

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 12-21762-CIV-ALTONAGA/ SIMONTON**

CHANEL, INC.,

Plaintiff,

v.

CHANEL255.ORG, *et al*,

Defendants.

**DECLARATION OF ADRIENNE HAHN SISBARRO
IN SUPPORT OF PLAINTIFF'S *EX PARTE* APPLICATION**

I, Adrienne Hahn Sisbarro, declare and state as follows:




1. I am over 18 years of age and have personal knowledge of the facts set forth herein. If called upon to do so, I could and would competently testify as to the following facts in support of Plaintiff's *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction (the "Application for TRO") against Defendants, the Partnerships and Unincorporated Associations Identified on Schedule A attached hereto (the "Defendants").

2. I am employed by Chanel, Inc. ("Chanel"), as Director, Legal Administration. I have been so employed since 1988. Chanel is a corporation duly organized under the laws of the State of New York with its principal place of business in the United States located at Nine West 57th Street, New York, New York 10019.

3. In my capacity as Chanel's Director, Legal Administration, I am responsible, in part, for Chanel's trademark and anti-counterfeiting efforts in the United States. As a result, I am fully familiar with most aspects of the manufacture, sale, and distribution of genuine Chanel

products, including high quality handbags, wallets, and other goods, and I have been trained to identify the distinctions between genuine Chanel merchandise and counterfeit copies of the same.

4. Chanel is, and at all times relevant hereto has been, the owner of all rights in and to the following Federally registered trademarks:

Trademark	Registration Number	Registration Date	Class(es)/Goods
CHANEL	0,626,035	May 1, 1956	IC 018 – Women’s Handbags
	1,314,511	January 15, 1985	IC 018 - Leather Goods-Namely, Handbags
CHANEL	1,347,677	July 9, 1985	IC 018 - Leather Goods-namely, Handbags
CHANEL	1,733,051	November 17, 1992	IC 018 - Leather Goods; namely, Handbags, Wallets, Travel Bags, Luggage, Business and Credit Card Cases, Change Purses, Tote Bags, Cosmetic Bags Sold Empty, and Garment Bags for Travel
	1,734,822	November 24, 1992	IC 018 - Leather Goods; namely, Handbags, Wallets, Travel Bags, Luggage, Business Card Cases, Change Purses, Tote Bags, and Cosmetic Bags Sold Empty
	3,025,934	December 13, 2005	IC 018 – Handbags

(the “Chanel Marks”) which are registered on the Principal Register of the United States Patent and Trademark Office and are used in connection with the manufacture and distribution of high quality goods in the categories identified above. True and correct copies of the Federal Registrations for each of the Chanel Marks listed above are attached hereto as Composite Exhibit A.

5. Chanel is engaged in the manufacture, promotion, distribution, and sale in interstate commerce, including within this Judicial District, of high quality products under the Chanel Marks.

6. Genuine Chanel products are marketed and sold at Chanel boutiques throughout the United States, at high quality, prestigious retail stores, and via the Internet. During the time that Chanel has sold its products in interstate commerce under the Chanel Marks, Chanel has spent tens of millions of dollars to extensively advertise and promote its goods and associated trademarks. In the last five years alone, Chanel’s sales of high quality handbags, wallets, and other goods have been well into many hundreds of millions of dollars.

7. As a result of the foregoing, the Chanel Marks have acquired fame in the consumer market for a wide variety of handbags, wallets, and other goods. The Chanel Marks have come to symbolize the enormous goodwill of Chanel’s business throughout the United States and the world. No other manufacturer lawfully uses the Chanel Marks or any substantially similar marks for similar types of goods. The Chanel Marks have never been abandoned. Chanel actively polices and enforces its trademark rights.

8. The Chanel Marks are vital to Chanel’s business, as the marks represent virtually the entire value of Chanel’s overall business and associated image. Chanel suffers irreparable harm to its goodwill, as well as a direct monetary loss, any time any third parties, including

Defendants, sell counterfeit and infringing goods bearing identical or substantially similar trademarks.

9. Chanel discovered the Defendants are promoting, advertising, offering for sale and/or selling at least handbags and wallets under the Chanel Marks without Chanel's authorization via at least the Internet websites operating under their partnership and unincorporated association names identified on Schedule A hereto (collectively the "Subject Domain Names"). Defendants do not have, nor have they ever had, the right or authority to use the Chanel Marks. Further, the Chanel Marks have never been assigned or licensed to be used on any of the websites operating under the Subject Domain Names.

10. As part of its ongoing investigations regarding the sale of counterfeit Chanel branded products, Chanel retained private investigator Eric Rosaler ("Rosaler") of AED Investigations, Inc., a licensed private investigative firm, to investigate the suspected sales of counterfeit Chanel branded products by the Defendants.

11. Rosaler accessed two (2) of the websites operating under the Subject Domain Names `chanel-replica.us` and `fakechanel.us` and finalized the purchases of a wallet and a handbag, respectively – each bearing counterfeits of at least one of the Chanel Marks at issue in this action. At the conclusion of the process, I received detailed web page captures of the Chanel branded goods Rosaler purchased. (See Declaration of Eric Rosaler in Support of Plaintiff's *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction ("Rosaler Decl."), and Composite Exhibit "A" attached thereto.)

12. I personally analyzed the detailed web page captures of the Chanel branded goods purchased by Rosaler and determined the goods purchased to be non-genuine Chanel branded products. I reached this conclusion through my visual inspection of the products, including my

observation that the products are priced in a manner that is dissimilar from that used in connection with genuine Chanel products and are described as replica or fake.

13. Prior to filing this Declaration, I also accessed each of the commercial Internet websites operating under the Subject Domain Names. The websites advertise, offer for sale, and/or promote products bearing various counterfeits of the Chanel trademarks. Each e-commerce website appears to be fully-interactive and appears to allow users to browse the online stores for products bearing Chanel's trademarks, add products to the online shopping carts, proceed to a point of checkout, and otherwise actively exchange data with the websites.¹ I personally reviewed the websites, as well as the web page captures reflecting the various Chanel branded products offered for sale by Defendants via the Internet websites operating under each of the Subject Domain Names, and I determined the products were non-genuine Chanel products. I reached this conclusion through my visual inspection of the products, the pricing of the Chanel branded products, which is far below the prices of similar genuine Chanel products, and because I personally know Chanel does not conduct business with Defendants or their websites nor do they have the right or authority to use the Chanel Marks for any purpose. Additionally, I noted disclaimers on many of Defendants' websites in which they expressly acknowledge the Chanel branded goods sold thereon are "replica" and/or "fake." True and correct copies of the printouts reflecting samples of the websites I reviewed, which were downloaded by my office, are attached

¹ The Subject Domain Name replicashandbags.us was observed to automatically redirect and forward to Internet website operating under the Subject Domain Name replica-designer-handbags.org; accordingly, the web pages for the Subject Domain Name replicashandbags.us are included with the web pages for replica-designer-handbags.org. Additionally, the Subject Domain Name knockoffs-handbags.com was observed to automatically redirect and forward to Internet website operating under the Subject Domain Name replicashandbags.us which redirects to replica-designer-handbags.org (*see supra*); accordingly, the web pages for the Subject Domain Name knockoffs-handbags.com are included with the web pages for replica-designer-handbags.org.

hereto as Composite Exhibit B.

14. As part of my analysis of the Internet websites operating under the Subject Domain Names, I reviewed specific examples of Defendants' infringement of the Chanel trademarks at issue. A true and correct copy of the summary comparison table, together with printouts downloaded by my office illustrating examples of Defendants' infringement of each Chanel Mark infringed, is attached hereto as Composite Exhibit C.

15. In view of the foregoing, I can confirm the Chanel branded products recently purchased from Defendants via chanel-replica.us and fakechanel.us, are non-genuine Chanel products. I can also confirm that the products Defendants are offering for sale and/or promoting under the Chanel Marks via the Internet websites operating under or through the remaining Subject Domain Names are non-genuine Chanel products. Additionally, I can confirm Defendants do not have authorization to use the Chanel Marks or name in any of the Subject Domain Names.

16. Genuine Chanel branded goods are widely legitimately advertised, promoted, offered for sale, and discussed by Chanel, its authorized distributors and unrelated third parties via the Internet.

17. Over the course of the past five years, visibility on the Internet, particularly via Internet search engines such as Google, Yahoo!, and Bing has become increasingly important to Chanel's overall marketing and consumer education efforts. Thus, Chanel expends significant monetary resources on Internet marketing and consumer education regarding its products, including search engine optimization ("SEO") strategies, which allow Chanel, its authorized retailers, and others to fairly and legitimately educate consumers about the value of the Chanel brand and the goods sold thereunder and the problems associated with the counterfeiting of

Chanel's trademarks.

18. By engaging in SEO strategies based upon an illegal use of the Chanel Marks, Defendants are obliterating the otherwise open and available marketplace space in which Chanel has the right to fairly market its goods and associated message. Specifically, Defendants use unauthorized counterfeits of Chanel's name and trademarks within the content, anchor text, and/or meta tags of their websites in order to attract the automated eye of various search engines crawling the Internet looking for websites relevant to consumer searches for Chanel related goods and information. Such illegal use results in unfair competition with Chanel when competing for search engine results space.

19. As a result of the availability of the non-genuine Chanel branded goods being offered for sale by Defendants, Chanel will experience irreparable damage to its reputation among consumers unless the infringing activity alleged in the Complaint is stopped.

I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct. Executed the 14th day of May, 2012, at New York, New York.


Adrienne Hahn Sisbarro

SCHEDULE A
DEFENDANTS BY SUBJECT DOMAIN NAMES AND DEFENDANT NUMBER

Defendant No.	Domain Name
1	chanel255.org
2	chanel-replica.us
3	fakechanel.us
4	knockoffs-handbags.com
5	replicacocochanel.com
6	replica-designer-handbags.org
7	replicaheels.com
8	replicashandbags.us