

May 21, 2001

Sonia Cruickshank,
Case Manager
WIPO Arbitration and Mediation Center
34 chemin de Colombettes
1211 Geneva 20
Switzerland
+41 22-338-8247
+41 22-740-3700 FAX
domain.disputes@wipo.int

Case number D2001-0558. <AFM.COM>

Dear Ms. Cruickshank:

For the past two weeks, I have been trying to obtain domain name registration history information from Network Solutions, Inc. This information is necessary to my Response to the Complaint before the Center. Today, May 21st, I was finally informed that there is no protocol yet in place for any party in a Domain Name Dispute under the UDRP to get domain name registration history from Network Solutions. Consequently, the Legal Affairs Office at Network Solutions told me that I should ask WIPO how to proceed.

Thus, I request that WIPO make arrangements for me, as a Respondent, to obtain domain name registration information history for specific domain names (that were never registered by me, my companies or contractors et. al.) which are mentioned by the Complainant in their Complaint. Also, I request that WIPO suspend the Response date until this information is obtained.

The series of events that has revealed this new obstacle to Responding to the allegations and claims of the Complaint follows:

Since May 4th, I have been corresponding with Network Solutions regarding domain name registration information. Throughout the Complaint regarding my domain and property, AFM.COM, the Complainant incorrectly attributes several domain name registrations to me. The Complainant uses these allegations to present a "pattern of behavior" argument which forms a major part of their Complaint. In news articles cited by the Complainant that address one of my several high-profile clients, domain name registrations are incorrectly attributed to me, or my companies, or my client.

To show the lack of merit to these accusations by the Complainant, I proceeded to try and obtain official documentation from Network

Solutions. (Per the Rules for the UDRP, 5(b)(i) the Respondent should "[r]espond specifically to the statements and allegations contained in the complaint...")

I emailed Network Solutions Business Affairs Office on May 4th, and four days later on the 7th of May, received a reply that said that I would need to subpoena their office. [email copy attached: Netsol_BAO_050701]

After obtaining a phone number for the Business Affairs Office, I traded voicemails and spoke with a Fred Kunder (sp?) over a period of a week. Fred informed me that for most of the information required, a subpoena was necessary and that a "Don Parsons" in "Legal Affairs" was the person who handled these requests.

On the 17th of May, I faxed Don Parsons, and in a return phone call, Don said that the turn-around time for subpoenas was two weeks. However, upon further discussion and given that this is a WIPO Domain Dispute with a set deadline, Don said they would try and get the information to me by the 25th of May--the current Response deadline set by the Center to send in the dispute.

However, when I immediately requested the subpoenas from two attorneys in Connecticut and California, and after consulting the Statutes in those states, I was informed and understood that "in order for a subpoena to be issued there must be a hearing, trial or deposition scheduled".

Consequently, I contacted Don Parsons again at Network Solutions today, May 21st, and he said, "in this case [I] should contact WIPO to ask them how to proceed". Don agreed that there is no protocol in place for a party to obtain Domain Name registration history for arbitration cases under the UDRP. So as to confirm to you, as Case Manager, and to WIPO this series of events, I asked Don Parsons to send me an email. That email is attached. I immediately followed up on that email with Don Parsons to ask that their email be more elaborate. Don said that he was instructed by his superior to send out such an official email. [attachment: Netsol_LAO_052101]

It appears to me that either the Rules for the UDRP, or WIPO's Supplemental Rules, or Network Solutions Legal Affairs Policies, need to be amended or revised to allow for domain name registration history to be obtained by Respondents or Complainants in Domain Name Disputes brought under the UDRP. Network Solutions Policies take into account U.S. Law and not the newer "International Law" which is apparently being established.

Thus to restate: I request that WIPO make arrangements for me, as a Respondent, to obtain domain name registration information history for specific domain names mentioned by the Complainant in their Complaint. Also, I request that

WIPO suspend the Response date until this information is obtained, as this is an "exceptional matter" and per the Rules for the UDRP Section 5(d) "At the request of the Respondent, the Provider may, in exceptional cases, extend the period of time for the filing of the response."

Contact details for Don Parsons, Legal Affairs Office, Network Solutions:
703.742.9893 (fax); 703.742.4909 (vox); dparsons@netsol.com
Contact details for Fred Kunder (sp?), Business Affairs Office, Network
Solutions: 703-742-9893 (fax); 703-326-2576 (vox); BAO@netsol.com

I look forward to your reply on this matter,

Sincerely,

Andy Hasse
Director, Hasse Inc,
Owner, AFM.COM

andy@afm.com
andy@hasse.com