

Approved:

\_\_\_\_\_  
JOSEPH V. De MARCO  
Assistant United States Attorney

Before: HONORABLE GABRIEL W. GORENSTEIN  
United States Magistrate Judge  
Southern District of New York

- - - - - x

UNITED STATES OF AMERICA, : **SEALED**  
 : **COMPLAINT**  
 - v. - :  
 : Violation of:  
 JOHN ZUCCARINI, : 18 U.S.C. § 2252B(b)  
 :  
 : COUNTY OF OFFENSE:  
 : NEW YORK  
 Defendant.

- - - - - x

SOUTHERN DISTRICT OF NEW YORK, ss.:

ROBERT FRATERRIGO, being duly sworn, deposes and says that he is a Postal Inspector of the United States Postal Inspection Service ("USPIS"), and charges as follows:

COUNT ONE  
(Misleading Domain Names On The Internet)

1. From at least on or about May 19, 2003, to at least on or about August 7, 2003, in the Southern District of New York and elsewhere, JOHN ZUCCARINI, the defendant, unlawfully and knowingly used a misleading domain name on the Internet to deceive a minor into viewing material that is harmful to minors, to wit, JOHN ZUCCARINI, the defendant, as reflected in Exhibit A to this Complaint, registered and used misspellings and variations of the Internet Web site domain names for Web sites primarily of interest to minors, in order to deceive minors into viewing, among other things, photographic depictions of nudity and sexual intercourse depicted on those Web sites.

(Title 18, United States Code, Section 2252B(b).<sup>1</sup>)

\_\_\_\_\_

<sup>1</sup> Enacted Apr. 30, 2003, Pub. L. 108-21, Title V, § 521(a).

## **I. Introduction**

2. I am a Postal Inspector with the United States Postal Inspection Service ("USPIS") and have been a Postal Inspector since 1994. Since in or about 1999, I have specialized in the investigations of crimes involving the improper use of computers, computer systems, and the Internet. Based upon my training as a Postal Inspector, and my experience investigating computer and Internet crimes, I am familiar with several of the means by which individuals use computers and the Internet to commit various criminal offenses. Because this Affidavit is being submitted for the limited purpose of establishing probable cause, I have not included every detail of every aspect of the investigation. Rather, I have set forth facts in order to establish probable cause to arrest JOHN ZUCCARINI, the defendant. In addition, the information contained in this Affidavit is based upon conversations with other government officials, including attorneys and investigators employed by the Federal Trade Commission; my review of various arbitration panel decisions and court opinions; sworn deposition testimony from various civil actions to which ZUCCARINI was a party; and my personal observations and knowledge. Unless specifically indicated otherwise, all conversations and statements described in this Affidavit are related in substance and in part only.

## **II. The Internet and The Domain Name Registration System**

3. Based on my training and experience, as well as various publications that I have read, I know that the Internet is an immense worldwide computer network used by millions of individuals daily. In addition, I am aware that The World Wide Web (the "Web") is a hypertext-based computer system that facilitates the ability to find and access information on the Internet through Web sites. Many businesses and entertainment celebrities use Web sites to advertise, promote, and provide information about themselves. Typically, a person who wishes to view an Internet Web site installs a computer modem and computer software called a "Web Browser" on their computer, and types the Web site's Uniform Resource Locator (colloquially referred to as the Web site's "domain name"), in the address bar of their Web Browser. Based on my experience using the Internet, I am aware that a Web Site's domain name will often be the name (or an abbreviation of the name) of the entity maintaining the Web Site preceded by "www." and followed by a suffix indicating the type

of entity maintaining the Web site -- for example, ".com" for businesses, ".org" for organizations, or ".gov" for governmental entities.

4. Based on materials I have read, I am aware that persons and entities who wish to maintain a Web site on the Internet must register the Web site's domain name with one of several companies, known as Internet Registrars. These Internet Registrars are authorized to register Internet domain names by a corporation known as the Internet Corporation for Assigned Names and Numbers ("ICANN"). Based on materials I have read, I am aware that Internet Registrars often charge a yearly (or bi-yearly) fee to the registrant for the exclusive use of a particular domain name by that registrant. Examples of Internet Registrars include Nominalia and Joker, two Internet Registrars used by JOHN ZUCCARINI, the defendant.

5. Based on conversations I have had with Federal Trade Commission officials, I am aware that ICANN has adopted a Uniform Domain Name Resolution Policy ("UDRP"), enforced by approved dispute resolution service providers accredited by ICANN, to arbitrate disputes among persons concerning domain names. In addition, based on conversations I have had with Federal Trade Commission officials, as described more fully below, I am aware that federal laws provide for certain civil remedies where domain names are registered that may infringe upon trademarks.

### **III. Initial Investigation**

6. On or about November 25, 2002, I met with a lawyer and two investigators assigned to the Bureau of Consumer Protection, Division of Marketing Practices, of the Federal Trade Commission (collectively, the "FTC Officials"). The FTC Officials informed me that they had recently brought a civil enforcement action against JOHN ZUCCARINI, the defendant, alleging that he had violated federal law by engaging in unfair and deceptive practices. Specifically, the FTC Officials informed me that ZUCCARINI had registered thousands of domain names which consisted of slight variations (e.g., transposed letters, misspellings, etc.) of popular domain names, and that ZUCCARINI was using these domain names to generate advertising revenue from advertisers for pornographers, among others, who paid ZUCCARINI to direct Internet users to their Web sites. As the FTC Officials described it, whenever an Internet user typed

a domain name registered by ZUCCARINI in the address bar of their browser, they were barraged with a series of advertisements -- many of which were for pornographic web sites -- and found it difficult, and in some cases impossible, to exit from these Web sites without shutting down their computer.<sup>2</sup> As described more fully below, ZUCCARINI has engaged in the practice of registering misleading domain names with the knowledge that his activities cause confusion and deception among Internet users, and with knowledge that his activities violate the rights of holders of existing domain names.

7. According to the FTC Officials, the FTC had received numerous complaints from consumers who, through misspellings or typographical errors, had inadvertently accessed Web sites controlled by JOHN ZUCCARINI, the defendant, and had unwittingly found themselves barraged by advertisements for, among other things, Web sites offering pornography. The FTC Officials informed me that ZUCCARINI had (1) been engaged in the business of registering misspellings of common Internet domain names on a large scale for many years; (2) had been the subject of numerous legal actions brought by the registrants of Internet domain names associated with legitimate products and services; and (3) had been permanently enjoined from this practice by the United States District Court for the Eastern District of Pennsylvania following a civil action by the FTC against ZUCCARINI. The FTC Officials further informed me that

---

<sup>2</sup> Based on articles and court opinions that I have read, I am aware that this practice of preventing Internet users from exiting a Web site or Web page is often referred to as "mousetrapping." Typically, when an Internet user is "mousetrapped," he or she finds that many common Internet commands do not function properly. For example, rather than returning the user to the previous Web page, hitting the "back" button command will launch the opening of new Web pages. Similarly, hitting the "close" button command may also open new Web pages. Moreover, even when an Internet user does nothing, new Web pages may open, barraging the user with images and data they did not intend to receive. Often, the only way for the user to exit this "cyber-maze" is for them to shut off their computer, thereby potentially losing any unsaved data on their computer. According to FTC officials, JOHN ZUCCARINI, the defendant, combined mousetrapping techniques with other programming tactics to bombard consumers with unwanted advertisements for, among other things, pornography.

ZUCCARINI's whereabouts were unknown; that ZUCCARINI had no known legal address; and that ZUCCARINI had a history of failing to respond to complaints and deposition notices and of evading attempts at service of process by federal marshals. The FTC Officials informed me that, according to testimony in prior civil actions, by his own admission ZUCCARINI (1) was aware that many of his domain names consisted of the misspellings of domain names specifically associated with Web sites which appealed to minors, and (2) earned between \$800,000 and \$1,000,000 per year in advertising revenue from using misleading Internet domain names. The FTC Officials provided me with various court filings, affidavits, and related exhibits prepared by them in their enforcement action against ZUCCARINI, together with a CD which recorded the observations of an FTC investigator when s/he accessed several Internet domain names registered by ZUCCARINI.<sup>3</sup>

#### 8. Consumer Complaints

As noted above, based on my conversations with FTC Officials, I am aware that numerous individuals complained to the FTC about the practices of JOHN ZUCCARINI, the defendant, concerning his registration and use of domain names that were misspellings of existing domain names, as well as about being "mousetrapped" in Web sites controlled by ZUCCARINI. In addition, I am aware that numerous legitimate Web site operators received complaints from Internet users who accidentally accessed Web sites controlled by JOHN ZUCCARINI which were similar to their Web site; in some cases, the complainants erroneously believed that the legitimate Web site was promoting pornography. For example, I have reviewed an e-mail sent to Yahoo! officials from a person (the "Parent") whose 13 year-old daughter inadvertently misspelled the domain name for a Web site associated with an e-mail service offered by Yahoo!. In that e-mail, the Parent wrote:

My 13 y.o. daughter has a Yahoo e-mail account, and using a tip from a friend attempted to get into her e-mail faster today by typing www.yahooe-mail.com. This took her straight to a porn site - which had a

---

<sup>3</sup> This CD was produced using a software known as "Camtasia Studio" which I know to be computer software which can be used to record on CD (for later replay and analysis) the images on a computer screen as that computer accesses various Web pages of an Internet Web site.

different address when it opened. I think at a minimum you have a trademark infringement being used to lure the unsuspecting to a porn site. We are upset at how easily this error occurred. I hope you are able to do something about this.

Another e-mail which I reviewed, dated March 24, 1999, and sent to Yahoo! officials from a user who worked in an Internet-related business stated:

I'm upset -- and I'm in the industry -- so I understand if you make a mistake ---- my young daughter wanted to find out about travel in Europe this summer so I suggested YAHOO TRAVEL.<sup>4</sup> She typed YahooTravel.com and got PORNO !!!!!!!!!!!!!!!!!!!!!!! I'm very disappointed, I expect more from Yahoo.

Based on a report of UDRP proceedings brought by Yahoo! against ZUCCARINI which I have reviewed, I am aware that the two Web sites discussed above were registered to, and controlled by, ZUCCARINI.

#### 9. UDRP Rulings Against ZUCCARINI

In addition to the consumer complaints set forth above, I am aware that numerous Web site operators have brought UDRP actions against JOHN ZUCCARINI, the defendant, individually, or under various aliases and d/b/a names used by ZUCCARINI, in various arbitration proceedings. Specifically, I am informed by FTC officials that approved dispute resolution service providers (the "panels") found against ZUCCARINI in 98 of approximately 100 proceedings. As a result, according to FTC officials, ZUCCARINI was ordered to transfer the domain names at issue in these actions to the legitimate domain name holder.<sup>5</sup>

---

<sup>4</sup> In the course of my investigation, I learned that Yahoo does maintain a travel-related Web site, but that its domain name is <http://travel.yahoo.com>.

<sup>5</sup> E.g., Dow Jones & Co., Inc. v. Zuccarini, Case No. D2000-0578 (WIPO Aug. 28, 2000) ("It is plain that Zuccarini registered and has used the two domain names solely for the purpose of trading on the global reputation of THE WALL STREET JOURNAL, taking advantage of the tendency of Internet users to misspell. . . and thus to profit from his own sales of

10. In the course of my investigation, I personally reviewed approximately twenty of the UDRP arbitration decisions referred to above. In these decisions, the panels found that (1) ZUCCARINI had registered a domain name that was identical, or confusingly similar, to a trademark or service mark in which the complainant had legitimate rights; (2) ZUCCARINI had no rights or legitimate interests in the domain name he had registered; and (3) ZUCCARINI had registered, and was using, the victim's domain name in bad faith. In reviewing these decisions, I learned that numerous of these actions involved disputes concerning Web sites that relate to topics of interest to minors.<sup>6</sup> In addition, several decisions rendered against ZUCCARINI (or one of the companies through which he does business), which I reviewed specifically noted the recidivist nature of ZUCCARINI's conduct. Furthermore, I have reviewed two UDRP actions in which the arbitration panel specifically noted that ZUCCARINI's activities promoted advertisements for pornographic Web sites.<sup>7</sup> In addition, as described more fully

---

advertising and from links to other websites. . . . It is crystal clear that he registered thousands of domain names because they are confusingly similar to others' famous marks or personal names - and thus are likely misspellings of those names - in an effort to divert internet traffic to his sites. Zuccarini has without question acted in bad faith in registering and in using [these names].")

<sup>6</sup> For example, actions were brought against ZUCCARINI (or entities controlled by him) by Disney Enterprises, Inc., Lucasfilm Ltd. (which owns a domain name associated with the movie "Star Wars"), Paws, Inc. (which owns a domain name associated with the cartoon character "Garfield"), Primedia, Inc. (which owns a domain names associated with "Seventeen" magazine), Time Warner Entertainment, Inc. (which owns a domain names associated with "Harry Potter," "Looney Tunes" and "Scooby Doo"), and United Feature Syndicate (which owns a domain name associated with the cartoon character "Dillbert").

<sup>7</sup> America Online, Inc. v. Zuccarini, Case No. D2000-1495 (WIPO Jan. 22, 2001) ("[o]ne of the disputed domain names . . . directs Internet users to pornographic websites"); Yahoo!, Inc. v. Cupcake Patrol, Case No. D2000-0928 (WIPO Sep. 29, 2000) ("On at least one occasion, fully acknowledged by [Zuccarini], one of

below, I am aware that in at least two depositions in lawsuits brought against ZUCCARINI, parties in those actions complained to ZUCCARINI about the fact that his Web sites advertised for pornographic Web sites.

#### 11. Court Actions Against ZUCCARINI

In addition to the UDRP rulings referred to above, I have reviewed various materials, including depositions and testimony from court actions brought against JOHN ZUCCARINI, the defendant, relating to his practice of registering misleading domain names. These actions include: Shields v. Zuccarini, 2000-CV-00494 (E.D.Pa.) ("Shields"); Maxim v. Zuccarini, 00 Civ. 2104 (WHP) (S.D.N.Y.) ("Maxim"); and Electronics Boutique Holdings Corp. v. Zuccarini, 00 Civ. 4055 (E.D.Pa.) ("Electronics Boutique"), and are discussed below.

In the Shields action, in a deposition conducted on February 23, 2000, ZUCCARINI admitted, in substance and in part, that:

- I. he was in the business of advertising for Web sites maintained by other entities;
- I. he conducts business under the names Cupcake City, Cupcake Patrol, Cupcake Movies, Cupcake Show, among others;
- I. he selected the domain names he registered because they were misspelled versions of existing Web sites;
- I. he engaged in this activity without the permission or authorization of the operators of the existing Web sites;<sup>8</sup>

---

[Zuccarini's] Websites was routing 'Yahoo!' traffic to a porno site.")

<sup>8</sup> I have also reviewed an e-mail, dated December 15, 1999, and marked as Exhibit 11 in the Shields action, from ZUCCARINI, to counsel for the plaintiff in which ZUCCARINI expresses his views concerning the regulation of his registration of domain names, stating:

- I. he was paid between \$.10 and \$.25 every time a visitor to one of his Web sites accessed the Web site of an entity he promoted on his site;
- I. he used Joker and Nominalia as Internet Registrars for his domain names;
- I. he had received cease and desist letters from the owners of existing domain names whose names he had registered misspelled versions of;
- I. he spent approximately \$112,000 every two years to register approximately 1,600 domain names;

In addition, I have reviewed the transcript of a preliminary injunction hearing conducted on March 21, 2000, before the Honorable Stewart Dalzell, United States District Judge for the Eastern District of Pennsylvania, in the Shields action. In that hearing, ZUCCARINI in substance and in part:

- I. admitted that he attracted traffic to his Web sites by registering misspellings of common domain names;
- I. admitted that he chose domain names to register by researching what the most popular legitimate domain names were and then choosing variations on those names;
- I. admitted that between 98%-99% of the 3,000 domain names he registered were registered simply to generate Internet traffic;

---

You do not own the Internet!!!! People can say and do whatever they want!!!! The Internet is not a shopping mall!!!! . . . It is a road to travel!!!! It is not different that the city or town we live in. We can do or say anything we want as we walk through our city! As we can do on the Internet!!!!

- I. admitted that, without their control or direction, persons accessing one of his Web sites would receive pop-up screens from that site repeatedly, and could not exit from this process unless they knew a specific technique for doing so;
- I. admitted that many of his approximately 3,000 Web sites had multiple screens that opened, when they were accessed, and that he was "trying to cut back" on the number of screens that opened;
- I. admitted that he registered the domain names digmonmovie, digemonmovie, playstasoin.com, paystastion.com, and harrypottor.com;<sup>9</sup>
- I. admitted that one reason he registered so many domain names which are of interest to children and teenagers is because teenagers and young people tend not to know how to spell;
- I. admitted that he had received complaints from Yahoo! representatives about his registration of misspellings of their domain names.

In addition, I have reviewed two opinions of the United States District Court for the Eastern District of Pennsylvania in the Electronics Boutique case. In an October 30, 2000 ruling in that case,<sup>10</sup> the Court specifically noted the unwillingness of ZUCCARINI to comply with the directives of the Court:

Mr. Zuccarini's conduct is not easily deterred. .

---

<sup>9</sup> I am aware that Digimon is a type of children's cartoon show produced by Disney; that Playstation is a video game system popular with children, among others; and that Harry Potter is a story book character popular with minors, among others.

<sup>10</sup> Electronics Boutique Holdings Corp. v. Zuccarini, 56 U.S.P.Q.2d (BNA) 1705, C.A. 00-4055 (E.D.Pa. Oct 30, 2000).

. Strikingly, Mr. Zuccarini registered the domain misspellings at issue in this matter after this Court preliminarily enjoined him from using misspellings of another individual's mark. . . . Mr. Zuccarini boldly thumbs his nose at the rulings of this court and the laws of our country.

(Emphasis supplied).

#### 12. The FTC Enforcement Action Against ZUCCARINI

As a result of the continued conduct of JOHN ZUCCARINI, the defendant, in registering misleading domain names, according to FTC officials on or about September 25, 2001, the FTC sought, and obtained, a Temporary Restraining Order (the "TRO") in the United States District Court for the Eastern District of Pennsylvania. According to FTC officials, the TRO enjoined ZUCCARINI from the combined practice of redirecting and obstructing consumers on the Internet or World Wide Web; ordered him to dismantle certain Web sites central to his scheme; and required ZUCCARINI to provide information and documents to the FTC. Thereafter, according to FTC officials, the FTC sought and, on October 19, 2001, obtained, a Preliminary Injunction against ZUCCARINI. Among other things, the Preliminary Injunction again enjoined ZUCCARINI from redirecting and obstructing consumers on the Internet or World Wide Web. Thereafter, according to FTC officials, the FTC sought, and on April 9, 2002, obtained, a Permanent Injunction against ZUCCARINI. Among other things, the Permanent Injunction banned ZUCCARINI from redirecting and obstructing consumers; banned ZUCCARINI from advertising for other Web sites for a fee; and included a money judgement against ZUCCARINI of approximately \$1,897,166 as a result of his practice of registering misleading domain names on the Internet to the detriment of consumers.

#### 13. ZUCCARINI's Knowledge Of The FTC Injunction

In the course of my investigation, I was informed by FTC officials that, although JOHN ZUCCARINI, the defendant, did not appear to contest the FTC allegations in the Preliminary or Permanent Injunction actions, ZUCCARINI was aware of those actions. Specifically, I learned through Cash X records (described below) associated with ZUCCARINI, that ZUCCARINI had accessed a computer database known as "Pacer" which lists court

filings in federal court, and which reflected the entry of the injunctions against ZUCCARINI. On or about August 13, 2003, I reviewed documents maintained by Pacer relative to an account with Pacer by a subscriber named "John Zuccarini." Among other things those records indicate that on numerous occasions in 2003 -- most recently on May 18, 2003 -- ZUCCARINI ran a "docket report" concerning the FTC action against him. In the course of my investigation, I reviewed a copy of the Pacer docket report for the FTC action against ZUCCARINI; among other things, that report summarizes the terms of the Injunctions entered by the Court against ZUCCARINI. In addition, I have reviewed excerpts from depositions taken of ZUCCARINI's mother and brother in the FTC action; in both cases, the witnesses testified, in substance and in part, that they had discussed the FTC action against ZUCCARINI with him. Moreover, as discussed more fully below, I have reviewed an e-mail sent to a lawyer for a domain name holder that has sued ZUCCARINI. In that e-mail the sender (identified only as "Shades") admonishes the lawyer for his/her supposed misunderstanding of the FTC's final order in the case. As described below, I have learned that the e-mail from "Shades" was sent from an e-mail account controlled by ZUCCARINI. Notwithstanding the terms of the injunctive relief obtained by the FTC against ZUCCARINI, I am aware that ZUCCARINI continues to use misleading domain names to promote advertisements for pornography to minors.

14. News Articles Referring to ZUCCARINI's Use of Misleading Domain Names

In the course of my investigation, I reviewed several on-line news articles concerning the registration of misleading domain names by JOHN ZUCCARINI, the defendant. These included an article (the "Article") in a scholarly journal which (1) listed domain names which had been registered by ZUCCARINI, and (2) noted that many of his domain names directed viewers to sexually explicit materials.

**IV. Recent Investigation**

15. Undercover Internet Investigation

On or about May 19 and May 20, 2003, using a computer connected to the Internet which was located in the Southern District of New York, I accessed 41 of the ZUCCARINI-controlled domain names which are set forth in Exhibit A to this Complaint.<sup>11</sup> The Web sites I accessed on these days relate to entertainment figures, cartoon characters, and celebrities popular with minors -- for example, "Bob The Builder," "Britney Spears," "Disney Land," and "Teletubbies."<sup>12</sup> When I accessed this first group of ZUCCARINI-controlled sites on May 19<sup>th</sup> and 20<sup>th</sup>, I observed the following:<sup>13</sup> first, my computer was directed to a Web page which, according to the domain name which appeared in my computer's browser, was known as "amaturevideos.nl." Almost immediately thereafter, my computer was directed to another Web site; this Web site had the domain name "HANKY-PANKY-COLLEGE.com" (the "Hanky-Panky Site"). The first screen of the Hanky-Panky Site

---

<sup>11</sup> Exhibit A consists of a list of a total of 15 legitimate domain names with a list of a total of 49 associated misspelled domain names registered by JOHN ZUCCARINI, the defendant. Exhibit A was assembled, in part, on my review of the ZUCCARINI-controlled Web sites listed in the Article; it is incorporated by reference herein.

<sup>12</sup> I am aware that Bob The Builder and Teletubbies are entertainment characters on cable television which appeal to young children.

<sup>13</sup> I recorded my activity using the Camtasia Studio software referred to above and have reviewed that recording in preparing this Complaint.

consisted of a "Warning" page which, among other things, stated "Warning: Adults Only . . . This Website contains sexually-oriented adult content which may include visual depictions of nude adults, adults engaging in sexual acts, and other audio and visual material of a sexually explicit nature." This page directed viewers who did not wish to see such materials, or who were under the age to 18 to exit the site; viewers over 18 wishing to see such materials were directed to click on a portion of the screen labeled "Enter Site."<sup>14</sup> After clicking on the "Enter Site" portion of the screen, my computer accessed a Web page of the Hanky-Panky Site titled "Dorm Sex Party." This Web page contained pictures of partially nude young people engaging in sexual activity. Thereafter, when I clicked on the "close" button of my computer screen in an attempted to exit from the "Dorm Sex Party" screen, a new Web page opened on the Hanky-Panky Site; this page offered access to free pornography. Thereafter, when I attempted to close this Web page, a new Web page on the Hanky Panky Site opened. This new Web page displayed a collage (the "First Collage") which was comprised of several pictures, including (1) a picture of a woman performing oral sex a man, and (2) a picture of vaginal sexual intercourse between a woman and a man. When I attempted to close the Web page containing the First Collage, I was taken to another Web site. This Web site was titled "Extreemepenetration.net" on my computer's browser, and contained a second collage (the "Second Collage") which also contained pornographic images. My attempts to close out this screen, and subsequent screens, led inevitably to the opening of Web Pages displaying additional pornography. The pornographic images I observed (including the First and Second Collage) did not appear to be part of any larger artistic, literary, political, or scientific work. Rather, the pornographic images were advertisements for, among other things, free access to pornography.

16. On or about August 6 and 7, 2003, I accessed the remainder of the ZUCCARINI-controlled Web sites set forth in Exhibit A to this Complaint. When I accessed this second group of ZUCCARINI-controlled Web sites on those dates I observed the

---

<sup>14</sup> Although viewers under 18 were directed not to enter the site, the Web site did not provide any method to verify the age of the person who accessed the site, and I was able to enter the site simply by clicking on the "Enter Site" button.

following:<sup>15</sup> first, my computer was directed to a Web page which was again titled "amaturevideos.nl" in the domain name which appeared in my computer's browser. Almost immediately thereafter, my computer was directed to the Hanky-Panky Site described above, the first screen of which contained the "Warning" page described above. After clicking on the "Enter Site" portion of the screen, my computer accessed a Web site listed in my computer's browser as "access.rapid-pass.net . . . hardcorevideos." This first of page of this Web site contained several color pictures<sup>16</sup> of nude people engaging in sexual activity, and offered "Hardcore Videos" of "Teens" and "Live Girls." When I attempted to close this Web page, a series of additional Web pages opened on the Hanky-Panky Site. These Web pages included, among other pornography, numerous high-quality pictures of nude young people engaged in sexual activity, including a picture of vaginal sexual intercourse between a young man and a young woman. The pornographic images I observed did not appear as part of any larger artistic, literary, political, or scientific work.

17. In the course of my investigation, I accessed publicly-available databases maintained by various Internet Registrars which list certain information about the registrant that is self-reported by the registrant at the time of registration. This information includes the name of the registrant who owns the specific domain name; the company with which the owner is affiliated; and contact information for the owner. When I accessed this information for the ZUCCARINI-controlled domain names set forth in Exhibit A, I learned that (1) all of these domain names were registered and owned by "John Zuccarini;" (2) ZUCCARINI used the Registrar known as Joker to register the domain names; (3) the registration with Joker was done electronically via the Internet; and (4) "Cupcake Patrol" was listed as the company affiliated with "John Zuccarini" for virtually every Web site registered by him.

18. In addition, in the course of my investigation, I have reviewed records maintained by Cash X, Inc. ("Cash X"), a

---

<sup>15</sup> I recorded my activity using the Camtasia Studio software referred to above and have reviewed that recording in preparing this Complaint.

<sup>16</sup> It also included a moving image of a nude woman masturbating with a dildo.

company located in Coral Gables, Florida, which I am aware provides customers with credit card numbers to use for purchases on the Internet and which bills its clients for those charges against accounts established by its clients at Cash X. Records maintained by Cash X indicate that a customer known as "John Zuccarini" has used credit card numbers provided by Cash X to pay bills to, among others, Pacer (which I know to be an computer database of court filings), Joker (which I know to be an Internet Registrar), and Earthlink (which I know to be an Internet Service Provider).

19. ZUCCARINI at the Premises

As discussed in paragraph 13, above, I have reviewed an e-mail (the "E-Mail") sent on or about July 22, 2003, by a person identified only as "Shades" to a lawyer representing a domain name registrant who had previously sued JOHN ZUCCARINI, the defendant. In the E-Mail, "Shades" complained, in substance, that the lawyer had misunderstood the Final Permanent Injunction entered in the FTC action against ZUCCARINI; that the Registrar had improperly frozen ZUCCARINI's Internet domain names; and that an "illegal conspiracy" existed between the FTC and the Registrar to deprive ZUCCARINI of the use of his domain names. FTC officials informed me that they had spoken to the lawyer who had received the E-Mail, and that the lawyer had provided the FTC with the IP address associated with the transmission of the E-Mail.<sup>17</sup>

20. Thereafter, I accessed publicly-available databases and, in so doing, determined that Earthlink was the ISP who owned the IP address associated with the E-Mail. Records maintained by Earthlink indicate that, although the E-Mail was purportedly sent from "Shades," it was actually sent from an account opened and maintained by "John Zuccarini," and that the account was active. Moreover, Earthlink records

---

<sup>17</sup> Based on my training and experience, I am aware that every computer connection on the Internet is associated with a unique numeric identifier, known as an Internet Protocol (or "IP" address). I am also aware that, in the case of Internet transmissions through so-called "dial up" accounts, IP addresses are assigned by Internet Service Providers ("ISPs") to their customers for particular Internet sessions, and that records are kept of which IP addresses are assigned to which customers for those connections.

revealed (1) the telephone number used to access the ZUCCARINI account and to send the E-Mail (the "Telephone Number"), and (2) that computer connections were made to the account from the Telephone Number as recently as August 28, 2003. Based on my review of publicly-available databases, I am aware that the Telephone Number is a telephone number assigned to a Holiday Inn located at 2711 South Ocean Drive, Hollywood, Florida (the "Holiday Inn"). On or about August 18, 2003 and August 29, 2003, I spoke to a manager of the Holiday Inn, who informed me (1) that "John Zuccarini" is currently registered as a guest in Room #448 of the Holiday Inn; and (2) that "Zuccarini" has been a registered guest in the Holiday Inn for approximately 10 months.

WHEREFORE, deponent prays that a warrant be issued for the arrest of JOHN ZUCCARINI, the defendant, and that he be imprisoned or bailed, as the case may be.

---

ROBERT FRATERRIGO  
Postal Inspector  
U.S. Postal Inspection Service

Sworn to before me this  
29th day of August, 2003

---

HONORABLE GABRIEL W. GORENSTEIN  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK

**Real Address:** AALIYAH.COM  
**Description:** Website dedicated to a singer popular with children

**Typo Sites (4):** AAILYAH.COM  
AALIYHA.COM  
AALLIYAH.COM  
ALLIYAH.COM

**Real Address:** AARONCARTER.COM  
**Description:** Website dedicated to a singer popular with children

**Typo Sites (3):** AARONCARTAR.COM  
AARONCARTOR.COM  
AARONCATER.COM

**Real Address:** AMERICANGIRL.COM  
**Description:** Website based on collectable dolls for young girls

**Typo Sites (4):** AMERCANGIRL.COM  
AMERCIANGIRL.COM  
AMERICANGRILS.COM  
AMERICIANGIRL.COM

**Real Address:** BOBTHEBUILDER.COM  
**Description:** Website based on a cartoon for young children

**Typo Sites (1):** BOBTHEBIULDER.COM

**Real Address:** BRITNEYSPEARS.COM  
**Description:** Website dedicated to a singer popular with children

**Typo Sites (16):** BRINEYSPEARS.ORG  
BRINTEYSPEARS.COM  
BRINTYSPEARS.COM  
BRITANYSPEARS.ORG  
BRITENYSPEARS.ORG  
BRITEYSPEARS.COM  
BRITHNEYSPEARS.COM  
BRITNEYSPEERS.COM  
BRITNEYSPERES.COM



BRITNEYSPEERS.COM  
BRITNEYSPIERS.COM  
BRITNEYSPREARS.COM  
BRITNYSPEARS.ORG  
BRITTANYSPEERS.COM  
BRITTINEYSPEARS.COM  
BRITNEYSPEARS.COM

**Real Address:** DIGIMON.COM  
**Description:** Website based on a cartoon for children

**Typo Site (1):** DIGEMON.COM

**Real Address:** DISNEYLAND.COM  
**Description:** Website for Disneyland Amusement Park in CA

**Typo Site (1):** DINSEYLAND.COM

**Real Address:** DISNEYWORLD.COM  
**Description:** Website for Disneyworld Amusement Park in FL

**Typo Site (1):** DINSEYWORLD.COM

**Real Address:** DRAGONBALLZ.COM  
**Description:** Website based on a cartoon for children

**Typo Site (10):** DRAGANBALL.COM  
DRAGANBALLZ.COM  
DRAGENBALL.COM  
DRAGENBALLZ.COM  
DRAGINBALLZ.COM  
DRAGONBALLSZ.COM  
DRAGONBALZ.COM  
DRANGONBALL.COM  
DRANGONBALLZ.COM  
DRGONBALLZ.COM

**Real Address:** KIDSDOMAIN.COM  
**Description:** Search site for children

**Typo Site (1):** KIDSDOMAN.COM

**Real Address:** NSYNC.COM  
**Description:** Website dedicated to singers popular with children

**Typo Site (2):** NSNYC.COM  
NSYCN.COM

**Real Address:** PLAYHOUSEDISNEY.COM  
**Description:** Website based on a television program for children

**Typo Site (1):** PLAYHOSEDISNEY.COM

**Real Address:** TEENMAGAZINE.COM  
**Description:** Website based on a magazine for children

**Typo Sites (2):** TEENMAGIZINE.COM  
TEENMAGZINE.COM

**Real Address:** TELETUBBIES.COM  
**Description:** Website based on a television program for children

**Typo Site (1):** TELTUBBIES.COM

**Real Address:** TOONAMI.COM  
**Description:** Website based on a television program for children

**Typo Site (1):** TOONAMEI.COM