

Landmark Cyber-Squatting Case at London's IPEC

Judge hears how rogue firm hijacked a third of industry leader's website traffic to land lucrative government and blue chip contracts

London, Oct 11, 2018 (Issuewire.com) - AN UNSCRUPULOUS interpreting service that set up bogus websites to mimic a world-leading language translation company managed to divert a third of its internet traffic for almost three years, a court revealed today.

Little-known Language Empire Ltd masqueraded as the UK government's go to interpreter and translation provider, thebigword, at two websites "specifically designed" to syphon off business from the global contractor.

During 34 months of passing itself off as the leading language business, it is believed Language Empire Ltd landed lucrative translation contracts from the NHS, police forces, civil service departments and blue chip companies worth tens of thousands of pounds.

In a landmark judgement revealed today at London's Intellectual Property Enterprise Court the tiny Rochdale-based business was ordered to pay double the damages sought by thebigword, after a judge agreed it made "significant sales" by converting enquiries from the websites.

The court heard that once the websites were taken down after being live for two years and ten months, thebigword – which lists on its website several top 100 global brands, government departments, UK police forces and NHS trusts as clients – saw an instant 50 percent rise in its website traffic.

Judge Melissa Clarke described the rise in traffic from 6500 hits to 10,000 hits per month at thebigword.com as "the best quantitative evidence I have of the effect of the websites on the claimant's business." And she described it as a "diversion of a significant amount of the claimant's potential business."

She told Yasar Zaman, CEO of Language Empire, that the domain names bigwordtranslation.co.uk and thebigwordtranslation.co.uk bought on his debit card and developed into bootleg websites were "specifically designed" to capture potential customers searching online for thebigword.

The imposter websites went live during the second half of 2014, the court heard, with logos using the words 'The Big Word Translation', and content that read: "Welcome to The Big Word Translation, the right place for professional translation services of the highest standard.

Delivering translations in over 400 different languages and offering a 24-hour service has made us one of the UK's most popular providers of translation services". The sites also included calls to-action that offered a "Free no obligation quote", a copyright notice "© 2014 The Big Word Translation. All rights reserved" and a contact form that delivered fresh enquiries directly to the websites' developer and SEO 'expert' Mr Rajeev Singh, who Mr Zaman hired to them set up.

Mr Singh funnelled enquiries back to Yasar Zaman through an email address belonging to his brother, Nasir Zaman. From there the diverted business was converted into sales, likely at the same 75 per cent success rate that thebigword enjoyed, Judge Clarke asserted.

After uncovering the sham sites thebigword sent pre-action correspondence through intellectual

property lawyers, Virtuoso Legal of Leeds and London, on 24 February 2017 alleging infringement of Trade Marks and passing off, to which Language Empire made no response. The little firm from Greater Manchester – which has a big online reputation for not paying its freelance interpreters and translators – did though, the court ascertained, take the websites down on Yasar Zaman’s instruction shortly after.

Mr Zaman later claimed in an Affidavit submitted to the intellectual property court that he had not responded to Virtuoso Legal’s letter as he assumed it was “a scam” when he didn’t recognise the name of thebigword’s holding company Link-Up Mitaka. Judge Clarke called the notion “fatally undermined” as “a glance at the letter” revealed, “Link-Up Mitaka Limited trading as the big word”. Barrister Nick Zweck, appointed by Virtuoso Legal, later put it to Yasar Zaman in court the real reason he hadn’t responded was “he panicked, took the websites down and hoped that would be sufficient to make the matter go away.”

London’s IPEC also heard that as soon as a court date was set for judgement Language Empire Ltd responded with a legal letter to thebigword insisting the domains were dormant, had not been used and were registered by “an errant temporary marketing consultant” who had used his debit card to buy the domains. That person was Rajeev Singh.

It later maintained it had “not received any enquiries from the two domains” and did not “hold any articles, documents or materials in relation to the domains.” In response to a demand for traffic statistics for the two sites, Mr Zaman’s appointed solicitor also said Language Empire “did not receive any lead generations from the two domains” and “had no direct statistics for leads generated”. Mr Zaman also offered that a change of email server in 2014 meant he no longer had any record of email communications with Mr Singh.

After Virtuoso Legal produced screenshots of the live sites, Zaman admitted in his Affidavit that he received 38 enquiries in 34 months from the sites and produced “a complete list of enquiries made via the websites”, which Judge Clarke deemed more like “a cherry-picked list” constructed “with the intention of hiding the true number of enquiries made from the websites”.

She expressed curiosity as to why the 38 enquiries all fitted “within a period of 9 months in 2016” and suggested they even represented “a significant underestimate of the number, value and quality of the enquiries made from the websites during that nine month period.”

On inspecting the list further she noted: “It looks as though someone has sat down with a printout, a pair of scissors and a photocopier to put this document together.” She said: “I am satisfied that this is more likely than not to be just a subset of a wider set of data and that more enquiries were received at other times.”

Judge Melissa Clarke also highlighted “an extraordinary four-page letter” Mr Zaman sent to Mr Singh in July 2017 and later used as evidence. In it he “recalled the creation of websites utilising the Interpreter and Translator keywords.”

And Mr Zaman also wrote: “The truth is, you never provided us with enquiries which were received from these 2 specific domains because the project was abandoned and we never made any payment to you for leads/enquiries originating from these 2 websites. Can you confirm this specific point and confirm this point is true?” The judge highlighted how the letter set out “exactly the case that the defendants are making” to the extent the letter could be deemed “an entirely leading and self-serving document”.

In reviewing the case Judge Clarke described Yasar Zaman as “an extremely poor witness” and his

evidence “a tangled mass of contradictions, inconsistencies, unlikelihoods, implausibilities and untruths which obscure any truthful evidence he may have given, such that I cannot identify it.”

She also noted that during Virtuoso Legal’s investigations into the Trade Mark infringement and passing off it also discovered Mr Zaman had purchased and ‘parked’ thebigwordinterpreting.co.uk and thebigwordinterpreting.co.uk, presumably for later development.

Using the list of 38 enquiries as for the only foundation she had to establish damages, the judge accepted thebigword’s estimate of the value of the enquiries to be £63,000 for translation and interpreting services. And using their profit margin percentages for each of those services deemed its lost profit to be £28,200. Attributing that figure to the total period in which Language Empire operated its bogus websites, she deemed it to have made £106,533 and applying a 33 per cent uplift to account for substantial value missing from the list and repeat business lost from diverted enquiries, she set damages to be paid to thebigword at £142,044.

And in an unprecedented ruling at London’s IPEC, Judge Clarke lifted its cap on the legal costs it could award from £25,000 to £98,250 to accommodate the additional legal fees incurred by thebigword as a result of Language Empire’s Abuse of Power.

After judgement was passed at London’s IPEC, Virtuoso Legal’s Liz Ward explained: “We were suspicious about the whole operation from the start. Proceedings were served at Language Empire’s offices in Rochdale but there appeared to be no operational office at that address. Zaman’s home was nearby. He wasn’t there either when papers were served.

Although the online Language Empire looked quite big, it was apparent their physical presence hardly existed. It became clear that Language Empire was servicing some important police and NHS clients, but not paying their self-employed interpreters or anyone else. We later found a whole Facebook page dedicated to disgruntled outsourced staff who hadn’t been paid.”

Chairman of thebigword Larry Gould said: “We are trusted around the world and the integrity of our brand remains intact. We are, of course, deeply disappointed and concerned at the impact that this potentially had on our business and the reputation of our industry.”

Additional Notes

Virtuoso Legal is a specialist law firm dealing exclusively with intellectual property (IP) law. Due to its in-depth expertise, it is widely regarded as the ‘go to’ legal practice for a wide variety of IP matters. The firm has offices in London and Leeds, making it the biggest specialist IP legal practice with a base outside London. The firm is headed up by Elizabeth Ward, a former scientist, who worked at a number of large national law firms before starting her own stand-alone practice in 2007. The firm regularly wins top awards for its knowledge and client service.

For further information about Virtuoso Legal also visit www.virtuosolegal.com

thebigword is the largest interpreting services provider in Europe and is among the top 15 language and translation companies in the world. It works with many of the world’s biggest and best-known brands and a growing number of large US and UK government organisations. The group has 12 offices around the world, employs more than 600 staff and a network of more than 15,000 linguists. Every month, thebigword handles one million minutes of telephone interpreting, 17,000 face-to-face interpreting

assignments and half a billion words of translation.

For further information about thebigword visit www.thebigword.com

Notes to Editors

PLEASE ENSURE PRINT REPRESENTATIONS OF THIS NEWS RELEASE CONTAIN SUITABLE REFERENCE TO VIRTUOSO LEGAL. PLEASE ENSURE DIGITAL REPRESENTATIONS OF THIS NEWS RELEASE CONTAIN LIVE LINKS TO VIRTUOSO LEGAL'S WEBSITE, www.virtuosolegal.com

For additional quotes or an interview opportunity with Virtuoso Legal's director Liz Ward, please contact Jonathan Stones on 07460 644844.

Media Contact

Virtuoso Legal - The Intellectual Property Specialists

martin@virtuosolegal.com

0113 237 9900

Virtuoso Legal, 5 Sheepscar Court, Northside Business Park, Leeds, LS7 2BB

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