

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BANSK GROUP LLC,)	Case No. 1:23-cv-8924
)	
Plaintiff,)	
)	
v.)	<u>DEMAND FOR JURY TRIAL</u>
)	
SITETOOLS, INC.,)	
)	
Defendant.)	
)	

COMPLAINT

Plaintiff Bansk Group LLC, by counsel, files this Complaint against Defendant SiteTools, Inc., and in support thereof, Plaintiff states as follows:

NATURE OF THE SUIT

1. This is a civil action for cybersquatting under the Federal Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d) and for trademark infringement, counterfeiting, unfair competition, and the use of false designations of origin pursuant to Sections 32 and 43(a) of the Lanham Act, 15 U.S.C. §§ 1114, 1125(a) and the common law of the State of New York.

PARTIES

2. Plaintiff Bansk Group LLC (“Bansk”) is a Delaware limited liability company that provides financial investment services, with its principal place of business at 340 Madison Ave, Suite 12C, New York, NY 10173.

3. Defendant SiteTools, Inc. (“SiteTools”) is a California corporation that is in the business of providing mortgage leads with its principal place of business at 1411 Federal Ave #6, Los Angeles, CA 90025.

JURISDICTION AND VENUE

4. This is a civil action for violations of the Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d), the Lanham Act, 15 U.S.C. §§ 1114, 1125(a), and the common law of the State of New York.

5. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338, and 15 U.S.C. § 1121 for the claims arising out of the violation of the Lanham Act, has supplemental jurisdiction pursuant to 28 U.S.C. §§ 1367 for the claims arising under the common law of the State of New York, and has jurisdiction pursuant to 28 U.S.C. §§ 1338(b) and 1367 for the claims under the common law of unfair competition.

6. This Court has specific personal jurisdiction over SiteTools because SiteTools redirects internet traffic from the infringing bansk.com domain to its refinancemortgage.com website, which it provides mortgage lead services through, and based exclusively on the data of, an interactive, commercial website at the mortgagefinance.com domain name. When a user of the website at the refinancemortgage.com domain name types in any word in the website's search box, the search results consist exclusively of webpages at the mortgagefinance.com domain name as below:

finance



1-10 of 165325 results

[Mortgage News | Short Finance | HAMP Program | Home Affordable ...](#)

There have been quite a few news stories about the federal government's latest effort to help homeowners avoid foreclosure. The program is called "Short Finance" and it's ...

<http://www.mortgagerefinance.com/Mortgage-News/Short-Finance-How-Can-It-Help-You/195>

[Mortgage News | Returning to Reality: Redesigning the Housing ...](#)

The U.S. Treasury Department has been wrestling with the dilemma of how to redesign the U.S. housing system, now in shambles. Is there a fix for the housing market?

<http://www.mortgagerefinance.com/Mortgage-News/Redesigning-the-Housing-Finance-System/122>

[Mortgage News | Mortgage Modification Program Not Working | ...](#)

The federal government's efforts to help homeowners with non-FHA mortgages avoid foreclosure don't seem to be working.

<http://www.mortgagerefinance.com/Mortgage-News/Uncle-Sams-Failed-Mortgage-Modification/197>

[Buying a Car & Car Loans | Car Refinance | Auto Loans](#)

With this guide you can get help to the best car loan avenue for that "perfect vehicle".

<http://www.mortgagerefinance.com/Buying-a-Car-and-Car-Loans/146>

[Home Affordable Programs](#)

Making Home Affordable programs offer comprehensive options to homeowners struggling to make current mortgage payments to refinance their mortgage.

<http://www.mortgagerefinance.com/FHA-Loans/Home-Affordable-Programs/254>

[To Rent Or To Buy a House Infographic | Mortgage Refinance](#)

This mortgage infographic shows a statistical analysis if it's smarter to rent or to buy a house.

<http://www.mortgagerefinance.com/Personal-Finance/To-Rent-Or-To-Buy-a-House-Infographic/276>

[Payroll Tax Extension May Boost Borrowing Costs](#)

In a last minute decision, the Senate decided to tap into Freddie Mac and Fannie Mae resources to fund the latest payroll tax cut and unemployment benefit extension.

<http://www.mortgagerefinance.com/Personal-Finance/Payroll-Tax-Extension-May-Boost-Borrowing-Co...>

[Credit Reports: What Should You Worry About | Scredit Score](#)

The term "credit report" or "credit score" often goes hand in hand when you enter the world of mortgage lending.

<http://www.mortgagerefinance.com/Personal-Finance/Credit-Reports-What-Should-You-Worry-About/237>

[College Financing | Student Loan | Student Finance | College ...](#)

High school graduates have little choices for jobs. College graduates earn much more. Learn how to get to the top.

<http://www.mortgagerefinance.com/Mortgage-Basics/College-Financing/44>

[Four Things to Watch For in Housing and Mortgage Markets](#)

The deep recession has presented an opportunity to buy properties at bargain rates and finance them at low mortgage interest rates.

<http://www.mortgagerefinance.com/Mortgage-Refinance/Four-Things-to-Watch-For-in-Housing-and-Mo...>

Searches related to **finance**

[Finance Calculator Mortgage](#)

[Finance Debt Consolidation](#)

[Finance Minister](#)

[Finances](#)

[Finance Mortgage Calculator](#)

[Finance Mortgage Broker](#)

[Finance Committee](#)

[Finance Company](#)

7. The website hosted at mortgagefinance.com is owned and has continuously operated by SiteTools, and has expressly aimed its activities toward the State of New York and this District. Indeed, mortgagefinance.com website provides a separate page for mortgage refinancing information in the State of New York at mortgagerefinance.com/Mortgage-Refinance-by-State/New-York as well as two hundred fifty discrete subpages under that page expressly directed to cities and counties in this judicial district (**Exhibit A**).

8. Notably, SiteTools' website at mortgagefinance.com permits the exchange of information between website users in New York and SiteTools through its "New York Home Mortgage" rate calculator (**Exhibit B**). See, e.g., *Camacho v. Vanderbilt Univ.*, 2019 U.S. Dist. LEXIS 209202, *16-17 (S.D.N.Y. 2019) (university's student loan financial aid calculator is sufficient to subject Vanderbilt to personal jurisdiction in NY under the *Zippo* test).

9. SiteTools therefore has had regular contacts with, and conducted and solicited business in, New York, and has expressly aimed their activities toward the State of New York through its interactive, commercial website, purposefully availing themselves of the benefits and privileges of conducting business in New York.

10. Bansk's claims are based, in part, on SiteTools's history of redirecting internet traffic from the Bansk.com domain name to the refinancemortgage.com domain name which provides SiteTools' mortgage lead services through, and is primarily based on the data of, the interactive, commercial website at the mortgagefinance.com domain name.

11. This Court has also general personal jurisdiction over SiteTools because SiteTools' business operations in the state of New York is regular, substantial, and of such a nature as to render the corporation at home in New York. Notably, SiteTools owns and operates the aforesaid website at the mortgagefinance.com domain name, and a website at the getdebtrelief.com domain

name, both of which expressly target the residents in more than two hundred forty-two cities of New York.

12. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)(2) or (b)(3) as a substantial part of the events giving rise to Bansk's claim occurred in this District, and SiteTools is subject to this Court's personal jurisdiction.

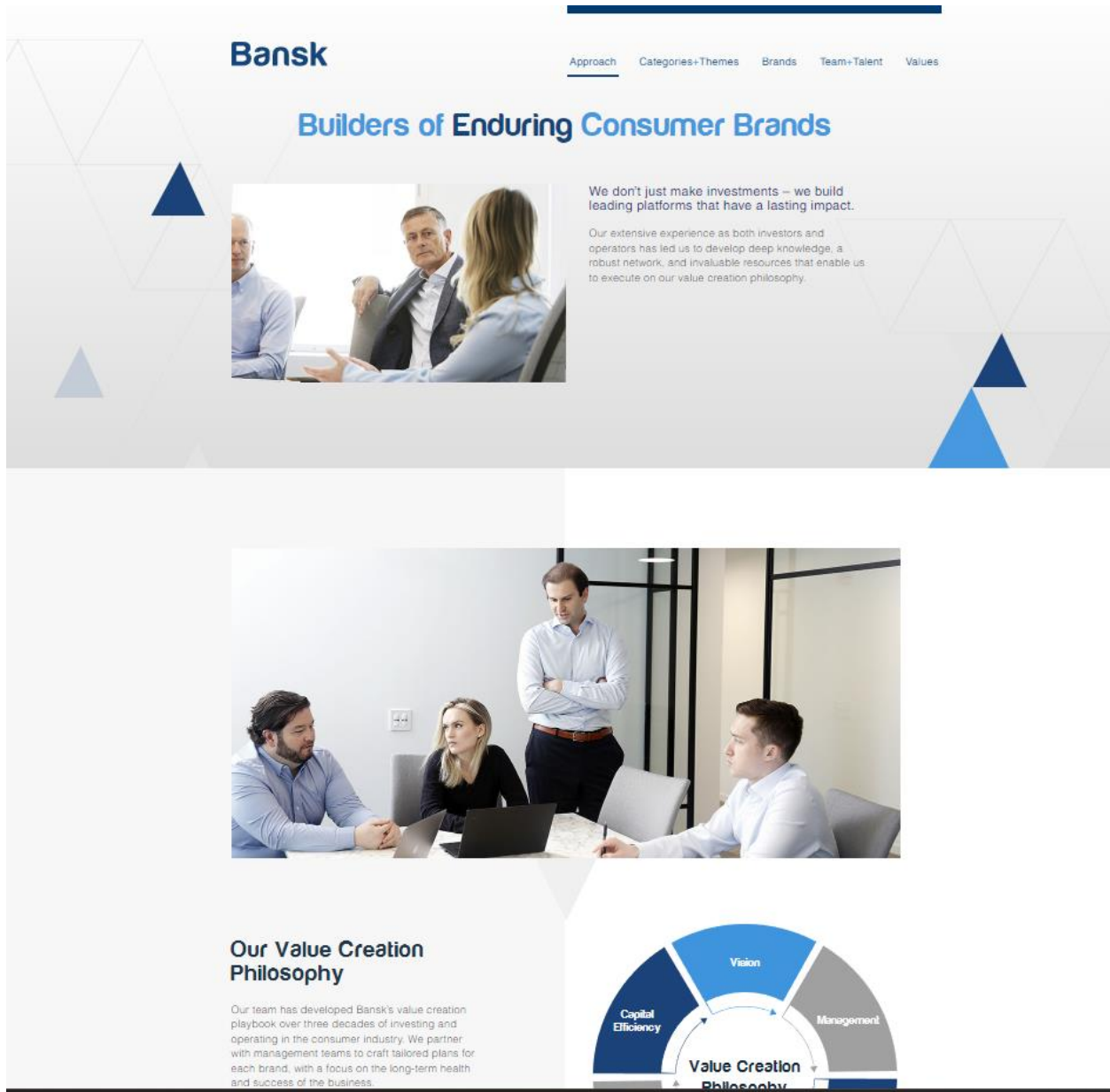
FACTUAL BACKGROUND

BANSK'S TRADEMARK RIGHTS

13. Bansk is private investment firm focused on investing in and building distinctive Consumer Packaged Goods (CPG) brands. Bansk targets investments in various industry sectors including beauty personal care, consumer health, food and beverage, and household products.

14. Through its efforts of building enduring brands and taking consumer-focused approaches, Bansk has collectively invested \$1.5 Billion in assets in the aforesaid industries.

15. Bansk has promoted, advertised, and offered to sell investment services through, *inter alia*, its website at [Banskgroup.com](https://www.Banskgroup.com):



16. As a result of the continuous use and widespread promotion of the BANSK mark, consumers immediately associate the BANSK mark with Bansk’s financial and investment services.

17. Consumers have come to distinguish and recognize the legitimacy of Bansk’s services as a result of Bansk’s continued use and widespread promotion of the BANSK mark, and the BANSK mark is entitled to common law trademark rights under U.S. federal law.

18. The BANSK mark is also registered on the Principal Register of the United States Patent and Trademark Office under U.S. Trademark Registration No. 6,148,600. *See Exhibit C.*

19. Bansk's federal registration for the BANSK mark is *prima facie* evidence of the validity of the mark, of Bansk's ownership of the mark, and of Bansk's exclusive rights to use the mark in U.S. commerce.

UNLAWFUL USE AND TRAFFICKING OF THE DOMAIN NAME

20. Bansk.com is an internet domain name which, according to records in the ICANN database of domain name registrations, is registered by SiteTools. A copy of the domain name registration record for Bansk.com is attached hereto as **Exhibit D**.

21. Bansk.com is merely Bansk's federally registered BANSK mark with the .COM top-level domain.

22. The use of the BANSK mark within the Bansk.com domain name and/or associated website by SiteTools has been without authorization from Bansk.

23. Upon information and belief, SiteTools does not have any trademark or other intellectual property rights in the Bansk.com domain name.

24. Upon information and belief, SiteTools never made *bona fide* noncommercial or fair use of the Bansk mark in a site accessible under the Bansk.com domain name.

25. Upon information belief, SiteTools owns and operates many other domains that incorporate and infringe on the registered trademarks of third parties without authorization, including but not limited to the ones below:

ameritek.com
avida.com
fidelitypartners.com
greenrates.com
homenotes.com
ichanged.com
inspirefoundation.com

milecard.com
prudence.com
santamonicalandrover.com
selectaccess.com
trackerjack.com

26. SiteTools redirected the Bansk.com domain name to its domain name to divert consumers from Bansk's online locations to a site accessible under the Bansk.com domain name that could harm the goodwill represented by the Bansk mark, either for commercial gain or with the intent to tarnish or disparage the Bansk mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the site(s) accessible under the Bansk.com domain name.

27. Indeed, when one previously attempted to access the Bansk.com domain name, the domain name was re-directed to the refinancemortgage.com website.

28. The refinancemortgage.com website is owned and operated by SiteTools.

29. SiteTools has not engaged in a bona fide offering of goods or services in connection with BANSK mark in the website accessible under the Bansk.com domain name.

30. The redirection by SiteTools of the Bansk.com domain name is likely to cause confusion, or to cause mistake, or to deceive the relevant public, including children, as to the source or sponsorship of that website, and to mislead the public into believing that such website emanates from, is approved or sponsored by, or is in some way associated or connected with, Bansk.

31. Upon information belief, since 2019, SiteTools have maintained, trafficked, and used the Bansk.com domain name with intent to divert consumers away from Bansk's legitimate online locations for commercial gain by creating a likelihood of confusion as to the source, sponsorship, affiliation or endorsement of the Bansk.com domain name and the site displayed through use of the Bansk.com domain name.

32. Upon information and belief, the use of the BANSK mark in the Bansk.com domain name does not constitute SiteTools's name, or the individual name of anyone in privity with SiteTools, or of a term or device which is descriptive of and used fairly and in good faith only to describe the goods or services of SiteTools, or its geographic origin.

33. In January 2022, Bansk, through counsel, emailed SiteTools to ask whether SiteTools would be willing to sell the Bansk.com domain name.

34. In response, SiteTools asked Bansk's counsel to make a compelling offer as to Bansk's potential purchase of the domain name.

35. Bansk offered \$10,000 to purchase the domain name from SiteTools.

36. SiteTools did not respond to the offer.

37. Upon ignoring the offer at a price much greater than the appraised value of the Bansk.com domain name (*see Exhibit E*), SiteTools has continued to use the Bansk.com domain name to re-direct internet traffic to the domain name Refinancemortgage.com.

COUNT I
(Violation of the Federal Anti-Cybersquatting Consumer Protection Act)

38. Bansk repeats and realleges every allegation set forth in the foregoing paragraphs, as though fully set forth herein.

39. Notably, SiteTools has owned and operated many domain names that incorporate and infringe on the registered trademarks of third parties without authorization, including but not limited to the ones below:

bansk.com
ameritek.com
avida.com
fidelitypartners.com
greenrates.com
homenotes.com
ichanged.com

inspirefoundation.com
milecard.com
prudence.com
santamonicalandrover.com
selectaccess.com
trackerjack.com

40. Bansk's BANSK mark is distinctive, and was distinctive prior to the registration.

41. The BANSK mark was registered on the Principal Register of the United States Patent and Trademark Office on September 8, 2020.

42. Bansk's BANSK mark's display upon the USPTO's Principal Register constitutes notice to SiteTools of Bansk's rights in the BANSK mark.

43. However, after Bansk's federal registration of the BANSK mark, SiteTools has reregistered the Bansk.com domain name multiple times. The latest reregistration of the Bansk.com domain name by SiteTools was on August 7, 2023. (Ex. C)

44. The aforesaid acts by SiteTools constitute maintenance, trafficking in and/or use of a domain name that is confusingly similar to Bansk's BANSK mark, with bad faith intent to profit therefrom.

45. The aforesaid acts by SiteTools constitute unlawful cyberpiracy in violation of the Anti-Cybersquatting Consumer Act, 15 U.S.C. § 1125(d)(1)(A).

46. The aforesaid acts have caused, and are causing, great and irreparable harm to Bansk and the public. The harm to Bansk includes harm to the value and goodwill associated with the BANSK mark that money cannot compensate. Unless permanently retrained and enjoined by this Court, said irreparable will continue. Thus, pursuant to 15 U.S.C. § 1125(d)(1)(C), Bansk is entitled to an order transferring the Bansk.com domain name registration to Bansk.

COUNT II
(Violation of Section 32 of the Lanham Act)

47. Bansk repeats and realleges every allegation set forth in the foregoing paragraphs, as though fully set forth herein.

48. This action for trademark infringement against SiteTools is based on SiteTools's unauthorized use in commerce of counterfeit imitations of the registered Bansk trademark in connection with the sale, offering for sale, and/or advertising of SiteTools's services.

49. Bansk's BANSK trademark is a highly distinctive mark, and consumers have come to expect the highest quality from Bansk's services provided under the BANSK mark.

50. SiteTools has sold, offered to sell, marketed, and advertised, and continues to sell, offering for sale, market, and advertise services in connection with the BANSK mark without Bansk's authorization or permission.

51. Bansk is the registered owner of the BANSK mark (U.S. Trademark Registration No. 6,148,600).

52. Bansk's BANSK mark's display upon the USPTO's Principal Register constitutes notice to SiteTools of Bansk's rights in the BANSK mark and SiteTools's use of the continued use of the mark is willfully infringing and intentionally using counterfeits of the BANSK mark.

53. SiteTools's willful, intentional, and unauthorized use of the BANSK mark is likely to cause, and is currently causing, confusion, mistake, and deception as to the origin and quality of the counterfeit services among the general public.

54. SiteTools's activities constitute willful trademark infringement and counterfeiting under 15 U.S.C. §§ 1114, 1117.

55. Bansk's injuries and ongoing damages are directly and proximately caused by SiteTools's unlawful use, advertisement, promotion, offering to sell, and sale of counterfeit Bansk services.

56. Bansk has no adequate remedy at law, and, if SiteTools's actions are not enjoined, Bansk will continue to suffer irreparable harm to its reputation and the goodwill of its well-known BANSK mark and corresponding brand.

COUNT III
(Violation of Section 43(a) of the Lanham Act)

57. Bansk incorporates by reference each and every allegation of paragraphs 1 through 42 above as though fully set forth herein.

58. Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a) prohibits any person from using in commerce any word, term, name, or false designation of origin or representation connection with its services which is likely to cause confusion, mistake, or deception as to the affiliation, connection, or association of such person with another person, or which is likely to cause confusion, mistake, or deception as to the source, origin, sponsorship, or approval of such services.

59. By making unauthorized use of Bansk's BANSK mark in connection with its services, SiteTools has used false designation of origin and false representations in connection with the offer for sale, sale, advertisement, and promotion of services that are likely to cause confusion, mistake, or deception as to the affiliation or connection of SiteTools with Bansk and as to the origin, sponsorship, association or approval of SiteTools's services by Bansk in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

60. SiteTools' infringing acts will continue unless enjoined by this Court.

61. SiteTools' acts have caused and will continue to cause irreparable injury to Bansk.

62. Bansk has no adequate remedy at law and is thus damages in an amount not yet determined.

COUNT IV
(Unfair Competition in Violation of Common Law)

63. Bansk incorporates by reference each and every allegation of paragraphs 1 through 42 above as though fully set forth herein.

64. Bansk enjoys well-established common law rights in and to the BANSK mark in the State of New York, which are superior to any rights that SiteTools may claim, and Bansk has built significant goodwill in the BANSK mark.

65. SiteTools used without Bansk's authorization in connection with the sale or offer for sale of its financial services the BANSK mark, which is likely to cause and/or have caused consumer confusion or mistake as to source, affiliation, connection or association of SiteTools' services in that consumers are likely to associate or have associated such services as originating with Bansk, all to the detriment of Bansk.

66. SiteTools's acts complained of herein constitute trademark infringement and unfair competition under the laws of the State of New York.

67. SiteTools has damaged Bansk's business, reputation, and goodwill.

68. Upon information and belief, SiteTools's conduct is intentional, with knowledge, and in bad faith, entitled Bansk to increased damages and attorneys' fees.

69. SiteTools's acts, as complained of herein, have caused irreparable injury and damage to Bansk and, unless restrained, will continue to do so.

70. Bansk has no adequate remedy at law.

71. Bansk has suffered and continues to suffer economic loss directly and proximately caused by SiteTools's actions alleged herein.

PRAYER FOR RELIEF

WHEREFORE, Bansk respectfully requests of this Court:

1. That judgment be entered in favor of Bansk on its claim and cybersquatting;
2. That the Court order the Bansk.com domain name be transferred to Bansk through transfer by Public Interest Registry of the Bansk.com domain name from SiteTools' current domain name registrar to Bansk's domain name registrar of choice and by such registrar's change of the registrant to Bansk;
3. That any other domain name(s) registered by SiteTools that resemble or include the BANSK mark be transferred to Bansk;
4. That judgment be entered in favor of Bansk that SiteTools:
 - i. has violated Section 32 of the Lanham Act, 15 U.S.C. § 1114;
 - ii. has violated Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a);
 - iii. has engaged in trademark infringement in violation of the common law of the State of New York; and
 - iv. has engaged in unfair competition in violation of the common law of the State of New York.
5. That the Court issue a preliminary and permanent injunction enjoining and restraining SiteTools from:
 - i. using the BANSK mark or any other reproduction, counterfeit, copy or imitation of the BANSK mark on or in connection with any goods or services;
 - ii. engaging in any course of conduct that is likely to cause confusion, deception or mistake as to the affiliation, connection or association of

SiteTools with Bansk or as to the source of SiteTools's services;

- iii. using any false designation or representation of origin in connection with the offering for sale or sale of services or false description or representation including words or other symbols tending to erroneously represent SiteTools is associated with, connected to, or other related to Bansk, or SiteTools's services as being those of Bansk, or sponsored by or as being associated with Bansk, and from offering such services into commerce;
- iv. making any statement or representation, or using any false designation of origin or performing any act, which can or is likely to cause the public to believe that any services advertised, promoted, offered for sale, or sold by SiteTools are in any manner associated or connection with Bansk;

6. That the Court order direct such other relief as it may deem appropriate to prevent the public from deriving any erroneous impression that SiteTools or its services are authorized by or related in any way to Bansk's services or to Bansk.

7. That the Court order an award to Bansk of the damages suffered by Bansk; (a) all profits that SiteTools has derived while using the BANSK mark; (b) costs and attorneys' fees to the full extent provided by Section 35 of the Lanham Act, 15 U.S.C. § 1117; and (c) punitive damages to the full extent available under the law; and

8. That the Court order an award to Bansk of such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff hereby demands a trial by jury on all issues raised by this Complaint that are triable by jury.

Dated: October 11, 2023

Respectfully submitted,

/s/ David Ludwig

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