



2nd. The United States Department of Commerce is located here too; as the body authorizing ICANN to function, it's important for them to be aware of the greater problem!

WIPO, an international organization has been **EMPLOYED** by Defendant 2, a Registered Name Holder, of a Domain Name, to adjudicate disputes between genuine "Mark Holders" in the ".com" name space and their clients, who are purchasing "Infringing" services, at the 3rd Level / Sub-domain, which constitutes "Contributory Infringement".

I'd be inclined to have included WIPO as a Defendant 7 for "Accommodating Contributory Infringement" however, as a Pro Se, the best I feel comfortable doing, is introducing this reality to the US DoC, in hope that they, with greater capacity than mine, will deal with WIPO at a Top or Senior Level of Government.

As I articulated in my letter / email to Mr. Enson; although not referencing this 'venue' aspect, the linked document states: *"3.7.7.10 For the adjudication of disputes concerning or arising from use of the Registered Name, the Registered Name Holder shall submit, without prejudice to other potentially applicable jurisdictions, to the jurisdiction of the courts (1) of the Registered Name Holder's domicile and (2) where Registrar is located."*

In this document > <http://www.icann.org/en/resources/registrars/registrant-rights-responsibilities> < to which I'm included via VAED, as is CentralNic (Defendant 2) and by extension of sub-domain use / license granted (Defendant 1) we are collectively drawn to VAED: "If there is a dispute in connection with the use of the registered name, the Registered Name Holder must agree to jurisdiction of the courts in at least one of two places: where the Registrar is located (often stated on the website or in the Registrar/Registered Name Holder Agreement) or the "Registered Name Holder's domicile." 4 { 4 "There could be other jurisdictions that are able to decide a dispute about the use of a registered name, but those additional jurisdictions are not specified in the RAA." }

While the Defendant's 1 & 2 domicile is outside the United States. The internet is a universal resource, made available to the world, by the United States and therefore, are obliged to the Jurisdiction where both the "Registry" of ".com" is located and also, the "registry" of the Registered Name Holder, which for [UK.com](http://uk.com), is Network Solutions, in VAED.

Beyond the illustrations I presented of "Master Franchise" and "Franchisee" - This lawsuit is breaking new ground! Because of the number of parties involved and their dispersion is over the United States, and worldwide, VaED is the "Jurisdiction" where they've breached their "rights & responsibilities".

"Registered Name Holders must represent that: "to the best of the Registered Name Holder's knowledge and belief, neither the registration of the Registered Name nor the manner in which it is directly or indirectly used infringes the legal rights of any third party." This means that the Registered Name Holder must represent to the Registrar that the domain name is not being registered for use in a way that would violate the legal rights of others. An example of this "infringement" could be a registration of a domain name that violates a trademark or copyright held by someone that is not the Registered Name Holder."

"In addition to the RAA requirement that a Registered Name Holder represent that to the best of its knowledge, the registration or use of the domain name does not infringe on the legal rights of others, the Uniform Domain Name Dispute Resolution Policy ("UDRP") requires that same representation to be made, as well as a representation that the domain name is not being registered for an unlawful purpose, and will not be used in violation of any applicable laws."

### **POINT 3 - Relief:**

For some inexplicable reason, this problem has dodged the US Courts, for an absurd amount of time, aided by WIPO; and ignored by ICANN, VeriSign & Network Solutions, all charged with the duty of upholding the rules.

In my original presentation to the Court, I clearly explained that the workings of CentralNic have adversely effected many, more people & businesses than just mine; and that I was satisfied with relief as stated, from both Ms. Dunabin & CentralNic.

In my original & opening remark about "Relief" I state: *"Because I'm a one-man Pro Se; and fighting to resolve a problem that's affected far more people & businesses than I, I'm intent on having most "relief" benefit Rotary, as if mine, this case, was a Class Action Suit."*

This overture is to bring to the Courts attention, that I'm not a "crash chaser" type Plaintiff. It's my goal to right a wrong, for the greater good.

ICANN are liable; because as I explained, they along with VeriSign & Network Solutions were negligent in enforcing the rules created, governing the use of a Domain Name(s) use.

Had they collectively, or individually, executed the Rules they created, I'd not have this conflict with either Defendant 1, Ms. Dunabin, in an Infringing / Abusive Domain Name Registration (with a fraudulent ccTLD) or Defendant 2, CentralNic, as their 'manufactured' product, would have been terminated.

Reverting to this being My fight; I feel it to be a miniature Class Action Suit, as I stated, headed by a Pro Se, with time, passion, genuine financial hurt and a desire to make things right, for the greater good.

Therefore, I requested "relief" as: *"To be determined by the Court & made payable to my Rotary Club, for the Youth, Vocation & Scholarships. Must release the conflicted domain names over to another party, perhaps Rotary, for the purposes mentioned."*

I have no experience in appraising the overall cost(s) to the business community, caused by this problem, whereas the Federal Court is far more in tune with determining suitable "relief" from the remaining four Defendants, which will be furnished to a Worldwide Community Service Club.

By allowing the Court to recognize the greater damages, aided by WIPO protecting a "Client" when they should have declined, and expressed that their 'client' was in contravention of the rules issued by ICANN, to protect both Consumers and other Domain Name Holders, from further harm.

Sincerely,

Graham Schreiber.

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