

1 MICHAEL J. McCUE (Nevada Bar No. 6055)  
mmccue@lrlaw.com  
2 JOHN L. KRIEGER (Nevada Bar No. 6023)  
jkrieger@lrlaw.com  
3 LEWIS AND ROCA LLP  
3993 Howard Hughes Parkway, Suite 600  
4 Las Vegas, NV 89169  
Tel; (702) 949-8200  
5 Fax: (702) 949-8398

6 Attorneys for  
7 VISA INTERNATIONAL SERVICE ASSOCIATION

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 VISA INTERNATIONAL SERVICE  
11 ASSOCIATION, a Delaware corporation,  
12  
13 Plaintiff,  
14  
15 v.  
16 VISACREDIT.COM,  
17 VISACREDITCARD.COM,  
18 VISADEBIT.COM,  
19 VISAREWARDS.COM,  
20 VISAMOBILE.COM,  
21 VISAPAY.COM, and  
22 VISSA.COM,  
23  
24 Defendants.

COMPLAINT

21 For its complaint, Plaintiff Visa International Service Association ("Visa") alleges  
22 as follows:

23 NATURE OF THE CASE

24 This is an *in rem* action by Visa under the Anticybersquatting Consumer  
25 Protection Act, 15 U.S.C. § 1125(d), against Internet domain names <visacredit.com>,  
26 <visacreditcard.com>, <visadebit.com>, <visarewards.com>, <visamobile.com>,  
27 <visapay.com>, and <vissa.com> ("Defendant Domain Names"), each of which contain  
28

1 the VISA trademark. Visa International seeks injunctive relief and transfer of the  
2 Defendant Domain Names to Visa.

3 **JURISDICTION AND VENUE**

4 1. This Court has subject matter jurisdiction over this case pursuant to 28  
5 U.S.C. §§ 1331 and 1338(a).

6 2. This Court has *in rem* jurisdiction over the Defendant Domain Names  
7 pursuant to 15 U.S.C. § 1125(d) and 28 U.S.C. § 1655 and interpretive case law. Upon  
8 information and belief, the Court cannot exercise personal jurisdiction over the registrants  
9 of the Defendant Domain Names, because the registrants have either concealed their  
10 identity by registering the domain names through private registrations, in the case of  
11 <visadebit.com>, the registrant is located outside of the United States, or in the case of  
12 <visamobile.com>, has failed to provide complete and accurate registration information.  
13 The registrants' websites are not interactive and, therefore, do not subject the registrants  
14 to personal jurisdiction in the State of Nevada. As a separate and independent basis for *in*  
15 *rem* jurisdiction, upon service of this Complaint upon the registrant of the Defendant  
16 Domain Names, the registrants will deposit the domain names into the registry of the  
17 Court. In addition, the situs of the Defendant Domain Names are, or will be, in this  
18 judicial district.

19 3. Venue is proper in the United States District Court for the District of  
20 Nevada under 28 U.S.C. § 1391(b)(2). Venue lies in the unofficial Southern division of  
21 this Court.

22 **PARTIES**

23 4. Visa is a Delaware corporation with its principal place of business in Foster  
24 City, California. Visa International either directly or indirectly through its parent, Visa,  
25 Inc., and various affiliated and related entities (collectively, "Visa") conducts business  
26 throughout the United States, including in the State of Nevada, and around the world.

27 5. <Visacredit.com> is an Internet domain name registered as a private  
28 registration through Moniker Privacy Services of Pompano Beach, Florida.

1 6. <Visacreditcard.com> is an Internet domain name registered as a private  
2 registration through Domains by Proxy, Inc. of Scottsdale, Arizona.

3 7. <Visadebit.com> is an Internet domain name registered by Bridge Port  
4 Enterprises Limited of St. John's, Antigua and Barbuda.

5 8. <Visarewards.com> is an Internet domain name registered as a private  
6 registration through Moniker Privacy Services of Pompano Beach, Florida.

7 9. <Visamobile.com> is an Internet domain name registered by Dotstar, Inc.,  
8 through Enom, Inc. of Seattle, Washington.

9 10. <Visapay.com> is an Internet domain name registered as a private  
10 registration through Moniker Privacy Services of Pompano Beach, Florida.

11 11. <Vissa.com> is an Internet domain name registered as a private registration  
12 through Dynamic Dolphin Privacy Protect of Broomfield, Colorado.

13 **FACTUAL ALLEGATIONS**

14 12. Visa operates the world's largest retail electronic payments network. Visa  
15 facilitates global commerce through the transfer of value and information among  
16 financial institutions, merchants, consumers, businesses and government entities.

17 13. VISA is one of the most recognized brands in the United States and  
18 throughout the world. Visa has been using the VISA mark continuously and exclusively  
19 since 1976. There are more than 1.5 Billion VISA-branded payment cards, including  
20 credit, debit and prepaid cards. More than 28 million merchants accept VISA-branded  
21 payment cards. Visa has processed more than 50 Billion transactions for a total volume of  
22 nearly \$4.0 Trillion U.S. dollars.

23 14. Visa owns more than seventy (70) United States trademark registrations for  
24 marks containing VISA for a variety of goods and services. Such registrations include,  
25 for example:

26 (a) VISA for broad based financial services, including, among others, credit  
27 card services, with a date of first use in 1976 (U.S. Registration No. 2,813,570);

28 (b) VISA for telecommunication services, namely electronic transmission

1 of information; telephone communication services and telephone calling card services  
2 with a date of first use in 1983 (U.S. Registration No. 1,924,112); and

3 (c) VISA for magnetic coded cards; electronically coded cards; magnetic  
4 coded card readers; electronically coded card readers; telecommunications equipment,  
5 namely telephones and point of transaction terminals; and computer software for  
6 transmitting, displaying and storing transaction, identification and financial information  
7 for use in the financial services, banking and telecommunication industries with a date of  
8 first use in 1977 (U.S. Registration No. 2,005,663).

9 15. The Defendant Domain Names <visacredit.com>, <visacreditcard.com>,  
10 <visadebit.com>, <visarewards.com>, <visamobile.com> and <visapay.com> each contain  
11 the VISA mark coupled with the generic terms associated with services provided by Visa,  
12 namely, credit card, payment, and telecommunications-related services. Upon  
13 information and belief, the registrants of these domain names intend to capture or divert  
14 Internet traffic intended for the <visa.com> web site by Internet users who guess that  
15 Visa's domain name will contain the VISA mark followed by a generic term, such as  
16 "credit."

17 16. The Defendant Domain Name <vissa.com> contains the VISA mark with a  
18 second letter "s." Upon information and belief, the registrant of this domain name  
19 intends to capture or divert Internet traffic intended for the <visa.com> web site by  
20 Internet users who mistakenly type <visa.com> with a second "s."

21 17. By registering Defendant Domain Names, the registrant of the Defendant  
22 Domain Names were and are attempting to trade on the goodwill of Visa.

23 18. Upon information and belief, the registrants registered the Defendant  
24 Domain Names with the bad faith intent to profit from Visa's distinctive and famous  
25 VISA mark.

26 19. The registrants registered the Defendant Domain Names without the  
27 consent of Visa.

28 20. The registrants of the Defendant Domain Names have no trademark or

1 other intellectual property rights in the Defendant Domain Names or the VISA mark.

2 21. The registrants of the Defendant Domain Names had no prior use of the  
3 Defendant Domain Names or the VISA mark in connection with the bona fide offering of  
4 any goods or services.

5 22. Upon information and belief, the registrants of the Defendant Domain  
6 Names made no bona fide non-commercial or fair use of the Defendant Domain Names  
7 in a site accessible under the domain names.

8 23. Upon information and belief, the registrants of the Defendant Domain  
9 Names did not believe or have reasonable grounds to believe that the use of the  
10 Defendant Domain Names was a fair use or otherwise lawful.

11 24. The registrants of the Defendant Domain Names (with the exception of  
12 <visamobile.com> and <visadebit.com>) utilized private domain name registration  
13 services and, upon information and belief, did so to conceal their identity. The registrant  
14 of <visadebit.com> is located outside of the United States. The registrant of  
15 <visamobile.com> has failed to provide complete and accurate registration information.

16 **COUNT I**

17 (Cybersquatting under the  
18 Lanham Act, 15 U.S.C. § 1125(d))

19 25. Visa incorporates the allegations in the preceding paragraphs as if fully set  
20 forth herein.

21 26. The registrants of the Defendant Domain Names have registered, trafficked  
22 in, and/or used domain names that are identical or confusingly similar to the distinctive  
23 and famous VISA mark.

24 27. Upon information and belief, the registrants of the Defendant Domain  
25 Names have or have had a bad faith intent to profit from the VISA mark.

26 28. As a direct and proximate result of such conduct, Visa has suffered and will  
27 continue to suffer, monetary loss and irreparable injury to its business, reputation and  
28 goodwill.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PRAYER FOR RELIEF**

WHEREFORE, Visa respectfully prays that the Court grant the following relief:

A. A preliminary and permanent injunction requiring the domain name registrars to transfer the registrations of the Defendant Domain Names to Visa; and

B. All other relief to which Visa is entitled.

DATED: August 7, 2009

Respectfully submitted,

LEWIS AND ROCA LLP

By: /s Michael J. McCue

Michael J. McCue

John L. Krieger

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169

Attorneys for  
VISA INTERNATIONAL  
SERVICE ASSOCIATION