

2. On information and belief, Defendant So Collective (“So Collective”) is the registrant of the Internet domain name VIRGINTHREADS.COM, having a purported address at 625 East 6th St., No.1B, New York, New York 10009.

3. On information and belief, Defendant E. Stambouli (“Stambouli”) is the registrant of the Internet domain name VIRGINFASHION.COM, having a purported address at 918 N.E. 62nd St., No. 151, Fort Lauderdale, FL 33334.

4. On information and belief, Defendant Exotic Design Group (“EDG”) is the registrant of the Internet domain name VIRGINPOKER.COM, having a purported address at 2400 Oxford Ave 301, Bethel Park, PA 15102.

5. On information and belief, Defendant Kentech Company Ltd (“Kentech”) is the registrant of the Internet domain name VIRGINCIGAR.COM, having a purported address at 1st Floor Muya House, Kenyatta Ave., P.O. Box 4276-30100, Eldoret, KE 30100, KE.

6. On information and belief, Defendant GNO, Inc. (“GNO”) is the registrant of the Internet domain name VIRGINPUBLISHING.COM, having a purported address at P.O. Box 24623, New Orleans, Louisiana 70184-4623.

7. On information and belief, Defendant Ernest Bigelow (“Bigelow”) is the registrant of the Internet domain name IVIRGIN.COM, having a purported address at 56 North Pearl Street, Buffalo, New York 14202.

8. On information and belief, Defendant Greater Kailash Pty. Ltd. (“GKPL”) is the registrant of the Internet domain name IVIRGIN.NET, having a purported address at 144 Kooyong Rd, Toorak, 3142, Vic, Australia.

9. On information and belief, Defendant Sarah Jane's is the registrant of the Internet domain name I-VIRGIN.COM, having a purported address at 310 Hewitt Ave. Suite B, Greenfield, Missouri 65661.

10. Defendants VIRGINTHREADS.COM, VIRGINFASHION.COM, VIRGINPOKER.COM, VIRGINCIGAR.COM, VIRGINPUBLISHING.COM, IVIRGIN.COM, IVIRGIN.NET, and I-VIRGIN.COM are Internet domain names having a situs at 3 East 54th Street, 11th Floor, New York, New York 10022.

11. This action arises under the Trademark Act of 1946, 15 U.S.C. §§ 1051 et seq. and the common law of the State of New York.

12. Jurisdiction of this Court is proper under 28 U.S.C. §§ 1331, 1338(a) and (b), 15 U.S.C. §§ 1121 and 1125(d), and 28 U.S.C. § 1367.

FIRST CAUSE OF ACTION

13. Plaintiff and related companies (collectively, the "Virgin Group") conduct numerous worldwide businesses under the trade name, trademark, and service mark VIRGIN. A description of Virgin Group company operations appears at the Internet web site associated with the domain name www.virgin.com. In the year ending December 31, 1999, Virgin Group companies employed more than 25,000 staff in twenty-six (26) countries and had worldwide sales revenues in excess of U.S. \$5 billion.

14. VEL's licensee, Virgin Atlantic Airways Limited ("VAA"), has provided VIRGIN-branded air travel, air freight, courier, cargo, and related services in United States commerce since 1984. VAA operates a fleet of Boeing 747 and Airbus 300 and A340 aircraft providing daily departures to and from New York (JFK) and New Jersey (Newark), Boston, Washington, D.C.,

Orlando, Miami, Los Angeles, Las Vegas, and San Francisco. A description of VAA operations appears at the Internet web site associated with the domain name www.virgin-atlantic.com.

15. VEL's licensee, Virgin Entertainment Group ("VEG"), has operated VIRGIN-branded retail stores in United States commerce since 1992. VEG currently operates twenty VIRGIN and VIRGIN MEGASTORE retail stores in the United States with locations in Arizona, California, Colorado, Florida, Illinois, Louisiana, Massachusetts, Nevada, New York, Texas and Utah. VIRGIN MEGASTORE retail stores offer a broad range of consumer goods and services including VIRGIN records, CD's, and DVD's; VIRGIN apparel; VIRGIN luggage; VIRGIN MP3, DVD, and CD players; VIRGIN clock radios; VIRGIN cordless and mobile telephones; VIRGIN wireless services; VIRGIN books; VIRGIN travel-related services; and VIRGIN restaurant services. A description of VEG operations appears at the Internet web site associated with the domain name www.virginmegamagazine.com.

16. VEL's licensee, Virgin Mobile USA, LLC ("VMU"), has offered VIRGIN-branded wireless telecommunications products and services in United States commerce since June 2002. VMU products and services are used by more than one million subscribers and operate in more than 4,000 cities and communities located throughout the United States. A description of VMU operations appears at the Internet web site associated with the domain name www.virginmobileusa.com.

17. VEL's licensee, Virgin Limousines (California) LLC ("VLC"), has offered VIRGIN-branded car and limousine services in United States commerce since 1996. VLC's car and transportation services, including personal driving tours, are used annually by tens of thousands of passengers. A description of VLC operations appears at the Internet web site associated with the domain name www.virgin.com/subsites/virginlimousines.

18. VEL's licensee, Virgin Audio Holdings LLC ("VAH"), has offered VIRGIN-branded radio broadcasting services in United States commerce since 1999. VAH provides digital, CD-quality streaming audio over the Internet, as well as online shopping for audio entertainment products. A description of VAH operations appears at the Internet web site associated with the domain name www.radiofreevirgin.com.

19. VEL's licensee, Virgin Books Ltd. ("VBL"), has offered VIRGIN-branded publishing and book-selling services in United States commerce since 1999. VBL publishes VIRGIN imprint books in diverse fields including Lifestyle, Health & Fitness, Music, Sport, Business, Film & TV, and Reference categories. A description of VBL operations appears at the Internet web site associated with the domain name www.virginbooks.com.

20. VEL is the owner of numerous trademark and service mark registrations of marks comprising the word VIRGIN including:

- (a) U.S. Reg. No. 1,597,386 for VIRGIN as applied to "printed sheet music; mounted photographs; posters, fictional and non-fictional books, biography and autobiography books, periodicals, namely, journals, paperback books all dealing with music, films and entertainment; paper for packaging, paper cases; stationery and office supplies, signs of paper or cardboard, playing cards" and "articles of outer clothing, namely, shirts, t-shirts, sweat shirts, jackets, hats, clothing caps, clothing belts";
- (b) U.S. Reg. No. 1,469,618 for VIRGIN as applied to "pre-recorded audio and/or video tapes, cassettes and cartridges; pre-recorded audio and video discs, phonograph records";
- (c) U.S. Reg. No. 1,413,664 for VIRGIN as applied to "air travel services";
- (d) U.S. Reg. No. 1,851,817 for VIRGIN as applied to "dissemination of advertising materials for other; preparing advertising, promotions, and public relations materials for others; business organization promotional consulting for others; demonstration of the goods and services of others and the promotion thereof; promoting and advertising the goods and services of others by airships and air balloons; outdoor advertising such as by billboards; and distribution of advertising, promotional materials and sample materials of others"; "transportation of goods and passengers by road and air, freight

transportation services; travel agency services”; and “retail store services in the fields of cameras, records, audio and video tapes, computers and electronic apparatus, and watches, sheet music, books and photography, handbags, purses, luggage and leather goods, clothing, games, video game machines and video game cartridges”;

- (e) U.S. Reg. No. 2,689,098 for VIRGIN as applied to “mobile telephones; telephones; modems; batteries; battery chargers; cigarette lighter adapters; dashboard mounts; hands-free headsets; carrying cases; belt clips” and “telecommunications services, namely, transmission of voice, data, images, audio, video, and information via telephone or the internet; personal communications services; pager services; electronic mail services; transmission or broadcast of news and information for others via telephone, including the internet”;
- (f) U.S. Reg. No. 2,675,758 for VIRGIN as applied to “articles of luggage, namely, garment bags; trunks; bags, namely, beach bags, hunters’ game bags, handbags; mesh shopping bags and leather or leather imitation shopping bags, sling bags for carrying infants; briefcases; purses; walking sticks” and “gloves”;
- (g) U.S. Reg. No. 2,586,162, for VIRGIN as applied to “articles of luggage, namely, suitcases; bags; namely, back packs, rucksacks, school bags, school satchels, traveling bags, sports bags, all purpose sports bags for campers and climbers, textile shopping bags; wallets; umbrellas and parasols”;
- (h) U.S. Reg. No. 2,717,644 for VIRGIN as applied to “non-alcoholic beverages, namely, soft drinks”;
- (i) U.S. Reg. No. 2,625,455 for VIRGIN as applied to “computerized communication services, namely, electronic mail services, and providing networks for the purpose of transmission and reception of electronic mail, computer generated music, news and other data and information; and broadcasting services by radio and over a global computer network of a wide variety of programs, namely, current events, economics, politics, sports, entertainment, the arts and business” and “providing an on-line shopping mall via a global computer network”;
- (j) U.S. Reg. No. 2,237,092 for VIRGIN VACATIONS as applied to “arranging the transport of passengers by air and road, arranging and conducting travel tours, travel agency services, namely, making reservations and bookings for transportation, and transportation reservation services” and “resort hotel and hotel reservation; travel agency services, namely, making reservations and bookings for temporary lodging”;
- (k) U.S. Reg. No. 2,639,079 for VIRGIN HOLIDAYS as applied to “transportation of passengers and goods by road, rail and air; arranging of

package holidays; arranging and organizing tours; arranging visits to places of interest; tourist office services; travel agency services, namely, making reservations and bookings for transportation; transportation reservation services” and “travel agency services, namely, making reservations and bookings for temporary lodging”;

- (l) U.S. Reg. No. 2,709,578 for VIRGIN (stylized) as applied to, “sound records of music in the form of discs and tapes and cassettes; pre-recorded audio or video tapes, cassettes and cartridges featuring music; pre-recorded audio and video discs, phonograph records featuring music; data processors and displays; graphical interface to aid the delivery of interactive products and services by cable or wireless transmission; parts for the aforesaid goods; computer game software; computer software for educational computer games, for calculators, for global computer network access and for music products; computer hardware”; “water, namely, mineral waters, aerated waters and flavored waters; non-alcoholic beverages, namely, fruit flavored drinks”; and “spirits, namely vodka”;
- (m) U.S. Reg. No. 2,600,080 for VIRGIN (stylized) as applied to “non-alcoholic beverages, namely, soft drinks”;
- (n) U.S. Reg. No. 1,591,952 for VIRGIN (stylized) as applied to “printed sheet music; fictional and non-fictional books, biography and autobiography books, periodicals, namely, paperback books all dealing with music, films and entertainment; paper for packaging, paper cases; writing instruments, namely, pens, pencils, ball point pens, stationery and office supplies, namely, writing paper, playing cards” and “articles of outer clothing, namely, shirts, t-shirts, sweat shirts, jackets, hats, clothing caps, clothing belts”;
- (o) U.S. Reg. No. 1,517,801 for VIRGIN (stylized) as applied to “pre-recorded audio and/or video tapes, cassettes and cartridges; pre-recorded audio and video discs, phonograph records; photographic and cinematographic films”;
- (p) U.S. Reg. No. 2,698,097 for VIRGIN (stylized) as applied to “mobile telephones, telephones; modems; batteries; battery chargers, cigarette lighter adapters; dashboard mounts; hands-free headsets; carrying cases; belt clips” and “telecommunications services, namely, transmission of voice, data, images, audio, video, and information via telephone or the Internet; personal communications services; pager services; electronic mail services; transmission or broadcast of news and information for others via telephone including the Internet”;
- (q) U.S. Reg. No. 1,852,776 for VIRGIN (stylized) as applied to, “dissemination of advertising materials for others; preparing advertising, promotions, and public relations materials for others; business organization promotional consulting for others; demonstration of the goods and services of others and promotion thereof; promoting and advertising the goods and services of

others by airships and air balloons; outdoor advertising such as by billboards; and distribution of advertising, promotional materials and sample materials of others”; “transportation of goods and passengers by road and air”; and “bars; rental of food service equipment; namely, vending machines; portrait and aerial photography; typesetting and printing services; and retail store services in the fields of cameras, records, audio and video tapes, computers and electronic apparatus, and watches, sheet music, books and photography, handbags, purses, luggage and leather goods, clothing, games, video game machines and video game cartridges”;

- (r) U.S. Reg. No. 2,622,510 for VIRGIN (stylized) as applied to “underwriting life, health and general insurance; funds investment; investment of funds for others; open and close-ended funds investment; financial analysis and consultation in the field of securities, personal equity and tax advantages savings”;
- (s) U.S. Reg. No. 2,798,130 for VIRGIN (stylized) as applied to “playing cards, writing instruments, namely, pens, pencils and ball point pens”; “luggage”; “leisurewear, namely, fleece tops and shirts; articles of outer clothing, namely T-shirts, sweat shirts, jackets, hats, clothing caps”; “sporting articles, namely, golf tees”; “preparing advertising, promotions, and public relations materials for others; demonstration of the goods of others and the promotion thereof; and distribution and dissemination of advertising, promotional materials and sample materials of others”; “electronic transmission and display of information for business or domestic purposes from a computer stored data bank”; and “retail store services in the fields of records, audio and video tapes, computers and electronic apparatus and watches, books, luggage and leather goods, clothing, games, video game cartridges, and cafes”;
- (t) U.S. Reg. No. 1,039,574 for VIRGIN & Design as applied to “sound records in the form of discs and tapes and cassettes for use therewith”;
- (u) U.S. Reg. No. 2,818,572 for VIRGIN VIE (stylized) as applied to “soaps; shampoos; toilet waters; essential oils for personal use; shaving preparations; after-shave lotions; shaving foams; non-medicated toilet preparations, namely, soaps, shampoos, conditioners, non-medicated bath salts and bath oils; anti-perspirants, deodorants for use on the person; depilatories; dentifrices; mouthwashes; cosmetics, namely, foundation creams and lotions, face powders, blusher, lipsticks, lip gloss, and eye make-up; suntanning and suncreening preparations; non-medicated preparations for the care of the skins hands, scalp and body, namely, toners, exfoliators, scrubs, soaps, nail care preparations namely, shampoos, conditioners, lotions, styling gels, mousse, oils, sprays, hair coloring and decolorant preparations; dyes for the hair and permanent waving and curling preparations; non-medicated skin cleansing preparations namely, cleansers, exfoliators, scrubs, soaps and toners; talcum powders; nail varnish removers; nail care preparations; artificial nails and adhesives therefor; glues, adhesives, acrylic, and silk and

linen wraps for the repair of artificial nails; artificial eyelashes and adhesives therefor”;

- (v) U.S. Reg. No. 1,863,353 for VIRGIN MEGASTORE as applied to “retail department store services”; and
- (w) U.S. Reg. No. Reg. No. 2,870,028 for VIRGIN XTRAS as applied to “mobile telephones, computer software downloadable from the internet for transmission, reception and storage of voice, data and images, e-mail and digital information” and “telecommunications services, namely, transmission of voice, data, images, audio, video and information via telephone or the internet; personal communications services; electronic mail services; transmission or broadcast of news and information for others via telephone, including the internet.”

21. By reason of more than thirty years of continuous and substantially exclusive use, as well as Virgin Group companies’ expenditure of tens of millions of dollars in advertising and promotion, VEL’s VIRGIN marks have come to be famous and to symbolize extensive goodwill, identifying Virgin Group companies and their founder, Sir Richard C.N. Branson. Interbrand in 1997 identified VIRGIN as one of The World’s Top 100 Brands, ranking it in a tie with CANON, just below KLEENEX.

22. Commencing at a time not currently known to Plaintiff, but long after VEL commenced use of VIRGIN as a designation, Defendant So Collective adopted and commenced use of VIRGINTHREADS.COM as a purported designation for clothing-related information and online retail store services rendered in United States commerce.

23. Commencing at a time not currently known to Plaintiff, but long after VEL commenced use of VIRGIN as a designation, Defendant Stambouli adopted and commenced use of VIRGINFASHION.COM as a purported designation for fashion-related information and online retail store services rendered in United States commerce.

24. Commencing at a time not currently known to Plaintiff, but long after VEL commenced use of VIRGIN as a designation, Defendant Kentech adopted and commenced use of VIRGINCIGAR.COM as a purported designation for cigar-related information and online retail store services rendered in United States commerce.

25. Commencing at a time not currently known to Plaintiff, but long after VEL commenced use of VIRGIN as a designation, Defendant GNO adopted and commenced use of VIRGINPUBLISHING.COM as a purported designation for publishing-related information and online retail store services rendered in United States commerce.

26. Commencing at a time not currently known to Plaintiff, but long after VEL commenced use of VIRGIN as a designation, Defendant Sarah Jane's adopted and commenced use of I-VIRGIN.COM as a purported designation for travel-related information and online retail store services rendered in United States commerce.

27. On information and belief, Defendants So Collective, Stambouli, Kentech, GNO, and Sarah Jane's registered the domain names VIRGINTHREADS.COM, VIRGINFASHION.COM, VIRGINCIGAR.COM, VIRGINPUBLISHING.COM, and I-VIRGIN.COM with bad faith intent to profit from VEL's VIRGIN mark and with specific intent to mislead consumers.

28. The conduct of Defendants So Collective, Stambouli, Kentech GNO, and Sarah Jane's is likely to cause confusion or mistake, or to deceive as to the source, origin, or sponsorship of Defendants, and is likely to cause the public wrongly to associate Defendants with VEL or to believe that Defendants are somehow affiliated or connected with VEL.

29. The conduct of Defendants So Collective, Stambouli, Kentech, GNO, and Sarah Jane's has caused and threatens VEL with irreparable harm to its reputation and goodwill in New

York. VEL licensees offer a broad range of VIRGIN-branded goods and services in New York. Defendants have interfered with and disrupted the business and operation of Virgin Group companies operating in United States commerce and in New York. VEL has no adequate remedy at law for the deception of New York residents, or changes in New York residents' existing perceptions of the VIRGIN trade name and service mark, brought about by Defendants' use of spurious VIRGIN-formative domain names in commercial advertising.

30. Defendants So Collective, Stambouli, Kentech, GNO, and Sarah Jane's have carried out their acts of infringement utilizing services provided by VeriSign Inc., a non-party located in the Southern District of New York, and with Internet domain names situated in the Southern District of New York.

31. Defendants So Collective, Stambouli, Kentech, GNO, and Sarah Jane's are liable to VEL for registered service mark infringement in violation of 15 U.S.C. § 1114(1).

SECOND CAUSE OF ACTION

32. Paragraphs 1-31 above are realleged and incorporated by reference as if set forth in full.

33. Defendants So Collective, Stambouli, Kentech, GNO, and Sarah Jane's are liable to VEL for registered service mark infringement in violation of 15 U.S.C. § 1125(a).

THIRD CAUSE OF ACTION

34. Paragraphs 1-33 above are realleged and incorporated by reference as if set forth in full.

35. By reason of more than thirty years of continuous, substantially exclusive, and extensive use, advertising, and promotion, VEL's VIRGIN and VIRGIN (stylized) marks were

famous prior to defendants So Collective's, Stambouli's, EDG's, Kentech's GNO, Bigelow, GKPL, and Sarah Jane's's adoption and use in United States commerce of the domain names VIRGINTHREADS.COM, VIRGINFASHION.COM, VIRGINPOKER.COM, VIRGINCIGAR.COM, VIRGINPUBLISHING.COM, IVIRGIN.COM, IVIRGIN.NET, and I-VIRGIN.COM.

36. The conduct of Defendants So Collective, Stambouli, EDG, Kentech, GNO, Bigelow, GKPL, and Sarah Jane's is likely to injure VEL's business reputation and dilute the distinctive quality of VEL's famous VIRGIN name and mark.

37. Defendants So Collective, Stambouli, Kentech, EDG, GNO, Bigelow, GKPL, and Sarah Jane's are liable to VEL for dilution under N.Y. Gen. Bus. Law § 360(1).

FOURTH CAUSE OF ACTION

38. Paragraphs 1-37 above are realleged and incorporated by reference as if set forth in full.

39. On information and belief, Defendant So Collective registered the domain name VIRGINTHREADS.COM with bad faith intent to profit from VEL's VIRGIN mark.

40. On information and belief, Defendant Stambouli registered the domain name VIRGINFASHION.COM with bad faith intent to profit from VEL's VIRGIN mark.

41. On information and belief, Defendant EDG registered the domain name VIRGINPOKER.COM with bad faith intent to profit from VEL's VIRGIN mark.

42. On information and belief, Defendant Kentech registered the domain name VIRGINCIGAR.COM with bad faith intent to profit from VEL's VIRGIN mark.

43. On information and belief, Defendant GNO registered the domain name VIRGINPUBLISHING.COM with bad faith intent to profit from VEL's VIRGIN mark.

44. On information and belief, Defendant Bigelow registered the domain name IVIRGIN.COM with bad faith intent to profit from VEL's VIRGIN mark.

45. On information and belief, Defendant GKPL registered the domain name IVIRGIN.NET with bad faith intent to profit from VEL's VIRGIN mark.

46. On information and belief, Defendant Sarah Jane's registered the domain name I-VIRGIN.COM with bad faith intent to profit from VEL's VIRGIN mark.

47. Defendants VIRGINTHREADS.COM, VIRGINFASHION.COM, VIRGINPOKER.COM, VIRGINCIGAR.COM, VIRGINPUBLISHING.COM, IVIRGIN.COM, IVIRGIN.NET, and I-VIRGIN.COM constitute property having a situs at 3 East 54th Street, 11th Floor, New York, New York 10022.

48. Non-party VeriSign Inc. is the registry of VIRGINTHREADS.COM, VIRGINFASHION.COM, VIRGINPOKER.COM, VIRGINCIGAR.COM, VIRGINPUBLISHING.COM, IVIRGIN.COM, IVIRGIN.NET, and I-VIRGIN.COM. VeriSign is registered to do business in New York and maintains physical offices located at 3 East 54th Street, 11th Floor, New York, New York 10022, and at one or more other locations in the State of New York.

49. On information and belief, no Defendant has any trademark or other intellectual property rights in the domain names VIRGINTHREADS.COM, VIRGINFASHION.COM, VIRGINPOKER.COM, VIRGINCIGAR.COM, VIRGINPUBLISHING.COM, IVIRGIN.COM, IVIRGIN.NET, or I-VIRGIN.COM.

50. On information and belief, VIRGINTHREADS.COM, VIRGINFASHION.COM, VIRGINPOKER.COM, VIRGINCIGAR.COM, VIRGINPUBLISHING.COM, IVIRGIN.COM, IVIRGIN.NET, and I-VIRGIN.COM do not constitute the legal name of any person involved in the registration or use of those domain names.

51. On information and belief, the registrants of VIRGINTHREADS.COM, VIRGINFASHION.COM, VIRGINPOKER.COM, VIRGINCIGAR.COM, VIRGINPUBLISHING.COM, IVIRGIN.COM, IVIRGIN.NET, and I-VIRGIN.COM made no *bona fide* offering of any goods or services under the VIRGIN mark prior to VEL's adoption and use of the VIRGIN mark for a wide variety of goods and services, including but not limited to retail store and promotional services.

52. Plaintiff's VIRGIN service mark was famous and distinctive prior to Defendants' registration or use of the domain names VIRGINTHREADS.COM, VIRGINFASHION.COM, VIRGINPOKER.COM, VIRGINCIGAR.COM, VIRGINPUBLISHING.COM, IVIRGIN.COM, IVIRGIN.NET, and I-VIRGIN.COM.

53. Defendants So Collective, Stambouli, EDG, Kentech, GNO, Bigelow, GKPL, and Sarah Jane's are liable to VEL for cyberpiracy in violation of 15 U.S.C. § 1125(d).

FIFTH CAUSE OF ACTION

54. Paragraphs 1-54 above are realleged and incorporated by reference as if set forth in full.

55. VEL has a property interest in its name, reputation, and goodwill, which VEL, at great expense, has built up through extensive use of the VIRGIN name on a wide variety of high-quality goods and services offered in New York and throughout the world.

56. The conduct of Defendants is commercially immoral and constitutes an attempt to profit from the labor, skill, expenditures, name, and reputation of VEL and its licensees.

57. Defendants So Collective, Stambouli, EDG, Kentech, GNO, Bigelow, GKPL, and Sarah Jane's are liable to VEL for unfair competition and misappropriation under New York law.

WHEREFORE, Plaintiff prays that the Court:


- (i) declare, adjudge, and decree that Defendants So Collective, Stambouli, Kentech, GNO, and Sarah Jane's are liable to Plaintiff for registered service mark infringement in violation of 15 U.S.C. § 1114(1);
- (ii) declare, adjudge, and decree that Defendants So Collective, Stambouli, Kentech, GNO, and Sarah Jane's are liable to Plaintiff for use of false designations of origin in violation of 15 U.S.C. § 1125(a);
- (iii) declare, adjudge, and decree that Defendants So Collective, Stambouli, EDG, Kentech, GNO, Bigelow, GKPL, and Sarah Jane's are liable to Plaintiff for dilution under N.Y. Gen. Bus. Law § 360(1);
- (iv) declare, adjudge, and decree that Defendants So Collective, Stambouli, EDG, Kentech, GNO, Bigelow, GKPL, and Sarah Jane's are liable to Plaintiff for cyberpiracy in violation of U.S.C. § 1125(d), and for unfair competition and misappropriation under New York common law;
- (v) grant preliminary and permanent injunctions restraining Defendants So Collective, Stambouli, EDG, Kentech, GNO, Bigelow, GKPL, and Sarah Jane's from engaging in any further acts constituting service mark infringement, trade name infringement, cyberpiracy, unfair competition, or misappropriation;
- (vi) order Defendant So Collective, and any persons acting in concert or participation with So Collective, to transfer the domain name VIRGINTHREADS.COM to Plaintiff;
- (vii) order Defendant Stambouli, and any persons acting in concert or participation with Stambouli, to transfer the domain name VIRGINFASHION.COM to Plaintiff;
- (viii) order Defendant EDG, and any persons acting in concert or participation with EDG, to transfer the domain name VIRGINPOKER.COM to Plaintiff;

- (ix) order Defendant Kentech, and any persons acting in concert or participation with Kentech, to transfer the domain name VIRGINCIGAR.COM to Plaintiff;
- (x) order Defendant GNO, and any persons acting in concert or participation with GNO, to transfer the domain name VIRGINPUBLISHING.COM to Plaintiff;
- (xi) order Defendant Bigelow, and any persons acting in concert or participation with Bigelow, to transfer the domain name IVIRGIN.COM to Plaintiff;
- (xii) order Defendant GKPL, and any persons acting in concert or participation with GKPL, to transfer the domain name IVIRGIN.NET to Plaintiff;
- (xiii) order Defendant Sarah Jane's, and any persons acting in concert or participation with Sarah Jane's, to transfer the domain name I-VIRGIN.COM to Plaintiff;
- (xiv) order that any registrations of the domain names VIRGINTHREADS.COM, VIRGINFASHION.COM, VIRGINPOKER.COM, VIRGINCIGAR.COM, VIRGINPUBLISHING.COM, IVIRGIN.COM, IVIRGIN.NET, or I-VIRGIN.COM to So Collective, Stambouli, EDG, Kentech, GNO, Bigelow, GKPL, or Sarah Jane's any transferee thereof, be forfeited, canceled, or deleted by non-party VeriSign, Inc., the registry of the domain names;
- (xv) award Plaintiff compensatory damages as provided by law;
- (xvi) award Plaintiff statutory damages as provided by law;
- (xvii) award Plaintiff punitive damages as provided by law;
- (xviii) award Plaintiff treble damages as provided by law;

- (xix) award Plaintiff its costs, disbursements, and attorneys' fees incurred in bringing this action; and
- (xx) award Plaintiff such other and further relief as the Court may deem just and proper.

Dated: New York, New York
November 12, 2004

FRIED, FRANK, HARRIS, SHRIVER &
JACOBSON LLP

By 
James W. Dabney (JD 9715)
Carrie B. Kingsley (CK 6339)

One New York Plaza
New York, New York 10004-1980
(212) 859-8000

Attorneys for Plaintiff
VIRGIN ENTERPRISES LIMITED