

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

Miles Spencer, an individual,  
Plaintiff

v.

JOHN DOE(S), individuals or entities who  
owned or controlled or participated in the  
content of MILESSPENCER.ORG; and  
MILESSPENCER.ORG.

Defendants

Civil Action No.

**COMPLAINT FOR CYBERSQUATTING**

JURY TRIAL DEMANDED

**COMPLAINT**

Miles Spencer (hereinafter referred to as “Plaintiff” or “Spencer) brings forth this action against MILESSPENCER.ORG (the “Domain”) in rem and one or more JOHN DOE(S) who owned, controlled, or participated in the content of the Domain as shown, for example, at Exhibit A. Plaintiff complains and alleges as follows:

**INTRODUCTION**

1. This is an action for cybersquatting.

**PARTIES**

2. Plaintiff, Miles Spencer is an individual residing at 13 Field Point Drive, Greenwich CT 06830.

3. Defendant(s) One or more JOHN DOE(s) (the “Doe Defendants”), is one or more individuals/entities owned/operated, registered or otherwise participated in the content and use of the Domain and/or that individual/entity directing the conduct related to the Domain complained herein via an agent such as participating in the selection of content provided to the public via the Domain and paying any domain/hosting fees and/or reimbursing the individual who paid the

Registrar in order to maintain further levels of privacy. Plaintiff requires discovery to determine the identity of the JOHN DOE(s) due to domain privacy elections of Defendants.

4. The identities of the Owners/Operators are unknown to Plaintiff because the Domain is registered with privacy protection. Miles Spencer has reason to believe that the WHOIS information provided with the Registrar may be false.

5. Upon information and belief, Defendant MILESSPENCER.ORG (the “Domain”) is a domain registered with a US registrar and Plaintiff may proceed *in rem* against the domain 15 USC 1125(d)(2). The Domain may be served via its registrar Google, LLC 111 8th Ave, New York, NY 10011.

#### **JURISDICTION AND VENUE**

6. This Court has federal question jurisdiction pursuant to 28 U.S.C. §§ 1331, and 1338 over the Lanham Act because the action alleges *inter alia* violations of federal statutes.

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391, 1400(a) because a substantial part of the events giving rise to the claims raised in the lawsuit occurred in this judicial district, and because Doe Defendants specifically and knowingly targeted their wrongful conduct at Plaintiff a Connecticut resident and who upon information and belief Doe Defendants knew is a Connecticut resident.

8. The Domain is registered with a US registrar, Google Domains which is accredited by ICANN and the Domain is therefore subject to *in rem* jurisdiction in Connecticut. The Domain is properly named a defendant under 15 USC 1125(d)(2)

9. Doe Defendants are subject to specific personal jurisdiction as they registered the domain and participated in its content/existence in a manner that was directly targeted at Mr. Spencer, a Connecticut resident, to wrongfully trade on his name for attempts at illicit financial

gain. Thus, the Doe Defendants knowingly and specifically targeted a Connecticut resident and reasonably knew or should have known that their actions would cause harm in Connecticut and engaged in a persistent course of conduct to fraudulently collect a discharged note, including but not limited to advertising the milesspencer.org website via google ads.

### **FACTUAL BACKGROUND**

10. The Domain represents the personal name of Miles Spencer (Milesspencer.org). Miles Spencer is a well-known angel investor and former TV personality who was a co-creator of “MONEY HUNT” which was distributed through PBS stations and was a reality based show where entrepreneurs pitch their ideas to a panel of experts. The show is considered a predecessor to SHARK TANK. Thus, Mr. Spencer’s personal name has become distinctive and recognizable generally and more particularly in the private investment and angel/venture capital industry.

11. Screenshots of the website of the Domain as created by Doe Defendants is found at Exhibit A.

12. The Domain was utilized to seek payment on a note that was discharged in bankruptcy and the continued efforts to collect the note following the bankruptcy filing and particularly following the discharge are a violation of relevant bankruptcy code and are fraudulent. Those documents were hosted on a wordpress site/server associated with <https://milesspencerdotorg.files.wordpress.com/2019/07/promissory-note-signed-and-notarized-blacklined-1-2.pdf> (the “Link”) which is now de-activated.

### **COUNT I**

#### **CYBERSQUATING 15 USC 1125(d)**

13. Plaintiff incorporates by reference all previous allegations.

14. Doe Defendants in bad faith registered the domain which represents a distinctive personal name of Plaintiff.

15. Doe Defendants used and trafficked in the Domain in bad faith knowing the name MILES SPENCER was distinctive at the time of registration of the Domain and that it represented the personal name of Plaintiff.

16. Plaintiff is entitled to damages at an amount to be determined at trial, including at Plaintiff's election, statutory damages, actual damages, exemplary damages.

17. Defendant's use of the Domain is not entitled to a fair use defense at least because Doe Defendants fraudulently and with unclean hands attempted to solicit payment on a note allegedly due from Mr. Spencer that was discharged under bankruptcy or was otherwise prohibited from collection efforts in violation of 11 USC 524. Thus, to the extent the use of the Domain is alleged to be commentary on Mr. Spencer, any alleged "commentary" was a fraudulent and unlawful attempt to collect on a discharged note and is therefore not protected speech.

18. Plaintiff has been irreparably harmed by the acts complained herein and is entitled to an order transferring the Domain to Plaintiff and an Order that Defendants shall not use the personal name of Plaintiff.

19. Defendants knew their conduct was wrongful and infringing at the time the conduct was engaged in and thus this case is exceptional, entitling Mr. Spencer to his attorney fees and costs and enhanced damages.

20. Defendants conduct violates 15 USC 1125(d)

### **JURY DEMAND**

Plaintiff demands a trial by jury on all claims and issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment as follows:

- A. An order immediately and permanently enjoining Defendants, their officers, members, agents, servants, employees, attorneys, and all persons in active concert or participating with any of them, from using the name MILES SPENCER or a name that is confusingly similar thereto.
- B. An order transferring the Domain to Plaintiff.
- C. That a judgment be entered that Defendants have unfairly competed with Plaintiff by the acts complained of herein in violation of 15 U.S.C. § 1125(d).
- D. That Defendants be ordered to account and pay to Plaintiff all profits derived as a result of the activities complained of herein.
- E. That Defendants be ordered to pay actual and compensatory damages.
- F. That Defendants be ordered to pay increased damages due to their willful infringement.
- H. That Defendants be ordered to pay Plaintiff's reasonable attorneys' fees and costs incurred in this action.
- I. That Defendants be ordered to pay exemplary damages.
- J. That Defendants be ordered to pay punitive damages for willful violation of the discharge injunction created by 11 USC 524.
- K. That Plaintiff be awarded such other and further relief as the Court may deem just and proper.

Dated: Stamford, Connecticut  
September 22, 2022

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