

*Law Offices Of*  
[REDACTED]  
**A PROFESSIONAL CORPORATION**

22287 MULHOLLAND HIGHWAY #169  
CALABASAS, CALIFORNIA

[REDACTED]  
FAX [REDACTED]

June 9, 2013

EMAIL

[REDACTED]@GMAIL.COM

**VIA ELECTRONIC MAIL**

GoDaddy.com, LLC  
14455 N. Hayden Road  
Suite 219  
Scottsdale, Arizona 85260  
*trademarkclaims@godaddy.com*  
[copyrightclaims@godaddy.com](mailto:copyrightclaims@godaddy.com)

Re: Unauthorized Use of Copyrighted and Trademark Materials

Dear Godaddy Trademark Agent and Copyright Agent:

I represent the Church of Scientology International ("CSI"), the owner of the copyrights in certain photographs.

CSI is also the exclusive licensee of the trademarks and service marks of the Scientology religion, which include the term "SCIENTOLOGY," the "SCIENTOLOGY CROSS" also depicted in the Scientology logo, as well as the "SCIENTOLOGY SYMBOL ("S" and double triangle)." "SCIENTOLOGY" is registered with the United States Patent and Trademark Office under registration numbers 1,775,441; 1,540,928; 1,342, 353; 1,329,474; 1,318,717; 1,306,997; 898018. The SCIENTOLOGY CROSS is registered with the United States Patent and Trademark Office under registration numbers 1012452 and 1325117. The "SCIENTOLOGY SYMBOL" is registered under numbers 678,100; 1,296,040; 1,727,436; 1,646,324; and 1,280,999.

CSI and its sub-licensees use these trademarks in connection with providing religious and humanitarian services and counseling, seminars, books, classes, and

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lectures, among others. These marks are also used extensively on the Internet. For example, many of these products, including numerous books on the Scientology religion and services are promoted through a number of web sites, including “www.scientology.org,” “www.scientologyreligion.org,” and “www.whatisscientology.org,” among others.

# **I. Copyright Infringement.**

Please be advised that one or more of Godaddy’s customers has, on multiple occasions, placed a copyrighted photograph, as well as CSI’s logo, on your website without the authorization or consent of my client. These copyrighted works can be found under the following URLs:

[http://cheerupwillsmith.com/Home\\_Page.html](http://cheerupwillsmith.com/Home_Page.html)  
[http://cheerupwillsmith.com/Support\\_Will\\_Smith.html](http://cheerupwillsmith.com/Support_Will_Smith.html)  
[http://cheerupwillsmith.com/Free\\_Movie\\_Ticket.html](http://cheerupwillsmith.com/Free_Movie_Ticket.html)  
[http://cheerupwillsmith.com/See\\_After\\_Earth.html](http://cheerupwillsmith.com/See_After_Earth.html)  
<http://cheerupwillsmith.com/Videos.html>  
<http://cheerupwillsmith.com/Contact.html>

The action of placing these copyrighted works on your website violates United States copyright law. Accordingly, I request your help in removing these from this website.

The reproduction of a photograph in its entirety constitutes copyright infringement. See *Rogers v. Koons*, 751 F.Supp. 474, 478 (S.D.N.Y. 1990) *aff’d*, 960 F.2d 301 (2nd Cir.), *cert. denied*, 506 U.S. 934 (1992); see also, *Playboy Enterprises, Inc. v. Russ Hardenburgh, Inc.*, 982 F.Supp. 503, 513 (N.D. Ohio 1997) (where defendants were found to have violated plaintiff’s exclusive publication right by moving subscriber-uploaded photographs to common bulletin board service files); *Playboy Enterprises, Inc. v. Webbworld, Inc.*, 991 F.Supp. 543 (N.D. Texas 1997) (where court found that the owner of an internet site infringed a magazine publisher’s copyrights by displaying copyrighted images on its web site); *Kelly v. Arriba Soft Corporation*, 280 F.3d 934 (9<sup>th</sup> Cir. 2002) (where court found that

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displaying plaintiff's copyrighted photographs on defendant's web site infringed plaintiff's "exclusive right to display the copyrighted work publicly" under the Copyright Act).

## **II. Trademark Infringement.**

I have likewise been advised that one or more of your subscribers is using the above-referenced federally registered trademarks on each of his or her webpages on cheerupwillsmith.com website. These can be found under the following URLs:

[http://cheerupwillsmith.com/Home\\_Page.html](http://cheerupwillsmith.com/Home_Page.html)  
[http://cheerupwillsmith.com/Support\\_Will\\_Smith.html](http://cheerupwillsmith.com/Support_Will_Smith.html)  
[http://cheerupwillsmith.com/Free\\_Movie\\_Ticket.html](http://cheerupwillsmith.com/Free_Movie_Ticket.html)  
[http://cheerupwillsmith.com/See\\_After\\_Earth.html](http://cheerupwillsmith.com/See_After_Earth.html)  
<http://cheerupwillsmith.com/Videos.html>  
<http://cheerupwillsmith.com/Contact.html>

You are hereby on notice that the use of my client's marks in this fashion has caused Godaddy and these webpages to be falsely associated with my client's marks and creates a likelihood of confusion as to the source or sponsorship of these webpages in violation of state and federal law, including the Lanham Act, 15 U.S.C. § 1125(a).

My client's trademarks are famous, distinctive and unique. The use of the marks in this manner dilutes and tarnishes the distinctiveness of the marks in violation of the federal trademark antidilution statute, 15 U.S.C. § 1125(c) and the New York and California antidilution statutes, New York General Business Law § 360-1 and California Business & Professions Code § 14335. See, *Kraft Foods Holding, Inc. v. Helm*, 205 F.Supp.2d 942 (N.D. Ill 2002); *Victoria's Cyber Secret Limited Partnership v. V Secret Catalogue, Inc.*, 161 F.Supp.2d 1339 (S.D. Fla. 2001); *Mattel, Inc. v. Internet dimensions, Inc.*, 55 U.S.P.Q.2d 1620 (S.D.N.Y. 2000).

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### **III. False Identity**

Further, this website is falsely being represented as originating from the “leader of the Church of Scientology.”

Pursuant to Godaddy’s Universal Terms of Service Agreement, no violations of the law are permitted, including that of impersonation. Engaging in such acts violates California Penal Code Section 528.5 which makes it a misdemeanor to “knowingly and without consent credibly impersonate[] another actual person through or on an Internet Web site or by other electronic means for purposes of harming, intimidating, threatening, or defrauding another person.” “Electronic means” includes “opening an email account or an account or profile on a social networking Internet Web site in another person’s name.” California Penal Code Section 528.5.

Accordingly, please immediately disable access to the above-described infringing materials through your service and preserve any and all documents pertaining to this matter and this customer, including, but not limited to, all logs, data entry sheets, applications – electronic or otherwise, registrations forms, billings statements, invoices, computer print-outs, disks, hard drives, etc.

I have a good faith belief that the use of the material in the manner complained of herein is not authorized by the copyright owner, its agent, or the law.

The information in this notification is accurate to the best of my knowledge. Under penalty of perjury, I attest that I am an agent authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

My contact information is as follows:

[REDACTED]  
A Professional Corporation

[REDACTED]  
Calabasas, California

[REDACTED]  
Fax [REDACTED] —

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Thank you for your prompt attention to these matters. Please do not hesitate to contact me if you have any further questions.

Very truly yours,

THE LAW OFFICES OF [REDACTED]  
A PROFESSIONAL CORPORATION

/s/

[REDACTED]

[REDACTED]