



**Alan Garten**  
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**CEASE & DESIST DEMAND**

March 23, 2015

**Via E-mail and Overnight Courier**

Nick Butler  
MovieViral.com, LLC  
[REDACTED]  
Binghamton, NY 13901  
Email: [nickbutler@movieviral.com](mailto:nickbutler@movieviral.com)

Re: *TRUMP.FOUNDATION – Trademark Infringement*

Dear Mr. Butler:

I am General Counsel to The Trump Organization and Donald J. Trump, the well-known businessman, real estate developer, star of the television show *The Apprentice* and registered owner of the trademark Trump<sup>®</sup>. As such, I write to demand that you immediately cease and desist from engaging in any further use of the domain name TRUMP.FOUNDATION (the “Domain Name”).

As I am sure you are aware, the Trump<sup>®</sup> name is internationally known and famous as a result of Mr. Trump’s long, extensive, and high-profile business and entertainment related activities. Mr. Trump is the owner of the Trump<sup>®</sup> name as a trademark, as well as hundreds of additional trademarks that incorporate the Trump<sup>®</sup> name, all of which we scrupulously protect.

With this background in mind, it has come to our attention that you have registered the Domain Name TRUMP.FOUNDATION. Please be advised that the unauthorized use of this Domain Name infringes upon Mr. Trump’s common law and statutory trademark rights in that the name Trump<sup>®</sup> is protected by U.S. Trademark Registration No. 3,526,411. Indeed, the Trump<sup>®</sup> trademark has even been declared “incontestable” by the U.S. Patent and Trademark Office pursuant to §1065 of the U.S. Trademark Act (15 U.S.C. § 1065). As such, your use of the Domain Name constitutes a violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), entitling Mr. Trump to recover (i) your profits, (ii) any damages sustained by Mr. Trump, and (iii) the costs of bringing an action against you (which may be tripled by the reviewing court).

Your registration (and use) of the Domain Name also constitutes cyber-piracy in violation of the U.S. Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d). Like the Lanham Act, under Anti-Cybersquatting Act, any person who, in bad faith, registers a domain name that

is identical or confusingly similar to the trademark of another person can be held liable for damages -- up to \$100,000 per domain. 15 U.S.C. § 1117(d).


In short, Mr. Trump considers this to be a very serious matter and has authorized our legal team to take all necessary and appropriate actions to bring an immediate halt to your blatant and unauthorized use of his trademark. In the interest of avoiding what will certainly be a costly litigation process for you, we are prepared to offer you the one-time opportunity to rectify this matter by providing us with your prompt written assurances, to be received no later than **March 30, 2015**, that:

- (i) you have immediately ceased all uses of Mr. Trump's name and the Trump<sup>®</sup> trademark; and
- (ii) you agree not to associate Mr. Trump's name and/or the Trump<sup>®</sup> trademark with you or your commercial activities in any way, at any point in the future; and
- (iii) you will immediately transfer your infringing Domain Name to my client.

If we do not receive these assurances by the aforesaid date, we will pursue all remedies available to us at law or in equity against you.

I look forward to your prompt written response.

Very truly yours,



Alan Garten