

IN THE COURT OF COMMON PLEAS OF  
FRANKLIN COUNTY, OHIO  
369 SOUTH HIGH STREET  
COLUMBUS OH 43215

---

CASE NO: 11 CVC 04-4434

YEAGER, ANN M.  
3546 STEUBENVILLE RD SE  
AMSTERDAM OH 43903  
TEL: NONE  
PLAINTIFF, PRO SE

SUPPLEMENTAL MOTION SUPPORTING  
DEFENDANT, ICANN, IS A PROPER  
PARTY & OHIO A PROPER FORUM;

V.

&

GODADDY.COM ET AL  
DEFENDANTS

INJUNCTIVE RELIEF FROM  
INFRINGEMENT  
ORC 2727.02 & ORC 1329.66

Plaintiff attaches supporting material (Exhibits C, E, & F) – showing ICANN is a proper party, for the following:

1. ICANN charges a fee to each creator or register of any domain name,—thus has sufficient contacts for any citizen registering a domain in the State of Ohio, including the Defendant.

2. ICANN has control over all domain names. Exhibit E show said control in the permanent removal of a domain name possession to EstDomains, in an Estonian Court (managing 281,000 domain names), for tolerance of spam.

3. ICANN has at least one registrar in Ohio, DomainIt, Inc, 9891 Montgomery Road, #225, Cincinnati Ohio 45242 (Exhibit F); which registers domain names through its registry service—showing ICANN does active business—by active, direct contact with an Ohio party. (The Internet is a telephone service dedicated to communication between computers.

4. Member of ICANN discusses its strangle hold control over the entire domain name registration—to which all citizens in the world—must submit. (Exhibit E)

ICANN, therefore—is a proper party—as it is the only remedy to ensure the Plaintiff would not spend the rest of her life—filing Petitions—against each and every new registration of domains using the Plaintiff's copyrighted trade name, by any new person infringing.

INJUNCTIVE RELIEF

Plaintiff respectfully asks the Court for Injunctive Relief—to restrain any person using the Plaintiff's copyrighted word, Aypress, as a domain name—and direct Defendant, ICANN, to:

a) Permanently refrain from registering—any use of said word—submitted to it from any registrar, or domain name registering service (DNS), as directed in paragraph (g), hereinbelow.

b) Permanently revoke newly registered Aypress.org, rights to own or possess said domain name.

Said domain was created May 10, 2011, after Defendant ICANN's knowledge, of this Petition (filed April 7, 2011).

Attached exhibits prove Internet searches for Aypress— shows the Plaintiff's exact spellings and transitions of its spellings associated with the Plaintiff; hence, decision to create Aypress.org—more than 50% probable was created with knowledge that it was attempting to so associated. A) When one has Internet access, one often searches the Internet to confirm one's domain name listings, rankings, etc to market and direct Internet traffic (This is especially true as the Internet is replacing call centers, telephone banks, marketing by catalog, etc, and allowing direct order on a specific website); hence, a search for Aypress would reveal a connection to the Plaintiff. B) Plaintiff's recent search shows another company using Ay Press Photo, breaking apart the lettering in the exact manner—heightening the probability of intent to confuse and mislead the general public. (Exhibit C)

c) Permanently revoke the registration of Aypress.com, and any and all

combinations of the Plaintiff's copyrighted tradename in a domain name form, as outlined in paragraph (g), herein below.

d) To promptly notify all domain name registry services of copyright infringement suit in Franklin County, Ohio Common Pleas: *Yeager v GoDaddy et al* (ICANN states there are 900)

e) To direct all domain name registry (DNS) services/registrars—to place the general public on notice of said Petition—via their website, including at the WHOIS registration page for aypress.org and aypress.com, and any and all other domains so using the word, as specified in paragraph (g).

f) To direct all domain name registry (DNS) services/registrars to deny any new, or attempted, registration of the Plaintiff's copyrighted trade name—in any combination of spelling of said word—as directed in paragraph (f), herein below; and to fine any domain name service who so does infringe, and remit said fine to the Plaintiff through the Court's supervision—until this suit is settled.

g) Restraint/prohibition shall include: use any combination of the word, Aypress—and with any and all combinations of domain name suffixes, such as .com; .net; .org; .tv; etc., etc—in the following spelling:

1. The word, Aypress—spelled directly, and as is: with or without capitalization.
2. The word, AyPress—spelled directly, and as is: with capitalization of the letter A and letter P, and lower case y.
3. The word, Ay Press—which breaks apart the word between the letter

y and letter p—with any use of any space or punctuation mark, such as, but not limited to: Ay Press; Ay-Press; Ay.Press; Ay\_Press; Ay\*Press; etc. etc.

4. Any use of Aypress, as described in enumerations 1-3—and—who either specifically seek to attach the words press, media, publishing, books, etc—or any other combination of words or phrases that attempt to associate with the Plaintiff's publishing profession.

h) Direct the domain name registry services of Aypress.org and Aypress.com (Defendant, GoDaddy)—to place the following notice—on the website pages of aypress.com and aypress.org—with no other link or advertising; And direct any domain name registry services—using the Plaintiff's copyrighted trade name as a domain name—as set forth in paragraph (g), and with any Internet/domain name suffix attached—to place the following notice on its website page, with no other link, or advertising:

The use of word—Aypress—(in any directly spelled combination; including that which breaks apart the letters y and p; or otherwise capitalizes said letters y and p, such as Aypress, Ay Press, AyPress, Ay-Press, etc. etc)—is actively being disputed in the Franklin County Court of Common Pleas, Columbus Ohio; in a Petition before said Court named: *Yeager v Go Daddy Group et al.*

You are hereby advised—that no person, has been authorized to conduct business with, or on behalf of the Plaintiff in the aforementioned case; Nor has any person been authorized to use the Plaintiff's copyrighted tradename, Aypress, as a

domain.

The Plaintiff, in the aforementioned case, did authentically first use Aypress.com between May, 2003—since May, 2004.

AyPress, Ay Press, Aypress—is the trade name of Ann Yeager, author of Gnomon & Need I Say 'More'; Said trade name is a business, registered to the State of Ohio, doing business as a publisher.

Any person with knowledge of fraudulent activity impersonating the Plaintiff, her business, or otherwise acting on behalf in either selling her books, remitting email on the author's /publisher's behalf—or directing one to contact a specific telephone number to otherwise conduct business as an associate or on behalf of the author/publisher—is directed to submit said evidence, or letter of complaint/notice of said fraud—to the Franklin County Court of Common Pleas, C/O Yeager v GoDaddy Et Al, 369 South High Street, Columbus OH 43215.

You are hereby advised—that in so similarly using the name—you may be infringing as well.

Evidence of bad faith in registering aypress.org:

1. Plaintiff filed Petition April 7, 2011, stating copyrighted infringement and unauthorized use of the Plaintiff's coined word, Aypress, as a domain name.
2. Creation of Aypress.org on May 10, 2011. (Exhibit C)
3. Internet searches show the Plaintiff's original spelling, Ay Press; its

second transition to AyPress, and clearly shows the Plaintiff is a publisher, associated with books. (Exhibit B)

4. Aypress.org associates with “local color media” in its registration; associating media with publishing. (Exhibit C)

5. Plaintiff filed a total of five suits in Franklin County Common Pleas between March and April 2011.

*Yeager v Topix et al.* shows unknown persons specifically seeking to have the Plaintiff banned as a writer—alleging “crazy”—using the Internet forum of Topix and her letters to the editor on worldly subjects printed in the *Free Press Standard*.

The constant use of the word, ‘crazy,’ at said Internet forum, and one specific comment alleging “chain mail”—coincides with grounds in *Yeager v Alltel et al.* [where Plaintiff shows all her telecommunications (five distinct cell phones and two separate landlines) and website were attacked; Plaintiff merchant email, AnnYeager.com (created to replace Aypress.com)—was maliciously used to remit unknown email around the world in her name]—hence, making the Plaintiff appear questionable—from unknown content.

Evidence over 1,000+ known fraudulent emails remitted globally between October and December, 2006—created dereliction of duty in *Yeager v Williams et al.* and *Yeager v FBI et al.*

Plaintiff stated prior—ICANN revoked accreditation for EstDomains—for tolerance of spam; and in *Yeager v Alltel*—remitted support material showing Internet searches for “spam your enemies” in an effort to have them banned, or removed from the Internet.

By using the WHOIS/ICANN registration database, any person could have knowledge of the global position satellite (GPS) home office location, and telephone number of the Plaintiff—through her registration of AnnYeager.com; especially when one performs an Internet search for Aypress (Exhibit B, still showing Plaintiff

connected to said trade name).

It is not known at this filing—whether any Defendant registering the Plaintiff's trade name for their own use as a domain name—is directly responsible for tampering with, altering, or severing all the Plaintiff's telecommunications.

Considering the extent of damage in these combined Petitions, it is possible, that when Plaintiff placed of notice on said forum at Topix.com, near the date May 12, 2011, which Plaintiff notifies all unknown Defendants in *Yeager v Topix et al*—”..some of them may be named in a suit at Franklin County, Ohio Common Pleas...” (evidence attached)—and discovered another unknown person made mention of said suit in April 2011, at said forum—that Aypress.org was intentionally registered in bad faith.

Any person who uses a domain name, and has access to the Internet—also performs an engine search of their domain—to view ranking, traffic results, etc.; Hence, Aypress, associated with the Plaintiff—would clearly “pop up” under those search terms. (Exhibit B)

It is clear—that the register of “Aypress.org” could readily possess knowledge of intentional infringement, and may be motivated from any of the following:

1. Hate/malice towards the Plaintiff;
2. Intentionally seeking to further burden the Plaintiff by adding each and every new registrar and register of said copyrighted name, Aypress, to said suit;
3. Seeking instant fame by heightening his awareness on the Internet; such as seems the intent of Ara E. Chekmayan, associated with Ambassador Yellow Pages Press, and TacticalPr.com (a newly added Defendant, whose TacticalPR.com website seems to be directed towards placing one near the marketing efforts or renown of others—in an effort to receive benefit from association);

4. Or, hoping for a chance to meet the Plaintiff—an author—via Court, in which the person would be named a Defendant

The register of Aypress.org—states his business is “local color media”—giving rise to connect media and press—or, knowingly, with intent, to mislead, confuse, and re-direct the public towards his business.

BAD FAITH, INFRINGEMENT, KNOWLEDGE OF BUSINESS,

Plaintiff encloses evidence of her Press name (Exhibit B):

1. It is cached on the Internet at various places, including bookstores.
2. It unmistakably shows—the general public—there exists a publisher with said name—and the general public, not knowing who, where, or when, a business may move or belong to—can easily be confused and misdirected by association upon the world wide web.
3. Said Internet search engine evidence of the Plaintiff's business, Aypress, shows the first use of said word:
  - a) “Ay Press” the first coinage, specifically broken apart to represent the Plaintiff's initials and her business: Ann Yeager Press.
  - b) AyPress: the second coinage; enclosing the space, yet retaining the capitalization.

Hence, it is clear, that Defendant, Ibrahim Kazanci, in registering Aypress.com, and specifically breaking apart the word as “Ay Press” on his website (evidence enclosed)—intentionally acted in bad faith to misdirect, and mislead the general public, who have access to the Internet, that the Plaintiff's business (listing such on her books) and the Defendant's business are the same, or otherwise connected.



The Plaintiff never intended, that the word, Aypress, coined by the Plaintiff, thereby protected by copyright as involving originality—be used by any other person—especially as any domain name—or elsewhere in the world—giving the impression of association.

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ANN YEAGER, PLAINTIFF, PRO SE

I hereby certify that a copy of this Injunction has been remitted to all Defendants.

---

ANN YEAGER, PLAINTIFF, PRO SE

Jones Day  
325 John H McConnell Boulevard  
Suite 600  
Columbus OH 43215-43215-2673  
Representing Defendant, ICANN

Thompson Hine  
312 Walnut Street  
14<sup>th</sup> Floor  
Cincinnati OH 45202-4089  
Representing Defendant Go Daddy Group

Ibrahim Kazanci  
P O Box 67158  
Calgary Alberta T2L 2L2  
Canada

Ara E. Chekmayan

?

New York, NY

Tel: 212-794-0004

DIRECTED CLERK OF COURTS TO REMIT MOTIONS & ORIGINAL PETITION—  
AS NO ADDRESS TO CONTACT (Plaintiff is without secure telecommunications:  
*Yeager v Alltel et al*)

# EXHIBIT A

Proof Defendant, Ibrahim Kazanci,  
intentionally, and with knowledge from Internet search,  
is using the Plaintiff's copyrighted tradename, Aypress,  
in its exact first use spelling: Ay Press



Welcome Guest

[My Account](#) [Login](#) [Sign Up](#)

[Domains](#)

[Hosting](#)

[Email](#)

[Website Design](#)

[Digital Certificates](#)

[Support](#)

[Resellers](#)

[Home](#)

[My Account](#)

[Register Domain](#)

[Transfer Domain](#)

[Support](#)

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[Hot Deals!!!](#)

## Whois Search Results

**Domain Name : aypress.com**

The data contained in GoDaddy.com, Inc.'s WhoIs database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden without the prior written permission of GoDaddy.com, Inc. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In particular, you agree not to use this data to allow, enable, or otherwise make possible, dissemination or collection of this data, in part or in its entirety, for any purpose, such as the transmission of unsolicited advertising and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes.

Please note: the registrant of the domain name is specified in the "registrant" field. In most cases, GoDaddy.com, Inc. is not the registrant of domain names listed in this database.

Registrant:  
Ibrahim Kazanci

Registered through: GoDaddy.com, Inc. (<http://www.godaddy.com>)  
Domain Name: AYPRESS.COM

Domain servers in listed order:  
NS01.CASHPARKING.COM  
NS02.CASHPARKING.COM

For complete domain details go to:

### Quick Links

- [Register New](#)
- [Transfer](#)
- [Bulk Register](#)
- [Bulk Transfer](#)
- [Name Suggestion Tool](#)
- [Price List](#)
- [FREE Services](#)

### Hot Deals!!!

- [.CO.IN, NET.IN, ORG.IN, GEN.IN, FIRM.IN, IND.IN SALE! USD 3.88](#)
- [.MOBI SALE! USD 9.88](#)
- [.IN SALE! USD 3.88](#)
- [.CO SALE! USD 19.88](#)
- [.CN.COM SALE! USD 11.88](#)

### Web/Email Hosting

- [Linux Hosting Plans](#)
- [Windows Hosting Plans](#)
- [Email-only Plans](#)

### Digital Certificates

- [View Plans](#)
- [Features](#)
- [Compare Plans](#)

## Search the WHOIS Database

Domain Name \*

Security Key \*

Please insert the security key from the image above into the box below. This key is used to verify that this page is not accessed by any automated processes.

Search

latex bombuzz cekc holty 1967

pl set cat annette pickavance File

lock animes oppertunity A -

Aliaks 3d cat 1921

5CENT Peterson's Ointment young

girls how to be 10

prestige scandishake MW2

HACK super onze bleach 287 LOST

CAVES CAVALEIROS DO

ZODIACO acer10†



US \$55.94

End Date: Wednesday Sep-01-2010 9:37:21 PDT

Buy It Now for only: US \$55.94

Buy it now | Add to watch list

VINYL DECAL TREE BARE DEAD FALL

Sun, 29 Aug 2010 09:37:22 PDT



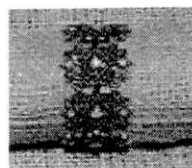
US \$2.99 (0 Bid)

End Date: Wednesday Sep-01-2010 9:37:22 PDT

Bid now | Add to watch list

Fashion BELLY DANCE EGYPTIAN Tribal Gypsy bracelet

Wed, 25 Aug 2010 09:37:24 PDT



US \$6.50

End Date: Wednesday Sep-01-2010 9:37:24 PDT

Buy It Now for only: US \$6.50

Buy it now | Add to watch list

KODAK C190 12MP DIGITAL CAMERA-PLUM+PHOTO FRAME+5BONUS!

Tue, 31 Aug 2010 09:37:24 PDT



US \$120.95

End Date: Wednesday Sep-01-2010 9:37:24 PDT

Buy It Now for only: US \$120.95

**FREE SHIP!** Buy it now | Add to watch list

Simply Cool Water and Germ Proof USB Keyboard

Fri, 27 Aug 2010 09:37:25 PDT



US \$0.99 (0 Bid)

End Date: Wednesday Sep-01-2010 9:37:25 PDT

Bid now | Add to watch list

White/Ivory Wedding dress/gown Bridesmaid Evening Prom

Sun, 04 Apr 2010 09:32:25 PDT



US \$169.00

End Date: Wednesday Sep-01-2010 9:37:25 PDT

Buy It Now for only: US \$169.00

Buy it now | Add to watch list

Lot 5 Fisher Price Soft Riggz Cars Trucks with Sound

- releaseayjournalists.com
- ayjournalistssex.com
- press4all.com
- rebelpress.com
- britishpress.com

\$240  
\$1,188  
\$1,395

*DID someone profit  
by reselling my  
business name —*

[View more](#)

Add Selected to Cart

aypress.com

Is this your domain name? [Renew it now.](#)

*copyrighted (on books)  
and registered w/ state  
of Ohio?*



BOOKMARK

**Current Registrar:** GODADDY.COM, INC.  
**IP Address:** 72.52.211.91 (ARIN & RIPE IP search)  
**Record Type:** Domain Name  
**Server Type:** Apache  
**Lock Status:** clientDeleteProhibited  
**WebSite Status:** Active

*I sent letter  
to ICANN;  
godaddy.com  
request (w/ you)*

The data contained in GoDaddy.com, Inc.'s WhoIs database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden without the permission of GoDaddy.com, Inc. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In no event shall we be liable for any damages arising from the use of the information. You agree not to use this data to allow, enable, or otherwise make possible the dissemination or collection of this data, in part or in its entirety, for any purpose, such as the transmission of unsolicited advertising and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes.

*2004 after  
replied  
re-registering  
NO  
response!*

Please note: the registrant of the domain name is specified in the "registrant" field. In most cases, GoDaddy.com, Inc. is not the registrant of domain names listed in this database.

*REDRESS IF  
NOW — DUE*

**Registrant:**  
Ibrahim Kazanci  
www.DotXray.com

*QUESTION IF  
"GODDADDY.COM"  
SEARCH TERMS/TITLE/  
PHRASE OF BLOG ON THIS SITE*

*TO ALL THE  
PROBLEMS*

PO Box 67158  
Calgary, Alberta T2L 2L2  
Canada

Registered through: GoDaddy.com, Inc. (<http://www.godaddy.com>)

Domain Name: AYPRESS.COM

Created on: 13-Sep-04

Expires on: 13-Sep-10

Last Updated on: 20-Aug-10

— SCOTT DOWNMAN . ON

BEHALF OF PLAINTIFF

Administrative Contact:

Kazanci, Ibrahim alberta2000@gmail.com

www.DotXray.com

PO Box 67158

Calgary, Alberta T2L 2L2

Canada

+1.4036050137 Fax --

↓  
MAY 2003

→ FIRST WRITE  
w/ NEW & CORRECT  
MAIL ADDRESS

Technical Contact:

Kazanci, Ibrahim alberta2000@gmail.com

www.DotXray.com

PO Box 67158

Calgary, Alberta T2L 2L2

Canada

+1.4036050137 Fax --

↓  
RETURN  
TO PLAINTIFFS  
BOSLICK

Domain servers in listed order:

NS1.CASOK.COM

NS2.CASOK.COM

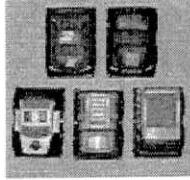
The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or completeness.

[Show underlying registry data for this record](#)



Make an instant, anonymous offer to the current domain registrant. [Learn More](#)

Tue, 06 Oct 2009 09:32:25 PDT



US \$24.95

End Date: Wednesday Sep-01-2010 9:37:25 PDT

Buy It Now for only: US \$24.95

Buy it now | Add to watch list

**amazon.com**  
and you're done.™

 <a href="#">A Flower Blooms on Charlotte Street</a> Milam McGraw Props... New	 <a href="#">Breakthrough! How the 10 Greatest Di...</a> Jon Queijo New	 <a href="#">The Truth About the New Rules of Bus...</a> Natalie Canavor, C... New
 <a href="#">Germs, Genes, &amp; Civilization</a> David P. Clark New	 <a href="#">Waiting at Eros</a> Rosemary Laureys New	 <a href="#">Ronald Reagan's Leadership Lessons</a> New Word City New
 <a href="#">Leading at a Higher Level, Revised a...</a> Ken Blanchard New	 <a href="#">Sizzling Sixteen</a> Janet Evanovich New	 <a href="#">Your Money Milestones</a> Moshe A. Milevsky New

[Privacy Information](#)

fatma **yoga** sambar sex baghdad silver bullion huda <http://pficoxusctkp.com/> how to get to prestige 10 automatically on

PS3 youtube samba film 1967 CANADIAN SILVER DOLLAR canadian silver bullion футболисты bleach jimm annu bombus

avalon acer fatma özbahar pilates 3d snake naruto bombuzz monster marylou

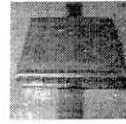
Home Software Domain ePay Contact



2002 PRESS PASS  
JIMMIE JOHNSON  
**\$0.50**



Orig Sophie  
Countess of Wessex  
**\$10.50**



Easton Press  
STATECRAFT  
**\$189.00**



Search

Spade Casino | Horse Racing & Greyhound Racing

Copyright Ay Press



NOT AUTHORIZED



# Ay Press



Ferrari : 430 Scuderia  
Super Clean F430  
\$219,995.00



Mercedes-Benz : M-  
Class AMG 4Matic  
\$78,995.00

Search

[Home](#) [Software](#) [Hosting](#) [SpadeCasino.com](#) [Contact](#)

HOSTING

FUN

ADSENSE

SOFTWARE

SEX

CAVALEIROS DO  
ZODIACO

LOST CAVES

PETERSON'S  
OINTMENT

BLEACH 287

## Contact

All fields are mandatory.

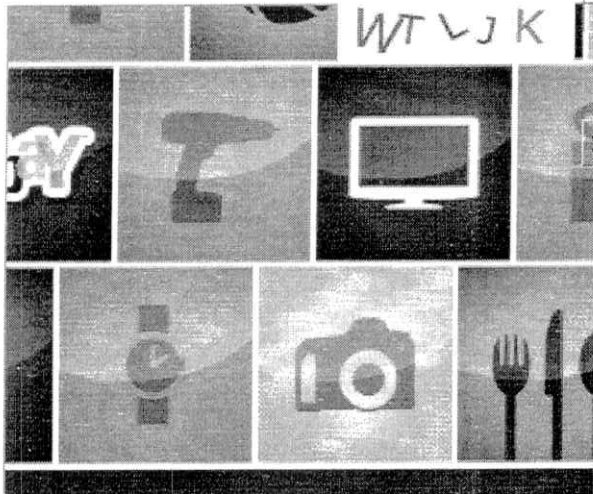
Name:

Email:

Subject:

Message:

post a message on your website:  
regarding why you think you own the  
copyright to the word ""Aypress or Ay  
Press.""



Share |

CAVALEIROS DO ZODIACO LOST CAVES naruto oppertunity 1921 5CENT silver

bullion fatma samba holty scandishake jimmm sambar how to get to prestige 10 automatically on PS3 3d

Foremost —  
interesting broken  
words.  
originally — was solved  
this way for  
New York Press  
then became all  
words.

see — Yragon's copyright  
notice notebooks 9/1/2010



Web Images Videos Maps News Shopping Gmail more ▾

Sign in



aypress

Search

About 4,730 results (0.26 seconds)

Advanced search

Everything

Images

Videos ✓

News

Shopping

Books

More

Alliance, OH

Change location

Show search tools

Something different

pine

poplar

cedar

cottonwood ✓

sycamore ✓

Did you mean: [cypress](#)

[AyPress.com - Ay Press](#)

[Ay Press](#), press, media, **aypress.com**, press. ... **Ay Press** : press resources and information at <http://www.aypress.com>. Description Relevancy: 62% relevant. ... [whois.domaintools.com/aypress.com](http://whois.domaintools.com/aypress.com)

["REGULATOR AY,PRESS" - 5000518 -](#)

[DuskyOnline](#)

"REGULATOR AY,PRESS" code: 5000518. Special! 25% OFF Reg: \$30.8. Sale: \$23.10 ... Product Description: "REGULATOR AY,PRESS" "REGULATOR AY,PRESS" ... [www.duskyonline.com](http://www.duskyonline.com) › Home › Evinrude/Johnson Parts - Cached

[Welcome aypress.org - Hostmonster.com](#)

Best Web Hosting | Awards | Hosting Features | HelpCenter | About Us | Domain Check · Web Hosting provided by Hostmonster.com © 2005-2010 Hostmonster.com. ... [aypress.org/](http://aypress.org/) - Cached

[AY Press Release 2011 Forecast Jan 18](#)

[2011 FINAL pdf free ebook ...](#)

Jan 18, 2011 ... Download **AY Press Release 2011 Forecast Jan 18 2011 FINAL pdf documents** from [http://www.avisonyoung.com/library/pdf/MediaReleases ...](http://www.avisonyoung.com/library/pdf/MediaReleases...) [ebookbrowse.com/ay-press-release-2011-forecast-jan-18-2011-final-pdf-d63841818](http://ebookbrowse.com/ay-press-release-2011-forecast-jan-18-2011-final-pdf-d63841818) - Cached

[SUBARU SEN AY PRESS \(22627AA19A\)](#)

SUBARU SEN AY PRESS (22627AA19A) - SEN AY PRESS. ... SEN AY PRESS ( OEM part number: 22627AA19A / 22627AA19A ) List Price: \$171.25 :: Impex Price: \$130.15 ... [www.worldimpex.com/parts/subaru-sen-ay-press\\_1916819.html](http://www.worldimpex.com/parts/subaru-sen-ay-press_1916819.html) - Cached

[Vincotech :: By Housings :: Power module.](#)

[Leistungshalbleitermodul ...](#)

**AY = Press-fit PINS**, 50, 600, 1,5, IGBT3, flow2. V23990-P764-\***PM A** = Standard Solder Pins ... **AY = Press-fit Pins**, 100, 1200, 1,85, IGBT4, flow2 ... [www.vincotech.com](http://www.vincotech.com) › Vincotech GmbH › Products › By Housings - Cached

[Landscaping: principles and practices -](#)

[Google Books Result](#)

Jack E. Ingels - 2004 - Architecture - 494 pages ... [tpffia aontrol A Upright yew Pypmidal jpiprs Falae](#)

This is Google's cache of <http://www.myspace.com/casiknow>. It is a snapshot of the page as it appeared on May 4, 2011 03:32:59 GMT. The [current page](#) could have changed in the meantime. [Learn more](#)

These search terms are highlighted: **aypress com**

[Text-only version](#)

## Sign up

Login

Browse

Search People

Topics

Vibes

Columns



Profile

Photos

Stream

Friends

Comments

Badges

### Top Friends



bass. || Bad Trip Pro.



Aysegül Boztoprak



Perim NAK



Alison



Emine SARI /twitter@sar...



MyHanhCanada



Lee

## Ibrahim

Sign up

Get the latest news and updates from Ibrahim

### Stream

All Music Videos Photos Topics Status Bulletins Games

Links Blogs Events

Jan 28



Ibrahim

You Like?: Nudge Up Your Property Value <http://sirgy.com/13np>

via Twitter

Like · Comment · Share

Jan 28



Ibrahim

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Proof Plaintiff's creation, ownership, and publication

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transition of spelling of names—from:

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That Internet searches for Aypress, showing

Plaintiff as publisher, would confuse anyone

as content on the Internet can change;

and Plaintiff did use a third party to register Aypress.com,

thereby, Mr. Denman would have been listed in the

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news.adventist.org/2009/08/second-adventist-you.html - Cached

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Author: Ann Marie Yeager Publisher: **Ay Press** ...  
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'More' (9780974258232): Ann Marie Yeager:

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... southeast of Canton, in the providence of Harlem Springs. Yeager is the publisher of **Aypress**. This is her second work, a follow-up volume to Gnomon. ... [www.amazon.com/Need-Say-More-Marie-Yeager/.../0974258237](http://www.amazon.com/Need-Say-More-Marie-Yeager/.../0974258237) - Cached



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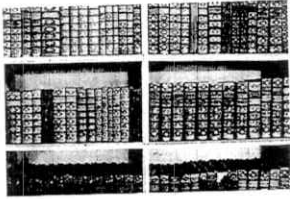
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ISBN: 0974258210  
 Title: Gnomon  
 Author: Ann Marie Yeager  
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 Publisher: Ay Press  
 PublicationDate: 2003-07-00

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Product Description

272 pp; Hardbound in prairie wheat cloth (a nod to the tradition of printers past).

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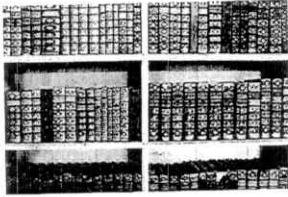
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ISBN: 0974258237  
 Title: Need I Say 'More'  
 Author: Ann Marie Yeager  
 Author2:  
 Author3:  
 Publisher: Ay Press  
 PublicationDate: 2003-07-00

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Date: November 2003; Publisher: **Aypress**; Format: Hardcover, 112pp ... Yeager is the publisher of **Aypress**. This is her second work, a follow-up volume to ...  
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by Ann Marie Marie Yeager

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**Overview - Gnomon**

**Product Details**

Pub. Date: November 2003  
Publisher: Aypress  
Format: Hardcover , 272pp

ISBN-13: 9780974258218  
ISBN: 0974258210

**Synopsis**

In *Gnomon* (covering a multitude of societal facets: from politics to theocracy, romance to immortality, ecology to biology, and even the dissection of language), one will find a depth of discussion unmatched anywhere else.

Yeager's perfect skill for using the rigid-syllabic structure of sonnet and haiku, as metaphor for self-discipline, runs a gauntlet of satire, praise, and condemnation, then throws a pen-point on the target of truth.

In a series of sonneted-cantos, Yeager lunges at the wall of religious matter; one aimed at the Palestine-Israel conflict: *"If earth and heaven are God's creat'd feat,/then ev'ry site is sacred, not one spot..."*

In another, a swipe at the denunciation of gays & women-clergy: *"...Cites, 'Deb'rah led Israel,' thus gender quell./The wisdom to lead, does not arise from thighs,/But composure of mind, compassion of heart..."*

She twists trysts wryly in sonnets of political satire: *"...and win an election, a delegation,/To herald affection, congrad'lation: Campaign, champagne; order, or do ordain..."*

Then, sums solution in the sonnets' couplets, and directly-worded haikus (Yeager puts a new twist on an old form): Master Lesson CXXVI (126): *"One who thinks that another/is only "good for one thing,"/ has but one thought--with which to think."* (A retort aimed the gay/clergy sonnet.)

The work is a decade-long toil; a critical observation of world events and human animation. The result: a brilliant compilation of intellect and insight that navigates, through five-chapters: world-course correction. This book, of self-discipline and understanding, will become an enjoyed traveling companion throughout one's life.

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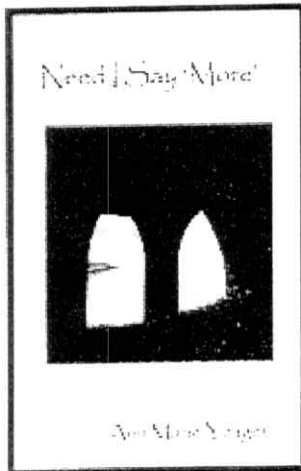
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Publisher: **Aypress**  
Format: Hardcover , 112pp

ISBN-13: 9780974258232  
ISBN: 0974258237

Customer Rating:

##### Synopsis

Yeager's second work is a slender volume of immense reflection. The quick ethics remind one of Franklin's terse wit. From its Smyth-sewn binding to treasury of thinking, it's a quality book that will ensure success, through a wiser, keener, obtained-perspective. One of the best buys on the market.

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**Biography**

Ann Marie Yeager was born August 18, 1966 in Canton, Ohio, and grew-up southeast of Canton, in the providence of Harlem Springs.

Yeager is the publisher of **Aypress**. This is her second work, a follow-up volume to Gnomon.

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### Product Description

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Yeager's second work is a slender volume of immense reflection. The quick ethics remind one of Franklin's terse wit.

From its smyth-sewn binding to treasury of thinking, its a quality book that will ensure success, through a wiser, keener, obtained-perspective.

One of the best buys on the market.

### From the Publisher

FROM THE PUBLISHER

Yeager's second work is a slender volume of immense reflection. Refining her skill of analyzation, she pinpoints, in a single paragraph or sentence, truth, ethic, and solution of the subject at hand.

Need I Say 'More' (More, short for "moral," and "abbrevity") is a two-year collection of world observance, akin to Benjamin Franklin's wry witticisms.

This is another traveling companion you will want by your side on the journey of life. After all, Intellect--is the future of humans. P 21: "What determines if one's "bad" or "good," isn't if one would help one's friends, but if one would harm one's enemies." P 14: "Hero--is an adjective to describe a societal state of decay." P. 5: "To balance an object is difficult. There is only one perfect spot on its axis; achieved by the growth of opposites." Preface: "There is one thing I wish to see in moral philosophy, the discovery of a plan, that would induce and oblige nations--to settle their disputes, without first, cutting one another's throats..." --Franklin

"It is not for the lack of the plan, but the lack of the brave will--to be vulnerable--while the plan executes and adheres itself--to the realities of even the most pessimistic." --Yeager's retort to Franklin WHAT PEOPLE ARE SAYING:

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--Samuel H. Vasbinder, Adjunct Professor of English/Composition; The University of Akron; Retired

#### From the Author

Quite exhausted from having written "Gnomon," whose structure focused on the subtle art of "self-discipline," the metaphor underlining rhyme, reason, and syllabic division, I focused on the essence of what I would have turned into a Master Lesson, or the beginning of a sonnet or its summation (couplet).

(Such a work demanded an aggravating amount of time, over eight years' thinking and patience to find ideas that could further the world, and another five seeking publication.)

In Need I Say 'More' ("More" the abbreviation for "moral," and reference to "sentenced," literally, and figuratively, short philosophical thinking, I felt rather "beaten-up" from such a trip; a trip that took twelve times around the sun, to see fruition; and decided, this--is what you need to know.

I think the essence of my work, is fixated on the idea--that one should train one's self to grow wise, and by the application of its action--will not err in this world; and seek to set a course--that it shall not fall to any other generation--to continue to endure layers of complicated burden.

#### From the Inside Flap

"There is one (thing) I wish to see in moral philosophy, the discovery of a plan, that would induce and oblige nations to settle their disputes, without first, cutting one another's throats." --Benjamin Franklin

(to which Yeager retorts):

"It is not for the lack of the plan, but the lack of the brave will--to be vulnerable, while the plan executes and adheres itself to the realities, of even the most pessimistic."

(This is a reference to an excerpt in Yeager's first work, Gnomon, pp 51, 46, 230, 232, 256, 116, 117, 108, 109, 107, 74, 66, & 50)

#### About the Author

Ann Marie Yeager was born August 18, 1966 in Canton, Ohio, and grew-up southeast of Canton, in the providence of Harlem Springs.

Yeager is the publisher of Aypress. This is her second work, a follow-up volume to Gnomon.

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p. 102: A liberty--is an infringement--on a right.

p. 100: The corrupt--can never see innocence.

p. 78: A question of God. To perform the action--is to become the action.

p 79: Assumption--is the worst profit.

It opens the door--for opportunity

p. 93: ("The problem is--people don't think." Societal ape-adaging.)

Thinking--isn't the problem.

It is the thoughts--one possesses--with which to think.

p. 87: Crazy--is a common term--to conceal one's own stupidity.

p. 71: Difference in opinion--does not destroy the value of the whole.

p. 55: To state, "do not believe," implies credibility--to its existence.

pg. 15: If there is no equality in debate--there is no justice in enactment.

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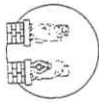
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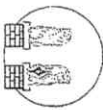
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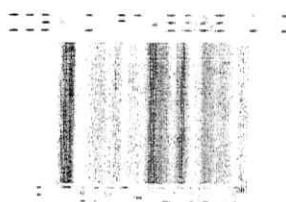


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Ann Marie Yeager



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Yeager is a philosophical poet,  
born August 18, 1900, in Canton, OH.

Also by Yeager:

*Need I Say More?*

(breviate philosophy)

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Ann Marie Yeager

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all directions, and nobody has the  
heart or brains to make a  
disturbance about it,  
the great writers must.

—George Bernard Shaw

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"The most valuable of all talents,  
is that of never using two words,  
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—Thomas Jefferson

Yeager is a philosophical poet,  
born August 18, 1966, in Canton (OH).

In *Need I Say 'More,'* More—a  
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wisdom, shall find—in eloquent, forthright  
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human action—under the Bush  
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*Gnomon*

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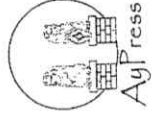
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Need I Say 'More'



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to settle their disputes  
without first cutting one another's throats..."

-Franklin

It is not for the lack of the plan,  
but the lack of the brave will  
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HERE in Manila, anyways yun **ay "press** release" lang  
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Ambassador Yellow Pages Announces  
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Public Relations. Email: [\\*\\*\\*@tacticalpr.com](mailto:***@tacticalpr.com). WebSite:  
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Domain Name : aypress.org

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Domain ID:D162232938-LROR  
Domain Name:AYPRESS.ORG  
Created On:10-May-2011 08:02:41 UTC  
Last Updated On:10-May-2011 08:02:42 UTC  
Expiration Date:10-May-2012 08:02:41 UTC  
Sponsoring Registrar:FastDomain Inc. (R1455-LROR)  
Status:CLIENT TRANSFER PROHIBITED  
Status:TRANSFER PROHIBITED  
Registrant ID:FAST-15617042  
Registrant Name:David Carpenter  
Registrant Organization:Local Color media  
Registrant Street1:16625 Redmond Way  
Registrant Street2:  
Registrant Street3:  
Registrant City:Redmond,  
Registrant State/Province:Washington  
Registrant Postal Code:98052  
Registrant Country:US  
Registrant Phone:+1.4255779070  
Registrant Phone Ext.:  
Registrant FAX:  
Registrant FAX Ext.:  
Registrant Email: localcolormedia@mac.com  
Admin ID:FAST-15617042  
Admin Name:David Carpenter  
Admin Organization:Local Color media  
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Admin Street2:  
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Admin Phone:+1.4255779070  
Admin Phone Ext.:  
Admin FAX:  
Admin FAX Ext.:  
Admin Email: localcolormedia@mac.com  
Tech ID:FAST-12785297  
Tech Name:Hostmonster Inc  
Tech Organization:Hostmonster.com  
Tech Street1:1958 South 950 East  
Tech Street2:  
Tech Street3:  
Tech City:Provo  
Tech State/Province:Utah  
Tech Postal Code:84606  
Tech Country:US  
Tech Phone:+1.8014948462  
Tech Phone Ext.:  
Tech FAX:+1.8017651992  
Tech FAX Ext.:  
Tech Email: support@hostmonster.com  
Name Server:NS1.HOSTMONSTER.COM  
Name Server:NS2.HOSTMONSTER.COM  
Name Server:  
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DNSSEC:Unsigned

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**Domain Name \*** EXAMPLE: somedomain.com

**Security Key \***

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para bumalik sa cwcheat menu. ganito yung itsura  
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<http://www.tacticalpr.com>, [www.aypress.com](#) ...  
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Aug 11, 2009... musicians lead out during a song service at the second Pan-European Youth Congress, held last week in Munich, Germany. [photo: **AY Press**] ...

news.adventist.org/2009/08/second-adventist-you.html - Cached

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زمان. **aypress** في 31 Oct 2009 | Uncategorized | أضف  
تعليقك ...

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Apr 28, 2009 ... Si Paraluman ay ina ng dating aktres at ngayon **ay Press** Undersecretary na si Baby O'Brien at lola ng dating aktres na si Rina Reyes. ...  
blog.cathcath.com/paraluman-died-at-85-5736.html - Cached

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Feb 10, 2010 ... March 17 Lin-**ay Press** Presentation (SM Events Center) March 20 – Saturday (Day 1 ) 6:00 a.m. Hataw sa Panaad w/ Ching's Group (Football ...  
www.friendshipandsmiles.info/tag/hot-bodies/ - Cached

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[YouTube - Bagati Series 2](#)

May 14, 2007 ... qmisuno, yan **ay press** release ng AFP na published sa AFP-CBN.. jakej5 3 years ago. qmizumo, yang sinabi mo military propaganda yan. ...  
[www.youtube.com/watch?v=kBzSciS9kuQ](#) - Cached

[Henry Lacorte - WikiPilipinas: The Hip 'n Free Philippine Encyclopedia](#)

- [ Translate this page ]  
 ... President ng General T.de Leon National High School P.T.A.at ngayon **ay Press** Information Officer (PIO) ng POLICE HOTLINE Movement Inc-Valenzuela City. ...  
[en.wikipilipinas.org/index.php?title=Henry\\_Lacorte](#) - Cached

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[asianyachting.com/Archive/newsletter/130Dec10.htm](#) - Cached

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 17 Feb 2006 ... Halata mong excited si Jericho Rosales sa ginawa niyang recording at sa concert na gagawin niya sa Malaysia, kaya nga kahit 'yon **ay press** ...  
[telebisyon.net/balita/Jericho-susubok-bilang-singer/.../123075/](#) - Philippines

# EXHIBIT D

Proof, Ara E Chekmayan—used Aypress.com—after Plaintiff—which Internet search in May, 2011—shows said use, leading to the confusion of anyone on the Internet—who also sees the Plaintiff and her books—as a publisher, Aypress (including different spellings)—thereby leading to confusion.

It is especially relevant, as Mr. Chekmayan runs tacticalpr.com—a website dedicated to heightening one's presence—hence, in re-registering the Plaintiff's copyrighted trade name, Aypress, in her intentionally expired domain, Aypress.com—said person knew he was intentionally capitalizing on Internet visitors and traffic to the Plaintiff's former website—thereby—intending to mislead the general public with confusion.

(See Exhibit G)



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## Ambassador Yellow Pages Announces Spanish Language Directory For Manhattan

September 19, 2004

372

Ambassador Yellow Pages to serve Spanish speaking community with spring 2005 launch of Manhattan Spanish Language Directory

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### FOR IMMEDIATE RELEASE

(Free-Press-Release.com) September 19, 2004 -- NEW YORK, September 20th /PRNewswire/-- New York City based Ambassador Yellow Pages, founded in 1999, has announced today that it will launch Manhattan's first major stand-alone Spanish language directory, Manhattan Paginas Amarillas in Spring 2005.

"The Spanish-speaking market place in New York City is vital, vibrant, expanding and currently underserved," reports Kathy Hipple, the company's CEO. "Our goal is to offer a comprehensive Manhattan directory in Spanish

that will serve the Spanish-speaking community and allow businesses to target the Hispanic market in Manhattan."

Ambassador Yellow Pages is no stranger to the Yellow Page business in New York City or to publishing in Spanish. Ambassador has established a significant market share in Manhattan, Brooklyn, Queens, all with directories in English.

This year, Ambassador successfully launched a complete distribution Bronx directory with a Spanish/English flip-book format. Ambassador broke their competitor's hundred-year stranglehold monopoly in The Bronx, where their bilingual book has been an overwhelming success.

"The Greater New York Metropolitan Area is home to approximately 10 million people," says Hipple. "Latinos account for roughly one person in ten, making it a million person market. A significant number of these people want quick access to information and would rather get that information in their language of choice which is Spanish."

The company has spent a good deal of time planning their entrance into this market and has developed strategic alliances to assure them of significant penetration there.

As an independent Yellow Pages publisher, Ambassador Yellow Pages pioneering efforts -- creating better cost to value ratios, delivering their directories door to door, developing community-centric

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directories and seeking to meet the needs of all segments of the city's marketplace -- has put it at the vanguard of the industry.

Ambassador's progressive approach to the Yellow Pages business includes not only new ways of presenting the Yellow Pages in print and online at [www.AmbassadorYellowPages.com](http://www.AmbassadorYellowPages.com), but also the distribution of its directories on CD Rom. In addition, Ambassador is an authorized reseller of two of the largest Internet Yellow Pages providers, Yahoo! Yellow Pages and Switchboard.com.

The rollout of the Spanish language Yellow Pages in Manhattan is to be followed by similar rollouts in the other boroughs throughout 2005. CONTACT: Ara E. Chekmayan, Tactical Public Relations

+1-212-794-8757 [ara@tacticalpr.com](mailto:ara@tacticalpr.com)

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Web Site: [www.AmbassadorYellowPages.com](http://www.AmbassadorYellowPages.com).

More information can be found online at <http://www.tacticalpr.com>, [www.aypress.com](http://www.aypress.com)

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Name: Tactical Public Relations  
Email: [\\*\\*\\*@tacticalpr.com](mailto:***@tacticalpr.com)

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Industry: Business Services


**Dubai International Humanitarian Aid & Development Conference &...**  
When: 2011.03.28-2011.03.30  
Where: Dubai, United Arab Emirates  
Industry: Business Services



**Post your news to the World.**

We found 1 result for "Ay Press, 33"

First Name	Last Name	Age	Location (optional)
Ay	Press	33	

Name	Age	Places Lived	Relatives	Schools
 <b><u>Ay Press</u></b> <a href="#">View Details</a>	33	New York, NY		

Showing 1-1 (out of 1) for "Ay Press, 33"

**Ay Press**

Age: 33

We found 1 result for "Ay Press, 33"

<b>First Name</b>	<b>Last Name</b>	<b>Age</b>	<b>Location</b> (optional)	<b>Search Now</b>
Ay	Press	33		

Name	Age	Places Lived	Relatives	Schools	<a href="#">View All Results</a>
 <b>Ay Press</b> <a href="#">View Details</a>	33	New York, NY			<a href="#">View Profile</a> <a href="#">Send Email</a>

Showing 1-1 (out of 1) for "Ay Press, 33"

[View All Results](#)

### Ay Press



**Ay Press**  
 Location: BROOKLYN, NY  
 URL: [mylife.com/104606719](http://mylife.com/104606719)

Age: 33

[Send an Email](#)    [View Complete Profile](#)

### Join Now & View the Full Ay Press Profile

Register for FREE at MyLife to find Ay Press or meet Ay Press. Membership lets you view a full Ay Press profile, which can include Ay Press photos, info on Ay Press married or single status, Ay Press company and work history, Ay Press's address and more!

Don't spend another moment without connecting with old acquaintances such as Ay Press, with the assistance of [MyLife.com](#), your best chance for locating people! End the search for Ay Press from Brooklyn New York at [MyLife.com](#), the easiest people search tool out there! Make connections in Brooklyn New York that will help advance your career, and create your ultimate social network on [MyLife.com](#)! Sign up with [MyLife.com](#), so Ay Press from Brooklyn New York can finally make contact with you! With all the advancements in technology, finding Ay Press has never been easier, with [MyLife.com](#), your connection to Brooklyn New York!

### Ay's Friends

[Jeffrey Tinsley](#)

### People Search

is not the registrant of domain names listed in this database.

Registrant:

Tactical Public Relations

Registered through: GoDaddy.com, Inc. (http://www.godaddy.com)

Domain Name: TACTICALPR.COM

Domain servers in listed order:

NS43.DOMAINCONTROL.COM

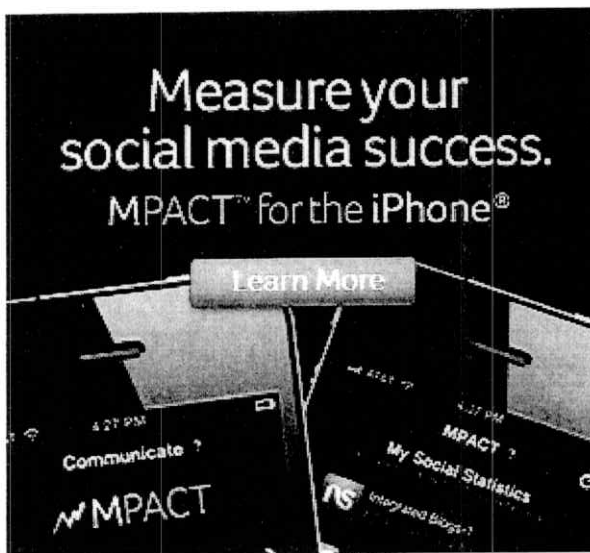
NS44.DOMAINCONTROL.COM

For complete domain details go to:

<http://who.godaddy.com/whoischeck.aspx?Domain=TACTICALPR.COM>

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or completeness.

Show underlying registry data for this record



Make an instant, anonymous offer to the current domain registrant. [Learn More](#)

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**Tactical Public Relations Inc**

**Phone: 212-794-0004**

**Email: [Info@tacticalpr.com](mailto:Info@tacticalpr.com)**



### Contact Information

You may fill out the form below for more information and we will have a representative contact you.  
To discuss your public relations needs now please call:

212-794-0004

or email us directly at: [Info@tacticalpr.com](mailto:Info@tacticalpr.com)

First Name:

Last Name:

Address Street 1:

Address Street 2:

City:

Zip Code:

(5 digits)

State:

AL

Daytime Phone:

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ESTO As is customary in Both Sides, we periodically update our readers on some of the people who have been covered here, as well as keeping you informed about the doings of some of our friends.

Deporte Local

Espectáculos Long time readers will recall our interview with former CNN anchor Daryn Kagan. A couple of years ago she made the transition from television to her own internet media platform, DarynKagan.com, dedicated to inspirational news, is just the tonic for these turbulent times.

Comunidad y Cultura

Turismo Additionally, Daryn is now a host on Oprah Radio. She is sharing inspiring stories with Oprah radio listeners, weekdays on satellite radio. We wish her the best of luck.

Ciencia y Tecnología

Nuestra Vida Recently, we had the opportunity to interview expert landscape architect J. Mark White. He founded and runs Washington, D.C. based GardenWise. If you visit diaday.com, you will see some amazing

Entrevistas con galerías photographs of his work. You can also listen to the interview. Some of his work reminds us of beautiful gardens that can be found in Mexico.

Contactos útiles

OEM en Linea Remedios Sullivan, my Both Sides co-founder, continues as editor of diaday.com. She is doing great things there, attracting new talent and putting out diversely compelling content. Reme was a stalwart on my radio show, Lets Talk, along with Ara Chekmayan and Chris Yandek. Perhaps, the gang will return to the airwaves.

Nuestra Portada

DIARIO XALAPA

Ante la carencia racionan carne, pollo y frutas

Meanwhile, rapper Ara Chekmayan is a force to be reckoned with on the New York public relations scene. He seems to be everywhere. Turn on the television and he pops up. St. Patrick's Day, Ara was seen marching in the annual parade along with Mayor Michael Bloomberg.

Chris Yandek is on the march in interview journalism. On hiscynterview.com, he has recently interviewed Whoopi Goldberg, Kate Beckinsale, Spice Girl Melania Brown, Kathleen Turner and Diahann Carroll. His work is covered by outlets like the NY Post and AOL's Mom Logic.

Chris tells us his friend Shontelle -singing sensation from Barbados, known for her hit song "T-Shirt" - just finished shooting the music video for "Battle Cry", a track off her album "Shontelligence". Recently, she did a duet with Akon "Stuck With Each Other" penned by legend Diane Warren.

Shontelle confided to Chris what she hopes to accomplish with her album. "I felt like in these times there is a lot of dark clouds looming over us. I feel like people just want to feel happy and they need something or someone to relate to. My album addresses a lot of things that are going on in the world. I would say it's definitely something that most people would relate to and that is definitely what I wanted to do. I think I achieved that."

Speaking of music, our friend Bridget Zeuner -Arizona-based Bridget Z- is helping musicians and personalities build and connect with their fan bases via the social Web.

She calls it "Webifying and socializing". Bridget tells us she is back from working with super-producer Cory Rooney -possibly most famous for producing Jennifer Lopez's hit "Jenny From the Block" - in Miami.

Then there is long time friend, public relations powerhouse and New York Times Bestselling author Jodee Bianco who has informed us that the sequel to her bestselling memoir "Please Stop Laughing At Me..." - entitled "Please Stop Laughing At Us... One Survivor's Extraordinary Quest to Prevent School Bullying" - has received the prestigious "Parent to Parent Adding Wisdom Award".

Both books have been chosen by Chicago's Mayor Daley Book Club for the third straight year as favorite picks among its three thousand plus student members. A survivor turned activist, Jodee speaks at schools across the U.S. sharing her story to motivate change. So far, she's spoken to well over half a million kids worldwide and tells us this is just the beginning.

For more articles like this one, in English and in Spanish, go to www.diaday.com. As always, you can reach us with your questions and comments atinfo@diaday.com. We look forward to hearing from you.

Sondeo

¿Deben asumir los bancos el control del riesgo crediticio?

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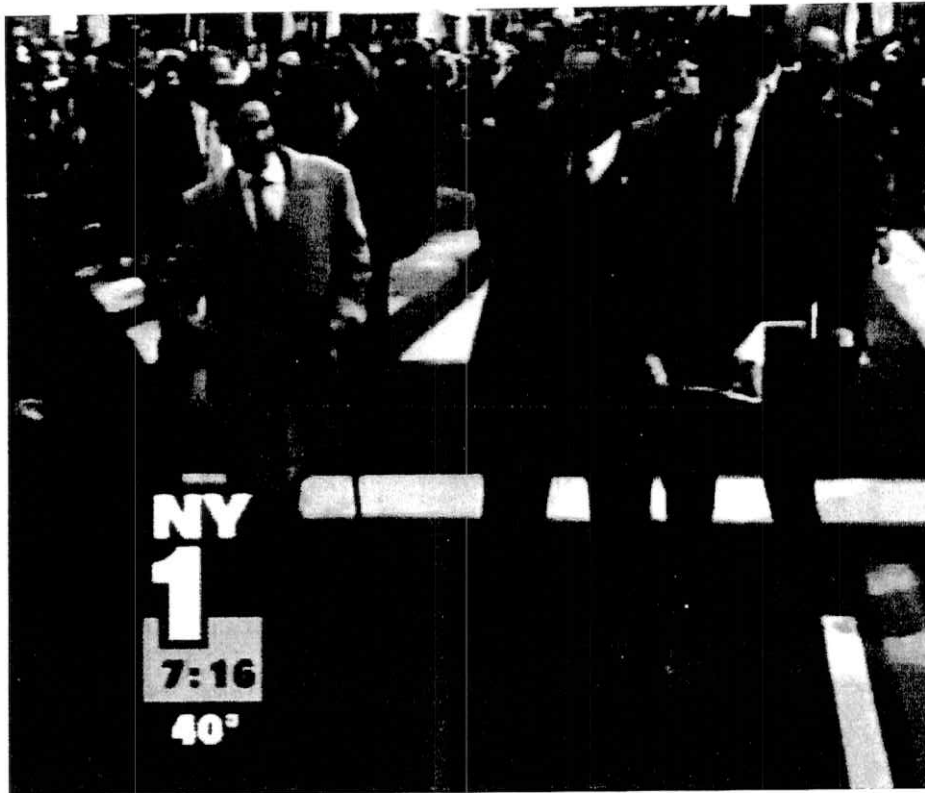
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### **Security Event/Issue: Revenge for Bin Laden assassination likely - Concern over potential...**

By Ara E Chekmayan on May 11, 2011 - Security Event/Issue: Revenge for Bin Laden assassination likely - Concern over potential "lone wolf" attack vs. organizational attack in future. Potential Impact/Issue You Face: "Lone... [+]

### **NATIONAL TERRORISM AND SECURITY EXPERT SAL LIFRIERI TO PRESENT AT RIMS CONFERENCE IN VANCOUVER...**

By Ara E Chekmayan on April 30, 2011 - Session titles are "Responding to a Crisis – Pre and Post Loss Considerations" and "Real Lessons Learned: How Crisis Management Works... and Doesn't" New York, April 30, 2011 — Mr. Sal... [+]

### **PR Powerhouse Chekmayan on Tiger's Future**

By CY Interview on February 18, 2010 - Miami, February 18 /Free-Press-Release / – CYInterview.com – Ten years ago, as a starry eyed teen, Chris Yandek began interviewing pro-wrestlers fueled by adolescent passion. In short order, however,... [+]

### **NYC's Ambassador Yellow Pages: Among First for Syndicated Research Study**

By Tactical Public Relations on October 8, 2004 - New York, Oct. 8 /PRNewswire/ – New York City based Ambassador Yellow Pages announced today that they are among the first of the major New York City publishers to sign on for participation in the 2005... [+]

### **Here Kitty, Kitty**

By Ara E. Chekmayan, Tactical Public Relations, on May 23, 2004 - NEW YORK, May 19, 2004 /TacticalPR / – What do you get when you take seven female dancers from a cadre of Tony award winning shows, mix them with a tough economy and throw in a kick step of entrepreneurial... [+]

### **Eddie's Haircut & Shave Gears up to Support Cancer Research at Memorial Sloan-Kettering...**

By Ara E Chekmayan on August 23, 2010 - New York, August 23rd, 2010 Tactical Pr: September is Pediatric Cancer Awareness Month and Eddie's Haircut and Shave, the venerable Upper East Side institution, is gearing up to help raise funds for... [+]

**From Wall Street Power Broker to Psychic Medium : Mystery of Wall Street  
Stock Picks Unveiled**

By Ara E Chekmayan on August 17, 2010 - New York August 17, 2010 Tactical Pr: Since 1996, Jesse Bravo was part of the busy "No time Making Money" Wall Street crowd, while he still conducts business on Wall Street; he also works to... [+]

**Media's Terror Expert Lifrieri to Give Seminar**

By Ara E Chekmayan on June 2, 2010 - NEW YORK, June 1st / Big Media's terror go-to man, Sal Lifrieri, brings smarts and experience to the world of security. Lifrieri, president of Protective Countermeasures and Consulting, Inc., and former... [+]

**Dogged Persistence: Ambassador Yellow Pages**

By Ambassador Yellow Pages LLC on November 18, 2004 - NEW YORK, Nov. 15 /PRNewswire/ -- Word has already hit the street that powerhouse Ambassador Yellow Pages, who is shaking up the directory business with their rapid growth and innovations, is again one... [+]

**Conformer Expansion Products and The Mines Press Announce Licensing Agreement**

By Conformer Expansion Products, Inc. on June 22, 2005 - NEW YORK, June 18th /TacticalPR/ -- Long Island based Conformer Expansion Products, Inc., the leader in image enhancing, cost cutting envelopes and presentation folders has announced a licensing agreement... [+]

**NYC Real Estate Market Spurs Forum The Real Deal Magazine hosting The New Development Forum 2006**

By The Real Deal Magazine on March 6, 2006 - NEW YORK, March 6th /TacticalPR/ -- The Real Deal, the leading real estate magazine for New York City, will present The New Development Forum 2006 on March 7th at The Great Hall of The Cooper Union... [+]

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This is the html version of the file <http://www.cwcma.com/files//Antelope%20Valley%20Press%20Holiday%20Giveaway%20-%202nd%20place%20under%2050.pdf>.  
Google automatically generates html versions of documents as we crawl the web.

**Webber, Craig**

**From:** websupport@mass2one.com  
**Sent:** Monday, March 14, 2011 3:27 PM  
**To:** Webber, Craig  
**Subject:** CWCMA Award Entry

**CWCMA form submission.**

**Newspaper/Organization:**  
Antelope Valley Press

**Address:**  
37404 N. Sierra Hwy

**City:**  
Palmdale

**State/Province:**  
CA

**ZIP/Postal Code:**  
93550

**Employee Contact Name:**  
Cheryl Fletcher

**Employee Contact Title:**  
Marketing Director

**Contact Phone Number:**  
661-267-4146

**Contact Email Address:**  
[cfletcher@aypress.com](mailto:cfletcher@aypress.com)

**Entry Name:**  
**Holiday Giveaway**

**Circulation:**  
Under 5 0000

**Promotion Category:**  
**3. Single-Copy Sales Promotion**

**Results:**

The AV Mall Gift Card Giveaway was a four-Week promotion, which gave readers an AV Mall gift. Ads were used to drive readers to the entry form located in the Holiday posters were placed at the AV Mall main entrances to capture holiday shoppers.

1

---

**Page 2**

the newspaper received over 800 entries and circulation increased 7.4% on the special from the previous year.

# EXHIBIT E

Proof Defendant, ICANN, is a proper party—and

that Ohio is a proper jurisdiction:

Exhibits ICANN's control over the entire Internet;

approval and consent of all domain names;

Exhibits contact information for anyone of the

general public, owning a website, who submits

a fee to ICANN for a domain name use and registration to

ICANN through any registrar/registry service;

hence, satisfies—sufficient contacts in Ohio—for any and

all parties who have domain names—who either filed a

complaint with ICANN; or who ultimately pay ICANN

said fee through their registrar/registry service.



### Find your Domain Name

Enter Domain Name

aypress

E.g. myname.com

Whois Lookup  
Transfer

Help me choose

Choose your Extension

[View All]

- com
- biz
- in
- net
- mobi
- asia
- org
- us
- eu
- info
- co.uk
- tv

Search Now

#### Domain Pricing Details

<b>.com</b>	\$9.88	<b>.net</b>	\$9.88	<b>.org</b>	\$9.88	<b>.info</b>	\$9.88
<b>.biz</b>	\$9.88	<b>.mobi</b>	\$9.88 SALE!	<b>.us</b>	\$9.88	<b>.co.uk</b>	\$6.88
<b>.in</b>	\$3.88 SALE!	<b>.asia</b>	\$19.88	<b>.eu</b>	\$11.88	<b>.tv</b>	\$34.88

Choose from the following Domain Names

<input checked="" type="checkbox"/> aypress.com	Whois	Marketplace
<input type="checkbox"/> aypress.net	Register \$9.88	

You may also choose to register the following similar domain names

AyPressClub.com	Register \$9.88
AyPressClub.net	Register \$9.88
Ay-Press-Office.com	Register \$9.88
Ay-Press-Office.net	Register \$9.88
AyPressConference.com	Register \$9.88
AyPressConference.net	Register \$9.88
AyPressNews.com	Register \$9.88
AyPressNews.net	Register \$9.88
AyPressPass.com	Register \$9.88
AyPressPass.net	Register \$9.88
Ay-Press-Release.com	Register \$9.88
Ay-Press-Release.net	Register \$9.88
AyPressService.com	Register \$9.88
AyPressService.net	Register \$9.88
Ay-Press-Releases.com	Register \$9.88
Ay-Press-Releases.net	Register \$9.88
AyPressRoom.com	Register \$9.88
AyPressRoom.net	Register \$9.88
AyPressReleases.com	Register \$9.88
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AyPressOffice.net	Register \$9.88
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Ay-Press.com	Register \$9.88
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IN PLANNING  
BASIC

Small case "y"  
Impact  
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broken apart to  
confuse.

Email Hosting

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## News

# ICANN cans Estonian registrar's credentials

14 November 2008

For a while it looked like the not-for-profit Internet registrar of registrars might waver in its plans to revoke the credentials of EstDomains, a domain name registrar with a reported reputation for dealing with spam generators and similar internet companies.

But ICANN - the Internet Corporation for Assigned Names and Numbers - has now announced that EstDomains will lose its registrar accreditation on November 24.

As reported previously by Infosecurity, ICANN has cited the conviction of EstDomains President Vladimir Tsastsin in an Estonian court for credit card fraud, money laundering, and document forgery.

ICANN originally announced its plans to de-register EstDomains around two weeks ago, but placed a stop on the plan after the Estonian registrar appealed its move, claiming that Tsastsin left the company earlier in the year.

That stop has now been lifted and, says ICANN, as a result the termination of EstDomains' registrar accreditation will be carried out on November 24.

Infosecurity notes that EstDomains is third company to lose its Internet license as a result of alleged spam and other issues.

Earlier this month McColo, a network provider, was swiftly taken offline after researchers claimed it was a major conduit for the world's spammers.

And in September, InterCage, another network provider, was disconnected following similar reports.

According to ICANN, EstDomains has some 281,000 domain names under its management. The registrar of registrars is now obliged to assist the owners of these domain names in migrating to another registrar or service provider, but a transfer is not guaranteed.

<http://www.icann.org>

## Share

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## Related Stories

### **From the Eye of the Storm: 2011 Information Security Predictions**

Last January, Infosecurity magazine published prognostications by the (ISC)<sup>2</sup> Advisory Board of the Americas (ABA) regarding the information security field in 2010. Unlike many who have attempted to envision the future, the ABA has gone back and reviewed the accuracy of its predictions and provided a letter grade for each. The ABA will then offer new predictions for 2011.

### **Searching for Security**

With more than 30 000 web pages being compromised every day, search engine results could increasingly lead to malware infection. Kari Larsen asks what the search engines are doing to mitigate security threats, and how users can protect themselves

### **News Feature: Time to Avoid the Droid?**

Finally, hype has matched reality in the world of mobile security. Drew Amorosi chronicles the recent ups and downs of the bustling Android Market to find out why it is in the crosshairs of the security industry

### **Music File-Sharing Enters a New Decade**

The recording industry continues to lose billions of dollars each year, along with tens of thousands of jobs, all thanks to illegally downloaded files. Lauren Moraski examines what is being done to combat the drain on this sector

### **An Olympic Effort to Secure the Games**

Managing the security of the 2010 Olympic Games in Vancouver is no mean feat. Danny Bradbury went behind the scenes at the Olympic site to talk to the people who are tasked with ensuring the event goes smoothly



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how many people have contacted Search

About 1,430,000 results (0.18 seconds)

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Shopping

More

Alliance, OH

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All results

Timeline

More search tools

Step by Step Instructions to Transfer Locked, Whois Protected ...

If you are one of these **people**, you should **contact**

**ICANN** to try and resolve the dispute. **Many people** also **have** domains they would like to transfer from ...  
www.za77.org/Article/Step-by-Step-Instructions-to.../1264 - Cached

35-million-names-registered-april-32-part-kiting-scheme-serious ...

May 11, 2006 ... Then the registrar registers as **many** domain names as the deposit will ... a number of **people have contacted ICANN** and quite predictably,

...  
www.bobparsons.me/.../35-million-names-registered-april-32-part-kiting-scheme-serious-problem-gets-worse.html - Cached - Similar

[doc] Showcase Minutes.doc - Dashboard

File Format: Microsoft Word - Quick View

Challenge was to get **people** to enter the information for that. ... Hong agreed, useful to **have many** at-large structures to join in and ... Seth would be the main person to **contact** for this communication between workgroup and **ICANN**. ...

https://community.icann.org/download/.../Showcase+Minutes.doc?version...

Kevin, Stop The Nonsense: Take the Logo Down and Give ... - ICANN Blog

Mar 28, 2007 ... Since Feb 27th I've managed to get out **many** domain names, ...

blog.icann.org/.../kevin-stop-the-nonsense-take-the-logo-down-and-give-us-the-data/ - Cached

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IGP Blog :: ICANN San Francisco: MuSH, GAC, MuSH!

Mar 17, 2011 ... The San Francisco **ICANN** meeting has been completely dominated by ... It becomes clear that **many people** here want to **have** their cake and eat it, too. .... If you would like to post **contact** information on your comment, ...

blog.internetgovernance.org/blog/\_archives/2011/.../4773838.html - Cached

Internet - Wikipedia, the free encyclopedia

**ICANN** is the authority that coordinates the assignment of unique identifiers for use ... drawings to be shared or voice and video **contact** between team members. ...

**Many people** use the terms Internet and World Wide Web, or just the Web, .... Although **many** governments **have** attempted to restrict both industries' use ...

en.wikipedia.org/wiki/Internet - Cached - Similar

Joi Ito's Web: ICANN Archives

Nov 12, 2007 ... I also **have** gained a huge respect for most of the **people** who participate in ..... **Many people** complain that **ICANN** decides these things behind closed doors .... please **contact ICANN** and file a submission of interest. ...



[joi.ito.com/weblog/icann/](http://joi.ito.com/weblog/icann/) - Cached - Similar

Protect Your Privacy - Private Domain Name Registration

**Many** tend to overlook private label domain name registration, since it tends to ... **ICANN** requires that domain registrars submit the **contact** information ... If having billions of **people have** access to your private **contact** details does ...

[domainnames.nikeny.com/private-domain-name-registration](http://domainnames.nikeny.com/private-domain-name-registration) - Cached

Start/Buy an ICANN accredited registrar.

**Many people have** expressed interest in buying an established (or languishing) accredited ... I encourage you to **contact** me at your earliest convenience. ...

[www.dnforum.com/.../start-buy-icann-accredited-registrar-thread-35172.html](http://www.dnforum.com/.../start-buy-icann-accredited-registrar-thread-35172.html) - Cached - Similar

New Top Level Domains

It is a shame that **ICANN** did not listen to the public opinion on the new TLDs and ... **Many people** will just **have** to buy their .com domain in .info as well, ...

[www.freewebmasterhelp.com/articles/tld](http://www.freewebmasterhelp.com/articles/tld) - Cached - Similar

1 2 3 4 5 6 7 8 9 10 **Next**

how many people have contacted Search

[Search Help](#) [Give us feedback](#)

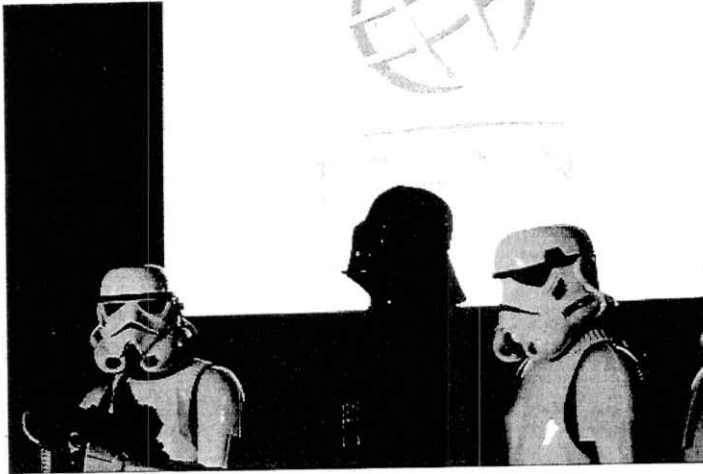
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## Three years with ICANN »

Nov 12, 2007 - 22:08 UTC » ICANN



What used to think ICANN was like...

Apologies for the delay in writing the post. I've been trying to think about what to say and have just decided that I better write it before my thoughts get old...

I joined the ICANN board during the December 2004 ICANN meeting in Cape Town. I served for a three year term and stepped down at this last meeting in Los Angeles and didn't run for another term. My apologies to all of the ICANN community and the people who helped me learn about and participate in the complex but important process that is ICANN.

Before joining ICANN, I thought that ICANN was the only part of the Internet that wasn't really working. I knew that there must be a better way to do what ICANN does, but I couldn't be bothered to figure it out. I'd agree with people who said things like, "it should just be distributed" or "it should just be first come first serve" or "we should just get rid of it." People from ICANN would say, "it's more complicated than that" or "at this point that would be impossible."

After being part of the process for three years, I find myself saying those same things and feeling a sense of exasperation at the people who take pot shots at ICANN from the peanut gallery without really trying to help or change things. I also have gained a huge respect for most of the people who participate in ICANN, many as volunteers, trying to improve the process and keep the Internet running.

With all of it's tumultuous history and bumps and warts, ICANN, in my opinion, is the best way that we can manage names and numbers on the Internet and any new thing to try to do what it does would be less fair and probably wouldn't work.

Tag Cloud

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Three years with ICANN

Changes at ICANN

San Juan photos

ICANN Board votes against .xxx

Portraits of my ICANN friends

Sao Paulo, here I come

Meeting Ivailo Kalfin

Ven's joke

ICANN Meeting Webcast

22C3 Talk

dialog and innovation to be shared worldwide without going through gateways or filters. This attribute of the Internet is a key to the future of a global democracy and I believe we need to fight to preserve this.

Since more and more people are using the Internet, there are more and more diverse views about the policies and control. This is clearly making consensus more difficult and ICANN is one of the groups which is having to adapt to the increasing number of inputs in the consensus process. This is all the more reason to work harder to keep everything together. Please. Lets fight to keep the Internet and not let it turn into the internets... It is a difficult process with various flaws, but if we give up, it will be very difficult if not impossible for all of to talk again very soon.

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Comments (27) | TrackBacks (15)



### Discussing new top-level domains »

TLDs

Jul 10, 2005 - 18:44 UTC » ICANN

icann.org

ICANN Posts New gTLD Questions Paper  
6 July 2005

In September 2004 ICANN published a strategy for the implementation of new top-level domains (TLDs). The strategy called for the implementation of a strategy that would appropriately take into account many relevant technical, economic, socio-political and cultural issues. In light of several new developments regarding DNS operations and structure, ICANN has developed a plan to facilitate implementation of the strategy for the designation of new TLDs.

The staff paper has been drafted to inform about the current status of the implementation of the "New gTLD Strategy". It is also intended to solicit public comments on the completeness of the list of questions therein as well as on the consultation matrix enclosed.

Please also note the following: The paper is a draft and does NOT foreclose any procedures or outcomes of consultations. The draft questions in the question list are open and are NOT to be read as implying particular preferences. Future consultations will welcome contributions from ALL and the draft consultation matrix does NOT imply any exclusivity provisions.

Please submit your comments to [new-gtld-questions@icann.org](mailto:new-gtld-questions@icann.org). You can view comments at <http://forum.icann.org/lists/new-gtld-questions/>.  
Deadline for comments is 1 August 2005.

This is part of a long process of trying to decide if and how new top-level domains should be allocated. Many people complain that ICANN decides these things behind closed doors without taking input from the public. In fact, ICANN tries very hard to solicit input to develop consensus. The question about whether and how new top-level domains should be allocated is an important issue. ICANN is currently soliciting input on whether we are asking the right questions. If you have an opinion on top-level domains, I urge you to read the document above and submit your opinion. I promise you that we read all of the comments and will try to address and include them in our discussions.

CONULTS.



INTERVIEW  
WEBSITE  
IF SOLICITS  
RESPONSES  
FROM GENERAL  
PUBLIC  
INCLUDING  
OTHER UTILITIES  
OTHER BASED  
REGISTRARS  
5/25/2011

For those not familiar with the debate, there are proposals including 1) no more top-level domains, 2) auctions, 3) sponsored top-level domains and 4) a first-come first-serve laissez-faire approach. Each of these proposals have interesting arguments for and against them and the questions we are asking help define the debate. Please take a look at the questions with these various scenarios in mind.



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 Comments (9) | TrackBacks (0)
 

## Some notes on the .XXX Top Level Domain »

Jun 03, 2005 - 08:52 UTC » ICANN

Yesterday the ICANN board discussed and approved ICANN staff to enter into negotiations with ICM Registry, Inc. for the .XXX Top Level Domain (TLD). I'm sure there will be a longer more complete presentation from ICANN later about this, but as an individual board member I thought I'd post a quick note before people got carried away with speculation based on a lack of information.

I realize that the formal documents on the ICANN page are difficult to read, but I suggest people take a look at the actual application before jumping to conclusions about what the .XXX TLD is. It is actually a well thought out structure that provides a balanced approach to an issue with many stake holders.

The .XXX TLD is a sponsored TLD or sTLD with a sponsoring organization. Policy will be managed by a non-profit organization called the International Foundation for Online Responsibility (IFFOR). (Here is the org chart.) IFFOR will have a board of directors comprised of members from several supporting organizations. These organizations include 1) privacy, security & child advocacy, 2) free expression, 3) online adult-entertainment and board members selected through a nomination committee system similar to ICANN. No one constituency can capture the board and all have a say. There will be an Ombudsman. The organization has demonstrated strong support from all of the constituencies and also the credit card industry. A portion of all of the revenue from domain names will go to a fund that a Grant Advisory Committee will use to support child advocacy. Credit card companies are working with the legitimate adult sites to create incentives for them to switch to .XXX.

ICANN has been mandated with trying to increase the TLD space and the .XXX proposal, in my opinion, has met the criteria set out in the RFP. Our approval of .XXX is a decision based on whether .XXX met the criteria and does not endorse or condone any particular type of content or moral belief. This is not the role of ICANN. I realize that some will view this as ICANN endorsing pornography on the Internet, but this is not the case.

There are people who are concerned about censorship and control. These are issues that have been raised, but I think the .XXX proposal is more about creating incentives for legitimate adult entertainment sites to come together and fight "bad actors" and is not focused on forcing people to use the .XXX domain.

and to provide, where possible, concrete suggestions for improving them.

"We are also very grateful for the time each constituency spent going over with the Board their ideas and reactions.

"We ask the staff to accept any further written comments until December 7 and to produce for the community a public report summarizing, analyzing and organizing the feedback provided on the .com and settlement agreements by December 11.

"We recommend that staff approach VeriSign with the results of the report on the proposed contract and settlement. We remind all parties that the Board has not yet agreed to the terms of the contract and settlement.

"We also note the existence of a policy development process on new gTLDs and strongly believe that this policy development process should be informed by the results of the comments received on the proposed contract for .com and settlement with VeriSign."

I realize there is still a lot of work to do, but as Vint is quoted in saying above, I really want to thank the community for a constructive and intense week of discussions. I hope that VeriSign and staff have fruitful discussions and that we can come up with something that reflects the issues raised this week. I was sincerely moved by the ability for the rather complex process to function in such a productive way and am proud to be part of this ever-improving "experiment" in bottom-up consensus.



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Comments (7) | TrackBacks (0)

### Investigating parked domain monetization »

Dec 02, 2005 - 05:31 UTC » ICANN

Yesterday, I wrote a post about the parked domain monetization business. Since then, I've begun talking to a variety of people here at the ICANN meeting. It is clearly a complex issue and I have decided to suspend judgement until I have more information. I think that these "professional registrants" are clearly a different group than "user registrants". I think we should differentiate people who buy domains as their primary business to people who use domains to use in their business. It could be argued that professional registrants "use" their domains to run ads, but I think most of these professional use tools like Google AdSense for domains which automate the process and does not require the professional to engage in the business of actually running a web site or service.

IBILAHIL KAZMCI

I am going to try to gather as much information as possible before I come to any conclusions. I urge people, especially those people who are in this business, to help me understand the issues and nuances. I've just started a page on the ICANNWiki about this. Please contribute there as well. Thanks.



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Comments (30) | TrackBacks (1)

### The "parked domain monetization" business »

Dec 01, 2005 - 15:29 UTC » ICANN

I think that a large number of people buying domains can't get their first choice name because some "parked domain monetization" operation (cyber-squatter) owns it and is making money running ads on the page. The trick is to sign up for millions of domain names; set up pages and run ads on them; after 1 day delete domains that have no traffic; after 3 days delete names that have some traffic; after 5 days delete pages with marginal traffic; keep the 1% of pages that have enough traffic to be worth keeping the domain. Because of the refund policy, the 99% of pages deleted before the 5 day grace period are refunded in full and the "monetizer" gets to keep the ad revenue generated over those 5 days. (This is called "domain tasting".) See the DNForum page for more information on how this business works. Interestingly, I think Google AdSense probably has boosted the viability of this business. I wonder what percentage of Google's posted \$2bn (or so) / yr "traffic acquisition costs" goes to this business. According to Ram Mohan from Afiliat, 3 of the big 5 registrars say that they make over \$5m-\$8m / year from parked domain monetization pages. This means that these people are making more than that from these pages and Google and other ad servers even more.

IBILATIN KAZANCI

GODDARDY

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SEE ICANN'S REGISTRATION FEES

I wonder if there is any way to close this loophole that effectively enables a no-risk business. I think these monetization businesses are a net-negative value to the community and seems like a loophole exploit. On the other hand, refunds are a legitimate service for legitimate registrants. It is VERY difficult to tell the difference between a legitimate and illegitimate registrant.

In the jungle of such pages, the Kevin Kelly page stands out as my favorite example of responsible domain name use.

UPDATE: WSJ November 17, 2005: "Revenue from text ads on these sites will total \$400 million to \$600 million world-wide this year and may reach \$1 billion by 2007, according to Susquehanna Financial Group analysts Marianne Wolk and Roxane Preivity, who track the online ad industry."

UPDATE: Google has an AdSense page targeting domain name parking businesses. I wonder if these Google folks will talk to us? They should know the size and shape of the "professional registrant" community better than anyone else and it appears they are "taking to them" directly from the looks of this page.

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Comments (24) | TrackBacks (3)

### ICANNWiki »

Nov 29, 2005 - 13:06 UTC » ICANN - Wiki

Wiki site about ICANN. (ICANNWiki)

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Comments (1) | TrackBacks (0)

This is Google's cache of <http://www.icann.org/en/announcements/announcement-09jul07.htm>. It is a snapshot of the page as it appeared on May 22, 2011 08:07:33 GMT. The current page could have changed in the meantime. [Learn more](#)

These search terms are highlighted: **icann org fee**

[Text-only version](#)

## Domain Name Registration Transaction Fee Drops Again

Accredited Registrars approve second **fee** reduction in a row

9 July 2007

**MARINA DEL REY, Calif.:** Registrars and ICANN have negotiated a reduction in the transaction fees paid for each domain name registration. It is the second such reduction in two years, which means a drop from US\$0.25 to US\$0.20 cents.

"This reduction was achieved through discussion and negotiation with Registrars and it demonstrates the effectiveness of the ICANN model," said Dr Paul Twomey, President and CEO of ICANN.

"Registrars are encouraged by ICANN's willingness to consider our position on issues such as revenue projections and we look forward to continuing our cooperative relationship going forward," said Jon Nevett, Chair of the Registrar Constituency. The constituency provides input and advice to ICANN's Generic Names Supporting Organization.

Transaction fees, which are paid to ICANN for each domain name registered, were set at US\$0.25 per year per registration. The fees were cut to US\$0.22 last year and this reduction negotiated for the 2007-08 budget pegs it at US\$0.20.

The Accredited Registrars — who have a say in the revenue structure — took less than a week to grant their approval. So far, more than 540 registrars out of over 880 have expressed their support. These registrars account for more than 70% of fees paid by registrars to ICANN (registrar approval requires two-thirds support) and additional support is expected which will push this number higher.

"The collaboration we have seen on this issue will be showcased again in coming months as together we examine ways to provide greater protection for registrants through a new data escrow program and improvements to the contract between ICANN and its accredited registrars," Dr Twomey added.

A workshop on Registrant protection was held at ICANN's recent meeting held in San Juan, Puerto Rico.

### About ICANN:

ICANN is responsible for the global coordination of the Internet's system of unique identifiers like domain names (for example .org, .museum and country codes like .uk) and the addresses used in a variety of Internet protocols that help computers reach each other over the Internet. Careful management of these resources is vital to the Internet's operation, so ICANN's global



stakeholders meet regularly to develop policies that ensure the Internet's ongoing security and stability. ICANN is an internationally organized, public benefit non-profit company. For more information please visit: [www.icann.org](http://www.icann.org).

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**Fee charged by ICANN**

This mandatory fee is charged by ICANN (Internet Corporation For Assigned Names and Numbers: [www.icann.org](http://www.icann.org)). and becomes effective on November 1, 2004. It is 18 cents per domain name registration year. Thus, the fee on a one year .com registration would be 18 cents. The fee would be \$0.36 for a two year registration (i.e. 18 cents times 2). Additional years would be at 18 cents per year.

ICANN fees apply to .com, .net, .org, .biz, .info, .name, .asia, .jobs, and .mobi.

**CLOSE** 



# EXHIBIT F

Proof Defendant, ICANN, is a proper party—and

that Ohio is a proper jurisdiction:

Specifically shows ICANN has at least one domain name registry service, located within the State of Ohio, who ultimately serves thousands—in registering domain names with said domain name registry service, who then submits to ICANN, and specifically shows the general public—registering with said domain name registry service—must submit to ICANN’s rules.

## What's the effect of ICANN's role and work on the Internet?

ICANN plays a unique role in the infrastructure of the Internet. Through its contracts with registries (such as dot-com or dot-info) and registrars (companies that sell domains names to individuals and organisations), ICANN helps define how the domain name system functions and expands.

### Registrars

ICANN created the registrar market (together with an accreditation system) in order to introduce greater competition on the Internet. The result has been several hundred companies able to sell domains which itself led to a dramatic reduction in the cost of domains - an 80 percent fall. There is now a diverse and vibrant market in the supply of the Internet's basic building block.

That accreditation process is currently undergoing reform in order to keep in up-to-date with a rapidly changing domain name market.

### Dispute resolution

ICANN helped design and implement a low-cost system for resolving disputes over domain name ownership. The Uniform Domain Name Dispute Resolution Policy (UDRP) has been used tens of thousands of times to resolve ownership disputes, avoiding the need for costly and complex recourse to the courts.

### New top-level domains

ICANN approves the introduction of new "generic top-level domains" to the Internet - a process that expands the online space available. So far, ICANN has introduced 13 new top-level domains to the Internet, ranging from dot-asia to dot-travel, accounting for over six million domains. ICANN has also developed a refined process to introduce further TLDs that is being finalised with applications expected in early 2010.

### Internationalized domain names

Through its decision-making processes, ICANN has adopted guidelines for the introduction of internationalised domain names (IDNs), opening the way for domain registrations in hundreds of the world's languages - something that will expand the use and the influence of the Internet globally to new heights.



## DOMAIN NAME SERVICE AGREEMENT

1. Introduction. This Domain Name Registration Agreement ("Registration Agreement") is submitted by DomainIt, Inc., an Ohio Corporation ("DomainIt"). This Registration Agreement shall become legally binding between Registrant and DomainIt upon acceptance by DomainIt, all according to the terms set forth below. Except as otherwise specified herein, this Registration Agreement applies to the registration of all domain names through the services provided by DomainIt. The acceptance of this Registration Agreement and the performance of the services hereunder shall occur at DomainIt with offices in Cincinnati, Ohio. By submitting your order for service or authorizing submission on the DomainIt website ([www.domainit.com](http://www.domainit.com)), checking the box "I have read and agree to the DomainIt terms and conditions", by clicking the button "Purchase", or by using any DomainIt service, you agree to accept these terms and intend to be contractually bound by the terms and conditions set forth herein. Registrant may obtain a paper copy of this Registration Agreement by printing it via their own printer or by specific e-mail request to [support@domainit.com](mailto:support@domainit.com) or by sending a written request to:

DomainIt, Inc.  
9891 Montgomery Road, #225,  
Cincinnati, Ohio 45242,  
USA

2. Definitions. As used in this Registration Agreement, the following terms shall have the following meanings:

2.1 "ICANN" refers to the Internet Corporation for Assigned Names and Numbers.

2.2 "Registrant" when appearing with an initial capital letter refers to the person(s), entity(ies) or association(s) applying to register, renew or transfer a domain name, also sometimes referred to herein as "you".

2.3 "Registrant Data" when appearing with initial capital letters refers to all relevant information about any Registrant.

2.4 "Registrar" when appearing with an initial capital letter, refers to the accredited Registrar, DomainIt who registers the Registrant's domain name with the Registry.

2.5 "Registry" when appearing with an initial capital letter, refers to the person(s) or entity(ies) responsible for providing Registry Services, in accordance with an agreement with ICANN (or its successor) or, in the case of registration of domain names other than for those managed by ICANN, the person(s) or entity(ies) responsible for providing Registry services in accordance with an agreement with (or authorization from) such Registry or its governing body.

2.6 "Registry Services" means operation of the Registry for the registration of generic (gTLD) and country code (ccTLD) Top-Level domain names (including receipt of data concerning registrations and name servers from Registrars, provision of status information to Registrars, operation of the Registry TLD zone servers and dissemination of TLD zone files).

2.7 "TLD" refers to the generic (gTLD) and country code (ccTLD) Top-Level domains in the internet domain name system and future TLD's adopted by ICANN (or its successor) or entity (ies) responsible for providing Registry services in accordance with an agreement with (or authorization from) such Registry or its governing body.

3. No Guarantee of Registration, Transfer or Renewal. As a domain name Registrar, DomainIt is, upon accepting your application to register, transfer or renew a domain name, your sponsor for that application. No domain name registrations, Transfer or Renewal shall be deemed effective unless and until we deliver the domain name Registration, Transfer or Renewal application you provide us to the appropriate Registry, as applicable, and that Registry accepts your application and activates your domain name Registration, Transfer or Renewal. You will be entitled to a refund only if your Registration, Transfer or Renewal is unsuccessful. You acknowledge and agree that DomainIt does not guarantee that you will be able to Register, Transfer or Renew a desired domain name, even if our systems indicate that domain name is available or you are able to complete an order with respect to such name. You also understand that DomainIt cannot know with certainty whether or not the domain name which you are seeking to register is simultaneously being sought by a third party, or whether there are any inaccuracies or errors in the domain name Registration, Transfer or Renewal process or related databases, including the various WHOIS or other Registry databases. You also acknowledge and agree that DomainIt is not responsible for any inaccuracies or errors in the domain name Registration, Transfer or Renewal process. YOU ARE SOLELY RESPONSIBLE FOR MAKING SURE THAT YOUR REGISTRATION, TRANSFER OR RENEWAL HAS BEEN PROPERLY PROCESSED. You further acknowledge and agree that DomainIt may elect to accept or reject your application for Registration, Transfer or Renewal for any reason at its sole discretion. You also acknowledge and agree that DomainIt is not liable or responsible in any way for any errors, omissions or any other actions by any third party including any Registry arising out of or related to your application for and Registration/Transfer/Renewal of, or failure to Register, Transfer or Renew a particular domain name.

## Registrar Accreditation: Financial Considerations

Before you undertake the registrar accreditation process, please read and consider the following costs to you. This is not an exhaustive list of all costs involved in becoming an accredited registrar, but is meant only as a helpful listing of some of the costs registrar applicants should be prepared to pay in connection with becoming an ICANN-accredited registrar.

### What you will pay to ICANN:

- US\$2,500 non-refundable application fee, to be submitted with application.
- US\$4,000 yearly accreditation fee due upon approval and each year thereafter.
- Variable fee (quarterly) billed once you begin registering domain names or, the first full quarter following your accreditation approval, whichever occurs first. This fee represents a portion of ICANN's operating costs and, because it is divided among all registrars, the amount varies from quarter to quarter.
- Transaction-based gTLD fee (quarterly). This fee is a flat fee charged for each new registration, renewal or transfer. This fee can be billed by the registrar separately on its invoice to the registrant, but is paid by the registrar to ICANN.
- Please refer to <http://www.icann.org/general/financial.html> for the most recent ICANN budget to find additional details about the quarterly variable and transaction-based fees, including possible options for relief.
- Please refer to <http://www.icann.org/financials/payments.htm> for instructions on how to submit payments to ICANN.

### Other financial considerations:

Working Capital: The applicant must demonstrate that it has adequate working capital (in the form of cash or credit) available for the operation of the registrar business, given the registration volume reasonably projected by the applicant. Applicants seeking initial accreditation must demonstrate the ability to procure liquid capital immediately available in the applicant's name at the commencement of the accreditation period in an amount of US\$70,000 or more before the ICANN accreditation becomes effective. Evidence of independent verification of the capital (such as by guaranteed bank loan or by a guaranteed credit line or letter of credit from a recognized financial institution) need not accompany the application, but must be presented as a condition of the accreditation becoming effective.

Applicants with existing registrar businesses, or proposing to convert their existing domain-name reseller businesses to registrar businesses, must provide with the application an independently verified financial statement (such as by an accountant's audit) demonstrating the amount of working capital available for the registrar business.

Commercial General Liability: The applicant must either have or demonstrate the ability to obtain commercial general liability insurance which must be maintained in force throughout the accreditation period in an amount sufficient, given the registration volume reasonably projected by applicant, to provide domain-name holders reasonable compensation for losses caused by the applicant's wrongful covered acts. A policy limit in the amount of US\$500,000 or more will be deemed sufficient to meet this requirement. A certificate of insurance need not accompany the application, but must be presented as a condition of the accreditation becoming effective.

### What you will pay to Registry Operators:

There are additional financial considerations for registrars to do business with gTLD registries. Please refer to each registry operator's website or contact the registry operator directly for details. A complete listing can be found at <http://www.icann.org/registries/listing.html>.

# EXHIBIT G

Proof intent of re-registering another's property— as a domain name—has intent to confuse the general public—and capitalize from said confusion;

(See prior exhibits: A, C, D—

A: uses words books” listed at [Aypress.com](http://Aypress.com);

C uses “media” associated with publishing;

A & D: same spelling of Aypress, in original form, Ay Press [compare Manhattan location of Mr. Chekmayan to New York of Mylife.com in Exhibit D]

Exhibits—Defendant, GoDaddy's—knowledge of intentional misuse of registering other's property. (See attachments of prior motion, remitted May 23, 2011, showing GoDaddy's expressed prohibition of copyrighted material in their agreement for service.)

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**[Community Help | Redirecting Traffic to Your ... - Go Daddy Community](#)**

May 9, 2011 ... Enjoy the industry's lowest domain prices. **Domain Buy Service ... Redirecting Traffic to Your CashParking Domain Names ...**

[community.godaddy.com/.../redirecting-traffic-to-your-cashparking-domain-names](#) - Cached

**[Redirecting Traffic to Your CashParking Domain Names ... - GoDaddy](#)**

**Redirecting Traffic to Your CashParking Domain Names.** Print this Article ...

[help.godaddy.com/article/1327?locale=en](#) - Cached

**[URL Redirects after Migrating from Joomla to Wordpress](#)**

Use your parked domains to earn cash. Buy and Bid on Existing Domains ...

[community.godaddy.com > ... > Domain Management and Services](#) - Cached

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[https://www.godaddy.com/gdshop/hosting/landing.asp](#) - Cached - Similar

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**[Can I buy a domain name on GoDaddy and use it with iWeb and a .Mac ...](#)**

4 posts - 3 authors - Last post: Apr 23

I want to get a .com domain name, and I have ... which redirect HTTP traffic via HTML frames to a specified web page (your .mac). ...

[www.howtopurchasedomain.com/can-i-buy-a-domain-name-on-godaddy-and-use-it-with-iweb-and-a-mac-account.html](#) - Cached

**[Expert opinions please: buying expired domains using DropDay ...](#)**

Jan 4, 2011 ... and found that somebody mentioned DropDay and buying domains via ... would lose that traffic by simply redirecting the new domain name to my ...

[www.warriorforum.com/.../310066-expert-opinions-please-buying-expired-domains-using-dropday-snapnames-godaddy-etc.html](#) - Cached



[Heroku | Dev Center | Custom Domains](#)

Heroku Setup; DNS Setup; Wildcard **Domains**; **Redirecting Traffic** to a ... This screencast walks through the steps to setup a custom **domain** name with **GoDaddy**: ... devcenter.heroku.com/custom-**domains** - Cached



[Port 80 redirect on yahoo Godaddy domain names?](#)

First off, Port 80 **redirect** on yahoo **Godaddy domain** names? ... A .info is alot cheaper to **buy** so if it got the same **traffic** that would be better? ... chrometweaks.org/port-80-**redirect**-on-yahoo-**godaddy-domain-names**- 55795/ - Cached

[Affiliate Marketing | Domain Name Tips & Web Hosting News](#)

Dec 8, 2010 ... Did you know that aside from **purchasing domains** to make money, ... and one is getting lots of **traffic** can **redirect** this **traffic** to the second website ... **Domain Names** · **Godaddy** Coupon Codes – How to Use Them Properly ... www.**domainnamerights.org**/tag/affiliate-marketing - Cached

[GoDaddy WHOIS question.?](#)

If I was interested in **buying traffic domains**, how would I know if it's a scam or not?.. Comments (7). Your question was: **GoDaddy** WHOIS question. ... www.snubbr.com/**godaddy-whois-question**/ - Cached

1 2 3 4 5 6 7 8 9 10 [Next](#)

redirect traffic buying domains + g Search

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# Redirecting Traffic to Your CashParking Domain Names

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You can forward any domain names to your CashParking® domain names by using the standard domain name forwarding process. By doing so, you can ensure that all of your domain names' visitors help generate CashParking revenue. When visitors attempt to access the forwarded domain names, their Web browsers automatically redirect them to your CashParking domain names' URLs.

Each CashParking domain name has a unique URL. Use this URL for the forwarding process. See [Forwarding or Masking Your Domain Name](#) for details.

Per the [CashParking Terms of Service](#), you cannot advertise your CashParking pages or offer incentives to visitors who use the pay-per-click links on your pages.

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Free Hosting w/Site Builder & more.  
www.godaddy.com

**Alliance, OH**

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Buy Expired Domain Traffic.com delivers country targeted redirected visitors. We deal in US, UK, Global non-adult advertising.  
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**Any time**

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**Make Money Buying Expired Domain Names & Expired Domain Name Traffic**  
Buy expiring domain names and redirect the targeted traffic to your websites - Pretty straight forward approach to getting some drive-by traffic on the ...  
www.devnic.com/tutorials/expired\_domain\_name\_traffic.html - Cached - Similar

**Targeted Expired Domains Traffic**  
Buy and get Expired Domains Targeted Traffic Online, Real Web Traffic For Free, ... delivery scripts used to redirect traffic from expired domain names.  
...  
www.expired-targeted.com/ - Similar

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Enter the domain name you want:

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Expired Domain Name Resources:

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**5 Quick Tips on How to Profit From Expired Domain Names & Expired Domain Name Traffic**

**1. Buy expired domain names for speculation** - Obviously there isn't a large highly profitable market for reselling domain names any more, but any forward thinking speculators might keep their eyes open for developing technologies and trends. Technology and trends are constantly evolving. There are markets hovering under the radar screen right now that could explode within a short period of time.

Find and register expiring domain names related to new trends, technology and markets and you could be sitting on some hefty profits.

**2. Buy expiring domain names and redirect the targeted traffic to your websites** - Pretty straight forward approach to getting some drive-by traffic on the cheap. Targeted keyword domain names can help you get traffic from people simply typing in that keyword rich domain name into the address bar and hitting enter. Do you sell cheap disposable tablecloths?...I bet somebody somewhere has tried to browse CheapDisposableTableclothes.com Why not drive that traffic to your website for just pennies a click?

**3. Buy expired domain names and put up mini websites** - With tools like easy website building software, third party payment processors, auto responders and tons of other applications...even a newbie can put mini-websites online with keyword rich domain names that will show up in the search engine rankings. You could build these websites using expired domain names to drive traffic to them or then sell the domain name and the developed website together as a value added commodity.

**4. Buy expiring domain names of websites already online** - Lots of expiring domain names are already actual functioning websites. The owners of these websites either forgot to renew their domains or simply stopped running the website. The great thing about finding some of these babies is the fact that many times these websites already have traffic from links to other websites, search engine rankings and even directory listings.

**5. Buy expired domain names and use them to market affiliate programs** - Affiliate programs are a great way to get yourself an online business without even having a product of your own. Affiliate marketers simply redirect traffic from their affiliate website to the website of the actual product or service and receive a commission or a fee if any of the redirected traffic results in any sales. Affiliate programs have evolved into a very automated turnkey solution for many entrepreneurs, especially newbies.

Find and register expired domain names that closely target the market of your affiliate programs. Then draw that targeted traffic into your website with that expired keyword rich domain name with content that satisfies their informational needs and then give them a good reason to continue onto the sales page of the product.

#### **Where are the tools needed to find expired domain names?**

Now that we've given you information on expired domain names, tips on how to get expired domain name traffic and ideas on how to profit from expired domain names, it's time to tell you where to get the tools required to find them.

#### **Domain Name Registration**

Read the Reviews, Compare Prices, Find the Best Domain Registration

#### **Free Business Website**

100% Free, No Ads, No Hidden Fees. Sign Up & Make Your Free Website!

Ads by 

Related articles:

[Domain Name Tutorial](#)

[Are You The Master of Your Domain Name?](#)

[More devNIC How To Tutorials](#)

#### **devNIC Content Sharing Program**

The text link below is what will appear on your web page after you cut and paste the code from the white box onto your website:

[Make Money Buying Expired Domain Names & Expired Domain Name Traffic](#)

Come here often? Make Google your homepage.

Web Images Videos Maps News Shopping Gmail more ▾

Sign in

Google

profit from website

Search

About 679,000,000 results (0.08 seconds)

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Feb 12, 2008 ... There are several lists with ways to make money with a **website** on the ... [How To Buy A Website And Flip It For Profit](#) · [How To Sell A ...](#)  
[www.dailyblogtips.com/ways-to-make-money-online-with-website/](#) - Cached - Similar

**How to Profit From a Website | eHow.com**

How to **Profit** From a **Website**. If you have a **website**, you can **profit** from it even if you are not selling anything. You could have a **website** dedicated to your ...  
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**WWW FAQs: How do I make a profit from my website?**

WWW FAQs: How do I make a **profit** from my **website**? 2007-02-09 : If you are selling goods and services and simply need to know how to accept payments from ...  
[www.boutell.com/newfaq/creating/earn.html](#) - Cached - Similar

**Making profit from your website**

You run this **website** because you are interested in the topic but do not currently make any **profit** from it, or you want to make more **profit** from it. ...  
[www.affiliateschool.co.uk/website-profit.htm](#) - Cached - Similar

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Dec 22, 2008 ... Non-**profit** organizations obviously operate on a tight budget. In these situations, **websites** are rarely given priority in terms of dedicating ...  
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[www.adminesolutions.com/markets/non-profit-website/](#) - Cached - Similar

TOPX m

List of companies that provide monetization widgets:

- [WidgetBucks](#)
- [ScratchBack](#)
- [SmartLinks](#)

## 7. Sponsored Reviews

PayPerPost pioneered this model, with much controversy on the beginning (related to the fact that they did not require disclosure on paid posts). Soon other companies followed, most notably Sponsored Reviews and ReviewMe, refining the process and expanding the paid blogging model.

Joining one of these sponsored reviews marketplaces will give you the opportunity to write sponsored posts on a wide range of topics. Not all bloggers are willing to get paid to write about a specific product or website (because it might compromise the editorial credibility), but the ones who do are making good money out of it.

If your blog has a big audience you could also offer sponsored reviews directly, cutting off the commissions of the middleman.

List of sponsored reviews and paid blogging networks:

- [PayPerPost](#)
- [Sponsored Reviews](#)
- [ReviewMe](#)
- [BlogVertise](#)
- [Smorty](#)

## 8. RSS Feed Ads

FILTER PILLS

With the quick adoption of the RSS technology by millions of Internet users, website owners are starting to find ways to monetize this new content distribution channel.

Feedburner already has its own publisher network, and you can sign-up to start displaying CPM based advertising on your feed footer. Bidvertiser recently introduced a RSS feed ad option as well, with a PPC scheme.

Finally, some blogs are also opting to sell banners or sponsored messages on their feed directly. [John Chow](#) and [Marketing Pilgrim](#) are two examples.

Related links:

- [Feedburner](#)
- [BidVertiser](#)
- [Pheedo](#)

## 9. Sponsors for Single Columns or Events

If you website has specific columns or events (e.g., a weekly podcast, an interview series, a monthly survey, a special project) you could find companies to sponsor them individually.

This method increases the monetization options for website owner, while giving advertisers the possibility to target a more specific audience and with a reduced commitment.

they tend to click on ads more often. Social media traffic, on the other hand, presents terribly low CTRs because these visitors are tech-savvy and they just ignore ads.

List of popular CPC advertising networks:

- [Google AdSense](#)
- [Yahoo! Publisher Network \(YPN\)](#)
- [BidVertiser](#)
- [Chitika](#)
- [Clicksor](#)

## 2. CPM Advertising Networks

CPM advertising networks behave pretty much as PPC networks, except that you get paid according to the number of impressions (i.e., page views) that the ads displayed on your site will generate. CPM stands for *Cost per Mille*, and it refers to the cost for 1,000 impressions.

A blog that generates 100,000 page views monthly displaying an advertising banner with a \$1 CPM, therefore, will earn \$100 monthly.

CPM rates vary with the network, the position of the ad and the format. The better the network, the higher the CPM rate (because they have access to more advertisers). The closer you put the ad to the top of the page, the higher the CPM. The bigger the format (in terms of pixels), the higher the CPM.

You can get as low as \$0,10 and as high as \$10 per 1,000 impressions (more in some special cases). CPM advertising tends to work well on websites with a high page views per visitor ratio (e.g., online forums, magazines and so on).

List of popular CPM advertising networks:

- [Casale Media](#)
- [Burst Media](#)
- [Value Click](#)
- [Advertising.com](#)
- [Tribal Fusion](#)
- [Right Media](#)

## 3. Direct Banner Advertising

Selling your own advertising space is one of the most lucrative monetization methods. First and foremost because it enables you to cut out the middleman commissions and to determine your own rates. The most popular banner formats on the web are the 728×90 leaderboard, the 120×600 skyscraper, the 300×250 rectangle and the 125×125 button.

The downside of direct banner advertising is that you need to have a big audience to get qualified advertisers, and you will need to spend time managing the sales process, the banners and the payments.

Related links:

- [How to Find Advertisers for Your Website](#)
- [Finding Advertisers for Your Blog](#)



- [Direct Advertising Sales for Beginners](#)
- [Openads Ad Server](#)
- [OIO Publisher Ad Platform](#)

#### 4. Text Link Ads

After Google declared that sites selling text links without the nofollow tag would be penalized, this monetization method became less popular.

Many website owners are still using text links to monetize their sites, though, some using the nofollow tag and some not.

The advantage of this method is that it is not intrusive. One can sell text links directly through his website or use specialized networks like Text-Link-Ads and Text-Link-Brokers to automate the process.

Text link marketplaces and networks:

- [DigitalPoint Link Sales Forum](#)
- [Text-Link-Ads](#)
- [Text-Link-Brokers](#)
- [TNX](#)
- [LinkWorth](#)

#### 5. Affiliate Marketing

Affiliate marketing is a very popular practice on the Internet. Under this system you have a merchant that is willing to let other people (the affiliates) sell directly or indirectly its products and services, in exchange for a commission. Sometimes this type of advertising is also called CPA (cost per action) or CPL (cost per lead) based.

Affiliates can send potential customers to the merchant using several tools, from banners to text links and product reviews.

In order to find suitable affiliate programs you can turn to individual companies and publishers like [Dreamhost](#) and [SEOBook](#), or join affiliate marketplaces and networks.

List of popular affiliate marketplaces and networks:

- [Commission Junction](#)
- [ClickBank](#)
- [Azoogole Ads](#)
- [Link Share](#)

#### 6. Monetization Widgets

The latest trend on the web are widgets that let you monetize your website. Examples include Widgetbucks and SmartLinks. Some of these services operate under a PPC scheme, others behave like text link ads, others yet leverage affiliate links.

Their main differentiator, however, is the fact that they work as web widgets, making it easier for the user to plug and play the service on its website.

Come here often? Make Google your homepage

Web Images Videos Maps News Shopping Gmail more

Sign in



divert customer + expired domain Search

About 58,800 results (0.62 seconds) Advanced search

- Everything
- Images
- Videos
- News
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Alliance, OH  
Change location

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[www.godaddy.com](http://www.godaddy.com)

**Post-buying Management of Expired Domains - Tips and Suggestions ...**  
 Design and create an **expired domain** based micro-site and **divert** traffic from it: ... Big Customer Network creates, develops and manages channels of internet ... [bigcustomerdomains.com/807695-Post-buying-Management-of-Expired-Domains-Tips-and-Suggestions.html](http://bigcustomerdomains.com/807695-Post-buying-Management-of-Expired-Domains-Tips-and-Suggestions.html) - Cached

**Buying Expired Domains: What's the Best Strategy? | SEOMoz**  
 Apr 22, 2009 ... I definitely recommend **custom** 404s though that contain search boxes and .... There are two types of **expired domain** auctions at these venues. ... [www.seomoz.org/.../buying-expired-domains-whats-the-best-strategy](http://www.seomoz.org/.../buying-expired-domains-whats-the-best-strategy) - Cached - Similar

**Expired Domain Traffic. Targeted redirected traffic hits from ...**  
 We only sell **Expired Domain Traffic**. When you buy redirected visitors from us, we will produce a steady stream of potential **customers** to your website. ... [www.buyexpireddomaintraffic.com/](http://www.buyexpireddomaintraffic.com/) - Cached - Similar  
 Block all [www.buyexpireddomaintraffic.com](http://www.buyexpireddomaintraffic.com) results

**Expired Domain Traffic - JM Marketing Live**  
**Expired domain** traffic is the most responsive traffic on the web and here's why. ... If I own a toy store and I purchase **expired domain** traffic, the same ... [jmmarketinglive.com/edtraffic/](http://jmmarketinglive.com/edtraffic/) - Cached - Similar

**Traffic Using Expiring Domains - Custom web site design directory ...**  
 You can use it by designing a website on it or **divert** traffic to your existing website. The main advantage of taking over an **expired domain** is the traffic. ... [www.webmasterslookup.com/.../287-Traffic-Using-Expiring-Domains.html](http://www.webmasterslookup.com/.../287-Traffic-Using-Expiring-Domains.html) - Cached

**Expired Domain 101**  
 How To generate Traffic using An **Expired Domain** Name. ... It can be used by designing a website on it or to **divert** traffic to your existing website via a ... [www.domaininform.net/expireddomains.html](http://www.domaininform.net/expireddomains.html) - Cached

**Post-buying Management Of Expired Domains - Tips And Suggestions**

Design and create an **expired domain** based micro-site and **divert** traffic from it: This time consuming method needs your effort and money. ...  
www.articlesnatch.com/Article/Post...Expired-Domains.../766238 - Cached

**Buying Expired Domains - Some Suggestions - Associated Content ...**

Sep 29, 2009 ... Your **expired domain** is being used to build a small website, which will include all the associated expenses. But, you could **divert** whatever ...  
www.associatedcontent.com › Business & Finance - Cached

**How effective is purchasing expiring domain names? - Page 3 ...**

13 posts - 12 authors - Last post: Sep 16, 2007  
It is better to define a "prospective **customer**" and to reach it. ... make sense to acquire that domain and **divert** that traffic to your site. ... It makes sense to acquire **expired domains** with relevant backlinks that are ...  
www.sitepoint.com/.../how-effective-purchasing-expiring-domain-names- 496720-3.html - Cached

**Expired Domain Gains**

Sep 23, 2009 ... The potential of using this technique is huge and you can even **divert** the links and traffic from your **expired domain** names to other web ...  
www.expireddomaingains.com/blog/ - Cached

1 2 3 4 5 6 7 8 9 10 **Next**

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The world's largest source of community-created content.™

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# Buying Expired Domains - Some Suggestions

Seejo P, Yahoo! Contributor Network  
Sep 29, 2009 "Contribute content like this. [Start Here.](#)"

MORE: [Expired Domains](#) [Usability](#)

0 Print Flag 3 Helpful? Post a comment

There is actually no difference between buying an expired domain and buying something else. You have to check for its usability for your purposes, just as you do with anything. You might have a very good product or a very bad one. You must try your best to buy a worthwhile expired domain.

Experience does teach you various things here; if you are buying an expired domain for the first time, you tend to make a lot more mistakes.

Use these strategies to make sure you are buying good domains.

Divert the expired domains to the new one using 301 redirects.

AdChoices

**Are you involved in decisions about your company's paid advertising programs?**

- Yes, I am the primary decision maker
- Yes, I influence these decisions
- No, I am not involved in these decisions

Privacy Policy 1/6

- [Where to Buy an Expired Domain Name's](#)
- [Benefits of Expired Domain Purchases](#)
- [Tips on Registering a Good Domain Name](#)
- [Profiting with Dropped Domain Names](#)
- [Profiting from Expired Domains](#)
- [Think All the Good Domain Names Are Taken?](#)
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AdChoices

This is how everyone mostly does it. Expired domains can be revived through this kind of redirection. The whole process can be expedited by choosing a dead domain that has the same keywords and themes as your present domain. The incoming links remain intact and you do benefit traffic-wise. That means, you get a good start. Here are some pros and cons of using this redirection method.

Pros:-

- This is a time and energy saving method.
- You get an initial flow of traffic.
- You get a good amount of incoming traffic and benefit from the links.

Cons:-

- You will encounter old anchor texts, which you will have to change to use for your new domains.
- All penalties imposed on the old domains will roll over to the new domain. This is something you need

Handwritten notes:

→ ANALYZE .COM  
 → ADDRESS WWW  
 SUCH AS  
 BODIL JENINGS

Here, you would not just be spending a lot of time, but you will also have to put in money. Your expired domain is being used to build a small website, which will include all the associated expenses. But, you could divert whatever traffic it gets to your new domain. The key and the keywords of your new domain will amount to some significant amount of traffic. Here are the pros and cons.

- ENTERTAINMENT
  - AUTO
  - BUSINESS
  - CREATIVE WRITING
  - HEALTH
  - HOME IMPROVEMENT
- Pros:-  
 BUSINESS TO BUSINESS CAREERS & JOB SEARCHING LEGAL ALL CATEGORIES

It is very simple to divert links from the new site to the main site.

- You get a lot of traffic even on the expired domain.

- You can build brand value for your new site.

- If you want to try something out without hampering business prospects, you can do it on the micro-site.

- Just a one page micro-site is enough, which means you don't have to put in a great deal of effort.

1 2

Published by Seejo P  
[View profile](#)

#### Get Traffic Using Expired Domains

Over 20,000 domain names expire everyday and can be used by others. If you want more hits or want to resell the domains for profit, these expired ones can be a valuable resource.

#### How to Register a Great Domain Name

Many of us want to register a domain name, the problem is that the Internet evolved over the years, and all the great names are taken. If you will do a simple domain search you will find very few...

#### Earn a Passive Income Flipping Domain Names for Profit

While browsing through the threads at one of my favorite forums, I came across a post, which discussed making money by flipping expired domain names. I became immediately inter...



Expired Domain Name Profits Vide...



Expired Domain Course - Revenue...



How to Make Money Domaining - Do...

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AdChoices

**Are you involved in decisions about your company's paid advertising programs?**

- Yes, I am the primary decision maker
- Yes, I influence these decisions
- No, I am not involved in these decisions

Small Business Center

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Web Hosting Talk : Web Hosting Main Forums : Running a Web Hosting Business : Godaddy taking over too much of my customer base [Post reply](#)

Running a Web Hosting Business Non-technical aspects of running a web hosting company. Topics include management, accounting, problem customers, taxes, support options etc.

Page 1 of 2 1 2 > v

0

0

Thread Tools Search this Thread Display Modes

Login:

05-02-2008, 02:54 AM

#1

Log in with your username and password

**glace** [View Beta Profile](#)  
Aspiring Evangelist

Join Date: Feb 2006  
Posts: 402

Username: User Name

Password:

Remember Me?  
[Forgot Password?](#)

**Godaddy taking over too much of my customer base**

Right now about 80% of the customers who are leaving me are going to Godaddy. I find this kind of strange. There are so many hosts out there...but they choose Godaddy. Why? I asked some of them but got no reply so far. Does anyone here have the same issue? I mean Godaddy taking over some of their customers. I.e. last week I lost 9 domains to Godaddy. These guys really scare me. According to [webhosting.info](#) Godaddy is the fastest growing registrar with an insane advance. I think they are trying to monopolize. I think any of you guys buying your domains from them is supporting them taking you over at one time. We have to take it seriously. This \*\*\*\* is no \*\*\*\*ing game! I and many of you are paying our rent with it.

Advertisement:

BUY YOUR DOMAINS ONLY FROM REGISTRARS WHO DO NOT SELL WEBHOSTING !!

quote

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[Dedicated VPS \(3 Months Free\)](#)  
1 core allocated. 450GB (3 client max per drive). 8GB SSD. 10Mbps Full Duplex. Unmetered Bandwidth. 1GB Guaranteed RAM. Free IPs as long as you can justify them. Full Root Access. Setup Charge: \$5.00

[SnelServer - Instant Setup Servers](#)  
INSTANT SETUP! 4x 3.06 GHz Core i7 950 (with HyperThreading), 6 GB of DDR3 RAM, 2x 500 GB in RAID 1 and 4 TB of bandwidth, dedicated KvM, native IPv6 for only 99 euro per month!

[Hostirian - Dedicated Linux Server](#)  
Quad Core Xeon X3430 4 GB Ram 2 TB Transfer Only \$99/month

05-02-2008, 02:59 AM

#2

**Adam H** [View Beta Profile](#)  
Web Hosting Master

Join Date: Jun 2006  
Location: United Kingdom  
Posts: 1,763

Haha, loving the "Doomsday" style of the OP.

quote

05-02-2008, 03:02 AM

#3

**glace** [View Beta Profile](#)  
Aspiring Evangelist

Join Date: Feb 2006  
Posts: 402

Quote:

Originally Posted by **Adam H**   
Haha, loving the "Doomsday" style of the OP.

Man...this industry is already past Doomsday ☹️ I am just trying to make the best out of it.

quote

Sponsored Links

Dedicated VPS (3 Months Free) 1 core allocated. 450GB (3 client max per drive). 8GB SSD. 10Mbps Full Duplex. Unmetered Bandwidth. 1GB Guaranteed RAM. Free IPs as long as you can justify them. Full Root Access. Setup Charge: \$5.00

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Hostirian - Dedicated Linux Server Quad Core Xeon X3430 4 GB Ram2 TB Transfer Only \$99/month

05-02-2008, 03:06 AM

#4

cristibighea View Beta Profile Custom Hosting Master

Join Date: Jan 2007 Posts: 2,598

It's because of the crowd you're attracting ☹️. They will look for something cheaper with more than you can offer, but if you can keep your service level up I doubt they'd want to leave, or in any case they'll be back when they start hitting problems.

478east Custom Hosting Solutions Complex Content Delivery

quote

05-02-2008, 03:50 AM

#5

bqinternet View Beta Profile Backup Guru PREMIUM MEMBER

Join Date: Feb 2002 Location: New York, NY Posts: 3,759

Quote:

Originally Posted by cristibighea It's because of the crowd you're attracting ☹️. They will look for something cheaper with more than you can offer, but if you can keep your service level up I doubt they'd want to leave, or in any case they'll be back when they start hitting problems.

I agree. If the OP is really losing that many customers to GoDaddy, then he's probably targeting the wrong market.

Scott Burns, President BQ Internet Corporation Remote Rsync and FTP backup solutions \*\*\* http://www.bqbackup.com/ \*\*\*

05-02-2008, 05:42 AM

#6

Aussie Bob View Beta Profile Trust your government

Join Date: Feb 2002 Location: Australia Posts: 23,367

Quote:

Originally Posted by glace Man...this industry is already past Doomsday ☹️ I am just trying to make the best out of it.

Sell up while you still have something to sell.

- AussieHost.com • Aussie Bob, host since 2001 • Host Multiple Domains on Fast Australian Servers!! •

quote

quote

05-02-2008, 06:14 AM

#7

Lightwave View Beta Profile Web Hosting Master

Join Date: Apr 2003 Location: San Jose, CA. Posts: 1,575

From the host who stated, "I have been considering to write fake reviews. I do not consider it as morally wrong since I am only lying to compensate the lie from someone else" and, "I would like to let you know I am having the exact same problem [Hacked 3 times in 2 days]" and other brilliant tidbits.

Wow. Who woulda think it?

CARAT NETWORKS Premium Custom Dedicated Servers Order Now! www.CaratNetworks.com

WebHostingTalk News:

Web Host UK2 Group Appoints Former MessageLabs CEO as Non-Executive Director

Web Host Windstream Hosted Solutions Completes Boston Data Center Expansion

SmarterTools Offers Public Beta Release of Version 7

Business Development Platform BeanSprout Partners with Ecommerce Software Firm X-Cart

DuPont Fabros Attains LEED Gold Certification for New Jersey Data Center

Web Hosting Support Firm InstaCarma Launches Client Portal

Web Host UK2s New VPS Builder Tool Allows Users to Customize Cloud Platforms

Web Host Rackspace Launches Hosted Virtual Desktop Platform

LinkedIn Access Cookie Opens Users to Security Breaches says Security Analyst

Sony Estimates 171M in Losses from PlayStation Network Outage More from Earthquake

quote

05-02-2008, 08:28 AM

#8

**Adam H** [View Beta Profile](#)  
Web Hosting Master

Join Date: Jun 2006  
Location: United Kingdom  
Posts: 1,763

Quote:

Originally Posted by **Lightwave**   
*From the host who stated, "I have been considering to write fake reviews. I do not consider it as morally wrong since I am only lying to compensate the lie from someone else" and, "I would like to let you know I am having the exact same problem [Hacked 3 times in 2 days]" and other brilliant tidbits.*  
Wow. Who woulda thunk it?

Sounds like Karma to me.

-- Adam

quote

05-02-2008, 10:44 AM

#9

**joe1972** [View Beta Profile](#)  
Temporarily Suspended

Join Date: May 2008  
Posts: 3

Glad you said it, Adam H, and not me. Stooping to lower levels to get customers isn't right, regardless of the size of the competition.

quote

05-02-2008, 10:47 AM

#10

**daejuani** [View Beta Profile](#)  
Is our children learning?

Join Date: Aug 2003  
Location: Chicago, IL USA  
Posts: 1,904

Quote:

I think they are trying to monopolize.

As is every for-profit organization around.

But like everyone suggested, Godaddy offers basic cookie cutter hosting at dirt cheap prices, in sacrifice of quality. You have to do something different.

- Unmetered VPS Hosting <http://redinit.com>

quote

05-04-2008, 04:34 AM

#11

**mrzippy** [View Beta Profile](#)  
Mr. Awesome

Join Date: Jul 2002  
Posts: 4,825

There will always be someone cheaper than you. In this case it is Godaddy. Later, it will be someone else.

If you're competing on price alone, then you don't have a chance.

My advice is to refocus your business on "service" instead of "price". ie: Target a market segment that is more concerned about reliable hosting and email than price alone.

Good luck!

Want to sell domain names? [Sign up today](#) for an **eNom.com reseller account** from a trusted **eNom ETP** provider.

\* We provide support and service to over **3245** happy eNom domain name and SSL certificate resellers!

quote

05-04-2008, 05:41 AM

#12

**Outlaw Web Master** [View Beta Profile](#)  
Devil's Advocate

Join Date: Jul 2005  
Location: Edinburgh  
Posts: 3,880

Anyone who's run a business in a highly competitive market like web hosting for instance will understand that the bigger you get, the bigger the outlay will become. Advertising costs will rise, hardware costs will rise, support costs will rise and basically all the other necessities to keep your company's growth afloat...everything is going to cost more to supply in the long run....that is if you intend to keep your place in the market by supplying a high quality product and keep your client base happy in order to stay head on with your competitors who are applying a similar business strategy



Webhostingtalk is one of many..if not the most important hosting forum on the net, therefore let me use WHT as a market standard.

It's not rocket science to do a search for hostgator and see all the negative posts they seem to be getting as compared to any decent ones.

They seem to have a lot of unhappy customers on here alone, so I can only assume that a broader picture from other forums would be the same. Then there must be an imaginable amount of unhappy customers who just don't ever bother to post on forums.

Either way, that cannot be a good outlook for any company trying to do business and certainly not for a company like hostgator who are in the already saturated overselling end of the hosting market.

If they don't try to appease their evergrowing unhappy customer base, eventually their percentage of the market will start to swing in the opposite direction which will see their turnover fall more and more and their service will slide to a low point and although I don't like to see companies fall from grace, that will be exactly what happens to HG, because customers will only take a belly full.

HG strikes me as a company who are building and building to reach a point and some bigger company will buy them out for a huge amount of money...but that's only my opinion.

To be successful in the long run, you need to take care of your client base, because without clients...there is no business.

It really depends how long you plan to stay in business.

I don't need money so much that I have to rip off and extort money from my clients like some hosting companies.


Hostgator do get a lot of negative reviews, but in their defense, I have seen them act very often and quickly on posts in here with regards to complaints etc, when other companies in the same area of the market seem to be too busy counting the money and their customers take an obvious 2nd place.

Oh!...to get to where Hostgator are in the market, you have to be ruthless, take no prisoners etc...and if anyone else was in their alligator shoes, then they'd most likely have to run a similar ship.

OWM

<(•◊•)>  
Life's what **you** make it.

Last edited by Outlaw Web Master; 05-04-2008 at 05:50 AM.

 quote

05-04-2008, 07:24 AM

#13

[hostgator.com](#)  [View Beta Profile](#)  
Web Hosting Master

Join Date: Dec 2002  
Location: texas  
Posts: 1,204

The majority of our bad reviews on wht come from customers who have been suspended for non payment or are asked to verify their order for activation.

Anytime we run our mass suspension script for non payment wht gets a flood of negative hostgator posts. It seems for every few hundred accounts suspended for non payment one of them runs to wht to bash us. Naturally when we suspend thousands within a few day period it would appear hostgator is doing "bad".

I always recommend the full thread be read rather than just reading titles. It's extremely rare that hostgator is at fault to a problem.

**Web hosting** Host unlimited sites for one set price.

 quote


05-04-2008, 07:29 AM

#14

[mrzippy](#)  [View Beta Profile](#)  
Mr. Awesome

Join Date: Jul 2002  
Posts: 4,825

Quote:

Originally Posted by [hostgator.com](#)   
*It's extremely rare that hostgator is at fault to a problem.*

<< cough cough >>

Well, I'm not sure "extremely" would be the word I'd use... unless you're willing to publish your numbers publicly so we can concur...

But.. in hostgator's (or any large company's) defense:

The bigger the host -- the more the complaints. This is just statistics at play. Any of the "large" hosts will have a significantly higher percentage of negative reviews, since they simply have more ex-customers. As a company grows larger, so will the number of reviews.

Want to sell domain names? [Sign up today](#) for an [eNom.com reseller account](#) from a trusted [eNom ETP](#) provider.

\* We provide support and service to over **3245** happy eNom domain name and SSL certificate resellers!

quote

05-04-2008, 01:18 PM

#15

**The Stealthy One**  [View Beta Profile](#)  
Web Hosting Master

Join Date: Jan 2005  
Location: East Coast, USA  
Posts: 3,048

Niche, niche, niche, niche, niche, niche, niche - that is the key to success in this industry now! Don't try to compete with GoDaddy - you would need \$100 million for marketing alone in order to catch up with them.

quote

 [Post reply](#)

Page 1 of 2 1 2 > ▾

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O.R.C.

## CHAPTER 2727

### INJUNCTIONS

#### Section

- 2727.01 Injunction defined—Repealed  
2727.02 Causes for an injunction  
2727.03 Courts authorized to grant injunctions  
2727.04 Affidavits on hearing of application—Repealed  
2727.05 Injunction may be granted in cases of appeal  
2727.06 to 2727.10 First and second application; Bond; When injunction operative—Repealed  
2727.11 Enforcing an injunction or restraining order  
2727.12 Procedure if injunction or restraining order is disobeyed  
2727.13 to 2727.15 Party enjoined may apply for further security; Motion to vacate or modify injunction; Defendant may obtain an injunction—Repealed

#### 2727.01 Injunction defined—Repealed

(1970 H 1201, eff. 7-1-71; 1953 H 1; GC 11875)

#### Historical and Statutory Notes

Ed. Note: Former RC 2727.01 was in conflict with Civ R 65(A).

Pre-1953 H 1 Amendments: RS 5571

#### 2727.02 Causes for an injunction

A temporary order may be granted restraining an act when it appears by the petition that the plaintiff is entitled to the relief demanded, and such relief, or any part of it, consists in restraining the commission or continuance of such act, the commission or continuance of which, during the litigation, would produce great or irreparable injury to the plaintiff, or when, during the litigation, it appears that the defendant is doing, threatens or is about to do, or is procuring or permitting to be done, such act in violation of the plaintiff's rights respecting the subject of the action, and tending to render the judgment ineffectual.

(1953 H 1, eff. 10-1-53; GC 11876)

#### Historical and Statutory Notes

Pre-1953 H 1 Amendments: RS 5572

#### Comparative Laws

Cal.—West's Ann.Cal.C.C.P. § 525 et seq.

Mich.—M.C.L.A. § 600.6125.

Ill.—ILCS 735 5/11-101 et seq.

N.Y.—McKinney's CPLR § 6301 et seq.

Ind.—West's A.I.C. 34-26-1-1.

#### Cross References

- |                                                                                                                                                                                            |                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Bondholders of metropolitan housing authorities, enjoining violation of rights, 3735.48                                                                                                    | Temporary injunction enjoining weight and measure violations, 1327.58         |
| Enjoining of hospital discrimination against osteopaths, podiatrists, dentists, or midwives as to staff membership and professional privileges; lack of legal remedy unnecessary, 3701.351 | Temporary restraining order; preliminary injunction, Civ R 65                 |
| Enjoining violations of public health council rules mandated regardless of other remedies, 3701.40                                                                                         | Unemployment contributions, injunction against noncomplying employer, 4141.39 |
|                                                                                                                                                                                            | Unfair political campaign acts may be enjoined, 3517.21, 3517.22              |

#### Library References

Injunction ⇨ 25 to 105(2).  
Westlaw Topic No. 212.

C.J.S. Divorce § 138.

## 1329.65

### Note 3

hearing en banc denied, on remand 71 F.Supp.2d 755. Trade Regulation ⇨ 335

Court may infer intent to deceive public regarding origin of services when defendant uses mark identical to trademark at issue. *Rock and Roll Hall of Fame and Museum Inc. v. Gentile Productions* (N.D. Ohio, 05-30-1996) 934 F.Supp. 868, 39 U.S.P.Q.2d 1140, vacated 134 F.3d 749, 45 U.S.P.Q.2d 1412, rehearing and suggestion for rehearing en banc denied, on remand 71 F.Supp.2d 755. Trade Regulation ⇨ 571.1

Both actions under Ohio Deceptive Trade Practices Act (DTPA) and Ohio common law trade infringement resemble federal claim of trademark infringement in that they require same analysis given to determine liability under Lanham Act for trademark infringement, namely, whether there is likelihood of confusion. *Daddy's Junky Music Stores v. Big Daddy's Family Music Center* (S.D. Ohio, 01-31-1996) 913 F.Supp. 1065, reversed

## 1329.66 Rights and remedies

Any owner of a trademark or service mark registered under the sections 1329.54 to 1329.67 of the Revised Code, may proceed by suit to enjoin the manufacture, use, display, or sale of any counterfeits or imitations of the mark, and any court of competent jurisdiction may grant injunctions to restrain such manufacture, use, display, or sale as may be by the [sic.] court considered just and reasonable, and may require the defendants to pay to the owner all profits derived from and all damages suffered by reason of the wrongful manufacture, use, display, or sale; the court may also order that any such counterfeits or imitations in the possession or under the control of any defendant in such case, be delivered to an officer of the court, or to the complainant, to be destroyed.

If the infringement complained of is contained in or is part of paid advertising in a newspaper, magazine, or other periodical, the remedies of the owner of the right infringed as against the publisher or distributor of such periodical shall be confined to an injunction against the presentation of such advertising matter in future issues. These limitations shall apply only to innocent infringers and injunctive relief shall not be available to the owner of the right infringed in respect of an issue of a periodical containing infringing matter when restraining the dissemination of such infringing matter in any particular issue of such periodical would delay the delivery of such issue after the regular time therefor, and the delay would be due to the method by which publication and distribution of such periodical is customarily conducted in accordance with sound business practice, and not to any method or device adopted for the evasion of this section or to prevent or delay the issuance of an injunction or restraining order with respect to such infringing matter.

The enumeration of any right or remedy herein shall not affect a registrant's right to prosecute under any appropriate penal law of this state.

(1978 H 297, eff. 10-20-78; 127 v 216; 125 v 466)

### Cross References

Injunctions, 2727.02

### Library References

Trade Regulation ⇨ 611.  
Westlaw Topic No. 382.

C.J.S. Trade-Marks, Trade-Names, and Unfair Competition §§ 227, 278, 295.

## COMMERCIAL TRANSACTIONS

109 F.3d 275, 42 U.S.P.Q.2d 1173. Trade Regulation ⇨ 334.1; Trade Regulation ⇨ 464.1

A florists' association's use in advertising of a brewer's unregistered slogan "This Bud's For You" will not be enjoined by a federal court inasmuch as (1) marketing channels of the florists and the brewer differ, (2) the registered mark "Bud" uses a word applied to nascent flowers, and (3) it is absurd to suggest consumers confuse beer with flowers. *Anheuser-Busch, Inc. v. Florists Ass'n of Greater Cleveland, Inc.* (N.D. Ohio 1984) 603 F.Supp. 35, 224 U.S.P.Q. 493.

### 4. Registration required

In order to maintain claim for unauthorized use of trademark, under Ohio law, plaintiff must own Ohio registration for trademark at issue. *DeGidio v. West Group Corp.* (N.D. Ohio, 03-18-2002) 191 F.Supp.2d 904, affirmed 355 F.3d 506, 69 U.S.P.Q.2d 1538, certiorari denied 124 S.Ct. 2842, 2004 WL 817136.

## LABELS AND MARKS

### Encyclopedias

OH Jur: 3d Trade Regulation § 16:1  
duction of Marks.

OH Jur: 3d Trade Regulation XV  
sional References.

### Forms

Ohio Forms Legal and Business §  
tion.

### Law

Litigation Involving Trademarks:  
Trademark Case For Trial, Charles  
Dayton L Rev 85 (Fall 1990).

Protected Marks And Protected  
lishing The First Amendment Boun  
mark Parody Cases, Arlen W. Lang  
Rev 1 (February 1991).

Attorney fees 6

Counterfeits or imitations 8

Damages 4

Federal issues 1-3

Internet sites 1

Trade dress 2

Treble damages 3

Internet sites, federal issues 1

Laches and estoppel 5

Procedural issues 9

State common law jurisdiction 7

Trade dress, federal issues 2

Treble damages, federal issues 3

### I. Federal issues—Internet sites

Simply posting a domain name auction site is insufficient to establish use of a trademark sufficient trademark dilution claim, and this applies to an entity that operates an site. *Bird v. Parsons* (C.A.6 (Ohio) 289 F.3d 865, 62 U.S.P.Q.2d 1905, 2004 WL 350.1

Software company whose trademark name had allegedly been infringed Internet domain name that trademark failed to allege that operator where domain name was initially registered second company which operated Internet where domain name had been listed had registered, trafficked in, or used as required to state claim against original company under Anticybersquat Protection Act (ACPA); no allegation that either defendant was a licensee domain name. *Bird v. Parsons* (C.A.6 (Ohio) 289 F.3d 865, 62 U.S.P.Q.2d 1905, 2004 WL 350.1

Operator of Internet website at issue had been registered, and its use not engage in commercial use of software which allegedly diluted software com

ld 1173. Trade Regulation ⇨ 464.1

use in advertising of a n "This Bud's For You" federal court inasmuch as he florists and the brewed mark "Bud" uses a wers, and (3) it is absurd fuse beer with flowers. florists Ass'n of Greater 1984) 603 F.Supp. 35,

im for unauthorized use law, plaintiff must own mark at issue. DeGidio J. Ohio, 03-18-2002) 191 i 355 F.3d 506, 69 i denied 124 S.Ct. 2842,

ons 1329.54 to 1329.67 use, display, or sale of jurisdiction may grant by the the [sic.] court o the owner all profits acture, use, display, or s in the possession or cer of the court, or to

paid advertising in a the right infringed as o an injunction against ations shall apply only he owner of the right er when restraining the periodical would delay y would be due to the otomarily conducted in lvice adopted for the on or restraining order

a registrant's right to

ide-Names, and Unfair 3, 295.

Research References

Encyclopedias

OH Jur. 3d Trade Regulation § 169, Use or Reproduction of Marks.

OH Jur. 3d Trade Regulation XVII a Ref., Divisional References.

Forms

Ohio Forms Legal and Business § 23:1, Introduction.

Ohio Forms Legal and Business § 21:16, Sale of Services-Record-Keeping System and Income Tax Service.

Law Review and Journal Commentaries

Litigation Involving Trademarks: Preparing The Trademark Case For Trial, Charles J. Faruki. 16 U Dayton L Rev 85 (Fall 1990).

Protected Marks And Protected Speech: Establishing The First Amendment Boundaries In Trademark Parody Cases, Arlen W. Langvardt. 36 Vill L Rev 1 (February 1991).

Towards a Solution for Dilution: Likelihood Instead of Actual Harm, Seth Aaron Rose. 62 Ohio St L J 1869 (2001).

Trademarks and the Movies: "An Af-'Fair Use' to Remember," Lauren P. Smith. 48 Clev St L Rev 415 (2000).

Notes of Decisions

Attorney fees 6  
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     Internet sites 1  
     Trade dress 2  
     Trebble damages 3  
 Internet sites, federal issues 1  
 Laches and estoppel 5  
 Procedural issues 9  
 State common law jurisdiction 7  
 Trade dress, federal issues 2  
 Treble damages, federal issues 3

1. Federal issues—Internet sites

Simply posting a domain name on an Internet auction site is insufficient to establish the commercial use of a trademark sufficient to support a trademark dilution claim, and this reasoning also applies to an entity that operates an online auction site. Bird v. Parsons (C.A.6 (Ohio), 05-21-2002) 289 F.3d 865, 62 U.S.P.Q.2d 1905. Trade Regulation ⇨ 350.1

Software company whose trademark in its business name had allegedly been infringed by registered Internet domain name that was similar to trademark failed to allege that operator of website where domain name was initially registered, and second company which operated Internet website where domain name had been listed for auction, had registered, trafficked in, or used domain name, as required to state claim against operator or second company under Anticybersquatting Consumer Protection Act (ACPA); no allegation was made that either defendant was a licensee of registrant of domain name. Bird v. Parsons (C.A.6 (Ohio), 05-21-2002) 289 F.3d 865, 62 U.S.P.Q.2d 1905. Trade Regulation ⇨ 350.1

Operator of Internet website at which domain name had been registered, and its principals, did not engage in commercial use of domain name, which allegedly diluted software company's existing

trademark in its business name, as required to support trademark dilution claim asserted by software company against operator and principals. Bird v. Parsons (C.A.6 (Ohio), 05-21-2002) 289 F.3d 865, 62 U.S.P.Q.2d 1905. Trade Regulation ⇨ 366

Operator of Internet website which functioned as an auction site for domain names on Internet did not engage in commercial use of domain name that was listed on auction website, and that resembled trademark held by operator of computer software firm, as would permit software company to maintain trademark dilution action against website operator. Bird v. Parsons (C.A.6 (Ohio), 05-21-2002) 289 F.3d 865, 62 U.S.P.Q.2d 1905. Trade Regulation ⇨ 366

Corporation which operated Internet website where Internet domain names could be registered, and its principals, did not use in commerce domain name that was registered at website and that allegedly violated trademark held by operator of computer software firm, so that corporation and principals could not be held liable for infringement of software firm's trademark, or for unfair competition based on use of trademark. Bird v. Parsons (C.A.6 (Ohio), 05-21-2002) 289 F.3d 865, 62 U.S.P.Q.2d 1905. Trade Regulation ⇨ 374

Operator of Internet website which functioned as an auction site for domain names on Internet did not use in commerce domain names which had been reserved, and thus could not be held liable for trademark infringement, or for unfair competition based on use of trademark, after domain name which allegedly infringed software company's trademark in its business name was listed on its auction website. Bird v. Parsons (C.A.6 (Ohio), 05-21-2002) 289 F.3d 865, 62 U.S.P.Q.2d 1905. Trade Regulation ⇨ 374

Retailer of women's lingerie, who held "Victoria's Secret" trademark, proved that competitor acted in "bad faith," under Anticybersquatting Consumer Protection Act (ACPA), by registering and using victoriasscrets.net Internet address; al-

## 1329.66

### Note 1

though competitor asserted that it had no subjective intention to confuse consumers, competitor did not have any legitimate right in retailer's trademark, competitor did not use retailer's trademark for non-commercial purpose, and competitor intended to divert customers from retailer's online location to site accessible under domain name that might harm goodwill represented by retailer's mark. *Victoria's Secret Stores v. Artco Equipment Co., Inc.* (S.D. Ohio, 03-27-2002) 194 F.Supp.2d 704. Trade Regulation ⇨ 350.1

The Anticybersquatting Consumer Protection Act (ACPA) provides a safe harbor to defendants who both believed and had reasonable grounds to believe that the use of the domain name was fair use or otherwise lawful; however, a defendant who acts even partially in bad faith in registering a domain name is not entitled to benefit from the ACPA's safe harbor provision. *Victoria's Secret Stores v. Artco Equipment Co., Inc.* (S.D. Ohio, 03-27-2002) 194 F.Supp.2d 704. Trade Regulation ⇨ 350.1

Under the Anticybersquatting Consumer Protection Act (ACPA), when determining intent to infringe, a presumption of bad faith arises where the senior user's trademark is famous in the marketplace and where the junior user was aware of the trademark and of its fame; (it is inferable that the junior user adopted the mark for the purpose of profiting from the aura of goodwill surrounding the senior user's mark. *Victoria's Secret Stores v. Artco Equipment Co., Inc.* (S.D. Ohio, 03-27-2002) 194 F.Supp.2d 704. Trade Regulation ⇨ 350.1

In order to maintain claim for unauthorized use of trademark, under Ohio law, plaintiff must own Ohio registration for trademark at issue. *DeGidio v. West Group Corp.* (N.D. Ohio, 03-18-2002) 191 F.Supp.2d 904, affirmed 355 F.3d 506, 69 U.S.P.Q.2d 1538, certiorari denied 124 S.Ct. 2842, 2004 WL 817136.

### 2. — Trade dress, federal issues

Trademark infringement and dilution, actual dilution test, objective proof of actual injury to economic value of mark, see *Moseley v. V. Secret Catalogue, Inc.* (U.S., 03-04-2003) 123 S.Ct. 1115, 537 U.S. 418, 155 L.Ed.2d 1, 65 U.S.P.Q.2d 1801.

Inherently distinctive trade dress is protectable under the Trademark Act of 1946, 15 USC 1125(a), known as the Lanham Act, without any proof that the trade dress has secondary meaning, to prevent deception and unfair competition; trade dress has the capacity to identify services or products as emanating from a particular source. *Two Pesos, Inc. v. Taco Cabana, Inc.* (U.S. Tex. 1992) 112 S.Ct. 2753, 505 U.S. 763, 120 L.Ed.2d 615, 23 U.S.P.Q.2d 1081, rehearing denied 113 S.Ct. 20, 505 U.S. 1244, 120 L.Ed.2d 947.

Competitor's use of trademark "AEROB-A-JET" for sewage and waste-water treatment device was not likely to cause confusion and thus did not infringe "JET" trademark used by manufacturer of similar devices; although products were related, parties used similar marketing channels, and manufacturer's mark was presumptively strong because it was incontestable, purchasers of parties' products

## COMMERCIAL TRANSACTIONS

were likely to exercise a great deal of care, and marks were not similar enough to cause confusion in the marketplace. *Jet, Inc. v. Sewage Aeration Systems* (C.A.6 (Ohio), 01-06-1999) 165 F.3d 419, 49 U.S.P.Q.2d 1355, rehearing and suggestion for rehearing en banc denied. Trade Regulation ⇨ 350.1

Holder of trademarks in name "Rock and Roll Hall of Fame" and in museum's unique building design was not likely to succeed on merits of its infringement claim against publisher of poster that depicted museum with name "Rock N' Roll Hall of Fame," and thus was not entitled to preliminary injunction; trademark holder did not establish that particular view of museum shown in poster served source-identifying function, in light of holder's irregular use of building design, and, even if use of picture and name in poster were considered separately, use of name may have been fair use. *Rock and Roll Hall of Fame and Museum, Inc. v. Gentile Productions* (C.A.6 (Ohio), 01-20-1998) 134 F.3d 749, 45 U.S.P.Q.2d 1412, rehearing and suggestion for rehearing en banc denied, on remand 71 F.Supp.2d 755. Trade Regulation ⇨ 621.1

When assessing its strength, court will place trademark into one of four categories: generic, descriptive, suggestive, and fanciful or arbitrary. *Daddy's Junky Music Stores, Inc. v. Big Daddy's Family Music Center* (C.A.6 (Ohio), 03-14-1997) 109 F.3d 275, 42 U.S.P.Q.2d 1173. Trade Regulation ⇨ 12.1; Trade Regulation ⇨ 23; Trade Regulation ⇨ 24; Trade Regulation ⇨ 25

### 3. — Treble damages, federal issues

Restaurant franchisor that terminated franchisees was entitled to receive treble damages based on franchisee's continued use of franchisor's trademark without paying customary royalty fees. *KFC Corp. v. Lilleoren* (W.D. Ky. 1993) 821 F.Supp. 1191. Trade Regulation ⇨ 683

### 4. Damages

Restaurant franchisee that continued to use franchisor's trademark at its restaurants after franchisor terminated franchise would be required to pay franchisor 10% of its gross revenues as damages in trademark infringement action; award was both equitable and large enough to advance Lanham Act's goal of discouraging trademark infringement, but not so large as to constitute a penalty. *KFC Corp. v. Lilleoren* (W.D. Ky. 1993) 821 F.Supp. 1191. Trade Regulation ⇨ 680.1

### 5. Laches and estoppel

Since there is much semantic confusion over distinction, if any, between "laches," "estoppel by laches" and "acquiescence" in trademark context, it is appropriate to reserve word "acquiescence" for use only in those cases where trademark owner, by affirmative word or deed, conveys its implied consent to another; that is, "laches" denotes merely passive consent, while acquiescence implies active consent. *U.S. Playing Card Co. v. The Bicycle Club* (Ohio App. 1 Dist., 05-21-1997) 119 Ohio App.3d 597, 695 N.E.2d 1197. Trade Regulation ⇨ 385.1; Trade Regulation ⇨ 389

## LABELS AND MARKS

Neither negative public convictions of card casino's existing change of circumstances using laches and estoppel in card manufacturer's against casino, whose name's trademark; nor did right to revoke any implied given casino. *U.S. Playing Card Club* (Ohio App. 1 Dist. App.3d 597, 695 N.E.2d ⇨ 385.1; Trade Regulation ⇨ 385.1; Trade Regulation ⇨ 385.1; Trade Regulation ⇨ 385.1

Playing card manufacturer "laches" and by "acquiescence" claim against card manufacturer actively consented stayed silent for nearly opened despite having known its name, spent large amount and gift shop items bearing widely, and became large U.S. Playing Card Co. v. App. 1 Dist., 05-21-1997) 119 Ohio App.3d 597, 695 N.E.2d 1197. Trade Regulation ⇨ 385.1; Trade Regulation ⇨ 385.1

Where the complainant with knowledge of the defendant's trademark rights, and reliance on such inaction to suffer great loss should and, complainant's conduct acquiescence as to be tantamount to abandonment; in such instance defense requiring a court constructive relief. *Adams Baking Co. v. KFC Corp.* (Ohio Com.Pl. 1 Dist., 05-21-1997) 119 Ohio App.3d 597, 695 N.E.2d 1197. Trade Regulation ⇨ 385.1; Trade Regulation ⇨ 385.1

Laches will not bar the action from injunctive relief adopted the mark with knowledge and objections. *Ames Information Technologies* (Ohio App. 1 Dist., 05-21-1997) 119 Ohio App.3d 597, 695 N.E.2d 1197. Trade Regulation ⇨ 385.1; Trade Regulation ⇨ 385.1

A trademark owner may give use of the mark by implied or abandoning that right, acquiescence if its conduct an implicit assurance not to assert its rights and therefore user. *Central Benefits Cross and Blue Shield Ass'n* (Ohio App. 1 Dist., 05-21-1997) 119 Ohio App.3d 597, 695 N.E.2d 1197. Trade Regulation ⇨ 385.1; Trade Regulation ⇨ 385.1

### 6. Attorney fees

Restaurant franchisor's trademark infringement act within meaning of franchise that franchisee would pay attorney if it prevailed entirely in order to enforce franchise agreement refused to award franchisor copy of depositions taken; f



Lanham Act?

great deal of care, and enough to cause confusion. *Inc. v. Sewage Aeration* (06-1999) 165 F.3d 419, rehearing and suggestion for Trade Regulation ☞

name "Rock and Roll Museum's unique building succeeded on merits of its publisher of poster that the "Rock N' Roll Hall of Fame" is entitled to preliminary injunction did not establish that it was shown in poster served on defendant, in light of holder's insignia, and, even if use of defendant's name were considered separately, it would have been fair use. *Rock and Roll Museum, Inc. v. Gentile* (01-20-1998) 134 F.3d 101, rehearing and suggestion for Trade Regulation ☞ 621.1

length, court will place defendant in four categories: generic, descriptive, fanciful or arbitrary, and suggestive. *Adams, Inc. v. Big Daddy's* (03-14-1997) 152 F.3d 1173, Trade Regulation ☞ 23; Trade Regulation ☞ 25

**federal issues**

that terminated franchises and recoverable damages based on defendant's franchisor's trademark royalty fees. *KFC Corp.* (1993) 821 F.Supp. 1191.

that continued to use franchisee's restaurants after franchisor was required to pay franchisee's revenues as damages in action; award was both sufficient to advance Lanham Act trademark infringement, and constitute a penalty. *KFC Corp.* (1993) 821 F.Supp. ☞ 680.1

semantic confusion over defendant's "laches," "estoppel by acquiescence" in trademark context, it is the word "acquiescence" for which defendant is liable as trademark owner, by which it conveys its implied consent. "laches" denotes merely acquiescence implies active acquiescence. *U.S. Playing Card Co. v. The Bicycle Club* (05-21-1997) 119 Ohio App.3d 597, 695 N.E.2d 1197, Trade Regulation ☞ 389

Neither negative publicity surrounding criminal convictions of card casino's principals nor expansion of casino's existing facility was sufficient change of circumstances to prevent casino from using laches and estoppel principles to defeat playing card manufacturer's belated dilution claim against casino, whose name was similar to manufacturer's trademark; nor did they give manufacturer right to revoke any implied license it may have given casino. *U.S. Playing Card Co. v. The Bicycle Club* (Ohio App. 1 Dist., 05-21-1997) 119 Ohio App.3d 597, 695 N.E.2d 1197, Trade Regulation ☞ 385.1; Trade Regulation ☞ 389

Playing card manufacturer was estopped, by "laches" and by "acquiescence," from bringing dilution claim against card casino whose name was similar to manufacturer's trademark, where manufacturer actively consented to name or at least stayed silent for nearly three years after club opened despite having known about club even before it opened, while in meantime casino registered its name, spent large amount on signs, poker chips, and gift shop items bearing its name, advertised widely, and became largest card club in world. *U.S. Playing Card Co. v. The Bicycle Club* (Ohio App. 1 Dist., 05-21-1997) 119 Ohio App.3d 597, 695 N.E.2d 1197, Trade Regulation ☞ 389

Where the complainant's protracted inaction is with knowledge of the defendant's infringement of its trademark rights, and the latter has acted in reliance on such inaction to an extent that he will suffer great loss should an injunction now be granted, complainant's conduct constitutes such laches or acquiescence as to be tantamount to estoppel or abandonment; in such instances, delay is a valid defense requiring a court of equity to deny injunctive relief. *Adams Baking Co. v. Interstate Bakeries Corp.* (Ohio Com.Pl. 1972) 37 Ohio Misc. 79, 307 N.E.2d 273, 66 O.O.2d 175.

Laches will not bar the plaintiff in a trademark action from injunctive relief where the defendant adopted the mark with knowledge of the plaintiff's rights and objections. *Ameritech, Inc. v. American Information Technologies Corp.* (C.A.6 (Ohio) 1987) 811 F.2d 960, 1 U.S.P.Q.2d 1861.

A trademark owner may waive its right to exclusive use of the mark by intentionally relinquishing or abandoning that right, may be estopped by acquiescence if its conduct amounts to an explicit or implicit assurance not to assert trademark rights, or be estopped by laches if it has inexcusably delayed asserting its rights and thereby prejudiced an innocent user. *Central Benefits Mut. Ins. Co. v. Blue Cross and Blue Shield Ass'n* (S.D. Ohio 1989) 711 F.Supp. 1423, 11 U.S.P.Q.2d 1103.

**6. Attorney fees**

Restaurant franchisor prevailed "entirely" in trademark infringement action against franchisee, within meaning of franchise agreement specifying that franchisee would pay attorney fees to franchisor if it prevailed entirely in any litigation brought to enforce franchise agreement, although trial court refused to award franchisor costs for original and copy of depositions taken; franchisor prevailed en-

tirely on its claims for injunctive relief, claims under the Lanham Act, and claims under the franchise agreements, and cost item disallowed was very small part of award sought. *KFC Corp. v. Lilleoren* (W.D.Ky. 1993) 821 F.Supp. 1191, Trade Regulation ☞ 682; Trade Regulation ☞ 729

**7. State common law jurisdiction**

In a claim for damages from false and deceptive advertising involving two competing billiard dealers one company's claim that it has been family owned since 1949 and is the largest Ohio distributor of the "world's leader in billiard's" (1) may be misleading and persuade a consumer to purchase from the company based upon this advertising, (2) may imply that it has been in the billiards business since 1949 and that it has been owned by one family since that time, and (3) may imply that it is the largest in Ohio; a reasonable jury might find that these statements violate the Lanham Act if they are proven false and proven to be the cause of the competitor's loss of sales and customers. *Dayton Sports Ctr., Inc. v. 9-Ball, Inc.* (Ohio App. 2 Dist., 02-16-2001) 141 Ohio App.3d 402, 751 N.E.2d 520.

Trademark infringement claims under Ohio law follow same analysis as those under Lanham Act. *ETW Corp. v. Jireh Pub., Inc.* (C.A.6 (Ohio), 06-20-2003) 332 F.3d 915, 67 U.S.P.Q.2d 1065, rehearing en banc denied, Trade Regulation ☞ 334.1

Ohio courts recognize a common law cause of action for trademark dilution. *Jet, Inc. v. Sewage Aeration Systems* (C.A.6 (Ohio), 01-06-1999) 165 F.3d 419, 49 U.S.P.Q.2d 1355, rehearing and suggestion for rehearing en banc denied, Trade Regulation ☞ 366

Manufacturer's "JET" trademark for sewage and waste-water treatment device and competitor's "AEROB-A-JET" mark for similar device were not sufficiently similar to support finding that competitor's mark diluted manufacturer's mark under Ohio law. *Jet, Inc. v. Sewage Aeration Systems* (C.A.6 (Ohio), 01-06-1999) 165 F.3d 419, 49 U.S.P.Q.2d 1355, rehearing and suggestion for rehearing en banc denied, Trade Regulation ☞ 366

The degree of similarity required for a trademark dilution claim must be greater than that which is required to show likelihood of confusion in trademark infringement action. *Jet, Inc. v. Sewage Aeration Systems* (C.A.6 (Ohio), 01-06-1999) 165 F.3d 419, 49 U.S.P.Q.2d 1355, rehearing and suggestion for rehearing en banc denied, Trade Regulation ☞ 366

The Lanham Act at 15 USC 1125 forbids "any false description or representation" in advertising of goods in interstate commerce, but does not provide a general right of action for trademark infringement; it leaves to state law and state courts cases of common law trademark infringement that do not arise from deceptive and misleading use of marks in foreign and interstate commerce. *Coca-Cola Co. v. Procter & Gamble Co.* (C.A.6 (Ohio) 1987) 822 F.2d 28, 3 U.S.P.Q.2d 1364.

Under Ohio law, lawsuits implemented with the design to gain an unfair advantage over a compet-

## 1329.66

### Note 7

ing business may form basis for a common law suit for unfair competition. *Microsoft Corp. v. Action Software* (N.D. Ohio, 03-13-2001) 136 F.Supp.2d 735, 58 U.S.P.Q.2d 1305. Trade Regulation ⇨ 411

### 8. Counterfeits or imitations

"Trademark dilution" is gradual whittling away of trademark's distinctiveness through use by third parties on nonconfusing, noncompeting products, and thus action for trademark dilution protects trademark owner against diminution of trademark's commercial magnetism or selling power by junior user's unauthorized use of same or substantially similar mark. *U.S. Playing Card Co. v. The Bicycle Club* (Ohio App. 1 Dist., 05-21-1997) 119 Ohio App.3d 597, 695 N.E.2d 1197. Trade Regulation ⇨ 366

Registered "SPACE BALLS" trademark, for rubber spheres used in wooden door expansion joint was sufficiently distinctive to warrant protection from infringement; even if merely descriptive, it had acquired secondary meaning among cabinet-makers. *Lopes v. International Rubber Distributors, Inc.* (N.D. Ohio, 02-05-2004) 309 F.Supp.2d 972. Judgment ⇨ 90; Judgment ⇨ 90; Patents ⇨ 300; Trade Regulation ⇨ 15

Owner of "SPACE BALLS" trademark, for rubber spheres used in wooden door expansion joint, was likely to prevail on infringement claim against competitor selling similar spheres under same name, for purpose of obtaining preliminary injunction; there was evidence of intentional copying and targeting of owner's customers. *Lopes v. International Rubber Distributors, Inc.* (N.D. Ohio, 02-05-2004) 309 F.Supp.2d 972. Judgment ⇨ 90; Judgment ⇨ 90; Patents ⇨ 300; Trade Regulation ⇨ 15; Trade Regulation ⇨ 620

A sole proprietorship consisting of two retail outlets and a national mail order enterprise trading in videotapes of classic films is not entitled to a preliminary injunction barring use of the same business name by a national franchisor of general video items and its regional franchisees pending trial on federal infringement claims, where (1) the parties do not advertise in substantially similar publications, (2) the markets of the parties are distinct, and (3) an injunction would require the franchisees to entirely revamp their businesses at potentially ruinous expense. *Day v. Video Connection of Solon, Ohio* (N.D. Ohio 1982) 602 F.Supp. 100, 221 U.S.P.Q. 621.

### 9. Procedural issues

Laches alone is not enough to defeat trademark suit that seeks injunctive relief; rather, defendant must also prove elements of estoppel, that is, defendant must show that it was misled by plaintiff through actual misrepresentations, affirmative acts of misconduct, intentional misleading silence, or conduct amounting to virtual abandonment of trademark. *U.S. Playing Card Co. v. The Bicycle Club* (Ohio App. 1 Dist., 05-21-1997) 119 Ohio App.3d 597, 695 N.E.2d 1197. Trade Regulation ⇨ 623

There was a genuine issue of material fact, precluding summary judgment of noninfringement of

## COMMERCIAL TRANSACTIONS

trademark on "Olde Brick" color for lighting fixtures on theory color was de jure functional, as to whether there was a competitive need for other to use that finish, in light of evidence of several alternative "rust-type" finishes. *L.D. Kichler Co. v. Davoil, Inc.* (C.A.Fed. (Ohio), 09-30-1999) 192 F.3d 1349, 52 U.S.P.Q.2d 1307. Trade Regulation ⇨ 722

Plaintiff in trademark infringement action was not entitled to amend its complaint to add claims for trademark dilution under federal law and for cancellation of competitor's trademark, as amendment would have been futile in light of court's conclusion that defendant's mark did not create likelihood of confusion as to plaintiff's mark for purpose of infringement claim. *Jet, Inc. v. Sewage Aeration Systems* (C.A.6 (Ohio), 01-06-1999) 165 F.3d 419, 49 U.S.P.Q.2d 1355, rehearing and suggestion for rehearing en banc denied. Trade Regulation ⇨ 562.1

Likelihood of confusion is a mixed question of fact and law in trademark infringement action such that, after a bench trial, Court of Appeals reviews a trial court's underlying factual findings for clear error but reviews de novo whether those facts indicate a likelihood of confusion. *Jet, Inc. v. Sewage Aeration Systems* (C.A.6 (Ohio), 01-06-1999) 165 F.3d 419, 49 U.S.P.Q.2d 1355, rehearing and suggestion for rehearing en banc denied. Trade Regulation ⇨ 704

Owner of patent for using small rubber spheres in wooden door expansion joints, who failed to establish likelihood of success on merits of induced infringement claim, also failed to show irreparable harm needed to obtain preliminary injunction; there was no evidence of lost sales, and defendant's potential sales of allegedly inferior spheres did not threaten plaintiff's business reputation. *Lopes v. International Rubber Distributors, Inc.* (N.D. Ohio, 02-05-2004) 309 F.Supp.2d 972. Judgment ⇨ 90; Judgment ⇨ 90; Patents ⇨ 300

Trademark infringement plaintiff established irreparable harm needed to obtain preliminary injunction, even though defendant had voluntarily agreed to stop using mark; defendant was continuing to contest validity of mark. *Lopes v. International Rubber Distributors, Inc.* (N.D. Ohio, 02-05-2004) 309 F.Supp.2d 972. Judgment ⇨ 90; Judgment ⇨ 90; Patents ⇨ 300; Trade Regulation ⇨ 15; Trade Regulation ⇨ 620; Trade Regulation ⇨ 620

Seller of girls' fashions, under trademark "LIMITED TOO," bringing Lanham Act infringement action against retailer selling clothes bearing trademark manufactured without authorization, satisfied likelihood of success on merits requirement for issuance of preliminary injunction barring sale of those clothes in competition with seller; mark was distinctive, marketing channels were same, and exact copying evidenced improper intent. *Too, Inc. v. TJX Companies, Inc.* (S.D. Ohio, 08-15-2002) 229 F.Supp.2d 825. Trade Regulation ⇨ 620

Seller of girls' fashions, under trademark "LIMITED TOO," bringing Lanham Act infringement

## LABELS AND MARKS

action against retailer, failed success on merits requirement; preliminary injunction barring competition with seller of manufacturer, pending dete retailer sold garments with marks; necessary showing w er knew trademarks on garment manufacturer, pending dete retailer sold garments with marks; necessary showing w er knew trademarks on garment manufacturer, pending dete retailer sold garments with marks; necessary showing w er knew trademarks on garment manufacturer, pending dete

Seller of girls' fashions, under trademark "LIMITED TOO," bringing Lanham Act infringement action against retailer, failed success on merits requirement; preliminary injunction barring competition with seller of manufacturer, by showing likelihood of confusion as to origin under trademark manufacture of seller. *Too, Inc. v. TJX Companies, Inc.* (S.D. Ohio, 08-15-2002) 229 F.Supp.2d 825. Trade Regulation ⇨ 620

Seller of girls' fashions, under trademark "LIMITED TOO," bringing Lanham Act infringement action against competitor, satisfied requirement for issuance of preliminary injunction against competitor, by showing likelihood of confusion as to origin, despite retailer's claim of injury, since retailer was not line. *Too, Inc. v. TJX Companies, Inc.* (S.D. Ohio, 08-15-2002) 229 F.Supp.2d 825. Trade Regulation ⇨ 620

Seller of girls' fashions, under trademark "LIMITED TOO," bringing Lanham Act infringement

### 1329.67 Common law

Sections 1329.54 to 1329.57 enforce enforcement of rights in trademark prior to any of the following

(A) Prior to another person's registration of the trademark if the registrant having a substantial

(B) Prior to another person's registration of a trademark or service mark

(C) Prior to another person's registration of a trademark or service mark

(1998 H 464, eff. 9-1-98; 127 v

**Amendment Note:** 1998 H 464, paragraph; and added division Prior to amendment, the first p

Trade Regulation ⇨ 133.1.  
Westlaw Topic No. 382.

ick" color for lighting fixtures de jure functional, as to competitive need for other to it of evidence of several niches. *L.D. Kichler Co. v. Ohio*, 09-30-1999) 192 F.3d 07. Trade Regulation ⇨

k infringement action was ts complaint to add claims under federal law and for tor's trademark, as amend- i futile in light of court's ant's mark did not create as to plaintiff's mark for claim. *Jet, Inc. v. Sewage .6 (Ohio)*, 01-06-1999) 165 d 1355, rehearing and sug- banc denied. Trade Regu-

ion is a mixed question of rk infringement action such Court of Appeals reviews a factual findings for clear novo whether those facts of confusion. *Jet, Inc. v. Systems (C.A.6 (Ohio))*, 19, 49 U.S.P.Q.2d 1355, re- for rehearing en banc de- 1 ⇨ 704

using small rubber spheres nsion joints, who failed to success on merits of induced o failed to show irreparable ain preliminary injunction; of lost sales, and defendant's dly inferior spheres did not iness reputation. *Lopes v. Distributors, Inc. (N.D. Ohio)*, 2d 972. Judgment ⇨ 90; its ⇨ 300

nent plaintiff established ird to obtain preliminary in- defendant had voluntarily ark; defendant was continu- of mark. *Lopes v. Interna- ributors, Inc. (N.D. Ohio)*, p.2d 972. Judgment ⇨ 90; nts ⇨ 300; Trade Regula- Regulation ⇨ 620; Trade

ons, under trademark "LIM- g Lanham Act infringement selling clothes bearing trade- thout authorization, satisfied on merits requirement for y injunction barring sale of tition with seller; mark was channels were same, and ex- improper intent. *Too, Inc. v. (S.D. Ohio)*, 08-15-2002) 229 Regulation ⇨ 620

ons, under trademark "LIM- g Lanham Act infringement

action against retailer, failed to satisfy likelihood of success on merits requirement, for issuance of preliminary injunction barring retailer from selling in competition with seller clothing made by unknown manufacturer, pending determination of claim that retailer sold garments with counterfeited trademarks; necessary showing was not made that retailer knew trademarks on garments were counterfeit. *Too, Inc. v. TJX Companies, Inc. (S.D. Ohio)*, 08-15-2002) 229 F.Supp.2d 825. Trade Regulation ⇨ 620

Seller of girls' fashions, under trademark "LIMITED TOO," bringing Lanham Act unfair competition action against retailer, satisfied likelihood of success on merits requirement, for issuance of preliminary injunction barring retailer from selling in competition with seller clothing made by unknown manufacturer, by showing that retailer created likelihood of confusion as to origin by selling garments under trademark manufactured without authorization of seller. *Too, Inc. v. TJX Companies, Inc. (S.D. Ohio)*, 08-15-2002) 229 F.Supp.2d 825. Trade Regulation ⇨ 620

Seller of girls' fashions, under trademark "LIMITED TOO," bringing Lanham Act infringement and unfair competition action against retailer which competed against it, satisfied irreparable injury requirement for issuance of preliminary injunction barring retailer from selling clothing bearing trademark made by unknown manufacturer, through showing of likelihood of prevailing on merits of claim, despite retailer's claim that there was no injury, since retailer was not selling current fashion line. *Too, Inc. v. TJX Companies, Inc. (S.D. Ohio)*, 08-15-2002) 229 F.Supp.2d 825. Trade Regulation ⇨ 620

Seller of girls' fashions, under trademark "LIMITED TOO," bringing Lanham Act infringement

and unfair competition action against retailer which competed against it, satisfied requirement for issuance of preliminary injunction barring retailer from selling clothing made by unknown manufacturer, that third parties not be harmed; enforcement would actually protect consumers against harm arising from unauthorized use of trademark. *Too, Inc. v. TJX Companies, Inc. (S.D. Ohio)*, 08-15-2002) 229 F.Supp.2d 825. Trade Regulation ⇨ 620

Allegations by computer software broker that software firm asserted vexatious law suit against it for copyright and trademark infringement, with purpose of gaining an unfair business advantage, stated claim under Ohio law for unfair competition. *Microsoft Corp. v. Action Software (N.D. Ohio)*, 03-13-2001) 136 F.Supp.2d 735, 58 U.S.P.Q.2d 1305. Trade Regulation ⇨ 564

In order to succeed in obtaining preliminary injunction, plaintiff must show reasonable probability of success on the merits, irreparable injury if relief is withheld, that there will not be substantial harm to others if injunction is granted and that public interest would be served by issuing preliminary injunction. *Rock and Roll Hall of Fame and Museum Inc. v. Gentile Productions (N.D. Ohio)*, 05-30-1996) 934 F.Supp. 868, 39 U.S.P.Q.2d 1140, vacated 134 F.3d 749, 45 U.S.P.Q.2d 1412, rehearing and suggestion for rehearing en banc denied, on remand 71 F.Supp.2d 755. Injunction ⇨ 138.1

The bare assertions of a defendant in a trademark infringement suit that allowing discovery before liability is determined may cause harm by releasing trade secrets, and that the plaintiff may misuse certain information, are unpersuasive as arguments. *Nylok Fastener Corp. v. Industrial Nut Corp. (N.D. Ohio)* 1988) 122 F.R.D. 512, 8 U.S.P.Q.2d 1092.

1329.67 Common law rights

Sections 1329.54 to 1329.67 of the Revised Code do not adversely affect the rights or the enforcement of rights in trademarks or service marks acquired in good faith at common law prior to any of the following times:

- (A) Prior to another person's registration in this state of a trademark or service mark, with the registrant having a subsequent first use date;
- (B) Prior to another person's registration in the United States patent and trademark office of a trademark or service mark, with the other person having a subsequent first use date;
- (C) Prior to another person's registration in the United States patent and trademark office of a trademark or service mark, with the other person having a subsequent priority date. (1998 H 464, eff. 9-1-98; 127 v 216, eff. 10-1-57; 125 v 466)

Historical and Statutory Notes

**Amendment Note:** 1998 H 464 rewrote the first paragraph; and added divisions (A) through (C). Prior to amendment, the first paragraph read:

"Nothing herein shall adversely affect the right or the enforcement of rights in trade marks or service marks acquired in good faith at common law."

Library References

Trade Regulation ⇨ 133.1.  
Westlaw Topic No. 382.

C.J.S. Trade-Marks, Trade-Names, and Unfair Competition §§ 142, 144, 153 to 154.

Procedure

that issue, and such issue was briefed by parties and correctly ruled upon by court. *Davis v. Iofredo* (Ohio App. 8 Dist., 04-27-1998) 127 Ohio App.3d 367, 713 N.E.2d 26, appeal not allowed 83 Ohio St.3d 1435, 699 N.E.2d 949. Appeal And Error ⇨ 1043(5)

o Practice or Temp- andum in

In ruling on motion for preliminary injunction, court must consider whether movant has shown strong or substantial likelihood or probability of success on merits; whether movant has shown irreparable injury; whether preliminary injunction could harm third parties; and whether public interest would be served by issuing preliminary injunction. *Johnson v. Morris* (Ohio App. 4 Dist., 12-20-1995) 108 Ohio App.3d 343, 670 N.E.2d 1023, dismissed, appeal not allowed 76 Ohio St.3d 1404, 666 N.E.2d 565. Injunction ⇨ 138.1

o Practice Restraine- Party. 9:109, Mo- epossessed

In general, court will consider following factors in deciding whether to grant injunctive relief: (1) likelihood or probability of plaintiff's success on merits; (2) whether issuance of injunction will prevent irreparable harm to plaintiff; (3) what injury to others will be caused by granting of injunction; and (4) whether public interest will be served by granting of injunction. *Manos v. Harter* (Ohio App. 4 Dist., 06-05-1995) 104 Ohio App.3d 430, 662 N.E.2d 386. Injunction ⇨ 138.1

§ 19:110, for Tro—

oning Law

Purpose of injunction is to prevent future injury, not to redress past wrongs. *Lemley v. Stevenson* (Ohio App. 6 Dist., 05-26-1995) 104 Ohio App.3d 126, 661 N.E.2d 237, dismissed, appeal not allowed 74 Ohio St.3d 1417, 655 N.E.2d 738, reconsideration denied 74 Ohio St.3d 1465, 656 N.E.2d 1300. Injunction ⇨ 1

r, Inc. v 178 (1992). s. 20 Lake

Issuance of injunction, though otherwise justified, lies within trial court's discretion, and depends on facts and circumstances surrounding particular case. *Lemley v. Stevenson* (Ohio App. 6 Dist., 05-26-1995) 104 Ohio App.3d 126, 661 N.E.2d 237, dismissed, appeal not allowed 74 Ohio St.3d 1417, 655 N.E.2d 738, reconsideration denied 74 Ohio St.3d 1465, 656 N.E.2d 1300. Injunction ⇨ 1

us, which om remov- onal prison nted attor- relief, and ginal juris- nus action. t., Noble, 804, 2004 29

Where a special statutory procedure like that provided for annexation is available, actions for declaratory judgment and injunction cannot be used to bypass the statutory procedure. *State ex rel. Smith v. Frost* (Ohio, 11-22-1995) 74 Ohio St.3d 107, 656 N.E.2d 673, 1995-Ohio-265. Declaratory Judgment ⇨ 209; Municipal Corporations ⇨ 33(9)

regulation itled to an being con- Ohio App. 6 1996 WL

Court should never ignore significant changes in law or circumstances underlying injunction lest it becomes inequitable that injunction should have prospective application. *In re Skrha* (Ohio App. 8 Dist., 11-14-1994) 98 Ohio App.3d 487, 648 N.E.2d 908. Injunction ⇨ 210

rchasers of roperty to committed in favor of ers sought preliminary identified ould rule on

Section 1983 action can provide declaratory, injunctive, and/or monetary relief. *State ex rel. Carter v. Schotten* (Ohio, 08-24-1994) 70 Ohio St.3d 89, 637 N.E.2d 306, 1994-Ohio-37. Civil Rights ⇨ 1448; Declaratory Judgment ⇨ 63

Suit for injunctive relief is action in equity, and, in equity actions, there is no right to trial by jury.

*Ohio Bd. of Dietetics v. Brown* (Cuyahoga 1993) 83 Ohio App.3d 242, 614 N.E.2d 855. Jury ⇨ 14(11)

Writ of mandamus compels action or commands performance of duty, whereas decree of injunction restrains or forbids performance of specified act. *State ex rel. Karmasu v. Tate* (Scioto 1992) 83 Ohio App.3d 199, 614 N.E.2d 827. Injunction ⇨ 1; Mandamus ⇨ 1

A court's granting of injunctive relief is a drastic remedy and decisions related to the injunction are addressed to the discretion of the court. *Consun Food Industries, Inc. v. Fowkes* (Lorain 1991) 81 Ohio App.3d 63, 610 N.E.2d 463, motion overruled 62 Ohio St.3d 1478, 581 N.E.2d 1099. Injunction ⇨ 1

A court may implement a preliminary injunction to maintain the status quo in a case to keep the parties from doing anything which might adversely affect the subject matter of a legal dispute before it goes to trial for a hearing on the merits. *Consun Food Industries, Inc. v. Fowkes* (Lorain 1991) 81 Ohio App.3d 63, 610 N.E.2d 463, motion overruled 62 Ohio St.3d 1478, 581 N.E.2d 1099.

A reviewing court will not disturb a trial court's decision to refuse an injunction where there was no abuse of discretion on the part of the trial court. *Farrow Restoration, Inc. v. Kowalski* (Summit 1991) 81 Ohio App.3d 54, 610 N.E.2d 458.

In a ruling on a motion for a preliminary injunction, the court should consider whether (1) the movant has shown a strong or substantial likelihood or probability of success on the merits, (2) the movant has shown irreparable injury, (3) the preliminary injunction could harm third parties, and (4) the public interest would be served by issuing the preliminary injunction. *Thomas J. Dyer Co. v. Franklin Cty. Convention Facilities Auth.* (Ohio Com.Pl. 1990) 61 Ohio Misc.2d 132, 575 N.E.2d 532.

Common pleas courts cannot order declaratory or injunctive relief which effectively provides quo warranto relief and thereby circumvents this specialized remedy. *Beasley v. City of East Cleveland* (Cuyahoga 1984) 20 Ohio App.3d 370, 486 N.E.2d 859, 20 O.B.R. 475. Declaratory Judgment ⇨ 41; Injunction ⇨ 7

Court authorized to decide quo warranto cases can order ancillary injunctive relief to maintain existing condition while it resolves such action. *Beasley v. City of East Cleveland* (Cuyahoga 1984) 20 Ohio App.3d 370, 486 N.E.2d 859, 20 O.B.R. 475. Quo Warranto ⇨ 60

Temporary restraining order makes no final adjudication for any issue, but merely prevents designated parties from exercising claimed rights pending determination of merits. *Beasley v. City of East Cleveland* (Cuyahoga 1984) 20 Ohio App.3d 370, 486 N.E.2d 859, 20 O.B.R. 475. Injunction ⇨ 150

In an action for divorce and alimony a court of common pleas or a judge thereof, is authorized by this section to issue a temporary restraining order or injunction when it appears by petition that plaintiff is entitled to relief demanded and such relief or any part of it consists in restraining some act,

**2307.61 Damages recoverable for willful damage or theft; demand; agreement for payment; procedure**

2913.01

(A) If a property owner brings a civil action pursuant to division (A) of section 2307.60 of the Revised Code to recover damages from any person who willfully damages the owner's property or who commits a theft offense, as defined in section 2913.01 of the Revised Code, involving the owner's property, the property owner may recover as follows:

(1) In the civil action, the property owner may elect to recover moneys as described in division (A)(1)(a) or (b) of this section:

(a) Compensatory damages that may include, but are not limited to, the value of the property and liquidated damages in whichever of the following amounts applies:

(i) Fifty dollars, if the value of the property was fifty dollars or less at the time it was willfully damaged or was the subject of a theft offense;

(ii) One hundred dollars, if the value of the property was more than fifty dollars, but not more than one hundred dollars, at the time it was willfully damaged or was the subject of a theft offense;

(iii) One hundred fifty dollars, if the value of the property was more than one hundred dollars at the time it was willfully damaged or was the subject of a theft offense.

(b) Liquidated damages in whichever of the following amounts is greater:

(i) Two hundred dollars;

(ii) Three times the value of the property at the time it was willfully damaged or was the subject of a theft offense, irrespective of whether the property is recovered by way of replevin or otherwise, is destroyed or otherwise damaged, is modified or otherwise altered, or is resalable at its full market price. This division does not apply to a check, negotiable order of withdrawal, share draft, or other negotiable instrument that was returned or dishonored for insufficient funds by a financial institution if the check, negotiable order of withdrawal, share draft, or other negotiable instrument was presented by an individual borrower to a check-cashing business licensed pursuant to sections 1315.35 to 1315.44 of the Revised Code for a check-cashing loan transaction.

(2) In a civil action in which the value of the property that was willfully damaged or was the subject of a theft offense is less than five thousand dollars, the property owner may recover damages as described in division (A)(1)(a) or (b) of this section and additionally may recover the reasonable administrative costs, if any, of the property owner that were incurred in connection with actions taken pursuant to division (A)(2) of this section, the cost of maintaining the civil action, and reasonable attorney's fees, if all of the following apply:

(a) The property owner, at least thirty days prior to the filing of the civil action, serves a written demand for payment of moneys as described in division (A)(1)(a) of this section and the reasonable administrative costs, if any, of the property owner that have been incurred in connection with actions taken pursuant to division (A)(2) of this section, upon the person who willfully damaged the property or committed the theft offense.