

July 25, 2001

Sonia Cruickshank,
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Case number D2001-0558. <AFM.COM>

Dear Ms. Cruickshank:

I have received your email and attachment dated July 24, 2001 regarding the selection of panelists per ICANN's Rules for the UDRP.

To refer to the Rules, Section 6(e) and WIPO's Supplemental Rules, Section 7(a): "the Parties may jointly agree on the identity of the President panelist..." I recommend the current presiding panelist, David H. Bernstein. Given the estimable and politically moderate background of Mr. Bernstein (e.g. Director of the INTA, etc.), the Complainant may be in agreement on this matter, and thus the proceedings may continue forthwith.

Secondly, could you clarify the comment, in boldface, in your attachment, which reads:

Please note that your preference list should only be sent to us and not to the other side.

By "other side" do you mean the panelists in this case? Or do you mean the "other party" e.g. the Complainant or Respondent?

If "other side" means "the panelists", this is well understood. If "other side" means "other party", it appears that this instruction is neither in ICANN's Rules nor in WIPO's Supplemental Rules. Per ICANN's UDRP Rules Section 2 (h)(iii)

Any Communication by a Party shall be copied to the other party, the Panel and the Provider, as the case may be.

Thirdly, your list of the five candidates is drawn exclusively from WIPO's list of arbiters. Can you tell me the procedure by which these five panelists were drawn?

Also, both the Complainant and Respondent are instructed to choose their preferred panelists from any of the ICANN approved panelists. Thus, to make the administrative role of the Provider (AKA "The Center) as unbiased and uniform as possible, given the current Policy, perhaps that list of panelist candidates submitted by the Provider to the parties should be selected randomly from the entire list of ICANN approved panelists.

Finally, per the UDRP Rules Section 2(e), I had updated my contact details with my July 9, 2001 email and attachment. While that new post/courier address [Andy Hasse, 145 Old Colchester Road, Quaker Hill, Connecticut 06375-0313] is irrelevant for the immediate panelist selection proceedings, it may be necessary for future correspondences.

Sincerely,

Andy Hasse
Director, Hasse Inc,
Owner, AFM.COM
andy@hasse.com