

# Online Infringement: The Race Against Brand Damage

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# The Non-Linear World of Online Infringement

- Infringements can be quite sophisticated and difficult to stop
- The true identity of the infringers is often unknown
- Registrars, hosts and payment channels are often in multiple jurisdictions
- Multiple platforms are used to conduct the infringement
- Consumer complaints can create bad publicity for a brand
- Time is of the essence



Photo by [Aarón Blanco Tejedor](#) on [Unsplash](#)

# Online Infringement: Example 1 – Timeshare Scam

Trivago enterprise established in 2005 with renowned prestige in the tourist industry all over the world, perfecting day after day the PERSONALIZED SERVICE concept that has distinguished us since the very beginning.

Honoring our mission statement that reads: 'To become the best in the creation, commercialization and operation of travel services', we are glad to express to you the satisfaction experienced throughout our more than 11 long and successful years of providing online services; we have initiated and cultivated excellent relationships with some of the most famous wholesale travel service agencies all over the world, including countries like the USA, Canada, Sweden, Norway, Iceland, France, Brazil, Chile, Argentina, Peru, Uruguay, and Mexico, among many other countries in America, Europe and Asia.

We are in the business of collecting timeshare inventory to offer to our client's data base. Due to American Laws, since our corporation is located in Germany, our Utah Branch will acquire a licensed escrow company located in the US.

We would like to make an offer for your timeshare for the following specifics:

<b>Property Name:</b>	[REDACTED]
<b>Unit Size:</b>	<b>Penthouse</b>
<b>Weeks Owned:</b>	<b>1 Week</b>
<b>Proposal Offer:</b>	<b>\$61,000.00 USD</b>

If the offer is satisfactory please sign below, since THIS IS NOT A LEGAL BINDING DOCUMENT YOU DO NOT RELINQUISH THE RIGHTS OF YOUR MEMBERSHIP by signing.

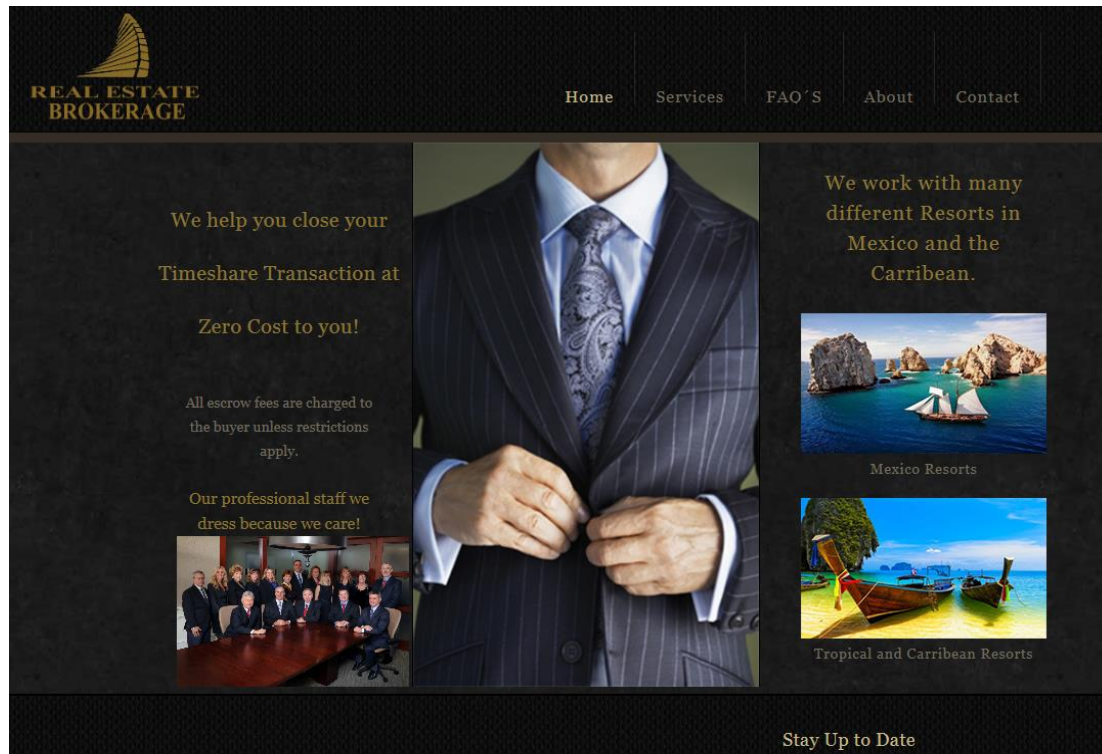
With your acceptance of our offer we will contact an escrow company to manage this transaction, if you would like to use an escrow company of your choice please email us back with the company's information and we will contact them to make proper arrangements. Any assistance you might need contact your sales department at 385-282-6682 EXT: 103



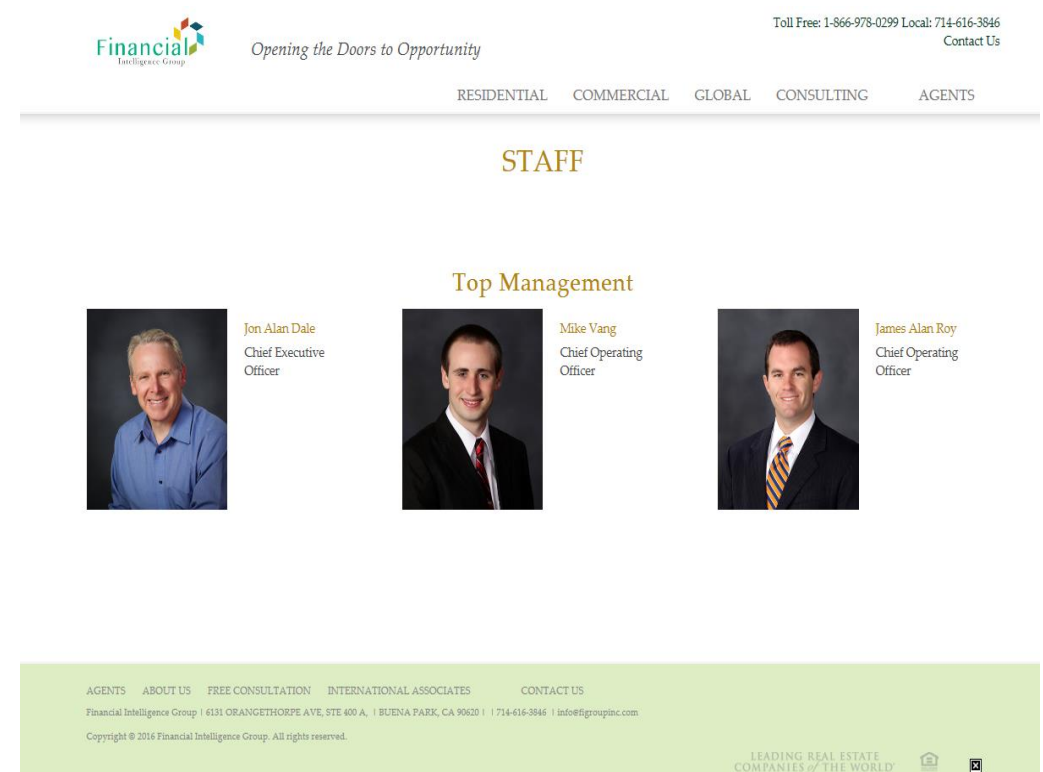
\*222 S. Main St. 5<sup>th</sup> Floor \*Salt Lake City, UT 84101\*  
\*Main Line (385)282-6682\* Fax (888)242-1117\*  
[\\*salesusa@trivagosaltlake.com\\*](mailto:salesusa@trivagosaltlake.com) [\\*contact@trivagosaltlake.com\\*](mailto:contact@trivagosaltlake.com)

<trivagosaltlake.com>

# Online Infringement: Example 1 – Timeshare Scam



Real Estate Brokerage Co.  
<realestatebrokerageco.com>



Financial Intelligence Group  
<fingroupinc.com>

# Online Infringement: Example 1 – Timeshare Scam

Bank One Investment LLC



Bank

About Us

Invest

Insure

Contact Us



Bankoneinvestmentllc.com

Investing.com PERSONAL BANKING

Forex Commodities Indices Stocks

Time Name 2018-05-10 18:08:22 GMT

EURUSD  
1.1384 +0.0002 (+0.02%)

Summary **STRONG SELL**

Moving Averages: Buy (0) Sell (12)

Indicators: Buy (2) Sell (2)

**With us, it's personal.**

You have a life and you want things that make it better. We get it. That's why we offer the products and services that can make life easier. So whether you're opening your first checking account, thinking about future financial security, or looking for insurance coverage, explore our options. Stop by one of our convenient branch locations or call one of our customer service reps. And let them help you get on with your life.

# Online Infringement: Example 1 – Timeshare Scam



**REAL ESTATE  
BROKERAGE**



## EXCLUSIVE PURCHASE AGREEMENT

THIS CONTRACT is made and entered into this March 8, 2016 hereinafter referred to as the "Activation Date", between [REDACTED] hereinafter referred to as "Seller" and Trivago hereinafter referred to as "Buyer" with Real Estate Brokerage acting as transactional brokerage agent. Representative, Ubel Dietrich of Trivago has made a viable purchase offer of \$28,500.00USD hereinafter referred to as "Purchase Amount" for Seller's [REDACTED], 1 Bedroom, 1 Week hereinafter referred to as the "Vacation Membership". The anticipated and ephemeral purchase offer is wholly dependent on the following considerations being duly and properly satisfied. WHEREAS, Real Estate Brokerage holds all required legal permissions to perform the services agreed to herein and maintains an office, properly equipped and staffed by employees suitable to render the services contracted for herein; WHEREAS, Seller desires to employ Real Estate Brokerage to liquidate by acts of brokerage the Vacation Membership of the Seller; and WHEREAS, Real Estate Brokerage desires to accept such employment and has secured a Purchase Contract from Buyer, for the Seller's Vacation Membership; NOW, THEREFORE, in consideration of the covenants and agreements contained herein, the receipt and sufficiency of which are hereby acknowledged, the Seller, Buyer, and Real Estate Brokerage agree as follows:

1. Buyer will pay all associated fees that are required to purchase Seller's Vacation Membership.
2. Seller represents and warrants that he is the exclusive Owner of the Vacation Membership and has good right and lawful authority to sell and convey said Vacation Membership which is free and clear of encumbrances and not subject to limitation of any kind other than stated therein. Seller agrees that during the term of this Vacation Membership, he will not lease the Property or any portion thereof or otherwise encumber the property, unless such leasing has been pre-approved by Real Estate Brokerage in writing. Seller hereby authorizes Real Estate Brokerage to solicit and obtain any and all information concerning the Vacation Membership and all encumbrances therein and the Seller agrees to execute any and all documents and to complete all procedures required for this purpose. The Vacation Membership described herein, this Contract including its terms and conditions, and all documents related to this Contract, shall be deposited into a brokerage account and held in such until closing/disbursement.
3. Seller hereby gives Real Estate Brokerage the exclusive right to acquire the Vacation Membership at the price and upon the terms set out herein. This Contract may be executed by facsimile or email. All signatures sent by facsimile or email shall constitute original signatures for purposes of this Contract. All documents sent by facsimile or email shall be binding for those signatories.
4. If the Vacation Membership has a clause or restriction that impedes a sale to a corporation or event company, a Certificate of Release must be obtained to fulfill a sale.
5. Real Estate Brokerage is located in Lakewood, Colorado. If there is something that impedes the seller from selling said membership from the Mexican end or under Mexican law, Real Estate Brokerage will not be held liable.

## The Purchase Agreement

# Online Infringement: Example 1 – Timeshare Scam

SECRETARÍA DE HACIENDA  
Y CREDITO PÚBLICO

Avenida Presidente Masaryk 172, Bosques de Chapultepec, Distrito Federal, C.P. 11580  
Toll Free 1-888-433-8829

**INTERNATIONAL BANK WIRE AND CONFIRMATION FORM**

I \*\*\*\* hereby acknowledge and affirm that I have authorized my bank to transfer the funds indicated below from my account to the beneficiary listed below via international Bank Wire.

**FINAL BENEFICIARY:** PROMEX REP. DE SRV. INB. DEL CENTRO, SA DE CV

**ADDRESS:** HOMERO 538 INTERIOR 303,  
COLONIA POLANCO 5ª SECCION,  
DELEGACION MIGUEL HIDALGO, MEXICO, D.F., C.P.11560

**BANK:** SCOTIABANK

**BANK ADDRESS:** SUC.154 REFORMA 222, MEXICO D.F.  
COL. JUAREZ, DELEGACION CUAUHEMOC, CP. 06600

**CITY, STATE, COUNTRY:** CIUDAD DE MEXICO

**BANK CODE, SWIFT:** MBCOMXMM


**ACCOUNT NUMBER:** 044180001008341963

**CLABE** 044180001008341963


**AMOUNT:** \$1,950.00 USD

NOTE: PLEASE, MAKE SURE TO FAX OR E-MAIL THIS CONFIRMATION FORM AND A COPY OF THE WIRE TRANSFER RECEIPT, AS SOON AS THE TRANSACTION HAS BEEN COMPLETED.

## The Tax and Escrow Payment and Reimbursement



**DUPLICATE STATEMENT**



**Deposit Accounts**

████████████████████  
████████████████████  
████████████████████

THIS STATEMENT SHOWS ALL ACCOUNT TRANSACTIONS STARTING ON March 28, 2016

DEPOSITS		Wire FED ID Number	DAILY BALANCES	
DATE	AMOUNT		DATE	AMOUNT
March 28	\$31,790.00	12684451210124	March 28	\$31,790.00
March 29	\$6,148.00	4820H1396542337	March 29	\$38,148.00

\*\*\*INDICATES ONE OR MORE MISSING CHECKS

Beginning Balance	Deposits & Credits		Checks & Debits		Ending Balance
March 28-2016	No.	Amount	No.	Amount	March 29-2016
\$31,790.00	2	\$38,148.00			\$38,148.00

BANK ONE INVESTMENT LLC - 3 Times Square - New York, NY 10036 - 646-760-2703 - [wiredept@capitalbankinvestment.org](mailto:wiredept@capitalbankinvestment.org)

# Online Infringement: Example 1 – Timeshare Scam

- Addresses of Utah affiliate and escrow company/agent are virtual offices obtained through Regus PLC, a flexible workplace provider
- Domain names used are registered through US and Australian registrars
- Hosting of the websites done through companies located in Utah and Arizona
- Escrow company and financing company for the scheme are real US companies whose identities have been stolen
- Bank One Investment is a dormant subsidiary of JP Morgan Chase
- Parties behind the scheme are based in Mexico
- Banks and accounts where alleged “tax” funds are sent are in Mexico

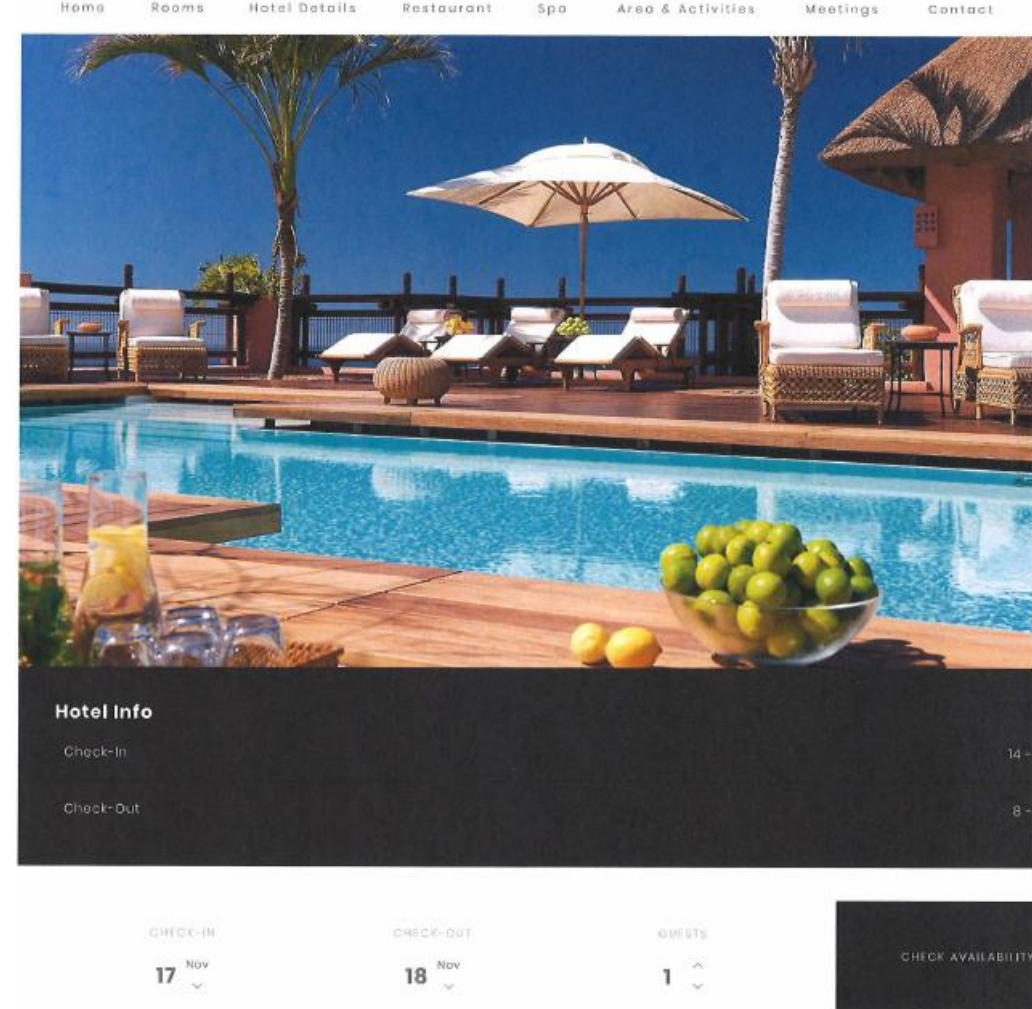
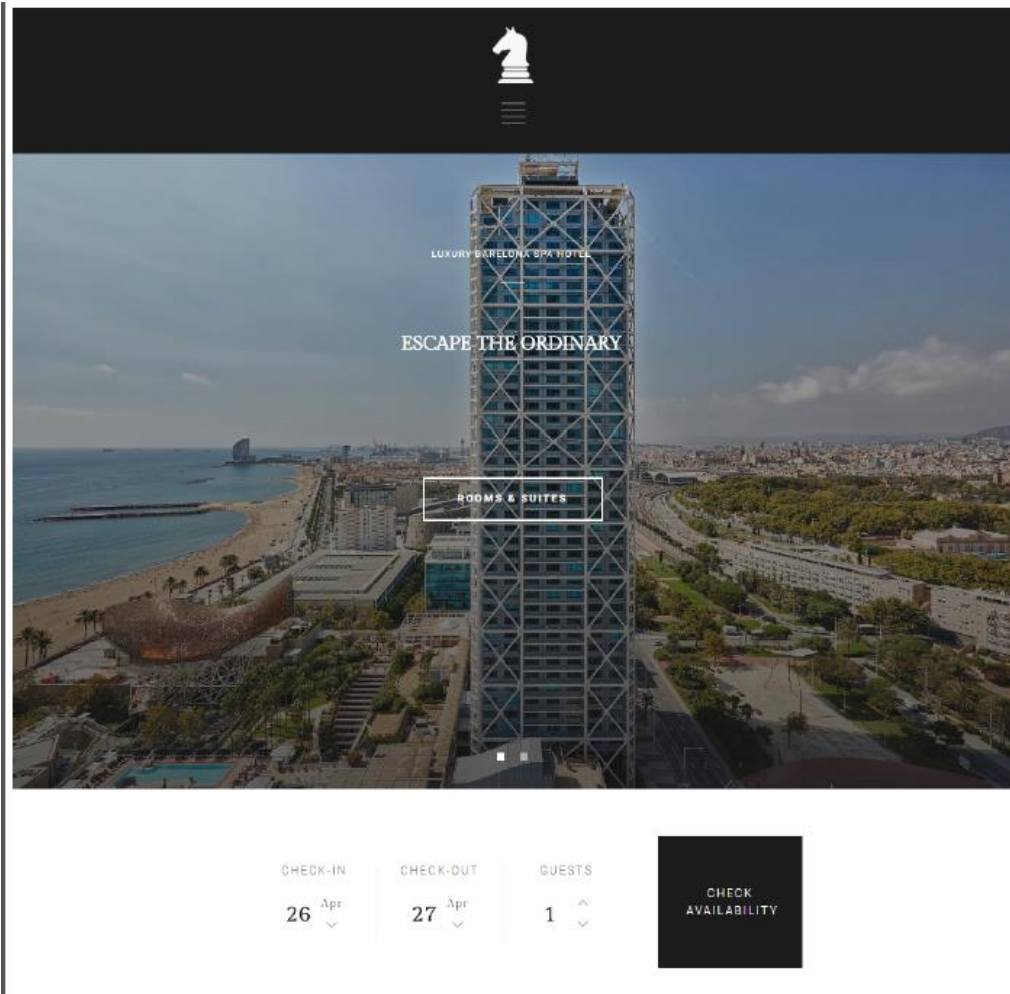


# Online Infringement: Example 1 – Timeshare Scam

## The Solution

- Identified primary instruments used to legitimize the scheme and took down all associated websites and email usage through hosts or domain name registrars
- Shut down the virtual offices used through Regus
- Apprised JP Morgan Chase and companies whose identities had been stolen of the scheme
- Contacted Mexican banks being used to receive payments
- Contacted government and law enforcement officials and agencies in the United States and Mexico
- Coordinated information with law enforcement and parties involved
- Managed customer expectations

# Online Infringement: Example 2 – False Bookings



# Online Infringement: Example 2 – False Bookings

The Ritz-Carlton, Abama  
Carretera General, TF-47, km 9 Oula de Isora +34 968 973 929  
Tenerife, Tenerife 38987 Spain

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Thanks for booking directly with us, [REDACTED]

A memorable experience awaits you.

Confirmation Number: 1718[REDACTED]

Image removed by sender [REDACTED]

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Check-In: 12/29/2018 03:00 PM

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Check-Out: 01/08/2019 12:00 PM

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Guests	5
Room Name	Two Bedroom Family Suite
[REDACTED]	
Total for Stay	6000 EUR

On Fri, [REDACTED] at 16:49, Ritz Carlton Abama <[booking@ritz-carlton-abama.com](mailto:booking@ritz-carlton-abama.com)> wrote:

Hello [REDACTED]

Thank you for your booking!

The price includes dining credit of 55€ per person, and 27.50€ per kid, per dinner, available at any of our restaurants (This credit is inclusive of tax and does not include alcoholic beverages).

Now you have to make the payment in order to complete the booking process.

There are two payment methods accepted:

1. By credit / debit card.
2. By bank transfer (this type of payment is eligible for 10% discount)

Please let me know which payment method would you choose.

I look forward to any thoughts and questions you may have.

Kind regards,  
Rodrigo Iniguez  
Ritz Carlton Abama Team

## Booking Statement and Payment Request

# Online Infringement: Example 2 – False Bookings

## INVOICE

### The Ritz-Carlton Abama

ABAMA FASE IV SL  
CIF : B76747112  
Carretera General, TF-47, km 9 Guia de Isora Tenerife  
Tenerife 38687  
Spain  
+34 968 973 929



### BILL TO



INVOICE # 366729436  
INVOICE DATE 17/10/2018

DESCRIPTION	AMOUNT
Reservation #36672 [REDACTED] Club Deluxe Room	2,450.00

Discount 10% -245.00

### Bank account details:

Company name : FREIGHT FIGO SL  
Address : C/ Francesc Moragas 36-64, 08241 Manresa, Barcelona, Spain  
Bank Name : Santander BANK  
IBAN : ES26 0049 4418 6223 1003 2732  
BIC/SWIFT : BSCHEMMXXX  
Bank Address : Av de l'Albir 155, 03581 L'Alfàs del Pi, Alicante, Spain

**TOTAL €2,205.00**

*Thank you*

### TERMS & CONDITIONS

Payment is due within 48 hours.

Invoice for Payment

# Online Infringement: Example 2 – False Bookings

- Multiple domain names, registered through a registrar in India, are used for websites offering the bookings
- Websites are hosted through various companies in the United States, Germany and Canada
- Some social media platforms are used to promote the booking websites
- Multiple Spanish banks used to receive payments for the bookings
- The parties receiving the payments in the invoices are actual newly formed companies in Spain whose identities have been stolen
- Consumers targeted are in multiple jurisdictions

# Online Infringement: Example 2 – False Bookings

## The Solution

- Searched for and identified multiple domain names being used for the scheme and identified hosts for all websites used
- Took down websites and email addresses being used
- Contacted registrar to have domain names suspended
- Contacted Spanish banks being used for payments
- Contacted government and law enforcement officials and agencies in Spain and filed a Police Complaint Form
- Coordinated efforts and provided information to Spanish police as obtained
- Managed customer expectations

# Online Infringement: Making Enforcement Difficult

- Increased use of business name registrations and trademark filings to create an aura of legitimacy
- Use of business names and trademarks as basis for registering domain names for use with infringing websites or for email
- Increased use of multiple hosting services in sometimes remote jurisdictions with little ISP liability
- Use of domain name registrars with difficult procedures and onerous requirements for abuse complaints, transfers or the like
- Use of legal or other services to further schemes and create legal positions

# Online Infringement: Final Takeaway

- Investigate problematic infringements thoroughly
- Take action quickly. The optics can be important
- Develop a strategy to impair the objected to conduct (you may never get to the source, but can impact on the success of scheme)
  - Consider options such as takedowns, UDRP, lawsuit
- Work with other parties that may be the target of a scheme and consider information sharing when appropriate
- Engage law enforcement when appropriate (not every matter will get interest)
- Use watch services to try and detect potential sources of online infringement
- Develop action plans and strategies for communicating with consumers when addressing schemes that target consumers of your brand



# Thank you

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