

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

LATHAM & WATKINS LLP,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. _____
	)	
LW-IUF.COM, LW-KIS.COM, LW-	)	
FRK.COM, LW-ITO.COM,	)	
LWFRH.COM, LWFRP.COM, LW-	)	
FRO.COM, LW-FRANCE.COM, LW-	)	
FKS.COM, LWFNT.COM,	)	
LWFNR.COM, LWFRK.COM,	)	
LWFRD.COM, LWFIW.COM,	)	
LWFRJ.COM, LW-FRJ.COM, LW-	)	
FRG.COM, LW-FRH.COM, LW-	)	
FRD.COM, LW-FRN.COM, LW-	)	
FCC.COM, LW-FIW.COM,	)	
LWFEU.COM, LW-FRU.COM,	)	
LWFRO.COM, LWFRG.COM, LW-	)	
FRP.COM, LWFCC.COM, LW-	)	
FRL.COM, LWFRNE.COM, LW-	)	
FRNE.COM, LW-FRNC.COM,	)	
LWFRN.COM, LWFRR.COM, LW-	)	
FRR.COM, LWFRNC.COM,	)	
LWFRANCE.COM, AND	)	
LWFRANCES.COM	)	
	)	
Defendants.	)	
_____	)	

**COMPLAINT**

Plaintiff Latham & Watkins LLP (“Latham”) alleges, with knowledge concerning its own acts and on information and belief as to all other matters (unless otherwise specifically stated), as follows in support of its *in rem* Complaint for cybersquatting against the LW-IUF. com, LW-KIS.com, LW-FRK.com, LW-ITO.com, LWFRH.com, LWFRP.com, LW-FRO.com, LW-FRANCE.com, LW-FKS.com, LWFNT.com, LWFNR.com, LWFRK.com, LWFRD.com, LWFIW.com, LWFRJ.com, LW-FRJ.com, LW-FRG.com, LW-FRH.com, LW-FRD.com, LW-FRN.com, LW-FCC.com, LW-FIW.com, LWFEU.com, LW-FRU.com, LWFRO.com,

LWFRG.com, LW-FRP.com, LWFC.com, LW-FRL.com, LWFRNE.com, LW-FRNE.com, LW-FRNC.com, LWFRN.com, LWFR.com, LW-FRR.com, LWFRNC.com, LWFRANCE.com, and LWFRANCES.com domain names (together, the “Abusive Domain Names”):

### **NATURE OF THE ACTION**

This is an *in rem* action asserted under the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d)(2)(A) (“ACPA”), against the Abusive Domain Names. An unknown scammer has maliciously used the Abusive Domain Names in violation of Latham’s trademark rights to unlawfully, and in bad faith, derive a profit by defrauding members of the public. In the emails that Latham is aware of, the scammer has used the Abusive Domain Names to email members of the public and Latham’s clients purporting to be a Latham partner in Latham’s Paris office. It is possible that the scammer has impersonated different Latham attorneys or staff in other instances of which Latham is presently unaware. In the emails, the scammer attempts to collect payment for a purportedly pending invoice. By registering and using the Abusive Domain Names and impersonating Latham personnel, the scammer has not only attempted to defraud Latham’s clients and other members of the public, the scammer has violated and harmed Latham’s longstanding trademark rights and damaged Latham’s outstanding reputation and goodwill. This conduct constitutes cyberpiracy in violation of the ACPA, and Latham accordingly seeks an order transferring the Abusive Domain Names to Latham to halt this scam.

### **PARTIES**

1. Latham is a limited liability partnership organized and existing under the laws of the state of Delaware.
2. The *res* are the domain names identified as the “Abusive Domain Names.” The

Abusive Domain Names were registered in rapid succession over a period of a few weeks in April 2023. The Abusive Domain Names and the corresponding date of registration are listed in Exhibit 1.

3. LW-IUF.com is a domain name which, according to the DomainTools.com's whois service, is registered to an unidentified person using Above.com to conceal his/her/its identity and location. A copy of the domain name registration record for LW-IUF.com is attached as Exhibit 2. The LW-IUF.com domain includes the "LW" term, which is shorthand for Latham & Watkins. The LW-IUF.com domain name also includes the term IUF, which, upon information and belief, is a geographic shorthand for the "Institut Universitaire de France."

4. LW-KIS.com is a domain name which, according to the DomainTools.com's whois service, is registered to an unidentified person using Above.com to conceal his/her/its identity and location. A copy of the domain name registration record for LW-KIS.com is attached as Exhibit 3. The LW-KIS.com domain includes the "LW" term, which is shorthand for Latham & Watkins. The LW-KIS.com domain name also includes the term KIS, which, upon information and belief, is a reference to the French technology company, KIS France SASU.

5. LW-FRK.com is a domain name which, according to the DomainTools.com's whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LW-FRK.com is attached as Exhibit 4. The LW-FRK.com domain combines the "LW" term, which is shorthand for Latham & Watkins, with the location identifier FRK for France.

6. LW-ITO.com is a domain name which, according to the DomainTools.com's whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LW-ITO.com

is attached as Exhibit 5. The LW-ITO.com domain includes the “LW” term, which is shorthand for Latham & Watkins.

7. LWFRH.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LWFRH.com is attached as Exhibit 6. The LWFRH.com domain combines the “LW” term, which is shorthand for Latham & Watkins, with the location identifier FRH for France.

8. LWFRP.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LWFRP.com is attached as Exhibit 7. The LWFRP.com domain combines the “LW” term, which is shorthand for Latham & Watkins, with the location identifier FRP for France.

9. LW-FRO.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LW-FRO.com is attached as Exhibit 8. The LW-FRO.com domain combines the “LW” term, which is shorthand for Latham & Watkins, with the location identifier FRO for France.

10. LW-FRANCE.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LW-FRANCE.com is attached as Exhibit 9. The LW-FRANCE.com domain combines the “LW” term, which is shorthand for Latham & Watkins, with the location identifier FRANCE.

11. LW-FKS.com is a domain name which, according to the DomainTools.com’s

whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LW-FKS.com is attached as Exhibit 10. The LW-FKS.com domain includes the “LW” term, which is shorthand for Latham & Watkins, with FKS, which upon information and belief, stands for Fontenay Karate Shotokan, a French martial arts school.

12. LWFNT.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LWFNT.com is attached as Exhibit 11. The LWFNT.com domain combines the “LW” term, which is shorthand for Latham & Watkins, with the acronym “FNT,” which, upon information and belief, is a reference to the “Fédération Nationale du Train.”

13. LWFNR.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LWFNR.com is attached as Exhibit 12. The LWFNR.com domain combines the “LW” term, which is shorthand for Latham & Watkins, with the acronym “FNR,” which, upon information and belief, is a reference to the Luxembourg National Research Fund.

14. LWFRK.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LWFRK.com is attached as Exhibit 13. The LWFRK.com domain includes the “LW” term, which is shorthand for Latham & Watkins.

15. LWFRD.com is a domain name which, according to the DomainTools.com’s whois

service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LWFRD.com is attached as Exhibit 14. The LWFRD.com domain includes the “LW” term, which is shorthand for Latham & Watkins.

16. LWFIW.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LWFIW.com is attached as Exhibit 15. The LWFIW.com domain includes the “LW” term, which is shorthand for Latham & Watkins.

17. LWFRJ.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LWFRJ.com is attached as Exhibit 16. The LWFRJ.com domain includes the “LW” term, which is shorthand for Latham & Watkins.

18. LW-FRJ.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LW-FRJ.com is attached as Exhibit 17. The LW-FRJ.com domain includes the “LW” term, which is shorthand for Latham & Watkins.

19. LW-FRG.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LW-FRG.com is attached as Exhibit 18. The LW-FRG.com domain includes the “LW” term, which is shorthand

for Latham & Watkins.

20. LW-FRH.com is a domain name which, according to the DomainTools.com's whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LW-FRH.com is attached as Exhibit 19. The LW-FRH.com domain includes the "LW" term, which is shorthand for Latham & Watkins.

21. LW-FRD.com is a domain name which, according to the DomainTools.com's whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LW-FRD.com is attached as Exhibit 20. The LW-FRD.com domain includes the "LW" term, which is shorthand for Latham & Watkins.

22. LW-FRN.com is a domain name which, according to the DomainTools.com's whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LW-FRN.com is attached as Exhibit 21. The LW-FRN.com domain combines the "LW" term, which is shorthand for Latham & Watkins, with the location identifier FRN for France.

23. LW-FCC.com is a domain name which, according to the DomainTools.com's whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LW-FCC.com is attached as Exhibit 22. The LW-FCC.com domain includes the "LW" term, which is shorthand for Latham & Watkins.

24. LW-FIW.com is a domain name which, according to the DomainTools.com's whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal

his/her/its identity and location. A copy of the domain name registration record for LW-FIW.com is attached as Exhibit 23. The LW-FIW.com domain includes the “LW” term, which is shorthand for Latham & Watkins.

25. LWFEU.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LWFEU.com is attached as Exhibit 24. The LWFEU.com domain includes the “LW” term, which is shorthand for Latham & Watkins.

26. LW-FRU.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LW-FRU.com is attached as Exhibit 25. The LW-FRU.com domain includes the “LW” term, which is shorthand for Latham & Watkins.

27. LWFRO.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LWFRO.com is attached as Exhibit 26. The LWFRO.com domain includes the “LW” term, which is shorthand for Latham & Watkins.

28. LWFRG.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LWFRG.com is attached as Exhibit 27. The LWFRG.com domain includes the “LW” term, which is shorthand for Latham & Watkins.



29. LW-FRP.com is a domain name which, according to the DomainTools.com's whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LW-FRP.com is attached as Exhibit 28. The LW-FRP.com domain includes the "LW" term, which is shorthand for Latham & Watkins.

30. LWFCC.com is a domain name which, according to the DomainTools.com's whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LWFCC.com is attached as Exhibit 29. The LWFCC.com domain includes the "LW" term, which is shorthand for Latham & Watkins.

31. LW-FRL.com is a domain name which, according to the DomainTools.com's whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LW-FRL.com is attached as Exhibit 30. The LW-FRL.com domain includes the "LW" term, which is shorthand for Latham & Watkins.

32. LWFRNE.com is a domain name which, according to the DomainTools.com's whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LWFRNE.com is attached as Exhibit 31. The LWFRNE.com domain combines the "LW" term, which is shorthand for Latham & Watkins, with the location identifier FRNE for France.

33. LW-FRNE.com is a domain name which, according to the DomainTools.com's whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LW-

FRNE.com is attached as Exhibit 32. The LW-FRNE.com domain combines the “LW” term, which is shorthand for Latham & Watkins, with the location identifier FRNE for France.

34. LW-FRNC.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LW-FRNC.com is attached as Exhibit 33. The LW-FRNC.com domain combines the “LW” term, which is shorthand for Latham & Watkins, with the location identifier FRNC for France.

35. LWFRN.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LWFRN.com is attached as Exhibit 34. The LWFRN.com domain combines the “LW” term, which is shorthand for Latham & Watkins, with the location identifier FRN for France.

36. LWFRR.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LWFRR.com is attached as Exhibit 35. The LWFRR.com domain includes the “LW” term, which is shorthand for Latham & Watkins.

37. LW-FRR.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LW-FRR.com is attached as Exhibit 36. The LW-FRR.com domain includes the “LW” term, which is shorthand for Latham & Watkins.

38. LWFRNC.com is a domain name which, according to the DomainTools.com’s

whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LWFRNC.com is attached as Exhibit 37. The LWFRNC.com domain combines the “LW” term, which is shorthand for Latham & Watkins, with the location identifier FRNC for France.

39. LWFRANCE.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LWFRANCE.com is attached as Exhibit 38. The LWFRANCE.com domain combines the “LW” term, which is shorthand for Latham & Watkins, with the location identifier FRANCE for France.

40. LWFRANCES.com is a domain name which, according to the DomainTools.com’s whois service, is registered to an unknown person/entity using Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record for LWFRANCES.com is attached as Exhibit 39. The LWFRANCES.com domain combines the “LW” term, which is shorthand for Latham & Watkins, with the location identifier FRANCES for France.

41. The Abusive Domain Names were registered across several different registrars. These registrars are:

- i. Namecheap, Inc., (“Namecheap”), which maintains its principal place of business at 4600 East Washington Street, Suite 305, Phoenix, AZ 85034. The Abusive Domain Names that are registered through Namecheap are identified in Exhibit 1.
- ii. Above.com Pty Ltd (“Above.com”), which maintains its principal place of business at 6-8 East Concourse, Beaumaris VIC 3193, Australia. The

Abusive Domain Names that are registered through Above.com are identified in Exhibit 1.

42. The registrant of the Abusive Domain Names has used several different services to conceal his/her identity. These services are:

- i. Withheld for Privacy ehf, which maintains its principal place of business at Kalkofnsvegur 2, Reykjavik, Capital Region 101, Iceland. These Abusive Domain Names are identified in Exhibit 1. The administrative and technical contact email addresses for these Abusive Domain Names are also identified in Exhibit 1. In exchange for a fee, Withheld for Privacy ehf publishes its contact information on the public WhoIs database so that the true owners of domain names may avoid disclosing their personal identifying information.
- ii. Above.com's WhoIs domain privacy service. Above.com maintains its principal place of business at 6-8 East Concourse, Beaumaris VIC 3193, Australia. These Abusive Domain Names are identified in Exhibit 1. The administrative and technical contact email addresses for these Abusive Domain Names are also identified in Exhibit 1. At no cost, Above.com displays alternate contact information on the public WhoIs database so that the true owners of domain names may avoid disclosing their personal identifying information.

43. VeriSign Global Registry Services ("VeriSign") is the domain name registry of the Abusive Domain Names, and its principal place of business is located in this judicial district at 12061 Bluemont Way, Reston, VA 20190.

### **JURISDICTION AND VENUE**

44. This Court has jurisdiction over the subject matter of this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338.

45. This Court has *in rem* jurisdiction over the Abusive Domain Names pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii)(II) in that, despite diligent efforts, Latham cannot identify the person who has wrongfully registered or used the Abusive Domain Names. Latham sent notices of the alleged violation of its trademark rights in April 2023 to the above-identified registrars, and followed up thereafter to no avail. Latham sent another notice regarding this violation and its intent to proceed under 15 U.S.C. § 1125(d)(2)(A)(ii)(II) to the following postal and email addresses on October 16, 2023, but it did not receive any substantive response:

- i. Withheld for Privacy ehf

Kalkofnsvegur 2  
101 Reykjavík, Iceland

- ii. Namecheap, Inc.

4600 East Washington Street, Suite 305  
Phoenix, AZ 85034  
abuse@namecheap.com

- iii. Above.com Pty Ltd

6-8 East Concourse  
Beaumaris VIC 3193  
Australia  
abuse@above.com

- iv. VeriSign Global Registry Services

12061 Bluemont Way

Reston, Virginia 20190

info@verisign-grs.com

- v. lw-iuf.com@privacy.above.com
- vi. lw-kis.com@privacy.above.com
- vii. 2e39d8870d47435d99077f7ece190892.protect@withheldforprivacy.com
- viii. 141cac0ededd422b805a601c729f4f86.protect@withheldforprivacy.com
- ix. 21f1ec9e160e4c549bcf85bb6a04d2c8.protect@withheldforprivacy.com
- x. aa9b4c0427194750acbc5f4e9bcdaf83.protect@withheldforprivacy.com
- xi. 2a968e1bcd004446ad3c8ced0b5b46df.protect@withheldforprivacy.com
- xii. 1dbba4b8eae045588c14bbd8fbefbaa28.protect@withheldforprivacy.com
- xiii. 69557e32dbeb433dae2f5e213f73ab13.protect@withheldforprivacy.com
- xiv. 7bb0efcb86694e4bbd630e2e604c178a.protect@withheldforprivacy.com
- xv. b1d68f0b067e4482a25423391535cefa.protect@withheldforprivacy.com
- xvi. 117618a56c9b48ae9595032e11159419.protect@withheldforprivacy.com
- xvii. e065cf542842462fab5e06beecfac9dd.protect@withheldforprivacy.com
- xviii. 9dc077f169b04dca9c1217cec0afea16.protect@withheldforprivacy.com
- xix. b55c16d311bc450583820ef15decd2c0.protect@withheldforprivacy.com
- xx. ef437d960acb444196c25ee52d207ddc.protect@withheldforprivacy.com
- xxi. 92a5bf75876a4833b4c50f9f13ffdc87.protect@withheldforprivacy.com
- xxii. f1995832891d490fa2e1f26a3294addf.protect@withheldforprivacy.com
- xxiii. 64820b9679e54b8a93260d87ffe1287d.protect@withheldforprivacy.com
- xxiv. 51173ffefecd49319e1dfb0cf7a3c848.protect@withheldforprivacy.com
- xxv. 63cc01697812402aa386207254fda2e9.protect@withheldforprivacy.com

- xxvi. 498468dff06447388b447f4dfbabfa1b.protect@withheldforprivacy.com
- xxvii. dd489083854a45f98cb2db6053134121.protect@withheldforprivacy.com
- xxviii. 6bc81724e08d471f8d8fa96282026331.protect@withheldforprivacy.com
- xxix. 9f66ef10e55b4e848fd7d3374f37a75f.protect@withheldforprivacy.com
- xxx. f560ddc31cf24131be861d12ed4bf189.protect@withheldforprivacy.com
- xxxi. 60423e11bbcb445693699748e78ca8b9.protect@withheldforprivacy.com
- xxxii. 19b108f6f38e4f32b488d1587cebca72.protect@withheldforprivacy.com
- xxxiii. 4d167b1029064132b326f74a081123ec.protect@withheldforprivacy.com
- xxxiv. 32d735fece5b4780a3e5a47651f7a67d.protect@withheldforprivacy.com
- xxxv. 591085a0adc94dfba0d47e690f417bc6.protect@withheldforprivacy.com
- xxxvi. fc7fe01477444e1ba4227e5b32cf03ce.protect@withheldforprivacy.com
- xxxvii. 1f37e2e1592c4880b331981aa62e2413.protect@withheldforprivacy.com
- xxxviii. 95141a508f4d4fe186a04a1b48446cc7.protect@withheldforprivacy.com
- xxxix. f21d74dbcf74108aa3fc6313f8f9286.protect@withheldforprivacy.com
- xl. 574d434d77454489aba94ad613acc2c5.protect@withheldforprivacy.com
- xli. d5975bd34a804200b5b144e927423c80.protect@withheldforprivacy.com
- xlii. 1052a3403adb4b8f9b3ffc2928dcf8e5.protect@withheldforprivacy.com

46. Venue lies in this judicial district pursuant to 28 U.S.C. § 1391(b)(2) and 15 U.S.C. §§ 1125(d)(2)(A) and (C) because the Abusive Domain Names are all .COM domains, and the domain name registry of the .COM top level domain (VeriSign) is located in this judicial district. *See Blackrock, Inc. v. Balckrock.Com*, 2022 U.S. Dist. LEXIS 226754, at \*11-12 (E.D. Va. Nov. 18, 2022) (“Verisign, Inc. . . . is the registry operator for the .COM and .NET top level domain names, and VeriSign is located in this judicial district.”).

## **FACTUAL BACKGROUND**

### **Latham And Its Intellectual Property Rights**

47. Latham is known for delivering innovative solutions to complex legal and business challenges around the world. Latham has over 3,200 attorneys in thirty-two offices located across fourteen different countries around the globe who advise clients on market shaping transactions, high-stakes litigation and trials, and sophisticated regulatory matters.

48. Latham is widely known for offering superior legal services to some of the world's largest corporations in complex "bet the company" matters, and it is routinely ranked among the leading law firms in the world in leading legal publications such as *The American Lawyer*, *MergerMarket*, and *Chambers and Partners*.

49. Since its founding in Los Angeles in 1934, Latham has offered professional legal services under the LATHAM & WATKINS trademark and associated logos and terms, including the LW mark, which is shorthand for Latham & Watkins.

50. For example, Latham uses the LW mark as its profile picture on Facebook, LinkedIn, YouTube, Twitter, and Instagram. See <https://www.facebook.com/lathamwatkins>; <https://www.linkedin.com/company/latham-&-watkins>; <https://www.youtube.com/user/lathamwatkinsglobal>; <https://twitter.com/lathamwatkins>; <https://www.instagram.com/lathamwatkins/>.

51. Latham also owns and operates the <lw.com> domain name and uses it to host its primary website, send and receive emails, and otherwise conduct business across the world. Latham registered the <lw.com> domain name in October 1994 and has continuously used it since.

52. Latham personnel's email addresses are formatted as: [FirstName].[LastName]@lw.com. The <lw.com> domain name uniquely identifies Latham and



assures clients, opposing parties, and other stakeholders that they are in fact corresponding with a Latham lawyer or employee. Because the <lw.com> domain name features the distinctive LW mark, the public has come to associate the LW trademark and the <lw.com> domain name with Latham and, in turn, with the high standard of excellence Latham has earned and maintained over its many decades of providing high-quality legal services.

53. Latham also owns and maintains a large portfolio of “lw” derivative domain names, such as <lwcommunicate.com>, <lwlawcasts.com>, and several others. In particular, Latham owns “lw” derivative domain names incorporating letters identifying the countries in which it operates. For example, Latham owns the <us-lw.com> and <uk-lw.com> domain names.

54. Through Latham’s widespread and continuous use of the “LW” term to provide its legal services in interstate commerce, the LW trademark has acquired extensive goodwill, developed a high degree of distinctiveness, and become well-known and recognized as identifying services originating from Latham. Latham, accordingly, has obtained strong trademark rights in the LW term, as well as all associated trademarks (e.g., LATHAM & WATKINS). *See, e.g.*, U.S. Trademark Registration Nos. 2413795, 4986824, 4976906, 4968228.

### **The Fraudulent Acts Conducted Through The Abusive Domain Names**

55. Latham recently learned of a complex, far-ranging scam being perpetrated against its clients as well as the public. The fraudster(s) used the Abusive Domain Names to impersonate a Latham partner located in Latham’s Paris office, Alexandra Bigot, and attempted to collect payment on falsified invoices.

56. All of the Abusive Domain Names bear an obvious similarity to Latham’s domain names and trademarks, and are plainly attempts to impersonate Latham and exploit domain names that contain a name (LW) that is commonly used to refer to Latham. Indeed, the Abusive Domain

Names often simply combine Latham's legitimate domain name, *lw.com*, with a generic location identifier for France (i.e., "fr-", "fr", or "fra"). The addition of this generic location identifier is either as a prefix or a suffix to *lw* and is often in combination with another letter. In each case, the domain name includes Latham's trademark and legitimate domain name: *lw*. Upon information and belief, the fraudster used country identifiers associated with France to make the fraudulent email appear legitimate, since the fraudster was impersonating Ms. Bigot, a partner in Latham's Paris office. Upon information and belief, the fraudster's goal of registering the Abusive Domain Names was to deceive unsuspecting victims into paying falsified invoices.

57. The fraudster used the same fraudulent formula with each of the Abusive Domain Names. Using one of the Abusive Domain Names, the fraudster would create an email address to impersonate Ms. Bigot. The scammer would then email third parties to "remind" them of unpaid invoices. The scammer even included vague threats to the third-party victims, suggesting that they "resolve it today to avoid other accusations."

58. To make the scam emails appear more legitimate, the scammer signed the email as Ms. Bigot. The scammer also included the LATHAM & WATKINS trademark, the address for Latham's Paris office (<https://www.lw.com/en/offices/paris>), and a link to Latham's legitimate website: *www.lw.com*.

59. As an example, on April 18, 2023, the scammer, using the *lwfeu.com* domain name, created an email address designed to impersonate Ms. Bigot: *alexandrabigot@lwfeu.com*. While Ms. Bigot is in fact a partner in Latham's Paris office, she uses an email address originating from Latham's legitimate domain name, *lw.com*.

60. Using the email address designed to impersonate Ms. Bigot, the scammer emailed a third party to remind them of an invoice and asked the third party to "resolve it today to avoid

other accusations.” Per the scammer’s *modus operandi*, the scammer signed the email as Ms. Bigot. In the signature block, the scammer reproduced Latham’s LATHAM & WATKINS mark and included the address of Latham’s Paris office and Latham’s legitimate website: *www.lw.com*.

61. Fortunately, the third party did not fall for the scam, and notified Ms. Bigot and Latham of the fraud attempt. Attached as Exhibit 40 is a true and correct copy of a certified English translation of the scam email chain using the *lwfeu.com* domain name.

62. Upon information and belief, each of the Abusive Domain Names were used by the scammer in an identical or nearly identical manner. To Latham’s knowledge, at least 50 third parties were contacted by the scammer using the Abusive Domain Names. Attached as Exhibits 41-76 are true and correct copies of certified English translations of scam email chains using almost every one of the Abusive Domain Names. To avoid burdening the Court, Latham has not attached all evidence of these scam emails. Further, Latham has received phone calls from would-be victims who identified abuse of these domain names, including the LW-FNT.com domain name.

63. On April 26, 2023, Latham wrote to Namecheap demanding that the Abusive Domain Names registered through Namecheap, as identified in Exhibit 77, be disabled, that the true owner’s identity be revealed, and that the Abusive Domain Names registered through Namecheap be surrendered to Latham. Despite further attempts to contact the registrar, Latham never received a substantive response.

64. On April 26, 2023, Latham wrote to Above.com demanding that the Abusive Domain Names registered through Above.com, as identified in Exhibit 78, be disabled, that the true owner’s identity be revealed, and that the Abusive Domain Names registered through

Above.com be surrendered to Latham. Despite further attempts to contact the registrar, Latham never received a substantive response.

65. Latham is deeply concerned that these fraudulent schemes are ongoing. As members of the public continue to be deceived by the confusing similarity of the Abusive Domain Names to Latham's widely recognized LW mark, Latham's valuable trademark rights are being violated and damaged, its reputation and goodwill are being sullied, and (most importantly) members of the public continue to be harmed by the unknown scammer using the Abusive Domain Names to reap (in bad faith) a profit.

### **COUNT I**

#### **Violation of the ACPA – 15 U.S.C. § 1125(d)(2)(A)**

66. Latham incorporates by reference the factual allegations set forth above.

67. The LATHAM & WATKINS trademark and associated logos and terms (including "LW") are protectable within the meaning of 15 U.S.C. § 1125(d)(1)(A)(ii).

68. The unknown registrant of the Abusive Domain Names has registered, trafficked in, and/or used the Abusive Domain Names, which are identical or confusingly similar to, or dilutive of, Latham's trademarks in violation of the ACPA.

69. The unknown registrant has profited in bad faith from the unauthorized registration and use of the Abusive Domain Names by, for example, impersonating Latham employees to attempt to defraud clients and the general public by using the confusingly similar Abusive Domain Names (all of which are close derivatives of the LW mark and the <lw.com> domain name) in violation of Latham's protected rights.

70. The unauthorized registration and use of the Abusive Domain Names must be enjoined to prevent further irreparable injury to the substantial and valuable goodwill associated

with Latham's marks, as well as prevent any future harm to unsuspecting members of the public.

**PRAYER FOR RELIEF**

WHEREFORE, Latham respectfully prays for the following relief:

- A. An injunction ordering the transfer of the Abusive Domain Names to Latham pursuant to 15 U.S.C. § 1125(d)(2)(D)(i);
- B. An injunction ordering the registry of the Abusive Domain Names to change the registrar of record for the domain name to a registrar of Latham's selection, pursuant to 15 U.S.C. § 1125(d)(2)(D)(i);
- C. An order pursuant to 15 U.S.C. § 1125(d) finding that, by the acts complained above, Latham's valuable and strong trademarks have been infringed;
- D. An order pursuant to 15 U.S.C. § 1117(a) finding that this is an exceptional case and awarding Latham its reasonable attorneys' fees;
- E. An order pursuant to 15 U.S.C. § 1117(a) awarding Latham all of its costs, disbursements, and other expenses incurred due to the unlawful conduct at issue;
- F. An order awarding Latham pre-judgment interest; and
- G. An order awarding Latham any other relief as the Court deems appropriate.

Dated: October 31, 2023

Respectfully submitted,

LATHAM & WATKINS LLP

By /s/Bert C. Reiser

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*\*pro hac vice application to be filed*

*Attorneys for Plaintiff*

**INDEX OF EXHIBITS IN SUPPORT OF COMPLAINT**

<b>EXHIBIT</b>	<b>DESCRIPTION</b>
1.	List of Abusive Domain Names and Corresponding Information
2.	Whois for < LW-IUF.com>
3.	Whois for < LW-KIS.com>
4.	Whois for < LW-FRK.com>
5.	Whois for < LW-ITO.com>
6.	Whois for < LWFRH.com>
7.	Whois for < LWFRP.com>
8.	Whois for < LW-FRO.com>
9.	Whois for < LW-FRANCE.com>
10.	Whois for < LW-FKS.com>
11.	Whois for < LWFNT.com>
12.	Whois for < LWFNR.com>
13.	Whois for < LWFRK.com>
14.	Whois for < LWFRD.com>
15.	Whois for < LWFIW.com>
16.	Whois for < LWFRJ.com >
17.	Whois for < LW-FRJ.com >
18.	Whois for < LW-FRG.com>
19.	Whois for < LW-FRH.com>
20.	Whois for < LW-FRD.com>
21.	Whois for < LW-FRN.com>
22.	Whois for < LW-FCC.com>

EXHIBIT	DESCRIPTION
23.	Whois for < LW-FIW.com>
24.	Whois for < LWFEU.com>
25.	Whois for < LW-FRU.com>
26.	Whois for < LWFRO.com>
27.	Whois for < LWFRG.com>
28.	Whois for < LW-FRP.com>
29.	Whois for < LWFCC.com>
30.	Whois for < LW-FRL.com>
31.	Whois for < LWFRNE.com>
32.	Whois for < LW-FRNE.com>
33.	Whois for < LW-FRNC.com>
34.	Whois for < LWFRN.com>
35.	Whois for < LWFRR.com>
36.	Whois for < LW-FRR.com>
37.	Whois for < LWFRNC.com>
38.	Whois for < LWFRANCE.com>
39.	Whois for < LWFRANCES.com>
40.	April 18, 2023 email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 18, 2023 from Alexandra Bigot <alexandrabigot@lwfeu.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
41.	April 11, 2023 Email from REDACTED to Security Matters forwarding suspected fraudulent email dated April 11, 2023 from Alexandra Bigot <Alexandra.bigot@lw-iuf.com> to REDACTED re payment for invoice number LW042728725 (translation, certification, original)
42.	April 11, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 11, 2023 from Alexandra Bigot <alexandrabigot@lw-



EXHIBIT	DESCRIPTION
	kis.com> to REDACTED re payment for invoice number LW042728725 (translation, certification, original)
43.	April 17, 2023 email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email from Alexandra Bigot <Alexandra.bigot@lw-frk.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
44.	April 12, 2023 email from REDACTED to Jean-Michel Deborde of Security Matters forwarding suspected fraudulent email dated April 12, 2023 from Alexandra Bigot <abigot@lw-ito.com> to REDACTED re payment for invoice number LW042728725 (translation, certification, original)
45.	April 13, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email from Alexandra Bigot <a.bigot@lwfrh.com> to REDACTED re payment for invoice (translation, certification, original)
46.	April 18, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 18, 2023 from Alexandra Bigot <a.bigot@lwfrp.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
47.	April 17, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 17, 2023 from Alexandra Bigot <a.bigot@lw-fro.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
48.	April 20, 2023 email from REDACTED to Alexandra Bigot forwarding two suspected fraudulent emails dated April 14, 2023 from Alexandra Bigot <alexandrabigot@lw-france.com> to REDACTED re reworking draft bill due today and April 19, 2023 email from Alexandra Bigot <alexandrabigot@lwfrn.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
49.	April 20, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 12, 2023 from Alexandra Bigot <abigot@lw-fks.com> to REDACTED re payment for invoice number LW042728725 (translation, certification, original)
50.	April 18, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 18, 2023 from Alexandra Bigot <a.bigot@lwfnr.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
51.	April 20, 2023 email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 20, 2023 from Alexandra Bigot

EXHIBIT	DESCRIPTION
	<alexandra.bigot@lwfrk.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
52.	April 20, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 20, 2023 from Alexandra Bigot <a.bigot@lwfrd.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
53.	April 14, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 14, 2023 from Alexandra Bigot <abigot@lwfiw.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original) <i>TR_ Bonjour Bernard.msg_EN_COM</i>
54.	April 14, 2023 fraudulent email from Alexandra Bigot <abigot@lwfrj.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
55.	April 17, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 17, 2023 from Alexandra Bigot <abigot@lw-frj.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
56.	April 17, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 17, 2023 from Alexandra Bigot <alexandrabigot@lw-frg.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
57.	April 20, 2023 Email from REDACTED to Alexandra Bigot attaching suspected fraudulent email dated April 20, 2023 from Alexandra Bigot <a.bigot@lw-frh.com> to REDACTED re payment for invoice number LW042728725 (translation, certification, original)
58.	April 17, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 17, 2023 from Alexandra Bigot <abigot@lw-frn.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
59.	April 17, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 17, 2023 from Alexandra Bigot <Alexandra.bigot@lw-fcc.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
60.	April 17, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 17, 2023 from Alexandra Bigot <abigot@lw-fiw.com> to

EXHIBIT	DESCRIPTION
	REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
61.	April 27, 2023 Email from REDACTED to Security Matters forwarding suspected fraudulent email dated April 27, 2023 from Alexandra Bigot <a.bigot@lw-fru.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
62.	April 18, 2023 email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 18, 2023 from Alexandra Bigot <abigot@lwfro.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
63.	April 18, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 14, 2023 from Alexandra Bigot <alexandrabigot@lwfrg.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
64.	April 18, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 18, 2023 from Alexandra Bigot <a.bigot@lw-frp.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
65.	April 19, 2023 fraudulent email from Alexandra Bigot <Alexandra.bigot@lwfcc.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
66.	April 25, 2023 email from REDACTED to Virginie Terzic forwarding suspected fraudulent email from Alexandra Bigot <Alexandra.bigot@lw-frl.com> re payment for invoice number LW0042728725 (translation, certification, original)
67.	April 19, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 19, 2023 from Alexandra Bigot <Alexandra.bigot@lwfrne.com> to re payment for invoice number LW0042728725 (translation, certification, original)
68.	April 20, 2023 email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 20, 2023 from Alexandra Bigot <alexandrabigot@lw-frne.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
69.	April 20, 2023 Email from REDACTED to Alexandra Bigot and cc to REDACTED forwarding suspected fraudulent email dated April 20, 2023 from Alexandra Bigot <Alexandrabigot@lw-frnc.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)

EXHIBIT	DESCRIPTION
70.	April 20, 2023 email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 20, 2023 from Alexandra Bigot <alexandrabigot@lwfrn.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
71.	April 20, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 20, 2023 from Alexandra Bigot <a.bigot@lwfr.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
72.	April 20, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 19, 2023 from Alexandra Bigot <abigot@lw-frr.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
73.	April 20, 2023 email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 20, 2023 from Alexandra Bigot <alexandrabigot@lwfrnc.com> to REDACTED re payment for invoice number LW0042728725 (translation, certification, original)
74.	April 25, 2023 Email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated April 25, 2023 from Alexandra Bigot <a.bigot@lwfrance.com> to REDACTED attaching draft bill for payment (translation, certification, original)
75.	June 12, 2023 email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated June 12, 2023 from Alexandra Bigot <a.bigot@lwfrances.com> to REDACTED re payment for invoice (translation, certification, original)
76.	May 3, 2023 email from REDACTED to Alexandra Bigot forwarding suspected fraudulent email dated May 3, 2023 from Alexandra Bigot <a.bigot@lwfrances.com> to REDACTED re payment for invoice (translation, certification, original)
77.	Letter dated April 26, 2023 from Adam Herrera of Latham & Watkins LLP to Namecheap, Inc. regarding Various Infringing Domain Names and Request for Immediate Suspension
78.	Letter dated April 26, 2023 from Adam Herrera of Latham & Watkins LLP to Above.com Pty Ltd regarding Various Infringing Domain Names and Request for Immediate Suspension