

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

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VERISIGN, INC.,)
)
Plaintiff,)
)
v.)
)
Verisignns.com, a domain name,)
)
-and-)
)
JOHN DOE,)
)
Defendants.)

Civil Action No. 1-19cv680

FILED UNDER SEAL

VERIFIED COMPLAINT

The plaintiff, VeriSign, Inc. (“Verisign”), alleges the following as its *in rem* complaint against the defendants, <verisignns.com> (the “Domain Name”) and John Doe:

Introduction

1. This action seeks to prevent an imminent cybersecurity attack on critical internet infrastructure. As enumerated and described below, Verisign has compelling reasons to believe that cybercriminals, most likely based in Russia, seek to use a cybersquatted domain name to commence an attack on the security and stability of internet infrastructure and the public that uses it. If this criminal scheme is not stopped immediately, harm is likely to occur, comparable to the harm caused by a similar attack just months ago. It follows a May 29, 2019 Cybersecurity Threat Indicator submission by Verisign to the United States Department of Homeland

Security and the Federal Bureau of Investigation, pursuant to Section 104(c) of the Cybersecurity Information Sharing Act of 2015, Public Law No. 114-113, div. N., tit.1.

Nature of the Suit

2. This is an *in rem* action for cybersquatting under the Federal Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d), and trademark infringement under the Lanham Act, 15 U.S.C. § 1114(1)(a).

3. Verisign's valuable rights in its federally-registered trademark have been deliberately infringed by the bad faith registration of the Domain Name, which is confusingly similar to the Mark (defined below).

4. Verisign seeks also immediate injunctive relief to protect the safety and security of the internet at large.

Parties

5. Verisign is a corporation organized and existing under the laws of Delaware, with its principal place of business located in Reston, Virginia.

6. The Domain Name is a second-level internet domain name which, according to the WHOIS database, is registered by a person or entity whose name and contact information is not provided. A copy of the WHOIS record for the Domain Name is attached hereto as Exhibit 1.

Jurisdiction and Venue

7. This is a civil action for federal cybersquatting in violation of the Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d) and for trademark infringement under the Lanham Act, 15 U.S.C. § 1114(1)(a).

8. This Court has original jurisdiction under 15 U.S.C. § 1121(a) and 28 U.S.C. §§ 1331 and 1338(a).

9. This Court has *in rem* jurisdiction over the Domain Name pursuant to 15 U.S.C. § 1125(d)(2)(A). *In rem* jurisdiction is appropriate under 15 U.S.C. 1125(d)(2)(A)(ii) because the identity of the registrant of the Domain Name is not available, and therefore Verisign cannot obtain *in personam* jurisdiction over a person or entity who would be a defendant in a civil action under 15 U.S.C. § 1125(d)(1)(A), and Verisign, despite its efforts, has been unable to find a person or entity who would be a defendant in a civil action under 15 U.S.C. § 1125(d)(1)(A).

10. Pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii)(II), Verisign will give notice of the violations of Verisign's rights, and Verisign's intent to proceed *in rem*, to the postal and email addresses set forth in the WHOIS registration record for the Domain Name, to the extent available, and its registrar, or by publication.

11. Venue is proper in this District pursuant to 15 U.S.C. § 1125(d)(2)(C) in that the .com domain name registry operated by Verisign is situated in this judicial district, and the Domain Name is a second-level domain name within the .com top-level domain.

The Domain Name System and Verisign's Role in it

12. Verisign operates critical internet infrastructure within the Domain Name System ("DNS"). The DNS is the system by which alpha-numeric domain names (such as <verisign.com>) are converted into computer-friendly numeric Internet Protocol (IP) addresses (such as 69.58.187.40). Without the DNS, each machine, device, server or computer connected to the internet would not be able to

communicate with each other. Within the DNS, Verisign operates two of the internet's 13 root servers, which sit at the top of the DNS hierarchy. Verisign, as the root zone maintainer, publishes daily a root zone file which the root server operators (including Verisign) supply to the public allowing for navigation on the internet.

13. In addition, Verisign operates the authoritative name servers for the .com and .net generic top-level domains¹ ("gTLDs"), which answer queries from internet users' browsers and directs them to a requested location on the internet. In addition, Verisign administers the operational systems for .gov and .edu gTLDs. Verisign, or its predecessor, has operated the .com and .net gTLDs since the beginning of the DNS in the 1980s. Today, there are approximately 153 million domain names in these gTLDs.

14. Verisign also provides a service called managed DNS ("MDNS"),² a service whereby a MDNS customer utilizes authoritative DNS servers hosted by a

¹ Generic top-level domains, or gTLDs, are also known as "registries." The operators of registries such as .com and .net, known as "Registry Operators", operate pursuant to a Registry Agreement with the Internet Corporation for Assigned Names and Numbers ("ICANN"), a California public benefit corporation, principally organized to manage the security and stability of the Domain Name System. Under such Registry Agreements, Registry Operators do not sell second-level domain name registrations directly to end-users (called "registrants"). Rather, such registrants register domain names through registrars, such as Go Daddy. Registrars such as Go Daddy connect to a registries' database to create and otherwise manage domain names on behalf of registrants. A Registry Operator manages the global database of all such registered domain names within its gTLD.

² On October 25, 2018, Verisign entered into an agreement to sell its MDNS customer contracts to Neustar, Inc. Under various agreements with Neustar, Inc. Verisign remains obligated to provide the MDNS services at least until December 31, 2019.

MDNS service provider (such as Verisign and others) to answer queries from internet users' browsers, which enables the internet user to access a MDNS customer's website.³

15. Accordingly, for decades, Verisign has served as a steward of the DNS and the internet.⁴

Unlawful Registration of the Domain Name

16. Verisign is the registrant of the domain name <verisign.com>.⁵

17. Verisign is also the registrant of the domain name <verisigndns.com>, which is used in connection with its provision of managed and public DNS⁶ services. See Exhibit 2. Specifically, <verisigndns.com> is the domain name associated with

³ Utilizing a MDNS service will dramatically increase the speed of internet inquiries and enhance the internet experience for MDNS customers' end-users. As noted on its website, MDNS provider Dyn, for example, manages such services for companies such as Netflix, Twitter, LinkedIn and CNBC.

⁴ In addition to the Registry Agreement with ICANN, Verisign is a party to a Cooperative Agreement with the U.S. Department of Commerce under which it exercises oversight of, among other things, the security and stability of the .com registry.

⁵ A website's domain name, such as "google.com," indicates where it can be found on the internet. See https://www.verisign.com/en_US/website-presence/online/how-dns-works/index.xhtml.

⁶ A technical explanation of how the DNS works may be found at https://www.verisign.com/en_US/website-presence/online/how-dns-works/index.xhtml

the authoritative name servers⁷ for Verisign's MDNS services as described above in paragraph 14.

18. Verisign is the owner of the trademark "VERISIGN", which was registered on the Principal Trademark Register of the United States Patent and Trademark Office in 1995 under registration number 2302350; in 2002 under registration number 2559289; and in 2003 under registration number 2758215 (collectively, the "Mark"). Verisign also owns other trademarks incorporating its name.

19. The Mark has been used by Verisign in commerce with great success, such that it has become famous and distinctive throughout the United States and the world in connection with Verisign's services. The Mark acquired distinctiveness long before the Domain Name was registered.

20. Verisign's federal registration of the Mark is conclusive evidence of the validity of the Mark, Verisign's ownership of the Mark, and Verisign's exclusive right to use the Mark in commerce.

⁷ A "name server" is a computer designated to translate domain names into computer-friendly, machine readable IP addresses. Thus, in the DNS, "google.com" is translated into the corresponding IP addresses by the authoritative name servers within the .com gTLD. These name servers do most of the work in the DNS system to ensure that internet traffic flows. Since the total number of domain translations is too much for any one server, each server may redirect requests to other name servers or delegate responsibility for a subset of subdomains they are responsible for. An "authoritative name server" answers queries about domains under its control. Otherwise, it may point to other servers, or serve cached copies of other name servers' data. See <https://www.digitalocean.com/community/tutorials/an-introduction-to-dns-terminology-components-and-concepts>.

21. The Domain Name was registered on May 23, 2019, through the registrar Beget LLC (the "Registrar"), which is based in the Russian Federation, and is the domain name that is associated with name servers located in the Russian Federation.

22. The Domain Name represents a typographical error of the Mark reflecting a type of cybersquatting known as typosquatting, such that the Domain Name is an unauthorized imitation of the Mark.

23. Upon information and belief, the Domain Name constitutes a deceptive derivative of Verisign's existing domain names and was registered for the sole purpose of misleading, deceiving and misdirecting internet users who make a typographical error on their keyboard when attempting to reach Verisign at its domain names <verisign.com> and <verisigndns.com>, and otherwise for unlawful and nefarious purposes, as described below.

24. Upon information and belief, the Domain Name was registered with the intent to mislead, deceive and misdirect internet users away from Verisign's websites and other services and infrastructure [REDACTED]

[REDACTED]



25. Upon information and belief, the Domain Name does not, and cannot, reflect the legal name of the registrant of the Domain Name, nor can it have been registered in good faith.

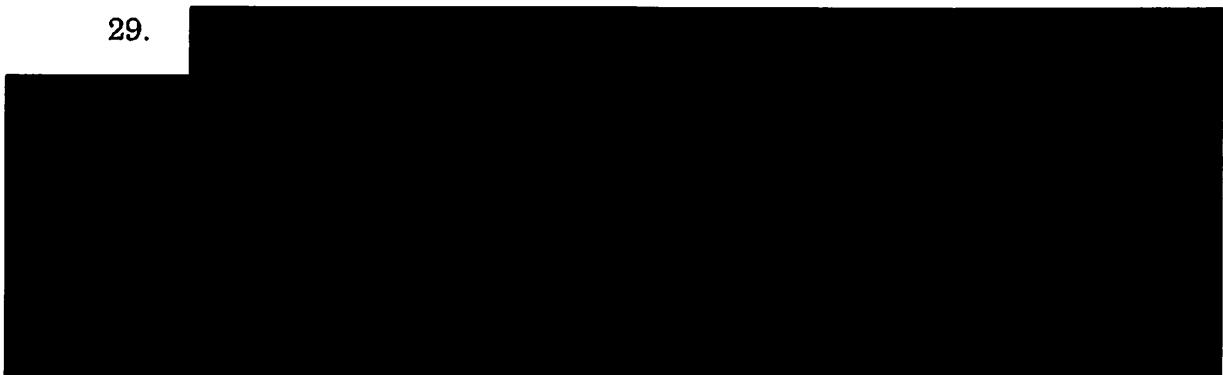
26. The Domain Name is likely to be confused with Verisign's legitimate online locations and other services and infrastructure at <verisign.com> and <verisigndns.com>, and with Verisign's emails and similar communications systems, and cause actual customer confusion in the marketplace.

The Criminal Scheme

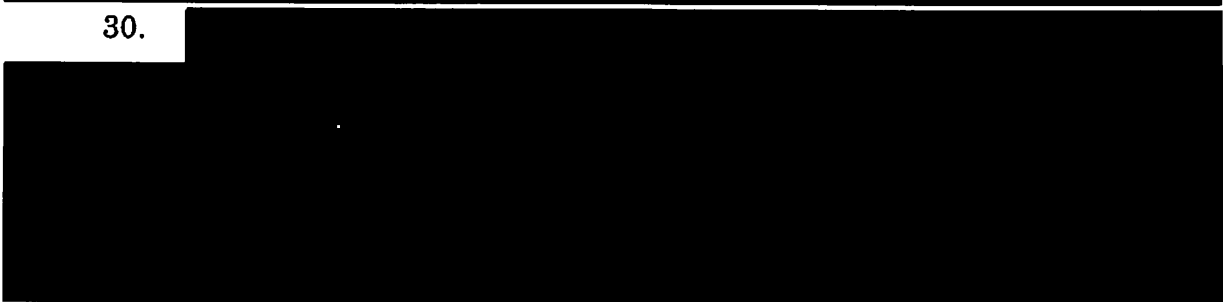
27. The registration of the Domain Name was made through the Registrar on May 23, 2019.

28. <verisigndns.com> has been registered by Verisign and its affiliates since March 8, 2001.

29.



30.

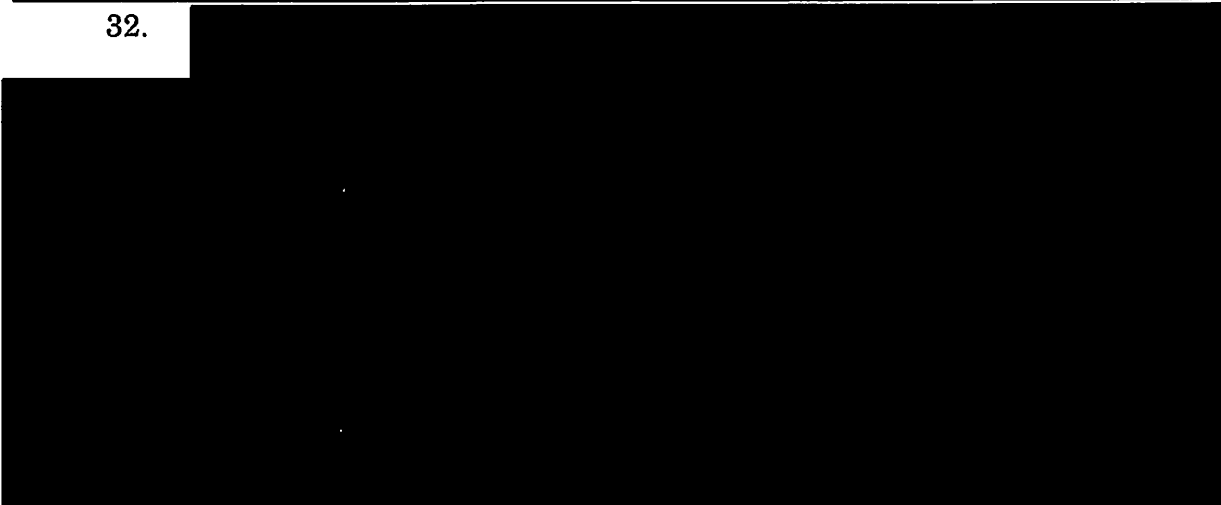




31. The Registrar has approximately 2,700 .com and .net domain names under its management.



32.



33.



[REDACTED] The DNSpionage attacks involved hackers gaining control of several internet servers, enabling them to generate valid security certificates which, in turn, allowed the hackers to launch man-in-the-middle attacks¹⁰ that intercepted sensitive credentials and other information of internet users enabling unauthorized access to email and other victim information.

34. The DNSpionage attacks affected internet traffic and security worldwide. A list of some of the known victims and the timing of the attacks are set forth in Exhibit 3.

35. The DNSpionage attacks resulted in the Department of Homeland Security issuing an emergency directive requiring Executive Branch agencies to take certain steps to ensure security.¹¹

36. The DNSpionage attacks permitted the bad actor(s) to redirect DNS traffic and to conduct spear phishing and cyber attacks against internet users.

37. [REDACTED]

9 [REDACTED]

¹⁰ A description of man-in-the-middle attacks may be found at <https://us.norton.com/internetsecurity-wifi-what-is-a-man-in-the-middle-attack.html>.

¹¹ See <https://cyber.dhs.gov/ed/19-01/>

[REDACTED]

38.

[REDACTED]

39.

[REDACTED]

40.

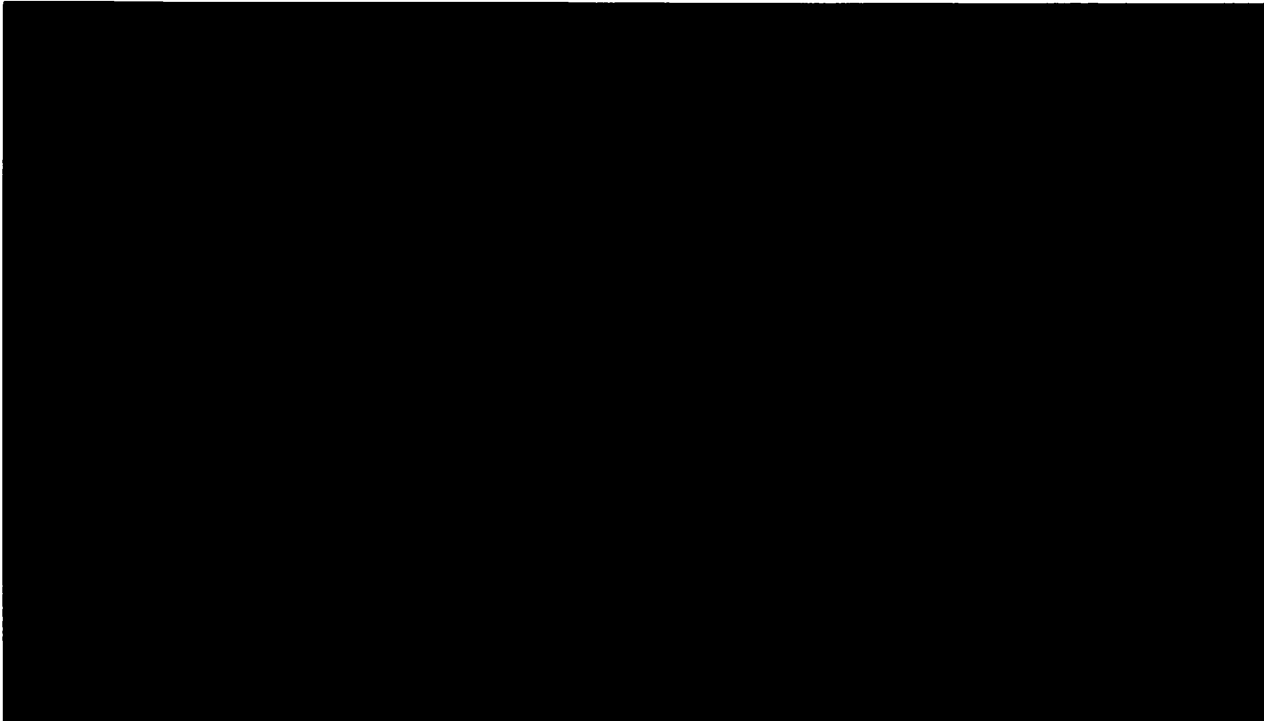
[REDACTED]

41.

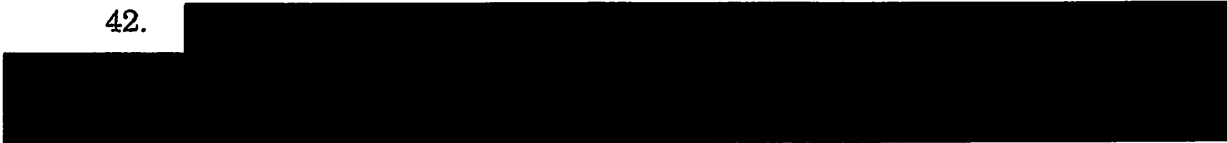
[REDACTED]

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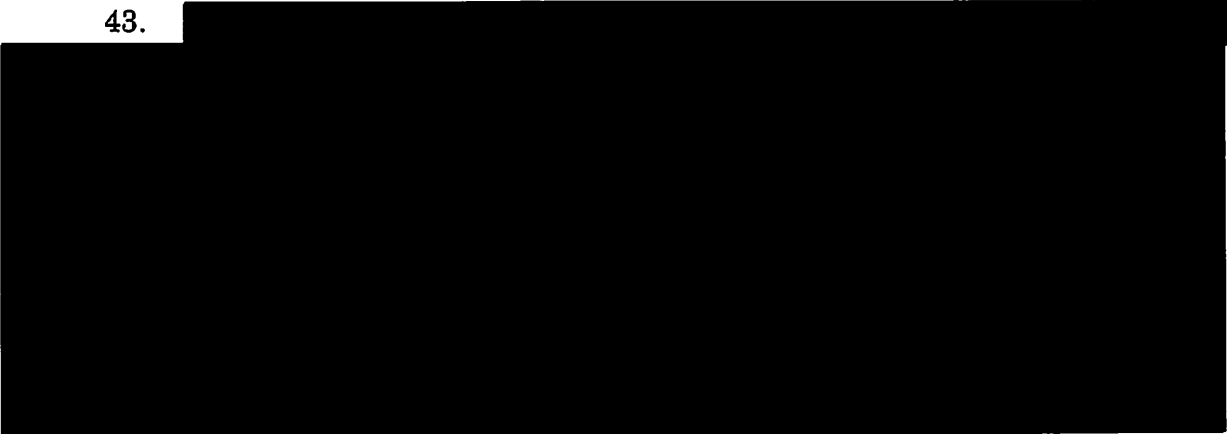
[REDACTED]

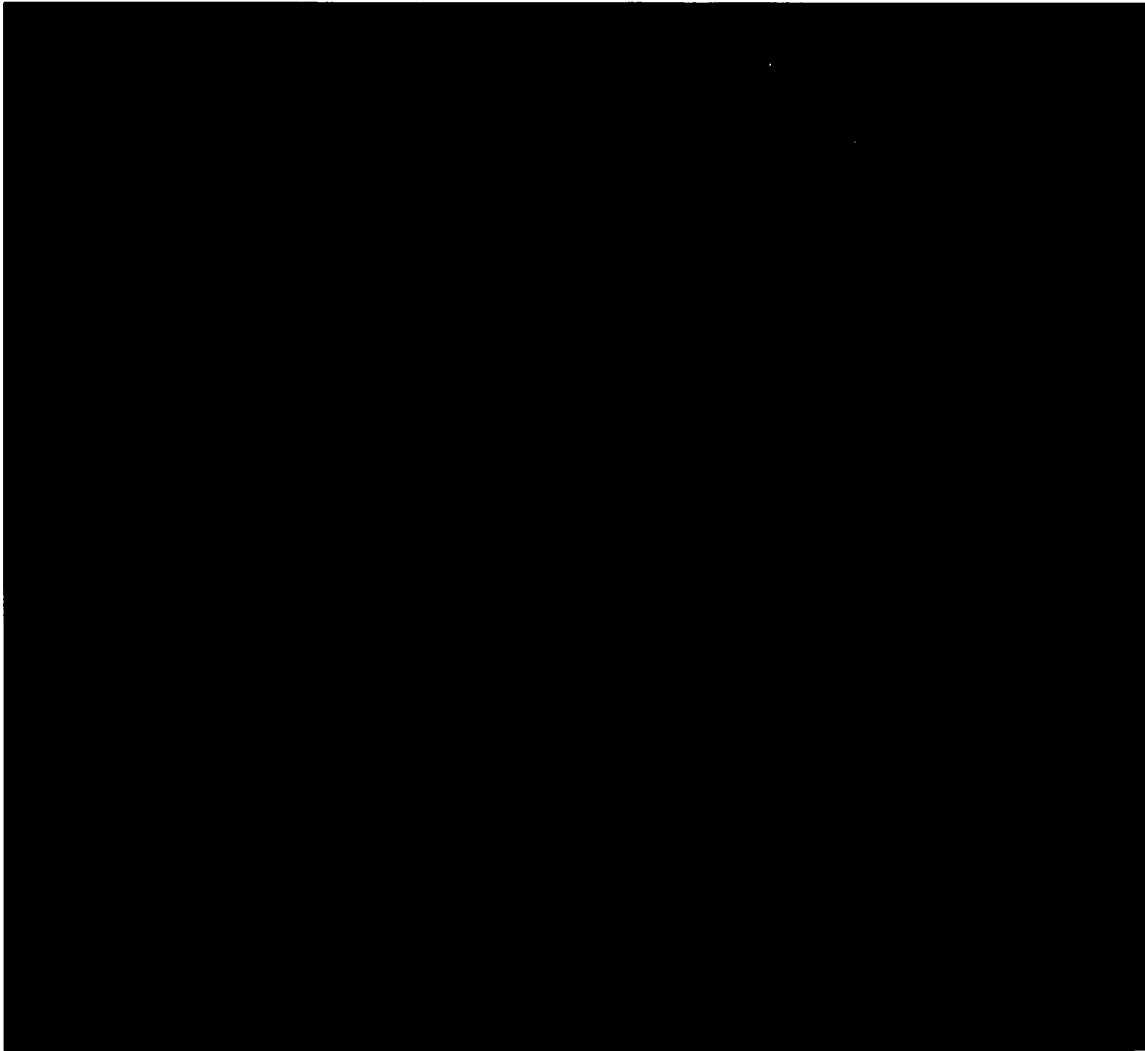


42.

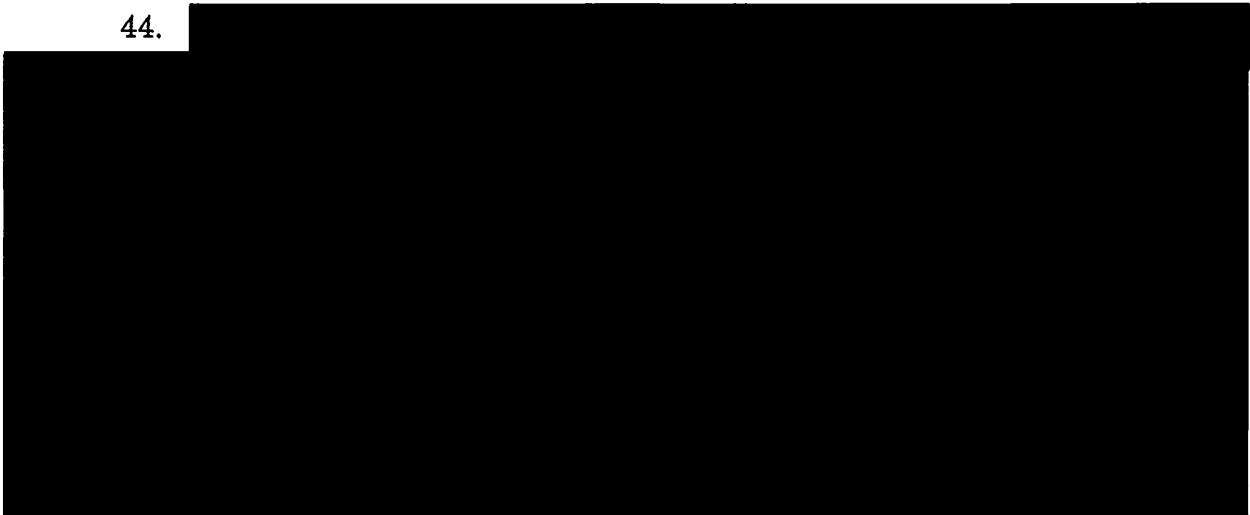



43.





44.



45. Cybersecurity experts rely on similarities between past cyber events to protect systems against future attacks. 

[REDACTED]

46.

[REDACTED]

47.

[REDACTED]

13

[REDACTED]

[REDACTED]

48.

[REDACTED]

49. As set forth in paragraph 1 above, Verisign has advised law enforcement of the matters set forth herein.

Count One
*Violation of the Federal Anti-Cybersquatting
Consumer Protection Act*

50. Verisign repeats and realleges each allegation set forth in paragraphs 1 through 49.

51. The Mark is famous and distinctive and was famous and distinctive before the time of registration of the Domain Name.

52. The acts by the registrant of the Domain Name constitute registration, maintenance, trafficking in, or use of a domain name that is confusingly similar to the Mark, with bad faith intent to profit therefrom.

53. In light of the registrant's concealment of its identity, Verisign is not able to obtain *in personam* jurisdiction over the registrant of the Domain Name or any other person who would have been a defendant in a civil action under 15 U.S.C. § 1125(d)(1)(A).

54. Verisign has been unable to find a person who would be a defendant in a civil action under 15 U.S.C. § 1125(d)(1)(A).

55. These acts by the Domain Name's registrant constitute violations of the Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d)(1).

56. These acts have caused, and are causing, irreparable harm to Verisign and the public. The harm to Verisign includes harm to the value and goodwill associated with the Mark which cannot be adequately remedied by monetary relief. Unless permanently restrained and enjoined this irreparable harm will continue. Pursuant to 15 U.S.C. § 1125(d)(2)(D)(i), Verisign is entitled to an order transferring the Domain Name registration to Verisign.

57. In addition, these acts threaten to cause immediate, severe and irreparable harm to Verisign and its MDNS customers, and to internet security and stability at large, [REDACTED]

[REDACTED] Therefore, Verisign is entitled to an immediate order, in the form of temporary and preliminary injunctive relief, to place the Domain Name on registry hold, thereby disabling it and removing it from the DNS zone.

Count Two
In Rem Trademark Infringement

58. Verisign repeats and realleges each allegation set forth in paragraphs 1 through 57.

59. At the time the Domain Name was registered, Verisign possessed valid federal trademark rights in the Mark.

60. As a result of the registrant's concealment of its identity, Verisign is not able to obtain *in personam* jurisdiction over the registrant of the Domain Name or any other person who would be a defendant in a civil action under 15 U.S.C. § 1125(d)(1)(A).

61. Verisign has been unable to find a person who would be a defendant in a civil action under 15 U.S.C. § 1125(d)(1)(A).

62. Registration of the Domain Name constitutes a use in commerce of the Mark which affects Verisign's ability to use the Mark in commerce.

63. The Domain Name registrant has no valid rights in the Mark.

64. At the time the Domain Name was registered, its registrant was on actual and constructive notice, pursuant 15 U.S.C. § 1072, of the existence of Verisign's superior rights in the Mark by reason of the existence of Verisign's federal trademark registrations.

65. Use by the Domain Name registrant of the Mark is without Verisign's permission or authorization.

66. The registration of the Domain Name has caused and will likely continue to cause confusion, mistake and deception amongst consumers and the public, leading the public falsely to believe that the Domain Name is sponsored or approved or in some way connected with Verisign.

67. The aforesaid registration of the Domain Name constitutes direct infringement of the Mark in violation of 15 U.S.C. § 1114(1).

68. These acts have caused, and are causing, irreparable harm to Verisign and the public. The harm to Verisign includes harm to the value and goodwill

associated with the Mark which cannot be adequately remedied by monetary relief. Unless permanently restrained and enjoined said irreparable harm will continue.

69. In addition, these acts threaten to cause immediate, severe and irreparable harm to Verisign and its MDNS customers, and to internet security and stability at large, [REDACTED]

[REDACTED] Therefore, Verisign is entitled to an immediate order, in the form of temporary and preliminary injunctive relief, to place the Domain Name on registry hold, thereby disabling it and removing it from the DNS zone.

PRAYER FOR RELIEF

WHEREFORE, Verisign respectfully requests of this Court:

A. That the Court enter a temporary injunction allowing the .com registry to place the Domain Name on registry hold, thereby disabling it and removing it from the DNS zone;

B. That the Court enter a preliminary injunction allowing the .com registry to place the Domain Name on registry hold, thereby disabling it and removing it from the DNS zone;

C. That judgment be entered in favor of Verisign on its claims of cybersquatting and trademark infringement;

D. That the Court order the Domain Name be transferred by the applicable registrar or registry to Verisign's control;

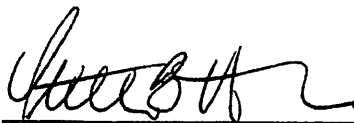
E. That any other domain names registered by the registrant of the Domain Name that resemble or include the Mark be transferred by the applicable registrar or registry to Verisign;

F. That the Court order an award of costs and reasonable attorney's fees incurred by Verisign in connection with this action pursuant to 15 U.S.C. § 1117(1); and

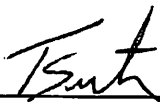
G. That the Court award Verisign such other and further relief as the Court may deem just and proper.

Dated: May 30, 2019.

Respectfully submitted,



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VERIFICATION

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on this 30th day of May, 2019, at Reston, Virginia.



Danny McPherson