

NetChoice *Promoting Convenience, Choice, and Commerce on The Net*
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June 14, 2018

Sen. Nellie Pou, Chair
Senate Commerce Committee
New Jersey Senate
Trenton, NJ

RE: Support for SB 2665, Ticket website domain names

Dear Chair Pou and members of the committee:

We ask that you support, SB 2665 as it will help protect New Jersey residents from deceptive and misleading concert and sports ticket website domains.

Fans across New Jersey regularly search online for tickets to their favorite concerts and shows. Unfortunately, many fans are misled by deceptive domain names in search results, which are designed to trick fans into thinking they are seeing unsold seats offered by the venue.

BB&T Pavilion | 2018 Tickets On Sale Today | pavilioncamden.com
(Ad) www.pavilioncamden.com/
BB&T Pavilion Resale Tickets Camden, NJ. Instant Download. Find Deals & Save.
Great Service & Selection · Last Minute Tickets · Secure Checkout · eTickets · Find Deals · A+ Rated

BB&T Pavilion Find The Best Deals Online Today. Huge Selection. Summer Concerts.	Contact Us Need Help or Have Questions? Excellent Customer Service Support.
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Take for example, a fan looking to see Foo Fighters in concert this weekend at the BB&T Pavilion in Camden. That fan enters “**BB&T Pavillion**” in her search engine, and here’s the top result she sees:

Despite the domain name, **PavilionCamden.com**, this site has *no affiliation* with BB&T Pavilion. In fact, this website is run by a ticket resale outfit that shows only tickets offered by brokers – at significant markups over regular seats still available at BB&T Pavilion.

The domain name PavilionCamden.com makes it appear as if they are the official site for BB&T Pavilion with 2 seats not on the grass starting at \$206 (see image at right).



FOO FIGHTERS, BB&T PAVILION
Jul 7, 2018 — 7:00 PM — Camden, NJ

FILTER: Qty Any | Price: Min \$ 31 Max \$ 1169
SORT BY: Price: Low to High | Show e-tickets first

LOGE 204 Row L	QTY 2	\$206.00 ea.	BUY
LOGE 202 Row C	QTY 2	\$238.00 ea.	BUY
LOGE 202 Row D	QTY 3	\$239.00 ea.	BUY
LOGE 200 Row W	QTY 2	\$243.00 ea.	BUY

But over at BB&T's official ticket website, **there are still dozens of unsold seats in Section 200, at the face value of \$126.**

These deceptive domains add no value for consumers when unsold seats are still available at the venue/promoter website. And when a show is actually sold-out, fans can turn to trusted secondary market websites where they can see a larger selection of resale seats.

As you can see, there is little to alert New Jersey fans that this site has no affiliation with the artist, tour, or venue. These deceptive sites may have fine-print disclosures about their lack of affiliation with the artist or venue, but such disclosures are rarely noticeable to fans.

SB 2665 would make this example an "unfair or deceptive trade practice" and subject the owner to enforcement and penalty provisions.

Another example of deceptive domain names that would be prohibited by SB 2665 is BlakeSheltonShows.com, a website offering tickets for the Blake Shelton concert at Mark G. Etes Arena at Hard Rock Hotel & Casino - Atlantic City on August 18:

The screenshot shows a website for Blake Shelton events. At the top, it says "Blake Shelton" and "Powered by TicketMagic". Below that, there's a "Money Back Guarantee" banner. The main content area is titled "Blake Shelton Events" and includes a description of his 2018 Country Music Freaks Tour. Below this is a table of events with columns for Event, Venue, and Date/Time. The last event listed is "Blake Shelton" at "Mark G. Etes Arena at Hard Rock Hotel & Casino - Atlantic City" on "Sat 8/18/18" at "8:00pm". To the right of the table is a "Venue Information" section with "Venue Policies" and a "Disclaimer".

Event	Venue	Date/Time	View Tickets
2018 Windy City LakeShake Festival: Blake Shelton, Dierks Bentley & Florida Georgia Line - 3 Day Pass	Huntington Bank Pavilion at Northerly Island Chicago, IL	Fri 6/22/18	View Tickets
2018 Windy City LakeShake Festival: Blake Shelton - Friday	Huntington Bank Pavilion at Northerly Island Chicago, IL	Fri 6/22/18 2:00pm	View Tickets
Blake Shelton	American Family Insurance Amphitheater Milwaukee, WI	Fri 7/6/18 7:30pm	View Tickets
Blake Shelton	Salinas Sports Complex Salinas, CA	Fri 7/13/18 7:00pm	View Tickets
Faster Horses Festival: Blake Shelton, Brantley Gilbert & Florida Georgia Line - 3 Day Pass	Faster Horses Grounds Brooklyn, MI	Fri 7/20/18	View Tickets
Blake Shelton	Enjole Golf Course Endicott, NY	Fri 8/17/18 8:00pm	View Tickets
Blake Shelton	Mark G. Etes Arena at Hard Rock Hotel & Casino - Atlantic City Atlantic City, NJ	Sat 8/18/18 8:00pm	View Tickets

In fact, this tickets website is not for Blake Shelton or his tour, but is run by TicketMagic, a ticket-reseller with an "F" rating from the Better Business Bureau.¹

Deceptive domain names like **PavilionCamden.com** and **BlakeSheltonShows.com** are luring New Jersey fans into over-paying for a small selection of resale seats offered by professional ticket brokers. Those fans are not aware that unsold are actually available at the venue website. The Better Business Bureau has logged hundreds of complaints against these tactics.

A good way to stop this deception is to prohibit misuse of artist or venue names in domain names. Other states have taken action to stop these deceptive domains. Maryland recently enacted a law

¹ In addition, according to the Better Business Bureau, TicketMagic has 21 complaints filed against it. In the Bureau's latest investigation, they "were unable to locate the identified addresses and mail sent was returned as 'undeliverable' or 'address unknown'." See Better Business Bureau available at <https://www.bbb.org/connecticut/business-reviews/event-ticket-sales/ticketmagic-com-inc-in-east-haven-ct-87124953>

criminalizing these deceptive domain names. The Connecticut Attorney General and the Federal Trade Commission settled with two notorious deceptive domain operators, resulting in a permanent injunction and \$1.4 million in fines.²

Also, the approach taken by SB 2665 is on solid legal grounds. The US Supreme Court made clear that state can enact laws curbing this type of misleading commercial speech.³

In the case of our bill, this goes directly at commercial speech that is misleading.

New Jersey should join other states in stopping this deception. We ask that you sign into law SB 2665 and empower your Attorney General with the tools to stop these bad actors and protect New Jersey fans from this deception.

Sincerely,



Carl M. Szabo
Vice President & General Counsel, NetChoice

NetChoice is a trade association of e-Commerce and online businesses. See www.netchoice.org

² Federal Trade Commission, *TicketNetwork and Marketing Partners Ryadd and Secure Box Office Settle Charges of Deceptively Marketing Resale Tickets* (July 24, 2014)

³ See, *Central Hudson Gas & Electric Corp. v. Public Service Commission* 447 U.S. 557 (1980). The US Supreme Court in an 8–1 decision, created the four-step test for when commercial speech can win on a first amendment claim: (1) the speech has to concern a lawful activity and *cannot be misleading*; (2) the asserted governmental interest is substantial, (3) the regulation “directly advance[s] the governmental interest asserted,” and (4) the regulation is “no more extensive than is necessary to serve the interest.”