regarding domain names. See “Report Abuse,” PUBLICDOMAINREGISTRY.COM, *available at* <https://publicdomainregistry.com/report-abuse-2/>.

### **XII. Payment**

[19.] As required by the Rules and Supplemental Rules, payment in the amount of USD \$1,500 has been made by credit card through the Center’s secure online payment facility.

### **XIII. Certification**

[20.] The Complainants agree that their claims and remedies concerning the registration of the domain name(s), the dispute, or the dispute’s resolution shall be solely against the domain name holder and waive all such claims and remedies against (a) the WIPO Arbitration and

Mediation Center and Panelists, except in the case of deliberate wrongdoing, (b) the concerned registrar(s), (c) the registry administrator, (d) the Internet Corporation for Assigned Names and Numbers, as well as their directors, officers, employees, and agents.

[21.] The Complainants certify that the information contained in this Complaint is to the best of the Complainants' knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this Complaint are warranted under the Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully submitted,

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*Counsel for Complainants  
Courtney Cox and Ivy Lane Living*

Date: June 13, 2018

#### **XIV. List of Annexes**

[22.] The Rules provide that a Complaint or Response, including any annexes, shall be submitted electronically. Under the Supplemental Rules, there is a file size limit of 10MB (ten megabytes) for any one attachment, with an overall limit for all submitted materials of no more than 50MB (fifty megabytes).

[23.] In particular, paragraph 12 and Annex E of the Supplemental Rules provides that, other than by prior arrangement with the Center, the size of any individual file (such as a document in Word, PDF or Excel format) transmitted to the Center in connection with any UDRP proceeding shall itself be no larger than 10MB. When larger amounts of data need to be transmitted, larger files can be “split” into a number of separate files or documents each no larger than 10MB. The total size of a Complaint or response (including any annexes) filed in relation to a UDRP dispute shall not exceed 50MB, other than in exceptional circumstances (including in the case of pleadings concerning a large number of disputed domain names) where previously arranged with the Center.

Annex 1: ICANN Uniform Domain Name Dispute Resolution Policy

Annex 2: Screenshots of Fraudulent and Illegitimate Website - <ivy-lane-living.com>

Annex 3: Disputed Domain Name <ivy-lane-living.com> WhoIs Search Results

Annex 4: PDR d/b/a PublicDomainRegistry.com Domain Registration Agreement

Annex 5: ICANN-Accredited Registrars List

Annex 6: Screenshots of Legitimate Business Website - <ivylaneliving.com>

Annex 7: Virginia State Corporation Commission Business Entity Details - 2IVYLANE, LLC

Annex 8: Legitimate Business Domain Name <ivylaneliving.com> WhoIs Search Results

Annex 9: Google Search Results – “Ivy Lane Living”

Annex 10: Select Articles and Media Profiles about Complainants

Annex 11: Screenshot of *Houzz.com* Ivy Lane Living Page

Annex 12: Respondent’s Facebook Post and Comment

Annex 13: Respondent’s Website Merchandise Pages

Annex 14: Screenshots of <waynelapierre.com> Website

Annex 15: Respondent’s Other Illegitimate Website Domain Name WhoIs Search Results

Annex 16: Research Related to Respondent’s Fraudulent Registration Information