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9  
10 **UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

11 GNLV, Corp., a Nevada corporation,  
12 Plaintiff,

13 v.

14 Kanter Associates SA, a corporation,  
15 Defendant.  
16  
17  
18  
19  
20  
21  
22  
23

Case No.:

**COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF**

- (1) Cybersquatting under  
15 U.S.C. § 1125(d)
- (2) Trademark Infringement under  
15 U.S.C. § 1114
- (3) Unfair Competition under  
15 U.S.C. § 125(a)
- (4) Common Law Trademark  
Infringement
- (5) Deceptive Trade Practices under  
N.R.S. 598.0903, et seq.
- (6) Intentional Interference with  
Prospective Economic Advantage

24  
25 For its complaint against Defendant, Plaintiff complains and alleges as follows:

26 **NATURE OF ACTION**

27 This is an action for trademark infringement and unfair competition under federal statutes,  
28 with pendent claims for common law trademark infringement, state deceptive trade practices, and

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1 intentional interference with prospective economic advantage. Plaintiff seeks damages, attorneys'  
2 fees, costs, and preliminary and permanent injunctive relief.

### 3 JURISDICTION

4 1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C.  
5 §§1331 and 1338(a). This Court has supplemental jurisdiction over Plaintiff's state law claims  
6 pursuant to 28 U.S.C. § 1367(a).

7 2. This Court has personal jurisdiction over Defendant based upon the following: (a) it  
8 operates web sites on the Internet that are accessible to residents of the State of Nevada; (b) the web  
9 sites offer direct links to resort-hotel travel and reservation websites; and (c) Defendant committed  
10 tortious acts that it knew or should have known would cause injury to Plaintiff in the State of  
11 Nevada.

12 3. Venue is proper in the United States District Court for the District of Nevada under  
13 28 U.S.C. § 1391(b) and (c). Venue lies in the unofficial Southern Division of this Court.

### 14 PARTIES

15 4. Plaintiff GNLV, Corp. is a Nevada corporation, that operates the "Golden Nugget"  
16 resort hotel casinos in Las Vegas, Nevada and Laughlin, Nevada.

17 5. Defendant Kanter Associates SA is a corporation who, upon information and belief,  
18 conducts business in City of Panama, Panama. See Whois printout for <thegoldennuggett.com>  
19 attached hereto as **Exhibit 1**.

### 20 ALLEGATIONS COMMON TO ALL COUNTS

21 6. The "Golden Nugget" is a famous destination resort hotel casino located on the  
22 world-renowned "Glitter Gulch" in Las Vegas, Nevada.

23 7. Plaintiff GNLV, Corp. owns the mark GOLDEN NUGGET and variants thereto (the  
24 "GOLDEN NUGGET Marks") and has obtained federal mark registrations for the GOLDEN  
25 NUGGET Marks, including but not limited to:

- 26 (a) GOLDEN NUGGET for casino and bar services  
27 (U.S. Reg. No. 1,554,155);  
28 . . .

- (b) GOLDEN NUGGET for nightclub, bar, cabaret and casino services (U.S. Reg. No. 1,082,044);
- (c) GOLDEN NUGGET for casino services (U.S. Reg. No. 1,203,988); and
- (d) GOLDEN NUGGET for hotel and resort hotel services (U.S. Reg. No. 2,240,084).

None of these federal trademark registrations has been abandoned, canceled or revoked. Each of these federal trademark registrations has become incontestable through the filing of Section 8 and 15 affidavits in the Patent and Trademark Office.

8. Since the Golden Nugget opened in 1946, GNLV, Corp. and its predecessors-in-interest have continuously used the GOLDEN NUGGET Marks in connection with advertising and promoting its property in the United States and around the world. The GOLDEN NUGGET name and mark is among the recognized and respected names in the gaming industry. In fact, the GOLDEN NUGGET name has become famous in the casino industry. GNLV, Corp. and its predecessors-in-interest have spent tens of millions of dollars to advertise and promote the GOLDEN NUGGET Marks in print, broadcast media and on the Internet through the Golden Nugget web site, accessible throughout the United States and around the world at <goldennugget.com>. A true and correct copy of the home page for the Golden Nugget's web site is attached hereto as **Exhibit 2** and is incorporated by this reference. In addition, GNLV, Corp. has made extensive use of the GOLDEN NUGGET Marks on, among other things, signage, wearing apparel, souvenirs and promotional materials.

9. Based on its federal trademark registrations and extensive use, GNLV, Corp. owns the exclusive right to use its GOLDEN NUGGET Marks in connection with hotel, casino and related services.

10. The uniqueness of the Golden Nugget resort hotel casino and the extensive advertising and promotion of the Golden Nugget have resulted in the GOLDEN NUGGET name and mark being distinctive and famous for resort hotel casino services.

11. On or about August 03, 2006, Defendant registered the <thegoldennuggett.com> Internet domain name ("the Infringing Domain Name") with Fabulous.Com PTY LTD, doing

1 business as [www.fabulous.com](http://www.fabulous.com), a registrar for domain names. Defendant updated the Infringing  
2 Domain Name on April 11, 2011. This domain name contains Plaintiff's famous GOLDEN  
3 NUGGET trademark with a typo or intentional misspelling by adding an additional "t" and the  
4 addition of the word "the."

5 12. Some time after registration, Defendant linked the [<thegoldennuggett.com>](http://thegoldennuggett.com)  
6 Infringing Domain Name to a site offering a direct link to resort-hotel travel and reservation  
7 services. A true and accurate copy of the home page for this web site is attached hereto as **Exhibit**  
8 **3**, and is incorporated by reference. The Defendant's internet site offers links to resort-hotel travel  
9 and reservation services, including vacation packages, that are offered at Plaintiff's casino resort.

10 13. By registering and/or using a domain name containing Plaintiff's trademark(s),  
11 Defendant was and is attempting to trade on the goodwill of Plaintiff.

12 14. By registering and/or using a domain name containing Plaintiff's trademark(s),  
13 Defendant was and is attempting to create an association between the Infringing Domain Names and  
14 the Plaintiff's famous trademarks.

15 15. Plaintiff's marks at issue in this case were distinctive at the time Defendant registered  
16 his or her domain name.

17 16. Upon information and belief, the Defendant registered the Infringing Domain Name  
18 with the bad faith intent to profit from Plaintiff's marks.

19 17. Upon information and belief, the Defendant has no trademark or other intellectual  
20 property rights in the domain name.

21 18. Upon information and belief, the Defendant had no prior use of the domain name in  
22 connection with the bona fide offering of any goods or services.

23 19. Upon information and belief, the Defendant intended to divert customers from the  
24 Plaintiff's web site to sites accessible under the domain name in a manner that could harm the  
25 goodwill represented by Plaintiff's marks.

26 20. Plaintiff's marks incorporated in Defendant's domain name are distinctive and  
27 famous. Upon information and belief, the Defendant did not believe or have reasonable grounds to  
28 believe that the use of the domain name was a fair use or otherwise lawful.

**FIRST CLAIM FOR RELIEF**  
(Cybersquatting under the  
Lanham Act, 15 U.S.C. § 1125(d))

21. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set forth herein.

22. Defendant has registered, trafficked in, and/or used a domain name that is identical or confusingly similar to and/or dilutive of Plaintiff's trademarks, which were distinctive and/or famous at the time of registration of the domain names.

23. Upon information and belief, Defendant has or had a bad-faith intent to profit from Plaintiff's trademarks.

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

**SECOND CLAIM FOR RELIEF**  
(Trademark Infringement under  
the Lanham Act, 15 U.S.C. § 1114)

25. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set forth herein.

26. Defendant used and/or is using in commerce a domain name which contains Plaintiff's trademarks, and, thus is confusingly similar to Plaintiff's names and trademarks.

27. Defendant's use in commerce of Plaintiff's marks and/or a mark confusingly similar to Plaintiff's trademarks for Defendant's services, and Defendant's use of an Internet domain name and associated a web site as identified in the Allegations Common to All Counts section above, constitutes a reproduction, copying, counterfeiting, and colorable imitation of Plaintiff's trademarks in a manner that is likely to cause confusion or mistake or is likely to deceive consumers.

28. By using Plaintiff's marks and/or marks confusingly similar to Plaintiff's trademarks with the knowledge that Plaintiff owns and has used, and continues to use, its trademarks in Las Vegas, across the United States, and around the world, Defendant has intended to cause confusion, cause mistake, or deceive consumers.

1           29. Defendant is using a mark identical and/or confusingly similar to Plaintiff's  
2 trademarks in connection with the sale, offering for sale or advertising of services in a manner that is  
3 likely to cause confusion, or to cause mistake, or to deceive consumers as to affiliation, connection,  
4 or association with Plaintiff or as to the origin, sponsorship, or approval of Defendant's services or  
5 commercial activities by Plaintiff.

6           30. Defendant's use of Plaintiff's marks and/or marks confusingly similar to Plaintiff's  
7 trademarks has created a likelihood of confusion among consumers who may falsely believe that  
8 Defendant's business or web site are associated with Plaintiff's resort hotel casinos or that Plaintiff  
9 sponsor or approve of Defendant's services or commercial activities.

10           31. As a direct and proximate result of Defendant's infringement, Plaintiff has suffered,  
11 and will continue to suffer, monetary loss and irreparable injury to its business, reputation, and  
12 goodwill.

13                           **THIRD CLAIM FOR RELIEF**  
14                           (Unfair Competition under the  
Lanham Act, 15 U.S.C. § 1125(a))

15           32. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set forth  
16 herein.

17           33. Defendant's use in commerce of marks identical and/or confusingly similar to  
18 Plaintiff's trademarks in connection with Defendant's services, web site, and Internet domain name,  
19 constitutes a false designation of origin and/or a false or misleading description or representation of  
20 fact, which is likely to cause confusion, cause mistake, or deceive as to affiliation, connection, or  
21 association with Plaintiff, or as to the origin, sponsorship, or approval of Defendant's services or  
22 commercial activities by Plaintiff.

23           34. Defendant's use in commerce of Plaintiff's marks and/or marks confusingly similar to  
24 Plaintiff's trademarks with the knowledge that Plaintiff owns and has used, and continues to use, its  
25 trademarks constitutes intentional conduct by Defendant to make false designations of origin and  
26 false descriptions about Defendant's services and commercial activities.

27           35. As a direct and proximate result of such unfair competition, Plaintiff has suffered, and  
28 will continue to suffer, monetary loss and irreparable injury to its business, reputation, and goodwill.

**FOURTH CLAIM FOR RELIEF**  
(Common Law Trademark Infringement)

36. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set forth herein.

37. By virtue of having used and continuing to use its trademarks, Plaintiff has acquired common law rights in those marks.

38. Defendant's use of marks identical and/or confusingly similar to Plaintiff's trademarks infringes Plaintiff's common law rights in its trademarks, and this use is likely to cause confusion, mistake, or deception among consumers, who will believe that Defendant's services, web sites and/or Internet domain names originate from, or are affiliated with, or endorsed by Plaintiff when, in fact, they are not.

39. As a direct and proximate result of Defendant's infringement of Plaintiff's common law trademark rights under Nevada and other common law, Plaintiff has suffered, and will continue to suffer, monetary damages and irreparable injury to its business, reputation, and goodwill.

**FIFTH CLAIM FOR RELIEF**  
(Deceptive Trade Practices  
Under N.R.S. § 598.0915)

40. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set forth herein.

41. Upon information and belief, in the course of conducting his or her business, Defendant knowingly made false representations as to affiliation, connection and/or association with Plaintiff by using a mark confusingly similar to Plaintiff's trademarks and otherwise engaged in deceptive trade practices.

42. As the direct and proximate result of Defendant's conduct, Plaintiff has suffered, and will continue to suffer, monetary damages and irreparable injury to its business, reputation, and goodwill.

...

...

**SIXTH CLAIM FOR RELIEF**  
(Intentional Interference with  
Prospective Economic Advantage)

43. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set forth herein.

44. Upon information and belief, at the time Defendant adopted and began using Plaintiff's names and marks and since that time, Defendant knew and has known that Plaintiff is in the business of providing resort hotel services.

45. Upon information and belief, Defendant committed acts intended or designed to disrupt Plaintiff's prospective economic advantage arising from advertising and/or providing these services.

46. Defendant's actions have disrupted or are intended to disrupt Plaintiff's business by, among other things, diverting web users away from Plaintiff's web site.

47. Defendant has no legal right, privilege or justification for its conduct.

48. As a direct and proximate result of Defendant's intentional interference with Plaintiff's prospective economic advantage, Plaintiff has suffered, and will continue to suffer, monetary damages and irreparable injury.

49. Based on the intentional, willful and malicious nature of Defendant's actions, Plaintiff is entitled to recover exemplary damages and reasonable attorneys' fees and costs incurred in connection with this action.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully prays that the Court grant the following relief:

A. A preliminary and permanent injunction prohibiting Defendant, its respective officers, agents, servants, employees and/or all persons acting in concert or participation with them, or any of them, from: (1) using Plaintiff's trademarks or confusingly similar variations thereof, alone or in combination with any other letters, words, letter strings, phrases or designs, in commerce or in connection with any business or for any other purpose (including, but not limited to, on web sites and in domain names); and (2) registering, owning, leasing, selling, or trafficking in any domain names containing Plaintiff's trademarks or confusingly similar variations thereof, alone or in



1 combination with any other letters, words, phrases or designs;

2 B. A preliminary and permanent injunction requiring the current domain name registrar  
3 to transfer the <thegoldennuggett.com> domain name to Plaintiff;

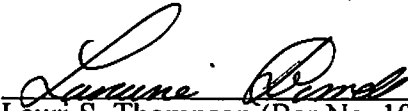
4 C. An award of compensatory, consequential, statutory, and punitive damages to  
5 Plaintiff in an amount to be determined at trial;

6 D. An award of interest, costs and attorneys' fees incurred by Plaintiff in prosecuting this  
7 action; and

8 E. All other relief to which Plaintiff is entitled.

9 DATED: 20<sup>th</sup> day of May, 2011

10  
11 GREENBERG TRAURIG, LLP

12   
13 \_\_\_\_\_  
14 Lauri S. Thompson (Bar No. 1086)  
15 Laraine Burrell (Bar No. 8771)  
16 Shauna Welsh (Bar No. 11320)  
17 3773 Howard Hughes Parkway  
18 Suite 400 North  
19 Las Vegas, Nevada 89169  
20 Counsel for GNLV, Corp.  
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# **EXHIBIT 1**

# Better-Whois.com

...SEARCH ALL DOMAIN REGISTRARS

thegoldennuggett.com is

## Reserved

Registrar: FABULOUS.COM PTY LTD.

Status:  
clientDeleteProhibited  
Status:  
clientTransferProhibited

Domain options / additional information: *(Click below to expand)*

- + if you own this domain...
- + if you are trying to register/buy this domain...
- + if you are researching this domain...

[Querying whois.verisign-grs.com]  
[whois.verisign-grs.com]Whois Server Version 2.0Domain names in the .com and .net domains can now be registered with many different competing registrars. Go to <http://www.internic.net> for detailed information. Domain Name: THEGOLDENNUGGETT.COM  
Registrar: FABULOUS.COM PTY LTD.  
Whois Server: whois.fabulous.com  
Referral URL: <http://www.fabulous.com>  
Name Server: NS1.DSREDIRECTION.COM  
Name Server: NS2.DSREDIRECTION.COM  
Status: clientDeleteProhibited  
Status: clientTransferProhibited  
Updated Date: 11-apr-2011  
Creation Date: 03-aug-2006  
Expiration Date: 03-aug-2011NOTICE: The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to view the registrar's reported date of expiration for this registration.

Sponsored Link:

**Registered your domain and ready for the next step?**

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[Querying whois.fabulous.com]  
[whois.fabulous.com]

This domain is protected by Whois Privacy Services Pty Ltd. For more information please visit [www.whoisprivacyservices.com.au](http://www.whoisprivacyservices.com.au)

Domain thegoldennuggett.com:  
Whois Privacy Services Pty Ltd  
Domain Hostmaster, Customer ID : 19314367913928  
19314367913928-f336f1@whoisprivacyservices.com.au  
PO Box 923  
Fortitude Valley QLD 4006 AU

Administrative contact:

Technical contact:

Billing contact:

Whois Privacy Services Pty Ltd  
Domain Hostmaster, Customer ID : 19314367913928  
19314367913928-f336f1@whoisprivacyservices.com.au  
PO Box 923  
Fortitude Valley QLD 4006 AU  
Phone: Phone: +61.730070090  
Fax: Phone: +61.730070091

Record dates:

Record created on: 2006-08-03 15:48:31 UTC  
Record modified on: 2011-04-11 06:08:01 UTC  
Record expires on: 2011-08-03 UTC

Nameservers:

ns1.dsredirection.com:  
ns2.dsredirection.com:

Note: Automated collection of data from this database is strictly prohibited.

[Home page](#)  
[Link-to-Us](#)  
[Contact Us](#)

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- Name portfolio manager
- Dynamic DNS service

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### Domain Registrars

[1st Domain.net](#)  
[4Domains.com](#)  
[Active ISP ASA](#)  
[Address Creation](#)  
[Aitdomains.com](#)  
[Alice's Registry, Inc.](#)  
[Alldomains.com, Inc.](#)  
[America Online, Inc.](#)  
[Ascio Technologies, Inc.](#)  
[ATLNTD.com](#)  
[AWRegistry](#)  
[BB Online UK Ltd.](#)  
[Bizcn.com, Inc.](#)  
[BookMyName SAS](#)  
[BulkRegister.com, Inc.](#)  
[Capital Networks Pty. Ltd.](#)  
[Catalog.com, Inc.](#)  
[China channel.com](#)

www.	<input type="text"/>	<input type="button" value="Search"/>
Searches shared database registry and queries appropriate registrar.		

# Better-Whois.com

...SEARCH ALL DOMAIN REGISTRARS

## thegoldennuggett.com is Reserved

Registrar: FABULOUS.COM PTY LTD.

Status:  
clientDeleteProhibited  
Status:  
clientTransferProhibited

Domain options / additional information: *(Click below to expand)*

- + If you own this domain...
- + If you are trying to register/buy this domain...
- + If you are researching this domain...

[Querying whois.verisign-grs.com]  
[whois.verisign-grs.com]Whois Server Version 2.0Domain names in the .com and .net domains can now be registered with many different competing registrars. Go to <http://www.internic.net> for detailed information. Domain Name: THEGOLDENNUGGETT.COM

Registrar: FABULOUS.COM PTY LTD.  
Whois Server: whois.fabulous.com  
Referral URL: <http://www.fabulous.com>  
Name Server: NS1.DSREDIRECTION.COM  
Name Server: NS2.DSREDIRECTION.COM  
Status: clientDeleteProhibited  
Status: clientTransferProhibited  
Updated Date: 11-apr-2011  
Creation Date: 03-aug-2006

Expiration Date: 03-aug-2011NOTICE: The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to view the registrar's reported date of expiration for this registration.

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[Querying whois.fabulous.com]  
[whois.fabulous.com]

Domain thegoldennuggett.com:  
Kanter Associates SA  
Bank Boston Tower, Via Espana No. 122, 16th Floor  
City of Panama, PA

Administrative contact:  
Technical contact:  
Billing contact:  
Kanter Associates SA  
Admin  
[kanter@fastmail.fm](mailto:kanter@fastmail.fm)  
Bank Boston Tower, Via Espana No. 122, 16th Floor  
City of Panama, PA  
Phone: +507.41225948152  
Fax:

Record dates:

[Home page](#)  
[Link-to-Us](#)  
[Contact Us](#)

### Featured Registrar

Register a domain name with [Register.com](#) for only \$20. Includes:

- Free starter web site
- Free web forwarding
- Free e-mail forwarding
- Free domain locking
- Name portfolio manager
- Dynamic DNS service

[Click here for discounted rate.](#)

### Domain Registrars

[CommuniGal Comm.](#)  
[Computer Data Networks](#)  
[CORE](#)  
[Corporate Domains](#)  
[Cronon AG](#)  
[Cyberregistro.com](#)  
[Cypack.com](#)  
[Deutsche Telekom, AG](#)  
[DirectI.com](#)  
[DirectNIC](#)  
[Dodora Unified Comm., Inc.](#)  
[Domain Bank, Inc.](#)  
[DomainCA.com](#)  
[DomainCity](#)  
[Domaindiscount24.com](#)  
[DomainDiscover](#)

Record created on: 2006-08-03 15:48:31 UTC  
Record modified on: 2011-04-11 06:08:01 UTC  
Record expires on: 2011-08-03 UTC

**Nameservers:**

ns1.dsredirection.com:  
ns2.dsredirection.com:

Note: Automated collection of data from this database is strictly prohibited.

www.	<input type="text"/>	<b>Search</b>
Searches shared database registry and queries appropriate registrar.		

# **EXHIBIT 2**

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5/17/2011

**CHECK-OUT DATE**

5/18/2011

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NUGGET  
EVENT  
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# **EXHIBIT 3**

**Thegoldennuggett.com**

What you need, when you need it

May 10, 2011

Related Searches

**Golden Nugget**  
**Las Vegas Hotel**  
**Las Vegas Packages**  
**Cheap Auto Insurance**  
**Las Vegas Hotel Casino**  
**New York City Hotel**  
**Tickets**  
**Las Vegas Shows**  
**Casino**

Popular Categories

**Travel**

Airline Tickets

Hotels

Car Rental

Flights

South Beach Hotels

**Finance**

Free Credit Report

Online Payment

Credit Card Application

Car Insurance

Health Insurance

**Home**

Foreclosures

Houses For Sale

Mortgage

People Search

Real Estate Training

Search:

Search

Search results for:

**golden nugget**

What you need, when you need it

May 10, 2011 English

**Related Searches**

**Airline Tickets**

**Employment**

**Car Insurance**

**Ringtones**

**Dating**

**Houses For Sale**

**Related Searches**

- Airline Tickets
- Employment
- Car Insurance
- Ringtones
- Dating
- Houses For Sale
- Mortgage
- Hotels
- Work From Home
- Free Credit Report

*Sponsored Listings*

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getaroom.com/golden-nugget-vegas

### Don't Buy Gold Nuggets

Until You Read This. Free Gold Investment Kit. Get Gold Facts Now!  
www.wholesalegold.com/BuyGold

### Hotel Reservations

Golden Nugget Casino Discounts.. Call 1-800-447-4136 or Book Online  
www.hotelreservations.com

### Hotel Golden Nugget Las

Cheap Hotels in Golden Book Online or Call Today & Save.  
golden.coloradohotels.com

*Web search results*

### Australian Webmaster Blog

Real Social Dynamics - The Blueprint Decoded Believe The Hype... Four Life  
Altering Days ...  
http://www.webmasterblog.com.au/

### Las Vegas Conventions For November 2010

... topic however there is one golden nugget of information I ...  
http://www.lvcl.com/conventions/conv1110.html

### ||Rebar Hook. Rebar Definition||

Nevada | Gambling Blog Home About Contact For Sale Online gambling sites  
Gambling review Directory Miscellaneous Submit link ...  
http://buildinspect.com.au/kandy-rebar-mapping/

### Welcome To Las Vegas - Imbibe Magazine

... & Compulsive Disorders - Certified Addictio Golden Nugget - 50  
Attendees Expected 11/06 ...  
http://www.imbibemagazine.com/Welcome-to-Las-Vegas

### Free Pogo Game Tokens |200 Free Chucky Cheese Tokens. Red Point Ration Tokens|

Rebar hook. rebar definition|| rebar mapping rebar steel buyers skin post  
rebar fence rebar coupling systems seaport charleston ...  
http://alephacademy.com/sami-birds-as-tokens/

Search:  Search

P