

EXHIBIT A



**NATIONAL
ARBITRATION
FORUM**

DEUTSCHE LUFTHANSA AG,

Complainant,

v.

FUTURE MEDIA ARCHITECTS, INC.

Respondent.

Disputed Domain Name: *lh.com*

File Number: FA0802001153492

**COMPLAINT IN ACCORDANCE WITH THE
UNIFORM DOMAIN NAME DISPUTE RESOLUTION POLICY**

I. Introduction

1. This Complaint is hereby submitted for decision in accordance with the Uniform Policy for Domain Name Dispute Resolution, adopted by the Internet Corporation for Assigned Names and Numbers ("ICANN") on August 26, 1999 ("Policy"), the Rules for Uniform Domain Name Dispute Resolution Policy, approved by ICANN on October 24, 1999 ("Rules"), and the National Arbitration Forum (the "Forum" or "NAF") Supplemental Rules for Uniform Domain Name Dispute Resolution Policy ("Supplemental Rules"), effective January 1, 2006. *See* Rules 3(b)(i).

II. The Parties

A. The Complainant

[Rule 3(b)(ii) and (iii)]

2. The Complainant in this administrative proceeding is Deutsche Lufthansa AG (“Lufthansa” or “Complainant”) an internationally famous German aviation company having its business headquarters in Köln, Deutschland (Germany).

3. The Complainant’s contact details are as follows: Complainant’s address is Von-Gablenz-Strasse 2-6, 50679 Köln, Deutschland (Germany), its telephone number is +49 221.826.2444, and its fax number is +49 221.826.2286.

4. The Complainant’s authorized representatives in this administrative proceeding are Dennis J. Mondolino and Christine A. Pepe of the law firm of McDermott Will & Emery LLP, 340 Madison Avenue, New York, New York 10173. Dennis Mondolino’s telephone number is (212) 547-5823, his facsimile number is (212) 547-5444, and his e-mail address is dmondolino@mwe.com. Christine Pepe’s telephone number is (212) 547-5414, her facsimile number is (212) 547-5444, and her e-mail address is cpepe@mwe.com.

5. The Complainant’s preferred methods of receiving communications are as follows: electronic-only material should be sent to Dennis Mondolino at dmondolino@mwe.com and to Christine Pepe at cpepe@mwe.com. Materials including hardcopy should be sent by facsimile to the attention of Dennis Mondolino and Christine Pepe at (212) 547-5444.

B. The Respondent

[Rule 3(b)(v)]

6. According to Network Solutions, LLC's ("Network Solutions") "Whois" query results, the Respondent in this administrative proceeding is Future Media Architects, Inc. ("FMA"). A copy of the database record for the domain name that is the subject of this Complaint is attached hereto as Exhibit A.

7. All information known to the Complainant regarding how to contact Respondent is as follows: Respondent's address is listed as PO Box 71, Road Town, Tortola 99999 VG. Respondent's email address is dns-admin@fma.net. Respondent's phone number is (703) 868-6000 and facsimile number is (703) 780-4738.

8. Upon information and belief, the attorney for Respondent is James E. Rosini, Kenyon & Kenyon, One Broadway, New York, NY 10004-1050. By way of background, on December 13, 2006, counsel for Lufthansa wrote a cease and desist letter to Respondent at the above address, placing Respondent on notice of Complainant's rights and further, asserting that Respondent's registration and use of Respondent's domain name *lh.com* was unlawful and constituted unfair competition, intentional trademark infringement, trademark dilution and false designation of origin. See attached Exhibit B. On January 10, 2007, Respondent's counsel responded by attacking Complainant's rights in the mark LH. See attached Exhibit C.

III. The Domain Name and Registrar

[Rules 3(b)(vi) and (vii)]

9. This dispute concerns the domain name *lh.com* (the “Domain Name”).

10. The registrar of record for the Domain Name is Moniker Online Services, LLC (“Moniker”). The address for Moniker is 20 SW 27th Avenue, Suit 201, Pompano Beach, Florida 33069, its telephone number is (800) 841-7686, and its email is support@moniker.com.

11. Moniker has adopted the Policy and Rules, which are incorporated by reference into its Registration Agreement and Dispute Policies, which are attached hereto as Exhibit D.

IV. The Trademarks and Service Marks Upon Which the Complaint is Based

[Rule 3(b)(viii)]

12. This Complaint is based upon the internationally known and famous trademark and service mark LH, which has been adopted and continually used in commerce by the Complainant since at least as early as 1945 in connection with the advertising and sale of, *inter alia*, airline flights and generally aviation and travel-related products and services.

13. Complainant’s company Lufthansa was founded in 1926 in Berlin, Germany. The company’s original name was Deutsche Luft Hansa Aktiengesellschaft. The mark LH derives from Complainant’s corporate name “Luft Hansa,” which originally was used as two separate words. In German, Luft means “air” and Hansa refers to the Hanseatic League, a powerful medieval trading group. See Exhibit E, publicly available information and promotional materials regarding Complainant Lufthansa.

14. In 1945, the International Airline Traffic Association (“IATA”) assigned Complainant Lufthansa the airline designator “LH.” See Exhibit F. By way of background,

IATA is the global trade organization for the air transport industry and is responsible for building the commercial standards of the aviation industry. *See Exhibit F.* One of IATA's goals is to ensure that people and goods can move around the global airline network as easily as if they were on a single airline in a single country. *Id.* IATA is the prime vehicle for inter-airline cooperation in promoting safe, reliable, secure and economical air services for the benefit of the world's consumers. *Id.*

15. Since 1945 and continuing to the present, Complainant has used the mark LH and the LH designator in commerce: the mark LH appears next to all of Complainant's flight numbers on all customer tickets (including electronic tickets) and on airport departure/arrival monitors (also referred to as Flight Information Display Systems or FIDS) and gates in connection with all Lufthansa flights, and is generally used in connection with the offering and sale of any Lufthansa flight. *See Exhibit G* evidencing Complainant's use of the mark LH in commerce, including the use on tickets and FIDS. Complainant also operates the web sites <www.lufthansa.com>, which allows consumers to research and book Lufthansa flights, and <www.flylh.com>, which connects internet users to the Lufthansa City Center network, a worldwide travel agency. *See Exhibit G.* In addition to these domain names and active web sites, Complainant further maintains current registrations for the domain names <www.lh-onlineinfo.de> and <www.lh-usa.com>. Therefore, on a global level, both airline industry professionals (*e.g.*, travel agents) and consumers (*e.g.*, travelers) globally associate Complainant's mark LH with Complainant and its high quality airline flights and related travel services.

16. For instance, Complainant was an official sponsor of the German National Soccer Team in connection with the 2006 World Cup, which is held every four years. *See Exhibit H.* In

connection with the World Cup, Complainant launched the "LH2006" campaign to promote and advertise Complainant's airline flights and related travel services. *Id.* In connection with this campaign, Complainant promoted the mark LH through its distribution of LH2006 banners, coasters, key chains and other memorabilia and launched (and still currently operates) the website <www.lh2006.com>.

17. Complainant is also the owner of the mark LH under German Trademark Registration Number 399 47 202, November 22, 1999 (*see Exhibit I*), Swiss Registration Mark Number 476792, October 31, 2000 (*see Exhibit J*); and European OHIM Certificate of Registration Number 001472349, May 18, 2001 (*see Exhibit K*). , Certified translations of these trademark registrations are attached hereto as Exhibits I-K.

18. As a result of this widespread, long-time, continuous, and prominent use of the mark LH, the mark has acquired significant goodwill, public recognition and international fame as a means by which Complainant and its flights and travel-related products and services are known to the public and its source and origin are identified. Complainant has established significant secondary meaning in the mark LH and therefore, has well established legal rights in the mark LH.

V. Grounds On Which The Complaint is Made

A. **The Domain Name is Identical to and Confusingly Similar to Complainant's Mark**

[Rule 3(b)(ix)(1)]

19. Respondent's registered Domain Name, *lh.com*, is identical to and consists entirely of the mark LH, in which Complainant has well established rights.

20. By registering the Domain Name, which is identical to Complainant's mark LH, Respondent creates a likelihood of confusion with Complainant's mark as to the source,

sponsorship, affiliation, or endorsement of the Domain Name and the web site to which it resolves. As a result, Respondent's Domain Name is likely to cause confusion, mistake, and misleadingly divert Internet users trying to locate legitimate information about Complainant, its business, its aviation products, airline flights and related services, and its own legitimate web sites <www.lufthansa.com>, <www.fly-lh.com>, and <www.lh2006.com>.

B. Respondent Has No Rights or Legitimate Interest in the Domain Name

[Rule 3(b)(ix)(2)]

21. Complainant has in no way consented to Respondent's use of the Domain Name. On December 13, 2006, counsel for Lufthansa wrote a cease and desist letter to Respondent, placing Respondent on notice of Complainant's rights in the mark LH and further, asserting that Respondent's registration and use of Respondent's domain name *lh.com* was unlawful and constituted unfair competition, intentional trademark infringement, trademark dilution and false designation of origin. *See* attached Exhibit B. On January 10, 2007, Respondent's counsel responded by attacking Complainant's legitimate rights in the mark LH. *See* attached Exhibit C. Despite being placed on notice of Complainant's legitimate rights in the mark LH, Respondent has continued, through its operation of the Domain Name, to commercially benefit and trade off of the good will of Complainant's mark LH.

22. Respondent cannot demonstrate any legitimate right or interest in the Domain Name. Respondent is not commonly known by the Domain Name, either as a business, individual, or other organization. *See* Policy ¶4(c)(ii). Respondent operates under the business name Future Media Architects, Inc. Respondent is well-accustomed to ICANN proceedings and has, several times in the past, been forced to transfer domain names consisting of trademarks. *See infra* ¶34. Indeed, Respondent's entire business model involves the acquisition and use of as

many domain names as possible. Upon information and belief, beginning in approximately 2000, Respondent began to acquire mass amounts of domain names and currently, is the owner of over 100,000 domain names. See Exhibit L, information relating to Respondent and its business.

23. Although the Domain Name itself appears to have been originally registered in January 1995 (See Exhibit A), upon information and belief, Respondent acquired rights to the Domain Name much later in time and long after Complainant's mark LH had acquired significant good will and recognition as a means by which the public identifies Complainant's airline flights and related travel goods and services. Importantly, a domain name transfer from a registrant who may have had rights or legitimate interests in the Domain Name to a registrant, such as Respondent in this case, does not automatically confer legitimacy on the transferee and the use of a domain name in a manner, such as here, that infringes upon a trademark prevents the acquisition of legitimacy. *Grana Padano v. Colombi Cristiano*, No. AF 0252 (Aug. 14, 2000); *NFL Properties, Inc. v. One Sex Entertainment Co.*, WIPO Case No. D2000-0118 (April 17, 2000). Therefore, any argument made by Respondent that it acquired legitimacy of the Domain Name and that any such purported legitimacy extends back as early as 1995 must be rejected.

24. The use made by Respondent of its excessive inventory of domain names remains highly suspect. As evidenced by past decisions, Respondent has used domain names that constitute trademarks of third parties to direct Internet users to, for instance, its own OXiDE search engine/web site or mp3.tv web site, even though the various domain names would not lead a web user to associate Respondent's services with the particular domain name. See e.g., *Calcar, Inc. v. Future Media Architects, Inc.*, FA70709001080147 (NAF Nov. 6, 2007); *National Rifle Association of America v. Future Media Architects, Inc.*, FA 0608000781430

(NAF Oct. 13, 2006); *QNX Software Systems Ltd. v. Future Media Architects, Inc.*, Case No. D2003-0921 (WIPO Feb. 26, 2004). Through this model and the employment of various click-through links and sponsored links to third party web sites, Respondent obtains a commercial benefit.

25. In this case, the Domain Name *lh.com* currently resolves to a web site that promotes Respondent's OXiDE search engine and web site <www.oxide.com> and further, connects users to numerous sponsored links to third party web sites relating to various subjects. A copy of the web site home page (and subsidiary pages showing the various links to third party web sites) from which the Domain Name resolves is attached hereto as Exhibit M.

26. Respondent is using the Domain Name to divert Internet traffic and users seeking Complainant's business, well-known aviation products and services, and legitimate web sites <www.lufthansa.com>, <www.flylh.com>, and <www.lh2006.com> to its own *lh.com* web site where it promotes its OXiDE search engine. Upon information and belief, Respondent can offer no explanation as to how the particular domain name *lh.com* could possibly promote its OXiDE search engine or how an Internet user wishing to reach Respondent's OXiDE engine would associate the combination of letters "LH" with OXiDE. *QNX Software Systems Ltd. v. Future Media Architects, Inc.*, Case No. D2003-0921 (WIPO Feb. 26, 2004). Indeed, Internet users typing in the term LH would be seeking Complainant and Complainant's products and services. Therefore, the promotion of Respondent's web site involves the use of Complainant's good will in the mark LH without Complainant's consent. *Id.*

27. Respondent's use of Complainant's mark LH in the Domain Name to attract Internet users to its *lh.com* web site does not constitute a *bona fide* offering of goods and services under Policy ¶4(c)(i). The web site to which the Domain Name resolves connects

Internet users to numerous sponsored links to third party web sites relating to various subjects. The use of the Domain Name to run click-through links or to redirect users to sponsored web sites does not qualify as a bona fide offering of goods and services, and it is presumed that the registrant received compensation for each misdirected user. *See e.g., Calcar, Inc. v. Future Media Architects, Inc.*, FA70709001080147 (NAF Nov. 6, 2007); *National Rifle Association of America v. Future Media Architects, Inc.*, FA 0608000781430 (NAF Oct. 13, 2006); *The Wedding Channel.com, Inc. v. Vasiliev*, FA 156716 (NAF June 12, 2003).

28. In view of Complainant's use of the mark LH for over fifty years and the public's recognition of the mark LH with Complainant and Complainant's airline flights and related travel goods and services, it is clear the Respondent—as has been its pattern in the past—is attempting to commercially benefit from and trade off of the good will of Complainant's mark LH. *National Rifle Association of America v. FMA*, (NAF Oct. 13, 2006). In short, Respondent is not using the Domain Name in connection with a bona fide offering of goods or services. *See* Policy, ¶ 4(c)(i).

29. Nor is Respondent making a legitimate noncommercial or fair use of the Domain Name. *See* Policy, ¶ 4(c)(iii). On information and belief, the sole reason Respondent has chosen the Domain Name *lh.com* is to misleadingly divert Internet traffic and users seeking Complainant's goods and services and Complainant's legitimate web sites (*i.e.*, <www.lufthansa.com>, <www.fly-lh.com>, and <www.lh2006.com>) to Respondent's OXiDE search engine and web site for commercial gain. *See also supra* at ¶¶ 21-28.

C. The Domain Name Was Registered And Is Being Used In Bad Faith

[Rule 3(b)(ix)(3)]

30. Upon information and belief, Respondent registered the Domain Name with the intent to attract Internet users to its OXiDE search engine and <www.oxide.com> web site for

commercial gain by creating a likelihood of confusion with Complainant's mark LH as to the source, sponsorship, affiliation, or endorsement of Respondent's web site, thereby misleadingly diverting Internet traffic from Complainant's web site to Respondent's for commercial gain. See Policy, ¶ 4(b)(iv).

31. Again, in view of Complainant's longstanding, wide spread and international use of its mark LH, *see supra* ¶12-18, Respondent knew or should have known of Complainant's trademark rights prior to acquiring rights to the Domain Name. Given the longstanding public recognition of the mark LH, there is no reason for Respondent to have registered the Domain Name other than to trade off of the reputation and goodwill of Complainant's famous LH mark. See *Charles Jordan Holding AG v. AAIM*, D2000-0403 (WIPO, June 27, 2000) (finding that the domain name in question is "so obviously connected with the Complainant and its products that its very use by someone with no connection with the Complainant suggests opportunistic bad faith."); *see also National Rifle Association of America v. FMA* (NAF Oct. 13, 2006).

32. On information and belief, Respondent derives revenue from its use of Complainant's mark LH by using it to attract Internet traffic to the *lh.com* web site which promotes its OXiDE search engine and <www.oxide.com> web site and further, connects users to numerous sponsored links to third party web sites. This use of the Domain Name indicates that Respondent has "intentionally attempted to attract, for commercial gain, Internet users to [Respondent's] web site or other on-line location, by creating a likelihood of confusion with the Complainants' Mark as to the source, sponsorship, affiliation, or endorsement of [Respondent's] web site or location or of a product or service on [Respondent's] web site or location." See Policy, ¶ 4(b)(iv).

33. Importantly, when the mark LH is typed into Respondent's OXiDE search engine, none of the results relate to the LH or Complainant's airline service. In fact, the results from Respondent's OXiDE search engine are generally non-sensical—none of the results relate to the term searched but instead connect the user to various unrelated sponsored links. See Exhibit M. This is further evidence that Respondent is using the Domain Name and the *lh.com* web site in bad faith to confuse Internet users for a commercial gain.

34. Furthermore, Respondent has a prior history of registering domain names encompassing well-known company names or marks, including <calcar.org>, <nra.net>, and <qnx.info>. All of these companies owning marks identical or confusingly similar to the domain names registered by Respondent filed UDRP complaints against Respondent, and in each case, Respondent was found to have registered the domain name in bad faith and ordered to transfer the domain name back to the company with the legitimate interest in the name. See *Calcar, Inc. v. Future Media Architects, Inc.*, FA70709001080147 (NAF Nov. 6, 2007); *National Rifle Association of America v. FMA* (NAF Oct. 13, 2006); *QNX Software Systems Ltd. v. Future Media Architects, Inc.*, Case No. D2003-0921 (WIPO Feb. 26, 2004). In light of Respondent's history of registering domain names bearing prominent company names and marks in bad faith, Respondent has engaged in a "pattern of conduct" in order "to prevent the owner of the trademark[s] from reflecting the mark in corresponding domain name[s]." See Policy, Paragraph 4(b)(ii).

35. Respondent's registration of the Domain Name also violates the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 43(d), *et seq.* Indeed, Respondent's conduct has been held to fall within the cybersquatting activity for which the ICANN policy was designed to discourage. See *National Rifle Association of America v. FMA* (NAF Oct. 13, 2006).

36. Finally, Respondent's registration of the Domain Name is dilutive of Complainant's mark LH by making it more difficult for web users to locate Complainant's legitimate goods and services and web sites (*i.e.*, <www.lufthansa.com>, <www.fly-lh.com>, and <www.lh2006.com>). By eroding the source-identification function of Complainant's mark LH in this way, Respondent's registration of the Domain Name dilutes the distinctiveness of Complainant's mark.

VI. Remedies Requested

[Rule 3(b)(x)]

37. In accordance with ¶ 4(i) of the Policy, for the reasons described in Section V above, the Complainant requests that the Administrative Panel appointed in this administrative proceeding issue a decision that *lh.com* be transferred to the Complainant.

VII. Arbitration Panel

[Rule 3(b)(iv)]

38. The Complainant elects to have the dispute decided by a three-member Panel. Complainant submits the names and contact information for the following three potential panelists:

- (1) Alan L. Limbury
Strategic Resolution
2 Crown Street
Woolloomooloo
New South Wales 2011
Australia
Telephone: +61 (0) 2 9368 0274
Facsimile: +61 (0) 2 9368 0643
E-mail: expert@strategic-resolution.com
- (2) David H. Tatham
113 Rivermead Court

Ranelagh Gardens
London SW6 3SB
United Kingdom
Telephone: +44 20 7731 2621
Facsimile: +44 20 7731 2621
E-mail: tatham@dsl.pipex.com

- (3) Nelson A. Diaz
Cozen O'Connor
1900 Market Street
Philadelphia, PA 19103
Telephone: (215) 665-5514
Facsimile: (215) 665-2013

VIII. Mutual Jurisdiction

[Rule 3(b)(xiii)]

39. In accordance with Rules 3(b)(xiii), the Complainant agrees to submit, only with respect to any challenge that may be made by Respondent to a decision by the Administrative Panel to transfer or cancel the domain name that is the subject of this Complaint, to the jurisdiction of the federal district court for the Southern District of Florida, Miami Division, or another court in Miami-Dade County, Florida, where Moniker Online Services, LLC has its headquarters and which is the choice of law in the Registration Agreement.

IX. Other Legal Proceedings

[Rule 3(b)(xi)]

40. No legal proceedings have been commenced or terminated in connection with the Domain Name *lh.com*. See Rules 3(b)(xi).

X. Communications and Certification

41. Complainant agrees that its claims and remedies concerning the registration of the domain name, the dispute, or the dispute's resolution shall be solely against the domain name holder and waives all such claims and remedies against (a) the National Arbitration Forum and

panelists, except in the case of deliberate wrongdoing, (b) the registrar, (c) the registry administrator, and (d) the Internet Corporation for Assigned Names and Numbers, as well as their directors, officers, employees, and agents. *See* Rules 3(b)(xiv).

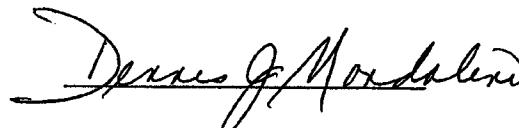
42. Complainant certifies that the information contained in this Complaint is to the best of Complainant's knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this Complaint are warranted under the Policy and Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument. *See* Rules 3(b)(xiv).

43. Complainant certifies that a copy of this Complaint has been sent or transmitted to Respondent in accordance with Rules 2(b) and 3(b)(xii).

44. Complainant certifies that a copy of this Complaint has been sent or transmitted to the Registrar, Moniker, in accordance with Supplemental Rules 4(e)(i).

Dated: March 4, 2008

Respectfully Submitted,



Attorneys for the Complainant

Dennis J. Mondolino
Christine A. Pepe
McDermott Will & Emery LLP
340 Madison Avenue
New York, New York 10024
Telephone: (212) 547-5823
Facsimile: (212) 547 5444

INDEX OF EXHIBITS

EXHIBIT NUMBER	DESCRIPTION
<u>Exhibit A</u>	Network Solutions, LLC's Whois Database Printout For The Domain Name <i>lh.com</i>
<u>Exhibit B</u>	Letter sent by Complainant's counsel to Respondent
<u>Exhibit C</u>	Letter sent to Complainant's counsel from Respondent's counsel.
<u>Exhibit D</u>	Moniker's Registration Agreement and Dispute Policies
<u>Exhibit E</u>	Publicly Available Information and Promotional and Corporate Information regarding Complainant Lufthansa
<u>Exhibit F</u>	IATA Designator Information
<u>Exhibit G</u>	Materials Evidencing Use in Commerce of mark LH
<u>Exhibit H</u>	Complainant's "LH2006" Campaign Materials
<u>Exhibit I</u>	German Trademark Registration Number 399 47 202, November 22, 1999 and Certified Translation
<u>Exhibit J</u>	Swiss Registration Mark Number 476792, October 31, 2000 and Certified Translation
<u>Exhibit K</u>	European OHIM Certificate of Registration Number 001472349, May 18, 2001
<u>Exhibit L</u>	Information regarding Respondent and Respondent's business
<u>Exhibit M</u>	Printout of Web Site from which Domain Name resolves promoting Respondent's OXiDE search engine and web site

A

WHOIS Search Results

Your WHOIS Search Results



lh.com

Services from Network Solutions:

- [Certified Offer Service](#) - Let us help you get this domain name!
- [Backorder](#) - Try to get this name when it becomes available.
- [SSL Certificates](#) - Get peace of mind with a secure certificate.
- [Enhanced Business Listing](#) - Promote your business to millions of viewers for only \$1 a month!

Moniker Whois Server Version 2.0

The Data in Moniker's WHOIS database is provided for information purposes only, and is designed to assist persons in obtaining information related to domain name registration records. Moniker does not guarantee its accuracy. By submitting a WHOIS query, you agree that you will use this Data only for lawful purposes and that, under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail (spam); or (2) enable high volume, automated, electronic processes that apply to Moniker (or its systems). Moniker reserves the right to modify these terms at any time. By submitting this query, you agree to abide by this policy.

Domain Name: LH.COM

Registrant [1690]:
 Future Media Architects, Inc.
 P.O. Box 71
 Road Town
 Tortola
 99999
 VG

Administrative Contact [1690]:
 com fma dns-admin@fma.net
 Future Media Architects, Inc.
 P.O. Box 71
 Road Town
 Tortola
 99999
 VG
 Phone: +1.7038686000
 Fax: +1.7037804738

Billing Contact [1690]:
 com fma dns-admin@fma.net
 Future Media Architects, Inc.
 P.O. Box 71
 Road Town
 Tortola
 99999
 VG
 Phone: +1.7038686000
 Fax: +1.7037804738

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Search Engines

TOP SECRET

Technical Contact [1690]:
com fma dns-admin@fma.net
Future Media Architects, Inc.
P.O. Box 71
Road Town
Tortola
99999
VG
Phone: +1.7038686000
Fax: +1.7037804738

Domain servers in listed order:

NS1.US.FMA.NET 72.32.55.82
NS2.US.FMA.NET 72.3.153.73

Record created on: 1995-01-31 00:00:00.0
Database last updated on: 2007-12-15 12:09:44.48
Domain Expires on: 2013-02-01 00:00:00.0

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or completeness.

[Show underlying registry data for this record](#)

Current Registrar: MONIKER ONLINE SERVICES, INC.
IP Address: 72.32.79.195 (ARIN & RIPE IP search)
IP Location: US(UNITED STATES)-DELAWARE-WILMINGTON
Record Type: Domain Name
Server Type: Indeterminate
Lock Status: clientDeleteProhibited
DMOZ: no listings
YI Directory: see listings
Web Site Title: Welcome to WWW.LH.COM! Search Results Powered by OXIDE searchradical results (TM)
Meta Description: WWW.LH.COM, Search the web and find what you are looking for with OXIDE Search! Live Life Through OXIDE!
Meta Keywords: WWW.LH.COM, USE OXIDE SEARCH POWER
Secure: No
E-commerce: No
Traffic Ranking: Not available
Data as of: 27-Nov-2006

Search >

SEARCH AGAIN

Enter a search term:

e.g. networksolutions.com

Search by:

- Domain Name
- NIC Handle
- IP Address

Search >

your domain name registration be included in a public database known as WHOIS. To learn about actions you can take to protect your WHOIS information visit www.internetprivacyadvocate.org.

NOTICE AND TERMS OF USE: You are not authorized to access or query our WHOIS database through the use of high-volume, automated, electronic processes or for the purpose or purposes of using the data in any manner that violates these terms of use. The Data in Network Solutions' WHOIS database is provided by Network Solutions for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. Network Solutions does not guarantee its accuracy. By submitting a WHOIS query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via direct mail, e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to Network Solutions (or its computer systems). The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of Network Solutions. You agree not to use high-volume, automated, electronic processes to access or query the WHOIS database. Network Solutions reserves all rights and remedies it now has or may have in the future, including, but not limited to, the right to terminate your access to the WHOIS database in its sole discretion, for any violations by you of these terms of use, including without limitation, for excessive querying of the WHOIS database or for failure to otherwise abide by these terms of use. Network Solutions reserves the right to modify these terms at any time.



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\$11.95/month, plus a \$499.00

design fee



"An outstanding customer service experience"
J.D. Power and Associates



100% Secure Transaction

For your protection, this Web site is secured with the highest level of SSL Certificate encryption.

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B



Your reference	Our reference/Date	Telephone ext.
NYC CJ/U	13 December 2006	(516)296-9579
		Fax: (516)296-9399

Future Media Architects, Inc.
P.O. Box 71
Road Town, Tortola
British Virgin Islands
99999

Re: Domain name www.lh.com

Dear Sir/Madam:

It has been brought to my attention that Future Media Architects, Inc. ("FMA") is using a registered trademark of Deutsche Lufthansa Aktiengesellschaft ("Lufthansa").

Lufthansa is the owner of "LH" under German Trademark Registration Number 399 47 202; European OHIM Certificate of Registration Number 001472349; and Swiss Registration Mark Number 476792, along with numerous other registrations pertaining to the mark. Lufthansa uses this mark in Europe and throughout the world in conjunction with its aviation services. Lufthansa's registration has been in full effect since 1999.

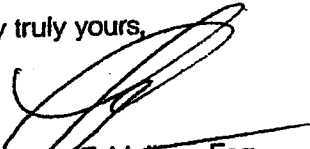
It is clear that Future Media Architects, Inc.'s use of the mark is confusing to and may misdirect customers seeking Lufthansa's website to FMA's travel related website.

FMA's activities are unlawful and constitute unfair competition, intentional trademark infringement, trademark dilution and false designation of origin.

Lufthansa prefers to resolve this matter without taking legal action, but it is prepared to avail itself of any and all legal remedies to protect its rights and business.

I have tried contacting your company via email and telephone without success. Please call the undersigned at (516) 296-9579 if you are interested in reaching an amicable resolution in this matter.

Very truly yours,


Lawrence E. Mullins, Esq.

Lufthansa German Airlines
1640 Hempstead Turnpike
East Meadow, N.Y. 11554
Telephone 516 296-9200
Telefax 516 296-9584

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♦ ADMITTED IN THE DISTRICT OF COLUMBIA

♦ ADMITTED IN CALIFORNIA

January 10, 2007

By Facsimile 516-296-9399
Confirmation via First Class Mail

Lawrence E. Mullins, Esq.
Lufthansa German Airlines
1640 Hempstead Ave.
East Meadow, NY 11554-1096

Re: Future Media Architects, Inc.'s <lh.com> Domain Name
Kenyon Reference No. 13358.999

Dear Mr. Mullins:

We are intellectual property counsel to Future Media Architects, Inc. ("FMA"), owners of the domain name <lh.com> (the "Domain Name"). Our client has forwarded your letter of December 13, 2006 to us for a response. After careful consideration of your letter, our client sees no reason to transfer the Domain Name to Lufthansa.

Your letter cites registrations for LH in Germany, Europe and Switzerland as well as unspecified "numerous other registrations pertaining to" LH. Our review of the German, CTM and Swiss registrations indicates that they were filed in 1999, 2000 and 2000 respectively while your letter states that "Lufthansa's registration has been in full effect since 1999." As you may know, FMA registered the Domain Name on January 31, 1995. Accordingly, FMA enjoys priority in the Domain Name. In addition, and contrary to your assertion that "Lufthansa uses this mark in Europe and throughout the world in conjunction with its aviation services," our in-depth investigation,

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Lawrence E. Mullins, Esq.
January 10, 2007
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including a full review of Lufthansa's website, failed to unearth a single use of LH as a trademark by Lufthansa. Consequently, Lufthansa does not have any rights in LH enforceable against FMA.

In addition, as you know, when determining a question of trademark infringement, the ultimate issue the court must determine is whether a likelihood of consumer confusion exists. FMA uses the Domain Name in connection with a wide variety of goods and services ranging from credit reports to car rentals to engagement rings to health insurance. Consequently, and putting aside the fact that Lufthansa does not appear to be using LH as a trademark, there is quite simply no likelihood of confusion with the Domain Name.

We trust this alleviates your client's fears. Be advised, however, that any action taken by Lufthansa regarding the Domain Name, whether through the civil courts or an ICANN proceeding, will be strenuously resisted.

Very truly yours,


James E. Rosini

cc: Future Media Architects, Inc.
Justin M. Kayal, Esq.