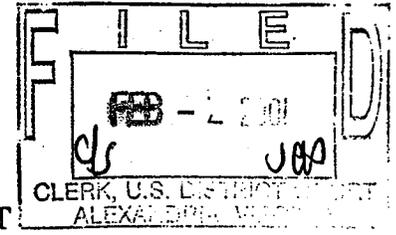


Stephen L. Cohen
Joanna P. Crane, VSB # 39283
Federal Trade Commission
600 Pennsylvania Ave., NW
Washington, DC 20580
202-326-3222; 326-3665; 326-3395 (fax)



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

CARLOS PEREIRA
d/b/a atariz.com, PremiaNet Corp, Atari
Corp, and piratelynx.com,
W.T.F.R.C. PTY LTD.
d/b/a Kewl Photographies, Kool Images,
taboosisters.com, taboohardcore.com, and
taboanimals.com, and
GUISEPPE NIRTA,
individually, and as director and secretary
of W.T.F.R.C. PTY LTD., and
GREGORY LASRADO,
individually, and as an operator of
W.T.F.R.C. PTY LTD.,

Defendants.

Civil Action No. 99-1367-A

**STIPULATED FINAL
JUDGMENT AND ORDER
FOR PERMANENT
INJUNCTION**

Plaintiff, Federal Trade Commission ("FTC" or "Commission"), having filed its
Complaint for permanent injunction and other relief in this matter, pursuant to Section 13(b) of
the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b), and the parties having

conferred through counsel, and having agreed to settle this action without adjudication or admission of any issue of fact or law and without defendant Gregory Lasrado ("Lasrado") admitting liability for any of the violations alleged in the Complaint or for any wrongdoing whatsoever; therefore, on the joint motion of the parties, it is hereby **ORDERED, ADJUDGED, and DECREED** as follows:

FINDINGS

1. This Court has jurisdiction of the subject matter of this case and of the parties consenting hereto.
2. Venue is proper as to all parties in the Eastern District of Virginia under 28 U.S.C. §§ 1391(b) and (c), and 15 U.S.C. § 13(b).
3. The activities of defendant is in or affecting commerce, as defined in the FTC Act, 15 U.S.C. § 44.
4. The Complaint states a claim upon which relief may be granted against defendant Lasrado under Sections 5 and 13(b) of the Federal Trade Commission Act, 15 U.S.C. §§ 45(a) and 53(b).
5. Defendant Lasrado waives all rights to seek judicial review or otherwise challenge or contest the validity of this Order. He also waives any claim that he may have held under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action to the date of this Order. Each settling party shall bear its own costs and attorneys' fees.
6. This Order does not constitute, and shall not be interpreted to constitute, an admission by defendant Lasrado that he has engaged in violations of the FTC Act or any other

law, nor does it constitute evidence against, or an admission by, defendant Lasrado with respect to any issue of law or fact herein or any alleged in the Commission's Complaint.

7. This Order resolves all matters arising from the allegations in the Complaint.

ORDER

Definitions

For the purposes of this Order, the following definitions shall apply:

A. "Material" means likely to affect a person's choice of, or conduct regarding, goods or services;

B. "Clearly and conspicuously" means as follows:

1. In an advertisement communicated through an electronic medium (such as television, video, radio, and interactive media such as the Internet and online services), the disclosure shall be presented simultaneously in both the audio and visual portions of the advertisement if the claim triggering the disclosure is presented by both audio and visual means. In any claim presented solely through visual or audio means, the disclosure may be made through the same means in which the claim is presented. Any audio disclosure shall be delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend it. Any visual disclosure shall be of a size and shade, and shall appear on the screen for a duration, sufficient for an ordinary consumer to read and comprehend it. In addition to the foregoing, in interactive media the disclosure shall also be adjacent

to the claim triggering the disclosure and be unavoidable, and shall be presented prior to the consumer incurring any financial obligation.

2. In a print advertisement, promotional material, or instructional manual, the disclosure shall be in a type size and location sufficiently noticeable for an ordinary consumer to read and comprehend it, in print that contrasts with the background against which it appears. In multipage documents, the disclosure shall appear on the cover or first page.
3. On a product label, the disclosure shall be in a type size and location on the principal display panel sufficiently noticeable for an ordinary consumer to read and comprehend it, in print that contrasts with the background against which it appears.

The disclosure shall be in understandable language and syntax. Nothing contrary to, inconsistent with, or in mitigation of the disclosure shall be used in any advertisement or on any label.

C. "Document" is synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure 34(a), and includes writings, drawings, graphs, charts, photographs, audio and video recordings, computer records, and other data compilations from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.

D. "Defendant Lasrado" means Gregory Lasrado, whether acting directly or through any entity, corporation, subsidiary, division, or other device, unless specified otherwise, his

successors, assigns, officers, agents, servants, employees, subsidiaries or affiliates, and those persons in active concert or participation with him who receive actual notice of this Order by personal service or otherwise.

E. "Internet" means a worldwide system of linked computer networks that use a common protocol to deliver and receive information. The "Internet" includes, but is not limited to, the following forms of electronic communication: electronic mail and mailing lists, the World Wide Web ("Web"), bulletin boards and newsgroups, chat groups, remote computer access (telnet), and file transfer protocol (ftp).

F. A "Web site" is a set of electronic documents, usually a home page and subordinate pages, readily viewable on computer by anyone with access to the Internet, standard software, and knowledge of the Web site's location or address.

G. A "Web page" is a single electronic document within a Web site, readily viewable on computer by anyone with access to the Internet, standard software, and knowledge of the Web page's or Web site's location or address.

H. A "meta tag" is a set of words or phrases within a Web page that, among other things, summarizes the contents of that Web page. Meta tags contain such information as a general description of the page, keywords for search engines that describe the contents of the Web page, and copyright information. Typically, meta tags are part of the source code of a Web page and are not readily visible to Internet users. Meta tags are used by search engines to index Web sites for the purpose of comparing sites to an Internet user's search request.

I. "Mouse trapping" is the process of launching new Internet browser windows with content unrequested by a consumer when the consumer attempts to exit a Web page, for example

by going back to the previous Web page visited, visiting a desired new URL or Web page, or exiting the Internet entirely.

I.

PROHIBITED BUSINESS ACTIVITIES

IT IS THEREFORE ORDERED that, in connection with the advertising, promotion, offering for sale, sale or provision of any goods or services on the Internet, defendant Lasrado is hereby permanently restrained and enjoined from:

- A. Posting the Web pages of any unrelated party without authorization;
- B. Inserting any type of code or command in any Web page or on any Web site that automatically redirects a consumer from any unrelated third-party Web page or Web site to any Web page or Web site owned or operated by, or affiliated with defendant Lasrado;
- C. Misrepresenting the contents of his Web pages or Web sites through the use of meta tags, or by any other means;
- D. Mouse trapping; and
- E. Providing false contact information, directly or indirectly, in connection with the registration of a domain name for a commercial Web site.

II.

IT IS FURTHER ORDERED that in connection with the advertising, promotion, offering for sale, sale or provision of any goods or services on the Internet, defendant Lasrado is

hereby permanently restrained and enjoined from failing to disclose the following material terms and conditions clearly and conspicuously:

- A. The legal name of his business and the name(s) under which the business trades;
- B. The principal geographic address for his business; and
- C. His email address or other electronic means of contact, or telephone number.

III.

IT IS FURTHER ORDERED that, in order that compliance with the provisions of this Order may be monitored:

- A. For a period of five (5) years from the date of entry of this Order, defendant Lasrado shall notify the Commission of the following:
 - 1. Any changes in his residence, mailing address, and telephone numbers, within ten (14) days of the date of such change;
 - 2. Any changes in his employment status (including self-employment) within ten (14) days of such change. Such notice shall include the name and address of each business with which he is affiliated or employed, a statement of the nature of the business, and a statement of his duties and responsibilities in connection with the business or employment; and
 - 3. Any change in any business entity owned or controlled by him, such as creation, incorporation, dissolution, assignment, sale, merger, creation, dissolution of subsidiaries, proposed filing of a bankruptcy petition, or change in the corporate name or address, or any other change that may

affect compliance obligations arising out of this Order, thirty (30) days prior to the effective date of any proposed change; *provided, however*, that, with respect to any proposed change about which he learns less than thirty (30) days prior to the date such action is to take place, he shall notify the Commission as soon as is practicable after learning of such proposed change;

B. Upon written request by a representative of the Commission, defendant Lasrado shall submit additional written reports (under oath, if requested) and produce documents on fifteen (15) days' notice with respect to any conduct subject to this Order;

C. For the purposes of this Order, defendant Lasrado shall, unless otherwise directed by the Commission's authorized representatives, mail all written notifications to the Commission to:

Associate Director
Division of Marketing Practices
Federal Trade Commission, Room 238
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

D. For the purposes of this Part, "employment" includes the performance of services as an employee, consultant, or independent contractor; and "employers" include any individual or entity for whom defendant Lasrado performs services as an employee, consultant, or independent contractor; and

E. For purposes of the compliance reporting required by this Part, the Commission is authorized to communicate directly with defendant Lasrado, after having given reasonable notice to his Counsel.

IV.

IT IS FURTHER ORDERED that the Commission is authorized to monitor defendant Lasrado's compliance with this Order by all lawful means, including but not limited to the following means:

A. The Commission is authorized, without further leave of court, to obtain discovery from any person in the manner provided by Chapter V of the Federal Rules of Civil Procedure, Fed. R. Civ. P. 26 - 37, including the use of compulsory process pursuant to Fed. R. Civ. P. 45, for the purpose of monitoring and investigating defendant Lasrado's compliance with any provision of this Order;

B. The Commission is authorized to use representatives posing as consumers or suppliers to defendant Lasrado, defendant Lasrado's employees, or any other entity managed or controlled in whole or in part by defendant Lasrado, without the necessity of identification or prior notice; and

C. Nothing in this Order shall limit the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1, to investigate whether defendant Lasrado has violated any provision of this Order, or Section 5 of the FTC Act, 15 U.S.C. § 45.

V.

IT IS FURTHER ORDERED that, for a period of five (5) years from the date of entry of this Order, defendant Lasrado shall:

A. Provide a copy of this Order to, and obtain a signed and dated acknowledgment of receipt of same from, each officer or director, each individual serving in a management capacity, all personnel involved in responding to consumer complaints or inquiries, and all sales personnel, whether designated as employees, consultants, independent contractors or otherwise, immediately upon employing or retaining any such persons, for any business where (1) he is the majority owner of the business or directly or indirectly manages or controls the business, and where (2) the business is engaged in the advertising, promotion, offering for sale, sale or provision of any goods or services on the Internet, or in assisting others engaged in such business; and

B. Maintain for a period of three (3) years after creation, and upon reasonable notice, make available to representatives of the Commission, the original signed and dated acknowledgments of the receipt of copies of this Order, as required in Paragraph (A) of this Part.

VI.

IT IS FURTHER ORDERED that copies of this Order may be served by any means, including facsimile transmission or electronic mail, upon any entity or person that may have possession, custody, or control of any documents of defendant Lasrado, or that may be subject to any provision of this Order.

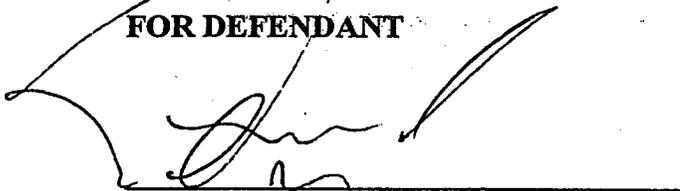
VII.

IT IS FURTHER ORDERED that this Court will retain jurisdiction of this matter for the purpose of enabling any of the parties to this Order to apply to the Court at any time for such

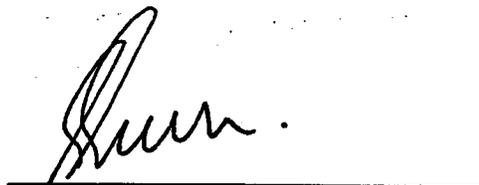
further orders or directives as may be necessary or appropriate for the interpretation or modification of this Order, for the enforcement of compliance therewith or the punishment of violations thereof.

The parties, by their respective counsel, hereby consent to the terms and conditions of the Consent Decree as set forth above and consent to the entry thereof.

FOR DEFENDANT



Gregory Lasrado
210 Baroona Rd.
Paddington 4064, QLD
Australia

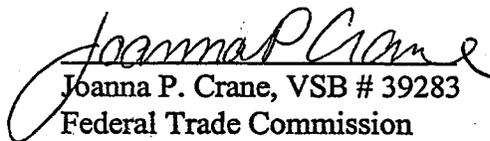


Sam Sciacca, Esq.
Counsel for Defendant Lasrado
Level 15, 324 Queen St.
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Australia

FOR THE FEDERAL TRADE COMMISSION

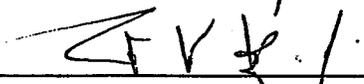


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SO ORDERED, this 2nd day of February, 2009.


UNITED STATES DISTRICT JUDGE