

certification of Defendant's website (and the content thereof) with the Hamilton County Republican Party.

THE PARTIES

2. Plaintiff, the Central Committee of the Hamilton County Republican Party, is the decision-making body of the Hamilton County Republican Party (the "Party"). The Hamilton County Republican Party is the official organization affiliated with the Ohio Republican Party; its main offices are located at 700 Walnut Street, Suite 309, Cincinnati, Ohio. The Hamilton County Republican Party sponsors candidates for local and county wide office, holds various type of events, advocates political positions, raises money to support candidates and issue advocacy, and advertises its endorsements and issue positions. The Hamilton County Republican Party also maintains an Internet website using the domain name hamiltoncountyrepublicanparty.org which provides a variety of information related to the Party.

3. Defendant, Michael E. Dalton, is an Ohio resident and owner of the 'dot com,' 'dot net,' 'dot info,' and 'dot us' domains for hamiltoncountyrepublicanparty, and has a mailing address of 670 Northland Blvd., Box 18137, Cincinnati, Ohio. Defendant operates a website using the aforementioned domain names (e.g., a website with the URL www.hamiltoncountyrepublicanparty.com).

JURISDICTION AND VENUE

4. This court has original jurisdiction over this civil matter pursuant to O.R.C. § 2305.01.

5. Venue is appropriate in this Court pursuant to Ohio Civil Rule 3 because Defendants have conducted activity in this judicial district that gives rise to the claim for relief

and part of the claim for relief arises in this judicial district in that Plaintiff's business in this judicial district has suffered and is suffering damage as a result of Defendants' conduct.

STATEMENT OF FACTS

6. The Hamilton County Republican Party ("the Party") is a registered political organization located in Hamilton County, Ohio, has been in existence for over 65 years, and is affiliated with the State Republican Party and the National Republican Party. The Hamilton County Republican Party is the only countywide organization in Hamilton County Ohio affiliated with the Republican Party of Ohio and the National Republican Party.

7. HAMILTON COUNTY REPUBLICAN PARTY ("the Mark") is a common law trade mark and source identifier for the Party.

8. The Hamilton County Republican Party has developed enormous goodwill in the Mark, and public recognition of the Party and the Mark, through sponsoring events, performing community outreach, endorsing candidates for local offices, fundraising, advocating issues, and advertising its stance on issues and candidates.

9. The Hamilton County Republican Party has developed enormous goodwill in the Mark, and public recognition of the Party and the Mark, through sponsorship of local events. These include, for example, dinners, golf outings, sporting events, holiday parties and similar events.

10. The Hamilton County Republican Party has developed enormous goodwill in the Mark, and public recognition of the Party and the Mark, through advocating the election of candidates for various local offices including city council seats, state representatives, school boards and judgeships, as well as the election of candidates to the United States Congress.

11. The Hamilton County Republican Party has developed goodwill in the Mark, and public recognition of the Party and the Mark, through expenditures in advertising. Examples include advertisements in local newspapers, as well as advertising on its own Internet website.

12. The Hamilton County Republican Party is the subject of numerous local news articles and broadcasts. The Party is well known in Hamilton County and the tristate area for its political activities.

13. The Party has conducted the aforementioned activities under its official name and using the Mark continuously for many years – beginning long before Defendant first began using the Party’s Mark without its permission. As a result of the aforementioned activities, the name Hamilton County Republican Party and the Mark have acquired strong secondary meaning in the minds of the public and serve to uniquely identify the Party and its various activities. As such, the Mark is an extremely valuable asset of the Party.

14. The Party also owns and uses the Internet domain name hamiltoncountyrepublicanparty.org, incorporating the Mark. The Party operates its own website using this domain name (i.e., at www.hamiltoncountyrepublicanparty.org). Through this website, the Party conducts a variety of activities, such as disseminating news about the Party and various political issues, advocating on behalf of endorsed candidates for office and various political issues, soliciting monetary donations, and promoting various activities of the Party. A copy of the Party's website is attached as Exhibit A.

15. Between about October 23-29, 2005, Defendant registered the following domain names which incorporate the Party’s name and Mark in its entirety:

hamiltoncountyrepublicanparty.com (the 'dot com' domain)

hamiltoncountyrepublicanparty.net (the 'dot net' domain)

hamiltoncountyrepublicanparty.info (the 'dot info' domain)

hamiltoncountyrepublicanparty.us (the 'dot us' domain)

16. On or about October 29, 2005, Defendant registered the following additional domain names (the "hamiltoncountyrepublicans domains"):

hamiltoncountyrepublicans.org

hamiltoncountyrepublicans.com

17. Upon information and belief, beginning in October 2005, long after Plaintiff had established rights in the HAMILTON COUNTY REPUBLICAN PARTY mark, Defendant began to operate a website ("Defendant's Website") at the Uniform Resource Locator (URL) of www.hamiltoncountyrepublicanparty.com. The 'dot net,' 'dot info,' and 'dot us' domains registered by Defendant, as well as the hamiltoncountyrepublicans domains, are being used such that Internet users are automatically redirected to the 'dot com' domain. Thus, an Internet user typing in the URL (i.e., website address) *www.hamiltoncountyrepublicanparty.info* or *www.hamiltoncountyrepublicans.com* will automatically be redirected to *www.hamiltoncountyrepublicanparty.com* and the content at that website will be displayed to the user.

18. Since at least November 2, 2005, Defendant's Website is accessible through Defendant's recently-registered domain names and has featured content that includes Mr. Dalton's commentary on politicians both in Hamilton County and nationwide. In addition to using the Party's Mark (and slight variations thereof) in his domain names, Defendant's Website also uses the Mark in other ways which are deceptive and likely to cause confusion. For example, the title of Defendant's Website which appears at the top of a user's Internet browser is *Hamilton County Republican Party .com*. Similarly, the first line of the content of Defendant's

Website includes the title *Hamilton County Republican Party .com*. These features, as well as other aspects and content of Defendant's Website give the false impression that Defendant and Defendant's Website are somehow affiliated with, or sponsored or approved by the Hamilton County Republican Party. A copy of the current version of Defendant's Website is attached to this Complaint as Exhibit B.

19. Mr. Dalton and his website have no affiliation with the Hamilton County Republican Party and are not sponsored, endorsed or approved by the Hamilton County Republican Party.

20. Defendant's use of the Party's name and Mark HAMILTON COUNTY REPUBLICAN PARTY as a source identifier for his website, as well as in the content of his website, has caused actual confusion and is likely to continue to cause confusion with the official Hamilton County Republican Party, and, unless enjoined by this court, will continue to cause harm to the Hamilton County Republican Party.

21. Without an immediate restraining order, the Hamilton County Republican Party will continue to suffer irreparable injury from the likelihood of confusion and actual confusion for which there is no adequate remedy at law.

COUNT ONE
COMMON LAW TRADEMARK INFRINGEMENT

22. Plaintiff repeats and realleges paragraphs 1 through 21 of this Complaint as if fully set forth herein.

23. Defendant's use of the Party's Mark HAMILTON COUNTY REPUBLICAN PARTY (and variations thereof) causes a likelihood of confusion or misunderstanding as to the source, sponsorship or approval of the content of Defendant's Website with the Hamilton County Republican Party in violation of Ohio common law.

24. Defendant's use of HAMILTON COUNTY REPUBLICAN PARTY (and variations thereof) causes a likelihood of confusion or misunderstanding as to affiliation, connection, or association between the Defendant and the Defendant's website and Plaintiff.

25. Defendant's use of HAMILTON COUNTY REPUBLICAN PARTY (and variations thereof) in the domain names associated with his Internet website causes initial interest confusion by capitalizing on web users trying to access the official Hamilton County Republican Party's website but who mistakenly type '.com,' '.net,' '.info,' or '.us' instead of .org in the web address, or who mistakenly type hamiltoncountyrepublicans.org or .com in the web address.

26. By reason of Defendant's foregoing use of Plaintiff's mark HAMILTON COUNTY REPUBLICAN PARTY (and variations thereof), Defendant has caused damage and injury to the Hamilton County Republican Party in an amount as yet undetermined, for which there is no adequate remedy at law, and unless temporarily, preliminarily and permanently enjoined by this Court, Defendant will continue such conduct to the irreparable damage and detriment of the goodwill and reputation of the Hamilton County Republican Party.

COUNT TWO
COMMON LAW UNFAIR COMPETITION

27. Plaintiff repeats and realleges paragraphs 1 through 26 of this Complaint as if fully set forth herein.

28. Defendant's use of HAMILTON COUNTY REPUBLICAN PARTY (and variations thereof) consists of unfair competition against plaintiff.

29. By reason of Defendant's unfair competition against Plaintiff, Defendant has caused damage and injury to the Hamilton County Republican Party in an amount as yet

undetermined, for which there is no adequate remedy at law, and unless temporarily, preliminarily and permanently enjoined by this Court, Defendant will continue such conduct to the irreparable damage and detriment of the goodwill and reputation of the Hamilton County Republican Party.

PRAYER FOR RELIEF

WHEREFORE, the Hamilton County Republican Party prays that this Court enter judgment against the Defendant as follows:

(A) Ordering that the Defendant be adjudged to have committed the act of trademark infringement in violation of Ohio common law;

(B) Ordering that the Defendant be adjudged to have competed unfairly in violation of Ohio common law;

(C) Granting temporary, preliminary and permanent relief by enjoining Defendant and others affiliated with him and all those in privity or active concert or participation with him, and all those who receive actual notice by personal service or otherwise:

(i) from using the term and identifier HAMILTON COUNTY REPUBLICAN PARTY, or substantially similar terms which are confusingly similar to Plaintiff's Mark and organizational name, in Hamilton County, Ohio.

(ii) from using on the Internet the term and identifier HAMILTON COUNTY REPUBLICAN PARTY or any substantially similar term as defined in paragraph

(C)(i) above;

(D) Ordering that Defendant shall serve upon Plaintiff within ten (10) days after service on Defendant of an injunction, or such extended period as the Court may

direct, a report in writing under oath setting forth in detail the manner in which they have complied with the injunction;

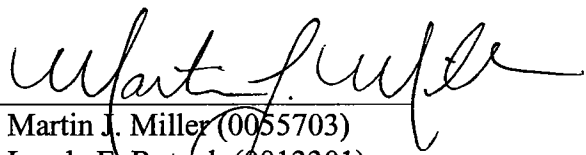
(E) Ordering that Defendant relinquish control over the 'dot com,' 'dot net,' 'dot info,' and 'dot us' domains, as well as the hamiltoncountyrepublicans domains, to the Hamilton County Republican Party;

(F) Ordering Defendants to deliver up for destruction any and all materials in its possession, custody or control which, if used, would violate the injunction herein granted;

(G) Awarding Plaintiff the costs of this action, including reasonable attorneys' fees and interest; and

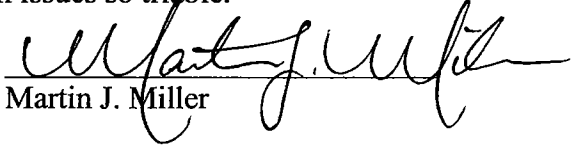
(H) Granting such other and further relief as this Court may deem just and proper.

Dated: November 18, 2005

By 
Martin J. Miller (0055703)
Lynda E. Roesch (0013301)
Steven A. Abreu (0078240)
DINSMORE & SHOHL LLP
1900 Chemed Center
255 E. Fifth Street
Cincinnati, OH 45202
(513) 977-8200
(513) 977-8141 (fax)
martin.miller@dinslaw.com

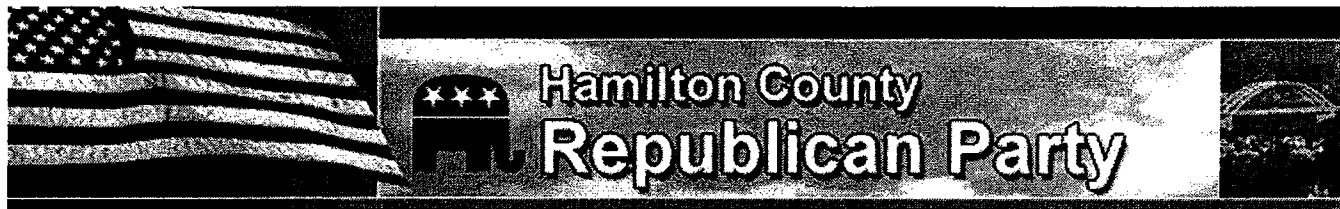
Attorneys for Plaintiff
Central Committee of the Hamilton County
Republican Party

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


Martin J. Miller

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EXHIBIT A



- ◆ HOME
- ◆ NEWS
- ◆ EVENTS CALENDAR
- ◆ ACTION CENTER
- ◆ ISSUES
- ◆ LINKS
- ◆ ELECTED OFFICIALS
- ◆ CANDIDATES
- ◆ CONTACT US

Hamilton County Republican Party

Letter from Chairman George H. Vincent



George H. Vincent

On behalf of the Hamilton County Republican Party, thank you for visiting our web site. Our site is designed to provide you with the most up-to-date information on the Republican Party and Hamilton County. We hope you find this site to be a valuable resource to your involvement in the political process.

Please take time to visit our Action Center to learn how you can be involved in our Party and help to promote Republican ideas and candidates. Sign up to receive regular email updates from us and find out about upcoming events by viewing our event calendar. Our Elected Officials section will connect you with local, state, and national Republican officials; and our Issues page will keep you informed of candidates, upcoming elections, and important community issues.

Due to your support this year, Republicans were able to maintain crucial seats in Municipal Court and on City Council. Every candidate put forth a tremendous effort towards their campaign. The candidates in the townships, cities and villages also delivered remarkable results after campaigning to strengthen Republican grassroots. In addition, we defeated four state issues that would dramatically change the Ohio constitution and the election process. These victories prove the Republican Party is energized and has strong momentum going into 2006.

As we look at the challenges ahead in 2006, we will continue to build on the volunteer enthusiasm, which was so crucial to re-electing President Bush in 2004. This year we will elect officials to county and statewide offices, which have the most direct impact on the

Action Center

- Volunteer
- Donate
- Register to
- E-mail Sig

Upcoming Events

- ◆ North College Republican
Tue, Nov 22,
- ◆ Delhi Towns Republican
Tue, Nov 22,
- ◆ Blue Chip Y. Republican
Mon, Nov 28
- ◆ Norwood Re Club
Mon, Nov 28
- ◆ Harrison Re Club Meet the Candidates'
Tue, Nov 29,
- ◆ Fundraiser for House of Representatives
Tue, Nov 29,
- ◆ Hamilton County Republican Holiday Party
Fri, Dec 2, 2005
- ◆ Congresswoman Schmidt's House
Sat, Dec 3, 2005
- ◆ Schmidt for Breakfast Fundraiser
Mon, Dec 5,
- ◆ Anderson Township Republican Primary Preview
Wed, Dec 7,

[More Events](#)

citizens of Hamilton County.

I'm counting on your support this year to help elect outstanding Republican candidates and incumbents to these important offices, and I hope you find this web site to be a valuable tool to keep you informed of the ongoing activities and volunteer opportunities of the Republican Party in Hamilton County.



George H. Vincent, Chairman



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EXHIBIT B

