

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OLYMPIC COMMITTEE, )  
INTERNATIONAL OLYMPIC COMMITTEE, )  
SALT LAKE ORGANIZING COMMITTEE )  
FOR THE OLYMPIC WINTER GAMES OF )  
2002, )

Plaintiffs, )

v. )

2000OLYMPIC.COM, et al., )

Defendants. )

CIVIL ACTION NO. 00-1018-A

**PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR  
ENTRY OF DEFAULT AND DEFAULT JUDGMENT**

PLEASE TAKE NOTICE that on November 7, 2003 at 10:00 a.m. or as soon thereafter as this motion may be heard, the United States Olympic Committee, the International Olympic Committee and Salt Lake Organizing Committee for the Olympic Winter Games of 2002 (collectively, the "Olympic Plaintiffs") will move this Court for an order entering default and judgment by default against the last 44 Defendant Internet domain names remaining in this action.

SILVERBERG, GOLDMAN & BIKOFF, L.L.P.



Bruce Rheinstein

Virginia Bar No. 31578

James L. Bikoff

David K. Heasley

Suite 120

1101 30<sup>th</sup> Street, N.W.

Washington, D.C. 20007  
Tel. (202)944-3300  
Fax (202)944-3306

*Attorneys for Plaintiffs*

Date: 10/10, 2003

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OLYMPIC COMMITTEE,	)	
INTERNATIONAL OLYMPIC COMMITTEE,	)	
SALT LAKE ORGANIZING COMMITTEE	)	
FOR THE OLYMPIC WINTER GAMES OF	)	
2002,	)	
	)	
Plaintiffs,	)	CIVIL ACTION NO. 00-1018-A
	)	
v.	)	
	)	
2000OLYMPIC.COM, et al.,	)	
	)	
Defendants.	)	

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF  
MOTION FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT**

Plaintiffs, the United States Olympic Committee ("USOC"), the International Olympic Committee ("IOC"), and the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 ("SLOC"), (collectively, the "Olympic Plaintiffs"), submit this memorandum of law pursuant to Federal Rule of Civil Procedure 55 in support of their Motion For Entry Of Default And Default Judgment against the last 44 Defendant domain names ("Domain Names") remaining in this action.

**I. INTRODUCTION**

The Complaint named 1,800 Internet domain names as Defendants in this *in rem* action brought under the Anticybersquatting Consumer Protection Act. 15 U.S.C. §1125(d). Because the registry of the Domain Names, Network Solutions, Inc. (now VeriSign Global Registry Services), is located in Herndon, Virginia, this Court has jurisdiction over this *in rem* action. 15 U.S.C. §1125(d)(2)(A); America Online v.

Huang, 106 F. Supp.2d 848, 852-853 (E.D. Va. 2000); GlobalSantaFe Corp. v. GlobalSantaFe.com, 2003 U.S. Dist. LEXIS 1758, 01-1541-A (E.D. Va. 2003); Complaint ¶¶ 12-13. Of the original group of Defendant domain names, 1,755 either had default judgment entered against them (see Court's Order of April 4, 2003 accepting the May 21, 2002 Report and Recommendation of Magistrate Judge Welton C. Sewell, **Exhibit 6**) or were dismissed from the action.

The 44 Domain Names remaining in this action, listed in **Exhibit 1**, were the subject of an Order Setting a Time Certain to Respond to the Complaint. **Exhibit 2**. This Order provides that "[r]egistrants and any other persons, parties, entities, or claimants having or claiming an interest in the subject Domain Names" would have thirty (30) days from the February 12, 2003 date of the Order to "answer the Complaint in this matter by serving the answer on Plaintiff's attorneys." **Exhibit 2**, ¶ 2. The Order further provides that if an interested party did not answer the Complaint within the thirty (30) days, the Court could order the Domain Names "canceled, forfeited or transferred to Plaintiffs." **Exhibit 2**, ¶ 3.

Plaintiffs sent notice of this Time Certain Order to the registrants of the Domain Names via international registered mail, e-mail, and facsimile. **Exhibit 3**, Proof of Service.

Only two individuals, the owner of OlympicHolidays.com and Damian Fogarty, responded by the March 15, 2003 deadline to answer or otherwise respond to the Complaint under the Time Certain Order; two other individuals, Angelo Grigoropoulos and Philip Neocleous, submitted late responses. The owner of OlympicHolidays.com



responded and its Counsel filed a request for extension of time to respond. The Olympic Plaintiffs voluntarily dismissed that domain name from the suit.

The three other parties claiming to have an interest in domain names named in this suit submitted responses to the court. Damian Fogarty filed a two-page letter with the court on March 3, 2003. **Exhibit 4.** Angelo Grigoropoulos, who claims to be the registrant of OlympicMail.com, filed a one-page letter with the court on March 19, 2003. **Exhibit 5.** Philip Neocleous, the registrant of OlympicFlowers.com, filed a one-page letter with the court on June 26, 2003, requesting to plead the case in writing. **Exhibit 6.** No other registrant or other party having an interest in the Domain Names answered the Complaint by the Court-imposed deadline.

The Olympic Plaintiffs request the Court to enter judgment by default, ordering that the Domain Names be canceled or transferred, because the registrants and other parties having an interest in the Domain Names subject to this Order did not file timely or sufficient answers in compliance with the Order.

## **II. THE REMAINING DEFENDANTS ARE IN DEFAULT**

Under FED R. CIV. P. 55(b), a judgment by default may be entered by the Clerk when the amount sought is a sum certain and by the Court in all other cases. When a motion for default judgment involves “forfeiture of a res, and not a sum certain, the motion [is] properly made to the court under Rule 55(b)(2), rather than to the clerk under 55(b)(1).” United States v. Ragin, 1997 U.S. App. LEXIS 11827, 10 (4th Cir. 1997). Accordingly, this motion, which seeks transfer or cancellation of a *res*--the Domain Names--and not a sum certain, is properly addressed to the Court.

Where, as here, a complaint alleging violation of the ACPA goes unanswered, “a party’s default is deemed a concession of all well-pleaded allegations of liability.” United Greeks, Inc. v. Klein, 2000 U.S. Dist. LEXIS 5670, 2 (N.D.N.Y. 2000); In Re Miller 145 B.R. 845 (E.D. Va. 1991). *See generally* FED. R. CIV. P. 8(d) (averments in a pleading to which a responsive pleading is required are admitted if not denied); WRIGHT & MILLER, FEDERAL PRACTICE AND PROCEDURE: CIVIL 2d § 1279.

The uncontroverted averments made in the Olympic Plaintiffs’ Complaint satisfy the two requirements of the ACPA: (1) the Domain Names are identical or confusingly similar to protected words or marks, and (2) the registrants had a bad faith intent to profit from the use of the words or marks. 15 U.S.C. § 1125(d)(1)(A), 15 U.S.C. § 1125(d)(1)(B). Magistrate Judge Welton C. Sewell’s May 21, 2002 Report and Recommendation cogently addressed these factors with respect to a prior group of 854 domain names in this lawsuit. The reasoning in the Report and Recommendation, which is appended as **Exhibit 7**, applies with equal force to the subject 44 Domain Names.

The first part of the ACPA prevents registrants from registering, trafficking in, or using a domain name that:

(I) in the case of a mark that is distinctive at the time of registration of the domain name, is identical or confusingly similar to that mark;

(II) in the case of a famous mark that is famous at the time of registration of the domain name, is identical or confusingly similar to or dilutive of that mark; or

(III) is a trademark, word, or name protected by reason of...section 220506 or Title 36.

15 U.S.C. § 1125(d)(1)(A)(ii)(I)-(III).

All three of these criteria are established in the Complaint. First, the Complaint alleges that since the first modern Olympic Games were held in Athens, Greece in 1896, the USOC has used certain words and symbols, including OLYMPIC and OLYMPIAD, in connection with the United States' participation in the Olympic Games. Complaint ¶ 22. Second, the USOC, on its own and/or through its sponsors and licensees, has extensively and continuously used the words OLYMPIC and OLYMPIAD as trademarks in interstate commerce on and in connection with numerous goods and services. As a result of the above activities, the distinctive OLYMPIC and OLYMPIAD marks are famous throughout the United States and the world. Complaint ¶¶ 1, 6, 22.

Third, by enacting the Olympic and Amateur Sports Act (the "OASA"), the United States Congress granted the USOC the exclusive right to make commercial use of the word OLYMPIC. 36 U.S.C. § 220506(a)(4). For violations of the OASA, Congress authorized the USOC to file civil suits for the remedies provided in the Lanham Act. 36 U.S.C. § 220506(c); Complaint ¶¶ 23-24. *See generally San Francisco Arts & Athletics, Inc. v. United States Olympic Committee*, 483 U.S. 522 (1987). This exclusive right is important because the USOC, which does not receive federal funding, permits sponsors and licensees to use its OLYMPIC and OLYMPIAD marks for a fee, which the USOC in turn uses to house, feed, train and otherwise support U.S. Olympic athletes and to finance the United States' participation in the Olympic Games. Complaint ¶¶ 20, 84.

Protecting the Olympic words and marks from infringement on the Internet is important to the Olympic Plaintiffs' activities. Complaint ¶¶ 69-72. In recognition of this fact, the ACPA incorporates the OASA. 15 U.S.C. § 1125(d)(1)(A)(ii)(III); Complaint ¶ 68. Consequently, as the uncontroverted averments of the Complaint

establish, the Olympic Plaintiffs' valuable words and marks OLYMPIC and OLYMPIAD are protected under all three categories of the ACPA. 15 U.S.C. § 1125(d)(1)(A)(ii)(I)-(III).<sup>1</sup>

The Domain Names either contain or are confusingly similar to the Olympic words and marks. The Domain Names contain the Olympic words and marks, and simulations thereof, such as misspellings (e.g., "Olympik" and "Olimpics") and foreign equivalents (e.g., "Olympique" and "Olimpico," respectively the French and Spanish words for Olympic). See Complaint ¶ 75; **Exhibit 1**. The "confusingly similar" standard requires no more than a showing of facial similarity of domain names with marks. Northern Light Technology v. Northern Lights Club et al., 97 F. Supp. 96, 117 (D. Mass. 2000), *aff'd*, 236 F. 3d 57 (1st Cir. 2001). When considering the similarity of individual marks, courts must give "greater force and effect to the marks' dominant elements." Washington Speakers Bureau, Inc. v. Leading Auths., Inc., 33 F. Supp.2d 488, 498 (E.D. Va. 1999) (Ellis, J.). Since the dominant elements of the Domain Names are identical to or substantially indistinguishable from the Olympic words and marks, the Domain Names are "confusingly similar" to the Olympic words and marks for purposes of the ACPA.

The second element of the ACPA, bad faith intent on the part of the Domain Name registrants, is also established. The ACPA lists the following nine non-exhaustive factors as indicative of whether a defendant has bad faith intent:

- (1) the trademark or other intellectual property rights of the registrant, if any, in the domain name;

---

<sup>1</sup> Plaintiff SLOC was a licensee of the USOC and was authorized to use and license others to use the Olympic marks during the 2002 Olympic Winter Games. SLOC used several Olympic words and marks to identify its goods and services, each of which served as a source identifier for SLOC and related to the Salt Lake City 2002 Olympic Winter Games, such as 2002 OLYMPIC WINTER GAMES and SALT LAKE CITY OLYMPIC WINTER GAMES OF 2002. See Complaint ¶¶ 44-45. Consequently, SLOC's use of the OLYMPIC marks is protected by the ACPA.

- (2) the extent to which the domain name consists of the legal name of the person or a name that is otherwise commonly used to identify that person;
- (3) the person's prior use, if any, of the domain name in connection with the bona fide offering of any goods or services;
- (4) the person's bona fide noncommercial or fair use of the mark in a site accessible under the domain name;
- (5) the person's intent to divert consumers from the mark owner's online location to a site accessible under the domain name that could harm the goodwill represented by the mark, either for commercial gain or with the intent to tarnish or disparage the mark;
- (6) the person's offer to transfer, sell or otherwise assign the domain name to the mark owner or any third party for financial gain without having used, or having intent to use, the domain name in the bona fide offering of any goods or services or the person's prior conduct indicating a pattern of such conduct;
- (7) the person's provision of material and misleading false contact information when applying for the registration of the domain name, the person's intentional failure to maintain accurate contact information, or the person's prior conduct indicating a pattern of such conduct;
- (8) the person's registration or acquisition of multiple domain names that the person knows are identical or confusingly similar to the distinctive marks of others or are dilutive of the famous marks of others; and
- (9) the extent to which the mark incorporated in the domain name is distinctive and famous within the meaning of the Federal Trademark Dilution Act.

15 U.S.C. § 1125(d)(1)(B)(i).

The Olympic Plaintiffs alleged violation of these factors in the Complaint. Complaint ¶¶ 3, 74-89. As the Complaint alleges, the Domain Names are currently registered to registrants who have no intellectual property rights in the Olympic words and marks, have no legal name justifying use of the Olympic words and marks, and have not formerly used nor are presently using the Olympic words and marks in connection

with the bona fide offering of any goods or services. 15 U.S.C. § 1125(d)(1)(B)(i)(I)-(IV); Complaint ¶ 78.

By incorporating the Olympic words and marks into the Domain Names, the registrants sought to create a likelihood of confusion as to source, sponsorship, affiliation, and endorsement of the Domain Names and their related websites and attempted to divert consumers for commercial gain or in order to tarnish or disparage the Olympic words and marks. 15 U.S.C. § 1125(d)(1)(B)(i)(V); Complaint ¶ 77, 95-96. In fact, some of these Domain Names have been registered in order to sell them to the highest bidder. Complaint ¶ 80; 15 U.S.C. § 1125(d)(1)(B)(I)(VI), (VIII). Additionally, the registrants of the Domain Names do not make noncommercial, fair use of the Olympic words and marks, nor do the related websites show any intent to make future noncommercial, fair use of the Olympic words and marks. Complaint ¶ 78.

Last, the ACPA takes into account the “extent to which the mark incorporated in the person’s domain name registration is or is not distinctive and famous.” 15 U.S.C. § 1125(d)(1)(B)(I)(IX). The Olympic marks are among the most famous and recognizable in the world. Complaint ¶¶ 92, 93. Under the ACPA factors, the registrants of the Domain Names registered the Domain Names with bad faith intent to profit and are violation of the ACPA. Complaint ¶¶ 76, 96.

Since the registrants of the Domain Names have not answered these allegations, “the Court must assume that the allegations in the Complaint are true and that Defendant pirated Plaintiff’s marks and used those marks with the bad faith intent to profit from that mark.” United Greeks, Inc. v. Klein, 2000 U.S. Dist. LEXIS 5670, 2 (N.D.N.Y. 2000).

Under Count II of the Complaint, Plaintiff IOC, which is organized and exists under the laws of Switzerland, seeks relief under Section 44(h) of the Lanham Act. 15 U.S.C. § 1126(h). Section 44(h) provides that citizens of foreign nations with which the United States has a trademark, trade name, or unfair competition treaty “shall be entitled to effective protection against unfair competition, and the remedies provided in [the Lanham Act, 15 U.S.C. § 1051 *et seq.*] for infringement of marks shall be available so far as they may be appropriate in repressing acts of unfair competition.” 15 U.S.C. § 1126(h).

The United States and Switzerland are parties to the International Convention for the Protection of Intellectual Property (the “Paris Convention”), 21 U.S.T. 1583, T.I.A.S. No. 6923. The Paris Convention defines unfair competition broadly: “any act of competition contrary to honest practices in industrial or commercial matters constitutes an act of unfair competition.” Paris Convention, art. 10bis(2). Unauthorized use of a trademark in a domain name is “contrary to honest practices in industrial or commercial matters.” Id.

The provisions of the ACPA, a part of the Lanham Act, consequently protect the IOC’s words and marks to the same extent as they protect U.S. marks. Complaint ¶¶ 98-102. Therefore, the IOC is entitled to a remedy against the unfair competition caused by the registrants of the Domain Names, based on the IOC’s ownership of Swiss trademark registrations for the Olympic words and marks. Complaint ¶¶ 37-40.

**III. THE THREE REGISTRANTS WHO SUBMITTED LATE OR INADEQUATE LETTERS ARE IN DEFAULT AND SHOULD HAVE DEFAULT JUDGMENT ENTERED AGAINST THEM**

**A. Olympic Swimming Domain Names.** One of the Domain Name registrants receiving the Time Certain Order was Damian Fogarty, the registrant of OlympicSwimming.com, OlympicSwimmingTeams.com, OlympicSwimmingTeam.com and OlympicSwimwear.com (the “Olympic Swimming” domain names). **Exhibit 1.** On or about March 3, 2003, Mr. Fogarty sent a two-page letter to the Clerk of Court describing his registration of the four domain names. **Exhibit 4.**

Mr. Fogarty’s letter is insufficient as a response to the Complaint. It does not deny the specific averments in the paragraphs of the Complaint, as required by FED. R. CIV. P. 8(b) and 10(b). Under FED. R. CIV. P. 10(b), all averments of a claim or defense shall be made in numbered paragraphs, the contents of which shall be limited as far as practicable to a statement of a single set of circumstances. Under FED. R. CIV. P. 8(d), averments in a complaint to which responsive pleading is required are deemed admitted when not denied. Mr. Fogarty’s letter does not deny the Olympic Plaintiffs’ essential averments that his is a bad faith registration and use of a domain name, infringing upon Plaintiffs’ rights. Fogarty has not responded to the claims in the complaint in a sufficient manner to avoid entry of default judgment.

As noted above, there are nine non-exhaustive factors the Court may consider in determining whether registration or use of a domain name is in bad faith. 15 U.S.C. § 1125(d)(1)(B)(i). The complaint avers all of these factors, and Fogarty’s letter does not deny them.



The first factor is the trademark or other intellectual property rights, if any, of the registrant in the domain names. Fogarty, an Australian resident, has not demonstrated that he has any intellectual property rights in the Olympic Swimming domain name. Also, Fogarty could not demonstrate this in view of the fact that swimming has been an event in the Olympic Games since 1896, when Australia first participated in the Olympic Games, and the IOC and its designees have exclusive rights to make commercial use of the word "Olympic" in connection with that event, as the Australian National Olympic Committee has the exclusive right to use the word "Olympic" in that country.

The second factor is the extent to which the domain names consist of the legal name of the person or a name that is otherwise commonly used to identify that person. Fogarty does not aver that he is commonly known as "Olympic Swimming," "Olympic Swimming Teams" or "Olympic Swimwear."

The third factor, whether Fogarty has made any bona fide offering of goods and services through the domain names, has not been satisfied. Mr. Fogarty is currently using the domain names to misdirect Internet users to a place-holder page provided by Register.com, and that page contains links to a commercial website located at worldtravelcompany.globaltravel.com. **Exhibit 8.** He does not plead a legitimate use of the domain names. This demonstrated intention to confuse and divert consumers from the Olympic Plaintiffs for commercial gain epitomizes opportunistic bad faith under the ACPA. 15 U.S.C. § 1125(d)(1)(B)(i)(V); Cable News Network v. CNNEWS.COM, 2001 U.S. Dist. LEXIS 21388, 8, 46 (E.D. Va. 2001).

There is no showing in Fogarty's letter that he has made any bona fide commercial or noncommercial use of the domain name, for purposes of the third and fourth ACPA factors.

Under the fifth ACPA factor, Mr. Fogarty does not deny his bad faith intent to divert consumers from the Olympic Plaintiffs. His registration of a ".com" domain name, which this Court has observed "is essentially an American top-level domain," instead of an Australian ".au" country code, implies that he intends to use the domain name to engage in commerce in the United States, diverting consumers from the websites of the USOC. Cable News Network v. CNNEWS.COM, 2001 U.S. Dist. LEXIS at 22 (E.D. Va. 2001).

Under the seventh ACPA factor, which involves a registrant's provision of material and misleading false contact information when applying for the registration of the domain name, or the person's intentional failure to maintain accurate contact information, Fogarty supplied false and misleading contact information in the registration of the domain names. Fogarty was initially placed in the false contact group of domain name registrants, requiring the Olympic Plaintiffs to spend time and resources tracking down the correct contact information for the Olympic Swimming domain names from the registrars of record. See Motion For Leave to Institute False Contact Proceedings, filed on November 9, 2001.

Under the eighth ACPA factor, Fogarty has registered four domain names containing the OLYMPIC mark containing the words "swimming," "swimming teams" and "swimwear." Such registrations are considered to be multiple registrations that

Fogarty knows are identical or confusingly similar and dilutive of the famous OLYMPIC mark.

Finally, under the ninth ACPA factor, the domain names registered by Fogarty contain the OLYMPIC mark, and under the OASA the Olympic Plaintiffs may seek to protect the OLYMPIC mark through federal civil actions against unauthorized users. San Francisco Arts & Athletics, Inc. v. United States Olympic Committee, 483 U.S. 522 (1987); International Olympic Committee and United States Olympic Committee v. Russell Ritchey dba EZ Fixin's, Case FA128817 (Nat. Arb. Forum Jan. 20, 2003).

A court may order the transfer or cancellation of a domain name if a trademark owner demonstrates that it possesses trademark rights, that the registrant used the mark in commerce, in connection with the sale or distribution or advertising of goods and services, and that the use was likely to confuse consumers. Cable News Network, LP, LLLP v. CNNEWS.COM, 2003 U.S. App. LEXIS 1065, 5-6 (4<sup>th</sup> Cir. 2003). In this case, the Olympic Plaintiffs have demonstrated their superior rights in the OLYMPIC marks.

Consequently, Mr. Fogarty, having failed to answer the complaint in a sufficient manner, does not have a meritorious defense to the suit and has no basis for avoiding judgment by default. *See* FED. R. CIV. P. 55.

**B. OlympicMail.com.** On March 19, 2003, Angelo Grigoropoulos, submitted a late one-page letter to the Clerk of Court regarding OlympicMail.com. **Exhibit 5.** The Court received the Grigoropoulos letter six days after the deadline for response set in the order of February 12, 2003.

The letter does not specifically deny--and therefore admits--the averments in the paragraphs of the Complaint. FED. R. CIV. P. 8(d). As has been noted, in such a case,

“[T]he Court must assume that the allegations in the Complaint are true and that Defendant pirated Plaintiff’s marks and used those marks with the bad faith intent to profit from that mark.” United Greeks, Inc. v. Klein, 2000 U.S. Dist. LEXIS 5670, 2 (N.D.N.Y. 2000).

The complaint avers all nine factors under the ACPA, and Grigoropoulos’ letter does not deny them. The first factor is the trademark or other intellectual property rights of the registrant, if any, in the domain name. Grigoropoulos is not the listed registrant of the domain name. **Exhibit 5.** Grigoropoulos has not demonstrated that he has any rights to represent the domain name OlympicMail.com, nor has he established any intellectual property rights in the OlympicMail.com domain name. It is not clear that Grigoropoulos is operating the website because he has not specified his relationship with the domain name in his response.

The second factor is the extent to which the domain name consists of the legal name of the person or a name that is otherwise commonly used to identify that person. Grigoropoulos does not plead that he is commonly known as “OlympicMail.”

The third factor, whether Grigoropoulos has made any bona fide offering of goods and services through the domain name, has not been satisfied because the domain name is being used to misdirect visitors to GreekInternet.com, and Grigoropoulos is not listed in the Whois Database as the registrant of OlympicMail.com. This redirection is not a legitimate use of the domain name.

Internet users misdirected to GreekInternet.com arrive at a website which contains the unauthorized use of the Athens 2004 Olympic Games logo and the Olympic rings. The site also contains links to Internet gambling and adult websites. **Exhibit 9.**

This demonstrated intention to confuse and divert consumers from the Olympic Plaintiffs for commercial gain epitomizes opportunistic bad faith under the ACPA. 15 U.S.C. § 1125(d)(1)(B)(i)(V). Cable News Network v. CNNEWS.COM, 2001 U.S. Dist. LEXIS at 8, 46 (E.D. Va. 2001).

These factors alone warrant cancellation or transfer of the domain name. A court may order the transfer or cancellation of a domain name if a trademark owner demonstrates that it possesses trademark rights, that the registrant used the mark in commerce, in connection with the sale or distribution or advertising of goods and services, and that the use was likely to confuse consumers. Cable News Network, LP, LLLP v. CNNEWS.COM, 2003 U.S. App. LEXIS at 5-6 (4<sup>th</sup> Cir. 2003).

There is also no showing in Grigoropoulos' letter that he has made any bona fide commercial or noncommercial use of the domain name, for purposes of the third and fourth ACPA factors.

Under the fifth ACPA factor, diversions of consumers, Mr. Grigoropoulos does not deny that the domain name is an unauthorized use of the Olympic mark, and the placement of the Athens 2004 Olympic Games logo and the Olympic rings symbol on the website support a finding of violation of the Olympic marks. The domain name's use of a ".com" top-level domain which, as this Court has observed, "is essentially an American top-level domain," instead of a Greek ".gr" country code, implies an intent to engage in commerce in the United States, diverting consumers from the USOC. Cable News Network v. CNNEWS.COM, 2001 U.S. Dist. LEXIS at 22 (E.D. Va. 2001).

The letter response does not deny, and in fact admits, that the registrant's domain name contains the word "Olympic," which is protected by law. Complaint ¶¶ 2-7.

Grigoropoulos boldly and groundlessly asserts that “this domain was registered in good faith and with no intention to resell it to the Olympic committee, nor infringe or dilute any trademarks.” **Exhibit 5.** Yet when it comes to specific denials, which are required by FED. R. CIV. P. 8(b), he does not deny that the domain name clearly infringes upon the Olympic mark through the unauthorized use of word “Olympic” and the placement of the Athens 2004 Olympic Games logo and the Olympic rings symbol on the website GreekInternet.com, to which visitors to OlympicMail.com are redirected. He argues that “Olympic” is a common dictionary word, yet this argument fails to address the fact that its use in commerce is statutorily reserved to the Olympic Plaintiffs. Complaint ¶ 24.

The ACPA specifically incorporates the protections of the OASA, which provides far greater protection to the word “Olympic” than that accorded ordinary trademarks. 15 U.S.C. § 1125(d)(1)(A)(2)(III); 36 U.S.C. § 220506. Under the OASA, such a use of the word “Olympic” is prohibited, even if it does not refer to the official Olympic Games. The pertinent sections of the OASA provide that Plaintiff USOC “has the exclusive right to use...the words “Olympic”, “Olympiad.” 36 U.S.C. § 220506(a)(4). Subparagraph 36 U.S.C. § 220506(c)(3) of the OASA provides in the disjunctive that either unauthorized use of the word “Olympic” or any combination or simulation of the protected Olympic words tending to cause confusion is prohibited and civilly actionable. As the United States Supreme Court has observed with respect to the OASA:

This legislative history demonstrates that Congress intended to provide the USOC with exclusive control of the use of the word “Olympic” without regard to whether an unauthorized use of the word tends to cause confusion.

The protection granted to the USOC’s use of the Olympic words and symbols differs from the normal trademark protection in two respects: the USOC need not prove that a contested use is likely to

cause confusion, and an unauthorized user of the word does not have available the normal statutory defenses.

San Francisco Arts & Athletics, Inc. v. United States Olympic Committee, 483 U.S. 522, 107 S. Ct. 2971, 2977-78 (1987).

Under the fifth factor, intent to divert consumers, the registrant's intent must be inferred circumstantially, from his actions as well as his words. Cable News Network v. CNNEWS.COM, 2001 U.S. Dist. LEXIS at 46 (E.D. Va. 2001). The registrant registered the domain name as a ".com," essentially an American commercial top-level domain, as opposed to a Greek ".gr" country code, implying that he intends to use it to engage in commerce in the United States, diverting consumers from the website of the USOC. Id. at 22; 15 U.S.C. § 1125(d)(1)(B)(i)(V).

The registrant also admits that his domain name uses the protected word "Olympic." **Exhibit 6.** Any use of the word "Olympic" implies a connection with the Olympic Plaintiffs. As the United States District Court for the Eastern District of Virginia has observed:

[The USOC's] Olympic designations have been used on a wide variety of consumer products. Thus whenever a consumer sees any Olympic designations, or simulations thereof on a product or advertisement, the consumer is likely to believe that the goods are in some way connected with the Olympic Committee or its Olympic activities. The widespread use and value of [the USOC's] Olympic designations "creates the opportunity for others to ride on the goodwill of the Olympic Committee in the effort to attract customers to goods and services which may be thought by consumers to be in some way associated with the Olympic Committee."

U.S. Olympic Committee v. Union Sport Apparel, 220 U.S.P.Q. 526, 529 (E.D. Va. 1983).

Under the seventh ACPA factor, the registrant of OlympicMail.com provided material and misleading false contact information when it applied to register the domain name, and failed to maintain accurate contact information. Because the Whois database listing for OlympicMail.com continues to show the registrant of the domain name as residing in the Bahamas (rather than in Greece as Grigoropoulos asserts), this material and misleading contact information demonstrates the bad faith of the registrant of the domain name.

Grigoropoulos admitted that he intends to use the domain name, containing the protected word “Olympic,” for an unauthorized commercial purpose. Such a use of the protected word “Olympic” is *per se* prohibited, irrespective of whether there is any likelihood of confusion with any of the Olympic Plaintiffs. *See San Francisco Arts & Athletics, Inc. v. United States Olympic Committee*, 483 U.S. 522, 107 S. Ct. 2971 (1987); *see also International Olympic Committee and United States Olympic Committee v. Russell Ritchey dba EZ Fixin’s*, Case FA128817 (Nat. Arb. Forum Jan. 20, 2003); **Exhibit 9**.

Under the nine non-exhaustive ACPA factors, the registrant’s letter response does not establish that the registrant has any trademark or other intellectual property rights in the domain name, or that the registrant has ever been known as “OlympicMail,” for purposes of 15 U.S.C. § 1125(d)(1)(B)(i)(I), (II). The registrant makes no averment that he has made use of the domain name in connection with the bona fide offering of any goods or services, for purposes of 15 U.S.C. § 1125(d)(1)(B)(i)(III), (IV). To the



contrary, the registrant's domain name and website misuse Olympic words and symbols to divert Internet users for commercial gain.

Grigoropoulos then resorts to the most frequently used and unavailing excuse made by infringers of the Olympic Marks: that his use of "Olympic" refers to the ancient Olympics, instead of the modern Olympics. **Exhibit 5.** If this excuse were allowed, then any infringers could avoid the prohibitions of the OASA by pleading that they were referring only to the ancient Olympics. The OASA does not provide for such an exception. 36 U.S.C. § 220506. The modern Olympic Games were created to revive the ancient Olympic Games and carry forward their spirit. San Francisco Arts & Athletics, Inc. v. United States Olympic Committee, 483 U.S. at 533. The word "Olympic" derives its commercial and promotional value from the Olympic Plaintiffs' efforts to popularize it. Id. at 532-33. The registrant's argument does nothing more than reveal his awareness of both the ancient and modern Olympics and his intent to ride on the goodwill created by the Olympic Plaintiffs. Registrant's domain name does not refer to the ancient Olympics, so consumers viewing the domain name would not be apprised of this distinction. Moreover, the registrant does not explain—and it is difficult to imagine—how OlympicMail.com could be used in a manner that would refer to one and not the other.

In sum, the registrant has not and cannot plead a meritorious defense to the Olympic Plaintiffs' averments in the Complaint that his domain name, using "Olympic" in a ".com" top level domain in connection with a commercial use, intentionally diverts consumers from the Olympic Plaintiffs and rides on their goodwill.

The ninth and final non-exhaustive ACPA factor indicating bad faith on the part of the registrant is "the extent to which the mark incorporated in the person's domain

name registration is or is not distinctive and famous within the meaning of subsection (c)(1) of this section.” 15 U.S.C. § 1125(d)(1)(B)(i)(IX). In determining whether a mark is distinctive and famous, the federal dilution statute, to which the ACPA refers, may consider factors such as, but not limited to:

- (A) the degree of inherent or acquired distinctiveness of the mark;
- (B) the duration and extent of use of the mark in connection with the goods or services with which the mark is used;
- (C) the duration and extent of advertising and publicity of the mark;
- (D) the geographical extent of the trading area in which the mark is used;
- (E) the channels of trade for the goods or services with which the mark is used;
- (F) the degree of recognition of the mark in the trading areas and channels of trade of the mark’s owner and the person against whom the injunction is sought;
- (G) the nature and extent of use of the same or similar marks by third parties....

15 U.S.C. § 1125(c)(1).

The USOC, together with the IOC, have used the word “Olympic” at least since 1896, when the modern Olympic Games began. San Francisco Arts & Athletics v. Olympic Committee, 107 S. Ct. at 2979. Since that time, the USOC has used the Olympic words and symbols extensively in this country, to the point that the word “Olympic” has acquired a secondary meaning, distinctive of the USOC’s goods and services. Id. at 2980. Through the USOC’s promotion and licensing, its Olympic Marks have been used on a wide variety of consumer products. U.S. Olympic Committee v. Union Sport Apparel, 220 U.S.P.Q. at 529.

The United States District Court for the Southern District of New York wryly recounted:

The 1980 Winter Olympics now has an ‘official camera,’ an ‘official car,’ and an ‘official imported beer.’ The companies that produce these and similarly identified products are entitled to advertise them as such, and to sport

on them certain symbols *universally associated* with the Olympics. In exchange for this privilege, they make badly needed contributions to the United States Olympic Teams.

Stop the Olympic Prison v. United States Olympic Committee, 207 U.S.P.Q. 237, 240 (S.D.N.Y. 1980) (emphasis added).

As the Supreme Court has observed, Congress reasonably could conclude that the commercial and promotional value of the word “Olympic” was the product of the USOC’s “own talents and energy, the end result of much time, effort and expense.” San Francisco Arts & Athletics v. Olympic Committee, 107 S. Ct. at 2980.

The Olympic words and marks are so famous, renowned and valuable that Congress has deemed the Olympic words and marks worthy of protection, and has seen fit to give the USOC exclusive rights to the Olympic words and marks. 36 U.S.C § 220506. Numerous Olympic sponsors and licensees, recognizing the value of the famous Olympic Marks, pay for the right to use the Olympic words and marks and invest considerable amounts in producing and marketing their products bearing the Olympic marks. The USOC actively promotes licensing of its words and marks and aggressively monitors any infringement of those words and marks. *E.g.*, San Francisco Arts & Athletics, 483 U.S. 522 (1987); O-M Bread, Inc. v. U.S. Olympic Committee, 65 F.3d 933, 935, 937 (Fed. Cir. 1995).

The registrant in this case does not and cannot deny that the Olympic words and marks are distinctive and famous. He could not have been unaware of the Olympic Plaintiffs’ famous Olympic words and marks, and his actions, as well as his words, evince this awareness. He knows that whenever unsophisticated consumers see the word “Olympic,” there is substantial potential for confusion with the Olympic words and

marks. See U.S. Olympic Committee v. Union Sport Apparel, 220 U.S.P.Q. at 529. As in Cable News Network v. CNNEWS.COM:

The ninth factor concerns the extent to which the mark incorporated in the registrant's domain name registration is or is not distinctive and famous. See 15 U.S.C. § 1125(d)(1)(B)(i)(IX). It is clear that [the registrant] knew that the CNN mark is distinctive and famous and nevertheless chose in a commercial context to use the mark as a domain name and on its websites. n46.

-n46—In the directly analogous context of concurrent use cases in the United States, the clear majority of courts hold that a junior user's knowledge of the senior user's mark defeats any ability of the junior user to argue that its use is in good faith, no matter how remote the junior users use of the mark may be from the senior user's use.

Cable News Network v. CNNEWS.COM, 2001 U.S. Dist. Lexis at 50.

Consequently, the elements of the ACPA are satisfied, and this registrant, having failed to answer the complaint in a timely and sufficient manner, has not and cannot plead or prove a meritorious defense to the suit. He therefore has no basis for avoiding judgment by default. See FED. R. CIV. P. 55; SEC v. McNulty, 137 F.3d 732, 740 (2d Cir. 1998), *cert. denied*, 525 U.S. 931 (1998). Mr. Grigoropoulos, having failed to answer the complaint in a sufficient manner, does not have a meritorious defense to the suit, and has no basis for avoiding judgment by default. See FED. R. CIV. P. 55.

As with Mr. Fogarty, the registrant of OlympicMail.com has not engaged the services of counsel, but has insisted on filing letters with the Court. If such an approach were countenanced, any number of litigants having no inclination to comply with the rules could inundate the Court with similarly late and unresponsive letters rather than timely and properly drafted pleadings and motions.

C. **OlympicFlowers.com**. On June 26, 2003, Philip Neocleous submitted a late one-page letter to the Clerk of Court regarding the domain name

OlympicFlowers.com. **Exhibit 6.** Neocleous is listed as the contact person of the domain name on behalf of the entity S.S. Neocleous & Sons Ltd. **Exhibit 6.** The Court received the letter more than three months after the deadline for response set in the order of February 12, 2003, and Neocleous failed to serve Olympic Plaintiffs' counsel with a copy of his letter and provide the court with a certificate of service.

Also, Neocleous does not specifically deny--and therefore admits--the averments in the paragraphs of the Complaint. FED. R. CIV. P. 8(d). As has been noted, in such a case, "[T]he Court must assume that the allegations in the Complaint are true and that Defendant pirated Plaintiff's marks and used those marks with the bad faith intent to profit from that mark." United Greeks, Inc. v. Klein, 2000 U.S. Dist. LEXIS 5670, 2 (N.D.N.Y. 2000).

The complaint avers all nine factors under the ACPA, and Neocleous' letter does not deny them. The first factor is the trademark or other intellectual property rights of the registrant, if any, in the domain name. Neocleous has not set forth any basis for claiming intellectual property rights in the OlympicFlowers.com domain name.

The second factor is the extent to which the domain name consists of the legal name of the person or a name that is otherwise commonly used to identify that person. Neocleous does not plead that he is commonly known as "OlympicFlowers."

Neocleous does not demonstrate that he has made any bona fide commercial or noncommercial use of the domain name, for purposes of the third and fourth ACPA factors, and the domain name does not currently resolve to a website.

Under the fifth ACPA factor, the domain name's use of a ".com" top-level domain which, as this Court has observed, "is essentially an American top-level domain,"

instead of a Greek “.gr” country code, may suggest a future intent to engage in commerce in the United States with a website to which the domain name resolves, thereby diverting consumers from the USOC. Cable News Network v. CNNEWS.COM, 2001 U.S. Dist. LEXIS at 22 (E.D. Va. 2001). Alternatively, the fact that the domain name does not resolve to a website may suggest that the registrant intends to sell or transfer the domain name to another party without having used the domain name for a bona fide purpose.

Neocleous states in his letter that he “recognize[s] the Olympic Games trademark,” yet believes he has not violated the trademark. While Neocleous says that he “wish[es] to provide evidence to support [his] case,” he does not provide any basis to assert rights in the OlympicFlowers domain name nor provide specific denials of trademark infringement, as are required by FED. R. CIV. P. 8(b).

The ACPA specifically incorporates the protections of the OASA, which provides far greater protection to the word “Olympic” than that accorded ordinary trademarks. 15 U.S.C. § 1125(d)(1)(A)(2)(III); 36 U.S.C. § 220506. Under the OASA, such a use of the word “Olympic” is prohibited, even if it does not refer to the official Olympic Games. The pertinent sections of the OASA provide that Plaintiff USOC “has the exclusive right to use...the words “Olympic”, “Olympiad.” 36 U.S.C. § 220506(a)(4). Subparagraph 36 U.S.C. § 220506(c)(3) of the OASA provides in the disjunctive that either unauthorized use of the word “Olympic” or any combination or simulation of the protected Olympic words tending to cause confusion is prohibited and civilly actionable. As the United States Supreme Court has observed with respect to the OASA:

This legislative history demonstrates that Congress intended to provide the USOC with exclusive control of the use of the word “Olympic” without regard to whether an unauthorized use of the word tends to cause confusion.

The protection granted to the USOC's use of the Olympic words and symbols differs from the normal trademark protection in two respects: the USOC need not prove that a contested use is likely to cause confusion, and an unauthorized user of the word does not have available the normal statutory defenses.

San Francisco Arts & Athletics, Inc. v. United States Olympic Committee, 483 U.S. 522, 107 S. Ct. 2971, 2977-78 (1987).

Under the nine non-exhaustive ACPA factors, the registrant's letter response does not establish that the registrant has any trademark or other intellectual property rights in the domain name, or that the registrant has ever been known as "OlympicFlowers," for purposes of 15 U.S.C. § 1125(d)(1)(B)(i)(I), (II). The registrant makes no averment that he has made use of the domain name in connection with the bona fide offering of any goods or services, for purposes of 15 U.S.C. § 1125(d)(1)(B)(i)(III), (IV).

In sum, the registrant has not established rights in the domain name OlympicFlowers or a bona fide use of the domain name.

The ninth and final non-exhaustive ACPA factor indicating bad faith on the part of the registrant is "the extent to which the mark incorporated in the person's domain name registration is or is not distinctive and famous within the meaning of subsection (c)(1) of this section." 15 U.S.C. § 1125(d)(1)(B)(i)(IX). In determining whether a mark is distinctive and famous, the federal dilution statute, to which the ACPA refers, may consider factors such as, but not limited to:

- (A) the degree of inherent or acquired distinctiveness of the mark;
- (B) the duration and extent of use of the mark in connection with the goods or services with which the mark is used;
- (C) the duration and extent of advertising and publicity of the mark;
- (D) the geographical extent of the trading area in which the mark is used;

- (G) the channels of trade for the goods or services with which the mark is used;
- (H) the degree of recognition of the mark in the trading areas and channels of trade of the mark's owner and the person against whom the injunction is sought;
- (G) the nature and extent of use of the same or similar marks by third parties....

15 U.S.C. § 1125(c)(1).

The USOC, together with the IOC, have used the word "Olympic" at least since 1896, when the modern Olympic Games began. San Francisco Arts & Athletics v. Olympic Committee, 107 S. Ct. at 2979. Since that time, the USOC has used the Olympic words and symbols extensively in this country, to the point that the word "Olympic" has acquired a secondary meaning, distinctive of the USOC's goods and services. Id. at 2980. Through the USOC's promotion and licensing, its Olympic Marks have been used on a wide variety of consumer products. U.S. Olympic Committee v. Union Sport Apparel, 220 U.S.P.Q. at 529.

The United States District Court for the Southern District of New York wryly recounted:

The 1980 Winter Olympics now has an 'official camera,' an 'official car,' and an 'official imported beer.' The companies that produce these and similarly identified products are entitled to advertise them as such, and to sport on them certain symbols *universally associated* with the Olympics. In exchange for this privilege, they make badly needed contributions to the United States Olympic Teams.

Stop the Olympic Prison v. United States Olympic Committee, 207 U.S.P.Q. 237, 240 (S.D.N.Y. 1980) (emphasis added).

As the Supreme Court has observed, Congress reasonably could conclude that the commercial and promotional value of the word "Olympic" was the product of the



USOC's "own talents and energy, the end result of much time, effort and expense." San Francisco Arts & Athletics v. Olympic Committee, 107 S. Ct. at 2980.

The Olympic words and marks are so famous, renowned and valuable that Congress has deemed the Olympic words and marks worthy of protection, and has seen fit to give the USOC exclusive rights to the Olympic words and marks. 36 U.S.C § 220506. Numerous Olympic sponsors and licensees, recognizing the value of the famous Olympic Marks, pay for the right to use the Olympic words and marks and invest considerable amounts in producing and marketing their products bearing the Olympic marks. The USOC actively promotes licensing of its words and marks and aggressively monitors any infringement of those words and marks. *E.g.*, San Francisco Arts & Athletics, 483 U.S. 522 (1987); O-M Bread, Inc. v. U.S. Olympic Committee, 65 F.3d 933, 935, 937 (Fed. Cir. 1995).

Neocleous does not and cannot deny that the Olympic words and marks are distinctive and famous; in fact, the registrant says that he recognizes the Olympic trademark. Neocleous is likely to know that whenever unsophisticated consumers see the word "Olympic," there is substantial potential for confusion with the Olympic words and marks. *See U.S. Olympic Committee v. Union Sport Apparel*, 220 U.S.P.Q. at 529. As in Cable News Network v. CNNEWS.COM:

The ninth factor concerns the extent to which the mark incorporated in the registrant's domain name registration is or is not distinctive and famous. *See* 15 U.S.C. § 1125(d)(1)(B)(i)(IX). It is clear that [the registrant] knew that the CNN mark is distinctive and famous and nevertheless chose in a commercial context to use the mark as a domain name and on its websites. n46.

-n46—In the directly analogous context of concurrent use cases in the United States, the clear majority of courts hold that a junior user's knowledge of the senior user's mark defeats any ability of the junior user to argue that its use is in

good faith, no matter how remote the junior users use of the mark may be from the senior user's use.

Cable News Network v. CNNEWS.COM, 2001 U.S. Dist. Lexis at 50.

Consequently, the elements of the ACPA are satisfied, and this registrant, having failed to answer the complaint in a timely and sufficient manner, has not and cannot plead or prove a meritorious defense to the suit. He therefore has no basis for avoiding judgment by default. *See* FED. R. CIV. P. 55; SEC v. McNulty, 137 F.3d 732, 740 (2d Cir. 1998), *cert. denied*, 525 U.S. 931 (1998). Mr. Neocleous, having failed to answer the complaint in a sufficient manner, does not have a meritorious defense to the suit, and has no basis for avoiding judgment by default. *See* FED. R. CIV. P. 55.

Similar to Mr. Fogarty and Mr. Grigoropoulos, Mr. Neocleous has not engaged the services of counsel, but has insisted on filing letters with the Court. Since the domain name is registered on behalf of the business entity S.S. Neocleous & Sons Ltd., Neocleous must have engaged counsel for representation before the court. If a contrary approach such as that of Neocleous were countenanced, any number of litigants having no inclination to comply with the rules could inundate the Court with similarly late and unresponsive letters rather than timely and properly drafted pleadings and motions. The Olympic Plaintiffs respectfully suggest that entry of judgment by default is appropriate for these and all of the other Domain Names listed.

#### **IV. TRANSFER OR CANCELLATION OF THE DOMAIN NAMES IS THE APPROPRIATE RELIEF**

The ACPA limits the remedies in an *in rem* action to “a court order for the forfeiture or cancellation of the domain name or the transfer of the domain name to the owner of the mark.” 15 U.S.C. § 1125(d)(2)(D)(1). In the present case, the Olympic

Plaintiffs seek transfer or cancellation, at their choice, of the infringing Domain Names. Registrar certificates from the registrars of the Domain Names have been filed with the Court in this proceeding, giving the Court the authority to transfer the Domain Names. 15 U.S.C. § 1125(d)(2)(C)(ii).

Federal Rule of Civil Procedure 55(b)(2) governs the issue of default in this *in rem* action, and since the registrants of the Domain Names have not appeared in this action, notice of a hearing is not required. The Court Order of February 12, 2003 states that transfer or cancellation of the Domain Names could result from a failure to respond within thirty (30) days from the date of that Order. **Exhibit 2.**

WHEREFORE, the Olympic Plaintiffs respectfully request entry of judgment by default against the Defendant Domain Names and entry of an Order directing cancellation or transfer of the Domain Names to the Olympic Plaintiffs.

SILVERBERG, GOLDMAN & BIKOFF, L.L.P.



Bruce Rheinstein  
Virginia Bar No. 31578  
James L. Bikoff  
David K. Heasley  
Suite 120  
1101 30<sup>th</sup> Street, N.W.  
Washington, D.C. 20007  
Tel. (202)944-3300  
Fax (202)944-3306

Date: 10/10, 2003

**Certificate of Service**

I hereby certify that on this 10th day of October 2003 a copy of the foregoing motion, with the attached memorandum and exhibits, was sent by e-mail, facsimile, and/or registered mail to:

Damian Fogarty  
24 Hutchinson Street  
Bardwell Park, 2207  
Sydney NSW  
Australia  
Fax: 001-1612-9150-4912  
[DandSFogarty@aol.com](mailto:DandSFogarty@aol.com)  
[senator@hutch.com.au](mailto:senator@hutch.com.au)

and

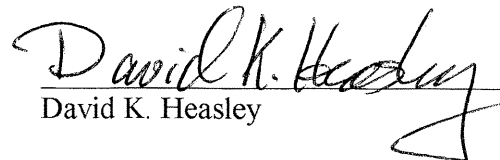
Philip Neocleous  
16 B Hesiod Str  
3031 Limassol  
Cyprus  
Fax: 001-357-2249-6523

117 Athalassa Ave  
PO Box 23825  
Nicosia 1686, Cyprus  
[neocls@cytanet.com.cy](mailto:neocls@cytanet.com.cy)

and

Angelo Grigoropoulos  
Olympicmail.com  
P.O. Box 52 FIRA  
Santorini, 84700 Greece

Olympicmail.com  
Pende.com  
P.R. Central  
Nassau, Bahamas  
[info@olympicmail.com](mailto:info@olympicmail.com)  
<mailto:info@pende.com>

  
David K. Heasley

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OLYMPIC COMMITTEE, )  
INTERNATIONAL OLYMPIC COMMITTEE, )  
SALT LAKE ORGANIZING COMMITTEE )  
FOR THE OLYMPIC WINTER GAMES OF )  
2002, )

Plaintiffs, )

v. )

2000OLYMPIC.COM, et al., )

Defendants. )

CIVIL ACTION NO. 00-1018-A

**ORDER**

This matter comes before the Court on Plaintiffs' Motion for Entry of Default Judgment against the last 44 Internet Domain Names remaining in this action. It appearing that the Court's February 13, 2003 Order Setting a Time Certain was sent to the registrants and others having an interest in the subject Domain names within ten (10) days of issuance of the Order, and it further appearing that no answer or responsive pleading has been filed with the Court with respect to those 44 Domain Names, and it further appearing that the Complaint states valid claims against those Domain Names on which relief may be granted, it is hereby,

ORDERED that the 44 Defendant Domain Names listed in the Appendix attached to this Order be cancelled or transferred to Plaintiffs, at Plaintiffs' election.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

Alexandria, Virginia  
\_\_\_\_\_, 2003

# **EXHIBIT 1**

## Appendix: Domain Names Subject to Default Judgment

Registrants	Domain Names
<p>BigMart.com 995-5 Doowon BD 3F Daechi-Dong Kangnam-Ku Seoul, KR</p> <p><a href="mailto:ceo@bigmart.com">ceo@bigmart.com</a></p>	<p>olympicpark.net olympique.com</p>
<p>Robert Weiland 48146 Bentall Centre Vancouver, B.C. V7X 1N8 CA</p> <p><a href="mailto:rweilan@worldtractor.com">rweilan@worldtractor.com</a></p>	<p>olympicboulevard.com</p>
<p>Chris Toms 1454 Dresden Row Suite 304 Halifax, Nova Scotia B3J 3T5 CA</p> <p><a href="mailto:chris@minus13.com">chris@minus13.com</a></p>	<p>djolympics.com</p>
<p>Damian Macafee 69 Charlotte St London, W1P 1LA UK</p> <p><a href="mailto:macafee@inbox.ru">macafee@inbox.ru</a></p>	<p>olimpic.com</p>
<p>John Connolly PO Box 10, Newcastle County Down, Northern I BT33 0BU GB</p> <p><a href="mailto:epocire@hotmail.com">epocire@hotmail.com</a></p>	<p>olympicgreats.com</p>
<p>Farmaha 84 Glenashton Dr Oakville, Ont L6H 6G2 CA</p> <p><a href="mailto:svgaf@idirect.com">svgaf@idirect.com</a></p>	<p>canadaolympic.com olympiccanada.com</p>
<p>Gregory Koulax PO Box R1362 Royal Exchange Sydney, NSW 1225 AU</p> <p><a href="mailto:gregkoulax@hotmail.com">gregkoulax@hotmail.com</a> <a href="mailto:gkoulax@blackjacklimo.com">gkoulax@blackjacklimo.com</a></p>	<p>losangelesolympics.com</p>

HomesOnline Photo-Marketing Service 392 Woodsworth Road, Unit 33 Toronto M2L-2T9 Ontario, Canada  <a href="mailto:randybasin@hotmail.com">randybasin@hotmail.com</a>	<a href="http://torontoolympicrentals.com">torontoolympicrentals.com</a>
Imagination Holdings P/L 64 North Terrace Kent Town 5067 SA AUSTRALIA  <a href="mailto:webmaster@imagination.com.au">webmaster@imagination.com.au</a>	<a href="http://olympicgamesgiveaway.com">olympicgamesgiveaway.com</a> <a href="http://olympictab.com">olympictab.com</a>
Kibong Um #134-204, CheonCheon-Apt., CheonCheon-Dong, JangAn-Gu Suwon-Si GyeongGi-Do KR  <a href="mailto:vox@unitel.co.kr">vox@unitel.co.kr</a>	<a href="http://2008beijingolympic.com">2008beijingolympic.com</a>
Kim Jong Shik 40-172 bongmyung-dong chunan-si chungnam, Korea  <a href="mailto:kjs2000@altavista.co.kr">kjs2000@altavista.co.kr</a>	<a href="http://olympicdomain.com">olympicdomain.com</a>
Robert Montori 13 rue de Bruxelles Paris, 75009 FR  <a href="mailto:rmontori@etxcama.com">rmontori@etxcama.com</a>	<a href="http://village-olympique.com">village-olympique.com</a> <a href="http://villageolympique.com">villageolympique.com</a> <a href="http://villageolympique.net">villageolympique.net</a> <a href="http://village-olympique.net">village-olympique.net</a>
K Papageorgopoulos 24 Rue J. L'Aveugle Luxemburg LU 1148 352 460896 X  <a href="mailto:papageo@pt.lu">papageo@pt.lu</a>	<a href="http://olympicairways.com">olympicairways.com</a>
Olympicmail.com P.O. Box 52 FIRA Santorini, 84700 Greece  <a href="mailto:info@olympicmail.com">info@olympicmail.com</a>	<a href="http://olympicmail.com">olympicmail.com</a>
Online Australia Level 8, South Tower 1 Railway Street Chatswood 2067 NSW, Australia  <a href="mailto:mbradley@oal.com.au">mbradley@oal.com.au</a>	<a href="http://olympicicons.com">olympicicons.com</a>



Philip Neocleous 117 Athalassa Ave PO Box 23825 Nicosia 1686, Cyprus  <a href="mailto:neocls@cytanet.com.cy">neocls@cytanet.com.cy</a>	olympicflowers.com
Jordi Jordi Ramon Turro, 93, 2-2a Barcelona, BARCELONA E-08005 SPAIN  <a href="mailto:nul@nominalia.com">nul@nominalia.com</a>	vila-olimpica.org
Urban Domain Inc. 121 Woodlawn Ave West Toronto, Ontario m4w1g9 Canada  <a href="mailto:tasears@hotmail.com">tasears@hotmail.com</a>	toolympics.com
Visible Domain 19 Ballanawin Strang, Isle of Man IM4 4NS UK  <a href="mailto:alan-white@talk21.com">alan-white@talk21.com</a>	olympics2024.com
Training Online International 21 Russell St West End 4101 QLD AUSTRALIA  <a href="mailto:dmain@netregistry.com.au">dmain@netregistry.com.au</a>	Australian-olympics-courtesy- course.com
Travelability Ltd. Framilode Gloucestershire GL2 7LH United Kingdom  <a href="mailto:d1b5@aol.com">d1b5@aol.com</a>	accessibleolympics.com
Damian Fogarty 24 Hutchinson Street Sydney, 2207 AU  001161291504912 (fax)  <a href="mailto:DandSFogarty@aol.com">DandSFogarty@aol.com</a> (opened email sent to this address) <a href="mailto:senator@hutch.com.au">senator@hutch.com.au</a> (did not open email sent to this address)	olympicswimmingteam.com olympicswimmingteams.com olympicswimwear.com olympicswimming.com
Antonio Carrano 231 Welling Drive Narellan 2567 NSW Australia  <a href="mailto:tcarrano@macquarie.com.au">tcarrano@macquarie.com.au</a>	olympicmoments.com

Craig Missell 33 Kierens Way Chadstone 3148 Victoria, Australia  <a href="mailto:craigmissell@hotmail.com">craigmissell@hotmail.com</a>	olympicsponsor.com
Zhao Yanpei R/309, No.6, Anhuili Third Block, Chaoyang Beijing 100101 China  <a href="mailto:zhaoyanpei@uni-net.com.cn">zhaoyanpei@uni-net.com.cn</a>	china-olympic.com
Andrew Lobel 35 Marsh Lane London NW7 4QJ Great Britain (UK)  <a href="mailto:Andrew@thinkingfish.com">Andrew@thinkingfish.com</a>	whistler-winter-olympics.com
Itaca Multimedia Via delle Fosse di Castello, 8 Rome, Italy 00193 IT  <a href="mailto:itaca@itaca.com">itaca@itaca.com</a>	olympicgamesturin.com, olympicgamesturin.org, olympicgamesturin.net
Informatiebeheer Malgrat Apdo 292, Sta. Susanna, Bcn 08398 Spain  <a href="mailto:postmaster@malgrat.nl">postmaster@malgrat.nl</a>	portolimpic.com
Philip McVeigh 202/204 McAvoy House 17a Ormeau Avenue Belfast, BT2 8HD UK  <a href="mailto:hostmaster@olympiclifts.com">hostmaster@olympiclifts.com</a>	olympiclifts.com
Jerries Haddad 17 Rembrandt Crescent Brampton, Ontario L6Y 3V5 Canada  <a href="mailto:D-6653mxvr@usersa3.domainsatcost.ca">D-6653mxvr@usersa3.domainsatcost.ca</a>	olympicbid.com
John Brosseau 2154 W. 6 <sup>th</sup> Ave, Apt 203 Vancouver, BC V6K 1V6  <a href="mailto:johnbrosseau@shaw.ca">johnbrosseau@shaw.ca</a>	vancouverolympics.com

Chen Gengqiu Jurid Shatanglinchang Liuzhou, Guangxi 545003 China  <a href="mailto:a.q@263.net">a.q@263.net</a>	Olympic2008.net
THANGADURAI JOHNSON 201, A WING,KARTHIKYA TOWERS THANE DIST, MAHARASHTRA 401107 IN  <a href="mailto:king_relax@yahoo.com">king_relax@yahoo.com</a>	OlympicsGuide.com

## **EXHIBIT 2**

DKH

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

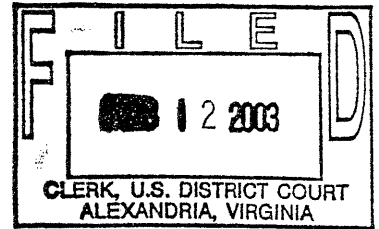
UNITED STATES OLYMPIC COMMITTEE,  
INTERNATIONAL OLYMPIC COMMITTEE,  
SALT LAKE ORGANIZING COMMITTEE  
FOR THE OLYMPIC WINTER GAMES OF  
2002,

Plaintiffs,

v.

2000OLYMPIC.COM, et al.,

Defendants.



CIVIL ACTION NO. 00-1018-A

**ORDER SETTING A TIME CERTAIN TO RESPOND TO THE COMPLAINT**

This matter comes before the Court on Plaintiffs' Motion to set a time certain to respond to the Complaint, and the Court finding that Plaintiffs have provided actual notice to the Registrants of the Defendant Domain Names and have complied with 15 U.S.C. §1125(d)(2)(A)(ii)(II)(aa) by sending notice of the alleged violation of the Plaintiffs' rights and intent to proceed with this in rem action to the Registrants' postal and email addresses,

**IT IS HEREBY ORDERED THAT:**

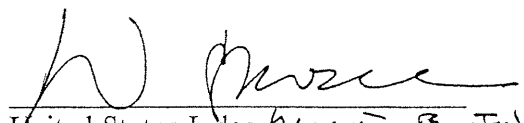
1. The Court has jurisdiction, dominion and control over the 45 domain names ("Domain Names") subject to this Order.
2. Registrants and any other persons, parties, entities, or claimants having or claiming an interest in the subject Domain Names (hereafter, "Interested Parties") have thirty (30) days from the date of this Order to answer or plead to the Complaint in this action. A copy of Plaintiffs' Complaint may be viewed at the

RECEIVED

Internet website, www.sgbdc.com, of Plaintiffs' attorneys, Silverberg Goldman and Bikoff, LLP, 1101 30<sup>th</sup> Street, NW, Suite 120, Washington, D.C. 20007. Their telephone number is (202) 944-3300 and their facsimile number is (202) 944-3306. Interested Parties who answer or otherwise plead to the Complaint must file the answer or other pleading with the Clerk of the Court, United States District Court for the Eastern District of Virginia, Alexandria Division, 401 Courthouse Square, Alexandria, Virginia, USA, 22314-5798, and serve the answer or other pleading on Plaintiff's attorneys, Silverberg Goldman and Bikoff, LLP, 1101 30<sup>th</sup> Street, NW, Suite 120, Washington, D.C. 20007.

3. If any Registrant or other Interested Party does not answer the Complaint within the time period required by this Order, the Court may render a judgment determining the extent and validity of that person's interest in the Domain Name(s). The Court's judgment may result in the Domain Name(s) being canceled, forfeited, or transferred to Plaintiffs.
4. Plaintiffs' attorneys shall send Registrants of the Domain Names notice of this Order within ten (10) days of the date of this Order by any means reasonably calculated to notify them of this Order, including without limitation, by: e-mail, facsimile, and international mail.
5. This Court hereby waives publication under 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(bb).

ENTERED this 12<sup>TH</sup> day of February 2003

  
United States Judge W. Michael Judge

## **EXHIBIT 3**

<sup>1</sup> The other domain names in this action have either been dismissed or were the subject of the Court's Order of April 4, 2003 that affirmed the May 21, 2002 Report and Recommendation of Magistrate Judge Sewell and entered judgment by default in favor of Plaintiffs. Of the 45 domain names left in this action, one, Olympicholidays.com, has been voluntarily dismissed. As for the remaining 44 domain names, the Plaintiffs, having received no answer or responsive pleading to the Complaint, expect to file a Motion for Entry of Default Judgment in the next couple of weeks. If default judgment is entered as requested, that will conclude this action.



1, hereto, Order of February 12, 2003. Plaintiffs' attorneys have taken the following steps to comply with this Order.

**E-mails**

2. On February 13, 2003 Plaintiffs sent notification emails to all the 34 registrants of the subject Domain Names. These were sent to the e-mail addresses provided by the registrants in their registrations, which are available in the "Whois" databases, e.g. [www.betterwhois.com](http://www.betterwhois.com). These e-mails contained the Order, attached a scanned copy of the signed Order in .pdf format, and contained a hyperlink to a web site where the signed Order could be viewed. See Exhibit 2, hereto, declaration of Patrick L. Jones, at ¶ 2.

3. The United States Court of Appeals for the Ninth Circuit recently affirmed the use of e-mail as an alternative method for service of process in Rio Properties, Inc. v. Rio International Interlink, 284 F.3d 1007 (9th Cir. 2002). The Ninth Circuit recognized that in many cases, the only method of communication a trademark owner has with an infringer is through e-mail. Id. at 1017-18. E-mails and facsimiles are the most economical, immediate and reliable means of notifying Registrants. The registration agreements require that the Registrants provide their Registrars with current e-mail addresses at the time of registration, and that the Registrants provide Registrars with changes in the e-mails as they occur. The Registrars generally use e-mail to remind the Registrants when their Domain Names will expire and to investigate possible false contact information. E-mails are used in every aspect of the domain name registration, renewal and transfer process, and are the most appropriate means of notifying the Registrants of this action.

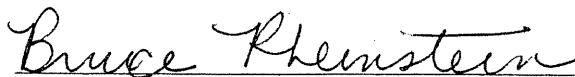
**International Registered Mail, Return Receipt Requested,  
And Facsimile**

4. On February 21, 2003, Plaintiffs sent facsimiles to two registrants having an interest in the Defendant Domain Names who provided valid facsimile numbers in their registration information. The facsimiles contained a copy of the Court's order and a hyperlink to a web site where the signed Order could be viewed. See Exhibit 2 at ¶ 3 and Exhibit 3, hereto declaration of Pamela Guerengomba, at ¶ 3.

5. On February 14, 2003 Plaintiffs sent notification letters containing a copy of the Court's Order via international registered mail, return receipt requested, to all 34 registrants. These were sent to the postal addresses provided by the registrants in their registrations, which are available in the "Whois" databases. See Exhibit 3 at ¶ 2 and Exhibit 4, hereto declaration of Rachel E. Losk, at ¶ 2.

6. In conclusion, the Olympic Plaintiff's have sent notification and a copy of this Court's Order of February 12, 2003 to all registrants of the Domain Names subject to that Order within 10 days of that Order. See Exhibit 5, hereto Notification Chart, see also Exhibit 4 at ¶ 3.

SILVERBERG, GOLDMAN & BIKOFF, L.L.P.



Bruce Rheinstein  
Virginia Bar No. 31578  
James L. Bikoff  
David K. Heasley  
Suite 120  
1101 30<sup>th</sup> Street, N.W.  
Washington, D.C. 20007  
Tel. (202)944-3300  
Fax (202)944-3306

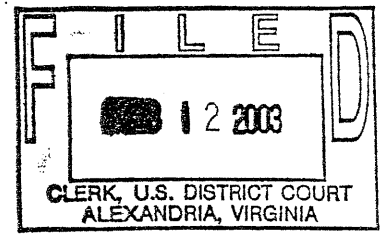
Date: \_\_\_\_\_, 2003

**PROOF OF SERVICE**

**EXHIBIT 1**

DKH

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION



UNITED STATES OLYMPIC COMMITTEE, )  
INTERNATIONAL OLYMPIC COMMITTEE, )  
SALT LAKE ORGANIZING COMMITTEE )  
FOR THE OLYMPIC WINTER GAMES OF )  
2002, )

Plaintiffs, )

v. )

2000OLYMPIC.COM, et al., )

Defendants. )

CIVIL ACTION NO. 00-1018-A

**ORDER SETTING A TIME CERTAIN TO RESPOND TO THE COMPLAINT**

This matter comes before the Court on Plaintiffs' Motion to set a time certain to respond to the Complaint, and the Court finding that Plaintiffs have provided actual notice to the Registrants of the Defendant Domain Names and have complied with 15 U.S.C.

§1125(d)(2)(A)(ii)(II)(aa) by sending notice of the alleged violation of the Plaintiffs' rights and intent to proceed with this in rem action to the Registrants' postal and email addresses,

**IT IS HEREBY ORDERED THAT:**

1. The Court has jurisdiction, dominion and control over the 45 domain names ("Domain Names") subject to this Order.
2. Registrants and any other persons, parties, entities, or claimants having or claiming an interest in the subject Domain Names (hereafter, "Interested Parties") have thirty (30) days from the date of this Order to answer or plead to the Complaint in this action. A copy of Plaintiffs' Complaint may be viewed at the

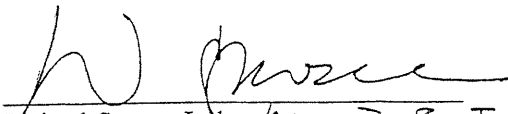
RECEIVED FEB 14 2003

OC

Internet website, www.sgbdc.com, of Plaintiffs' attorneys, Silverberg Goldman and Bikoff, LLP, 1101 30<sup>th</sup> Street, NW, Suite 120, Washington, D.C. 20007. Their telephone number is (202) 944-3300 and their facsimile number is (202) 944-3306. Interested Parties who answer or otherwise plead to the Complaint must file the answer or other pleading with the Clerk of the Court, United States District Court for the Eastern District of Virginia, Alexandria Division, 401 Courthouse Square, Alexandria, Virginia, USA, 22314-5798, and serve the answer or other pleading on Plaintiff's attorneys, Silverberg Goldman and Bikoff, LLP, 1101 30<sup>th</sup> Street, NW, Suite 120, Washington, D.C. 20007.

3. If any Registrant or other Interested Party does not answer the Complaint within the time period required by this Order, the Court may render a judgment determining the extent and validity of that person's interest in the Domain Name(s). The Court's judgment may result in the Domain Name(s) being canceled, forfeited, or transferred to Plaintiffs.
4. Plaintiffs' attorneys shall send Registrants of the Domain Names notice of this Order within ten (10) days of the date of this Order by any means reasonably calculated to notify them of this Order, including without limitation, by: e-mail, facsimile, and international mail.
5. This Court hereby waives publication under 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(bb).

ENTERED this 12<sup>TH</sup> day of February 2003

  
United States Judge *W. W. [unclear]*

**PROOF OF SERVICE**

**EXHIBIT 2**

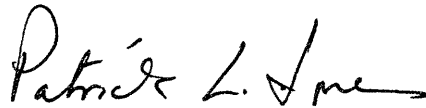
1. I, a person over the age of 18 years, am employed at Silverberg Goldman & Bikoff, LLP and not a party to this action.
2. On February 13, 2003, I sent e-mails to the 34 registrants of the subject Domain Names, notifying them of the Court's Order of February 12, 2003. These were sent to the e-mail addresses provided by the registrants in their registrations, which are available in the "Whois" databases, e.g. [www.betterwhois.com](http://www.betterwhois.com). The e-mails I sent contained the Order, attached a copy of the signed Order in .pdf format, and contained a hyperlink to this law firm's web site, [www.sgbdc.com](http://www.sgbdc.com), where the signed Order could be viewed.
3. On February 21, 2003, I supervised the sending of facsimiles to the two registrants who provided facsimile numbers in their registration information. These facsimiles contained a copy of the Court's Order and a hyperlink to a web site where the signed Order could be viewed.

4. In conclusion, Plaintiffs' Counsel has sent notification and a copy of this Court's Order of February 12, 2003 to all of the registrants of the Defendant Domain Names subject to that Order.

5. All factual averments in the Proof of Service are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 15<sup>th</sup> day of May 2003.

A handwritten signature in cursive script, reading "Patrick L. Jones", written in dark ink over a horizontal line.

Patrick L. Jones  
SILVERBERG GOLDMAN & BIKOFF, L.L.P.  
1101 30<sup>th</sup> Street, N.W., Suite 120  
Washington, D.C. 20007  
(202)944-3300



**David Heasley**

---

**From:** "Silverberg Goldman & Bikoff LLP" <dheasley@sbgdc.com>  
**To:** <ceo@bigmart.com.certified.ensured.postminder.biz>  
**Sent:** Thursday, February 13, 2003 1:20 PM  
**Subject:** Notice of Time to Answer Complaint

February 13, 2003

Registered Mail, Return Receipt Requested

Re: United States Olympic Committee, et al. v. 2000OLYMPIC.COM, et al.,  
Civil Action Number 00-1018-A  
In the United States District Court for the Eastern District of Virginia,  
Alexandria Division  
Notice of Time to Answer Complaint

NOTICE IS HEREBY GIVEN that on February 12, 2003, the United States District Court for the Eastern District of Virginia issued the following order:

"UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OLYMPIC COMMITTEE,) )  
INTERNATIONAL OLYMPIC COMMITTEE ) )  
SALT LAKE ORGANIZING COMMITTEE ) )  
FOR THE OLYMPIC WINTER GAMES OF ) )  
2002, ) )  
) CIVIL ACTION NO. 00-1018-A ) )  
Plaintiffs, ) )  
) )  
v. ) )  
) )  
2000OLYMPIC.COM, et al., ) )  
) )  
Defendants. ) )

ORDER SETTING A TIME CERTAIN TO RESPOND TO THE COMPLAINT

This matter comes before the Court on Plaintiffs' Motion to set a time certain to respond to the Complaint, and the Court finding that Plaintiffs have provided actual notice to the Registrants of the Defendant Domain Names and have complied with 15 U.S.C. §1125(d)(2)(A)(ii)(II)(aa) by sending notice of the alleged violation of the Plaintiffs' rights and intent to proceed with this in rem action to the Registrants' postal and email addresses,

IT IS HEREBY ORDERED THAT:

1. The Court has jurisdiction, dominion and control over the 45 domain names ("Domain Names") subject to this Order.

2. Registrants and any other persons, parties, entities, or claimants having or claiming an interest in the subject Domain Names (hereafter, "Interested Parties") have thirty (30) days from the date of this Order to answer or plead to the Complaint in this action. A copy of Plaintiffs' Complaint may be viewed at the Internet website, [www.sgbdc.com](http://www.sgbdc.com), of Plaintiffs' attorneys, Silverberg Goldman and Bikoff, LLP, 1101 30th Street, NW, Suite 120, Washington, D.C. 20007. Their telephone number is (202) 944-3300 and their facsimile number is (202) 944-3306. Interested Parties who answer or otherwise plead to the Complaint must file the answer or other pleading with the Clerk of the Court, United States District Court for the Eastern District of Virginia, Alexandria Division, 401 Courthouse Square, Alexandria, Virginia, USA, 22314-5798, and serve the answer or other pleading on Plaintiff's attorneys, Silverberg Goldman and Bikoff, LLP, 1101 30th Street, NW, Suite 120, Washington, D.C. 20007.

3. If any Registrant or other Interested Party does not answer the Complaint within the time period required by this Order, the Court may render a judgment determining the extent and validity of that person's interest in the Domain Name(s). The Court's judgment may result in the Domain Name(s) being canceled, forfeited, or transferred to Plaintiffs.

4. Plaintiffs' attorneys shall send Registrants of the Domain Names notice of this Order within ten (10) days of the date of this Order by any means reasonably calculated to notify them of this Order, including without limitation, by: e-mail, facsimile, and international mail.

5. This Court hereby waives publication under 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(bb).

ENTERED this 12th day of February 2003

W. Sewell  
United States Magistrate Judge"

You may also view the signed order at  
<http://www.sgbdc.com/Feb122003OrdertoSetTimeCertain.pdf>.

Sincerely,

James L. Bikoff



• Tracked Mail • Send Mail • DocMinder • My Account • FAQs

## PostMinder<sup>SM</sup> Tracked Mail



Listed below are emails that you have sent using PostMinder. [click here to refresh](#)

Date	Recipient	Subject	Opened?
13-Feb	rweilan@worldtractor.com	✓ Notice of Time to Answer Complaint	13-Feb-03 13:45:22
13-Feb	chris@minus13.com	⌚ Notice of Time to Answer Complaint	no -  retract?
13-Feb	macafee@inbox.ru	⌚ Notice of Time to Answer Complaint	no -  retract?
13-Feb	epocire@hotmail.com	⌚ Notice of Time to Answer Complaint	no -  retract?
13-Feb	svgaf@idirect.com	⌚ Notice of Time to Answer Complaint	no -  retract?
13-Feb	gregkoulax@hotmail.com	✓ Notice of Time to Answer Complaint	15-Feb-03 01:02:41
13-Feb	randybasin@hotmail.com	⌚ Notice of Time to Answer Complaint	no -  retract?
13-Feb	webmaster@imagination.-com.au	⌚ Notice of Time to Answer Complaint	no -  retract?
13-Feb	vox@unitel.co.kr	⌚ Notice of Time to Answer Complaint	no -  retract?
13-Feb	kjs2000@altavista.co.kr	⌚ Notice of Time to Answer Complaint	no -  retract?
13-Feb	rmontori@etxeama.com	✓ Notice of Time to Answer Complaint	13-Feb-03 13:26:03
13-Feb	papageo@pt.lu	⌚ Notice of Time to Answer Complaint	no -  retract?
13-Feb	info@olympicmail.com	✓ Notice of Time to Answer Complaint	13-Feb-03 14:25:04
13-Feb	mbradley@oal.com.au	⌚ Notice of Time to Answer Complaint	no -  retract?
13-Feb	neocls@cytanet.com.cy	✓ Notice of Time to Answer Complaint	13-Feb-03 15:08:27
13-Feb	nul@nominalia.com	⌚ Notice of Time to Answer Complaint	no -  retract?
13-Feb	tasears@hotmail.com	✓ Notice of Time to Answer Complaint	16-Feb-03 17:27:43
13-Feb	alan-white@talk21.com	⌚ Notice of Time to Answer Complaint	no -  retract?
13-Feb	dmain@netregistry.com.au	✓ Notice of Time to Answer Complaint	13-Feb-03 15:47:16
13-Feb	d1b5@aol.com	✓ Notice of Time to Answer Complaint	13-Feb-03 14:06:42
13-Feb	DandSFogarty@aol.com	✓ Notice of Time to Answer Complaint	13-Feb-03 17:38:44
13-Feb	tcarrano@macquarie.com.au	⌚ Notice of Time to Answer Complaint	no -  retract?
13-Feb	zhaoy@uni-net.com.cn	⌚ Notice of Time to Answer Complaint	no -  retract?
13-Feb	craigmissell@hotmail.com	✓ Notice of Time to Answer Complaint	14-Feb-03 06:47:11
13-Feb	Andrew@thinkingfish.com	⌚ Notice of Time to Answer Complaint	no -  retract?
13-Feb	itaca@itaca.com	⌚ Notice of Time to Answer Complaint	no -  retract?
13-Feb	postmaster@malgrat.nl	✓ Notice of Time to Answer Complaint	13-Feb-03 13:31:39
13-Feb	hostmaster@olympiclfts.com	⌚ Notice of Time to Answer Complaint	no -  retract?
13-Feb	D-6653mxvr@usera3.-domainsatcost.ca	⌚ Notice of Time to Answer Complaint	no -  retract?

- |   |                                    |
|---|------------------------------------|
| <input type="checkbox"/> 13-Feb a.q@263.net                   | Notice of Time to Answer Complaint |
| <input type="checkbox"/> 13-Feb johnbrosseau@shaw.ca          | Notice of Time to Answer Complaint |
| <input type="checkbox"/> 13-Feb andreas@olympicholidays.co.uk | Notice of Time to Answer Complaint |
| <input type="checkbox"/> 13-Feb king_relax@yahoo.com          | Notice of Time to Answer Complaint |
| <input type="checkbox"/> 13-Feb ceo@bigmart.com               | Notice of Time to Answer Complaint |

no - retract?

13-Feb-03 14:02:02

14-Feb-03 03:02:33

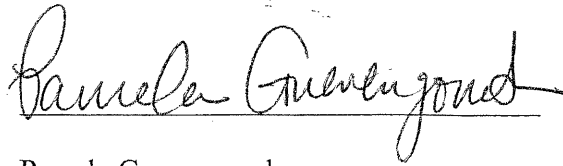
18-Feb-03 08:58:41

no - retract?

**PROOF OF SERVICE**

**EXHIBIT 3**

DATED this 15<sup>th</sup> day May 2003.

A handwritten signature in black ink, reading "Pamela Guerengomba". The signature is written in a cursive style with a horizontal line underneath the name.

Pamela Guerengomba  
SILVERBERG GOLDMAN & BIKOFF, L.L.P.  
1101 30<sup>th</sup> Street, N.W., Suite 120  
Washington, D.C. 20007

# SILVERBERG, GOLDMAN & BIKOFF, L.L.P.

Georgetown Place  
Suite 120  
1101 30<sup>th</sup> Street, N.W.  
Washington, D.C. 20007  
www.sgbdc.com

Telephone No. (202) 944-3300 • Facsimile No. (202) 944-3306

## TELECOPIER COVER SHEET

TO: Damian Fogarty  
FROM: James L. Bikoff  
DATE: Feb. 21, 2003  
RE: OlympicSwimming.com, etc.  
CLIENT NO.: 9401

NUMBER OF PAGES (including cover sheet): ..... 6

FACSIMILE NUMBER: ..... 011-61-291-504-912

TRANSMISSION PROBLEMS, PLEASE CALL ..... (202) 944-3303

**PRIVATE AND CONFIDENTIAL:** | The documents accompanying this fax transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone to arrange for return of the original documents to us.



SILVERBERG  
GOLDMAN &  
BIKOFF, L.L.P.

ATTORNEYS AT LAW

Georgetown Place • Suite 120 • 1101 30TH Street, NW • Washington, D.C. 20007  
Voice (202) 944-3300 • Facsimile (202) 944-3306  
Writer's Direct Dial (202) 944-3303 • Writer's e-mail: [jbikoff@sgbdc.com](mailto:jbikoff@sgbdc.com)

February 13, 2003

**Registered Mail. Return Receipt Requested**

Damian Fogarty  
24 Hutchinson Street  
Sydney, 2207 AU

Re: olympicswimmingteam.com, olympicswimmingteams.com, olympicswimwear.com,  
olympicswimming.com  
United States Olympic Committee, et al. v. 2000OLYMPIC.COM, et al.,  
Civil Action Number 00-1018-A  
In the United States District Court for the Eastern District of Virginia,  
Alexandria Division  
Notice of Time to Answer Complaint

NOTICE IS HEREBY GIVEN that on February 12, 2003, the United States District  
Court for the Eastern District of Virginia issued the following order:

“UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OLYMPIC COMMITTEE,	)	
INTERNATIONAL OLYMPIC COMMITTEE,	)	
SALT LAKE ORGANIZING COMMITTEE	)	
FOR THE OLYMPIC WINTER GAMES OF	)	
2002,	)	
	)	CIVIL ACTION NO. 00-1018-A
Plaintiffs,	)	
	)	
v.	)	
	)	
2000OLYMPIC.COM, et al.,	)	
	)	
Defendants.	)	

## ORDER SETTING A TIME CERTAIN TO RESPOND TO THE COMPLAINT

This matter comes before the Court on Plaintiffs' Motion to set a time certain to respond to the Complaint, and the Court finding that Plaintiffs have provided actual notice to the Registrants of the Defendant Domain Names and have complied with 15 U.S.C. §1125(d)(2)(A)(ii)(II)(aa) by sending notice of the alleged violation of the Plaintiffs' rights and intent to proceed with this in rem action to the Registrants' postal and email addresses,

IT IS HEREBY ORDERED THAT:

1. The Court has jurisdiction, dominion and control over the 45 domain names ("Domain Names") subject to this Order.
2. Registrants and any other persons, parties, entities, or claimants having or claiming an interest in the subject Domain Names (hereafter, "Interested Parties") have thirty (30) days from the date of this Order to answer or plead to the Complaint in this action. A copy of Plaintiffs' Complaint may be viewed at the Internet website, [www.sgbdc.com](http://www.sgbdc.com), of Plaintiffs' attorneys, Silverberg Goldman and Bikoff, LLP, 1101 30<sup>th</sup> Street, NW, Suite 120, Washington, D.C. 20007. Their telephone number is (202) 944-3300 and their facsimile number is (202) 944-3306. Interested Parties who answer or otherwise plead to the Complaint must file the answer or other pleading with the Clerk of the Court, United States District Court for the Eastern District of Virginia, Alexandria Division, 401 Courthouse Square, Alexandria, Virginia, USA, 22314-5798, and serve the answer or other pleading on Plaintiff's attorneys, Silverberg Goldman and Bikoff, LLP, 1101 30<sup>th</sup> Street, NW, Suite 120, Washington, D.C. 20007.

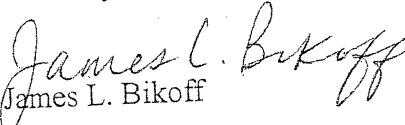
3. If any Registrant or other Interested Party does not answer the Complaint within the time period required by this Order, the Court may render a judgment determining the extent and validity of that person's interest in the Domain Name(s). The Court's judgment may result in the Domain Name(s) being canceled, forfeited, or transferred to Plaintiffs.
4. Plaintiffs' attorneys shall send Registrants of the Domain Names notice of this Order within ten (10) days of the date of this Order by any means reasonably calculated to notify them of this Order, including without limitation, by: e-mail, facsimile, and international mail.
5. This Court hereby waives publication under 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(bb).

ENTERED this 12th day of February 2003

W. Sewell  
United States Magistrate Judge"

A copy of the Court's Order is attached to this letter. You may also view the signed order at <http://www.sgbdc.com/Feb122003OrdertoSetTimeCertain.pdf>.

Sincerely,

  
James L. Bikoff

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OLYMPIC COMMITTEE,  
INTERNATIONAL OLYMPIC COMMITTEE,  
SALT LAKE ORGANIZING COMMITTEE  
FOR THE OLYMPIC WINTER GAMES OF  
2002,

Plaintiffs,

v.

2000OLYMPIC.COM, et al.,

Defendants.

CIVIL ACTION NO. 00-1018-A

**ORDER SETTING A TIME CERTAIN TO RESPOND TO THE COMPLAINT**

This matter comes before the Court on Plaintiffs' Motion to set a time certain to respond to the Complaint, and the Court finding that Plaintiffs have provided actual notice to the Registrants of the Defendant Domain Names and have complied with 15 U.S.C. §1125(d)(2)(A)(ii)(II)(aa) by sending notice of the alleged violation of the Plaintiffs' rights and intent to proceed with this in rem action to the Registrants' postal and email addresses,

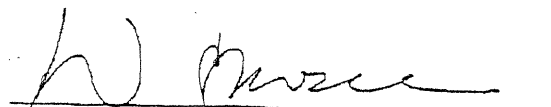
**IT IS HEREBY ORDERED THAT:**

1. The Court has jurisdiction, dominion and control over the 45 domain names ("Domain Names") subject to this Order.
2. Registrants and any other persons, parties, entities, or claimants having or claiming an interest in the subject Domain Names (hereafter, "Interested Parties") have thirty (30) days from the date of this Order to answer or plead to the Complaint in this action. A copy of Plaintiffs' Complaint may be viewed at the

Internet website, www.sgbdc.com, of Plaintiffs' attorneys, Silverberg Goldman and Bikoff, LLP, 1101 30<sup>th</sup> Street, NW, Suite 120, Washington, D.C. 20007. Their telephone number is (202) 944-3300 and their facsimile number is (202) 944-3306. Interested Parties who answer or otherwise plead to the Complaint must file the answer or other pleading with the Clerk of the Court, United States District Court for the Eastern District of Virginia, Alexandria Division, 401 Courthouse Square, Alexandria, Virginia, USA, 22314-5798, and serve the answer or other pleading on Plaintiff's attorneys, Silverberg Goldman and Bikoff, LLP, 1101 30<sup>th</sup> Street, NW, Suite 120, Washington, D.C. 20007.

3. If any Registrant or other Interested Party does not answer the Complaint within the time period required by this Order, the Court may render a judgment determining the extent and validity of that person's interest in the Domain Name(s). The Court's judgment may result in the Domain Name(s) being canceled, forfeited, or transferred to Plaintiffs.
4. Plaintiffs' attorneys shall send Registrants of the Domain Names notice of this Order within ten (10) days of the date of this Order by any means reasonably calculated to notify them of this Order, including without limitation, by: e-mail, facsimile, and international mail.
5. This Court hereby waives publication under 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(bb).

ENTERED this 12<sup>th</sup> day of February 2003

  
United States Judge Richard B. Berman Judge

NO.	COM	PAGES	FILE	DURATION	X/R	IDENTIFICATION	DATE	TIME	DIAGNOSTIC
25	OK	010	191	00:03'05	RCV		FEB-20	14:19	0110270377000
26	OK	011	192	00:03'29	RCV	612 288 9713	FEB-20	15:05	0150270377000
27	OK	010	193	00:02'53	RCV		FEB-20	15:35	0110270377000
28	OK	005	194	00:01'23	RCV		FEB-20	15:59	0110270377000
29	OK	023		00:05'55	XMT	121258283326810	FEB-20	16:06	F000450377000
30	OK	004		00:01'45	XMT	121258283326203	FEB-20	16:28	F000450377000
31	OK	004		00:01'25	XMT	7034714548	FEB-20	16:59	0040440A71000
32	OK	012		00:03'42	XMT	121258283328922	FEB-20	17:43	F000450377000
01	OK	003	201	00:01'24	RCV	314 259 2020	FEB-20	17:51	0150270A37000
02	OK	031		00:08'56	XMT	121258283328335	FEB-20	18:07	F000450377000
03	OK	015		00:04'10	XMT	121258283328922	FEB-20	18:22	F000450377000
04	OK	004		00:01'54	XMT	121258283328450	FEB-20	20:39	F000450377000
05	OK	004	205	00:01'18	RCV	2026258381	FEB-21	08:46	0150270377000
06	OK	003	206	00:01'06	RCV	+27 12 3626440	FEB-21	10:17	0150270377000
07	495	003	207	00:01'49	RCV	Millers Office Produ	FEB-21	10:23	0050260477000
08	OK	003		00:01'10	XMT	121258283329995	FEB-21	10:43	F000450377000
09	OK	002	209	00:01'19	RCV	Millers Office Produ	FEB-21	11:25	0150260477000
10	410	002	210	00:00'49	RCV	718 995 5910	FEB-21	12:27	0050270377000
11	OK	008	211	00:02'49	RCV	718 995 5910	FEB-21	12:29	0150270377000
12	410	001	212	00:00'29	RCV	718 995 5910	FEB-21	12:41	0050270377000
13	OK	008	213	00:02'53	RCV	718 995 5910	FEB-21	12:43	0150270377000
14	OK	003	214	00:01'43	RCV		FEB-21	12:54	0110270377000
15	OK	004		00:01'43	XMT	121258283329995	FEB-21	12:59	F000450377000
16	OK	004		00:01'42	XMT	121258283329995	FEB-21	13:01	F000450377000
17	OK	001	217	00:00'32	RCV		FEB-21	13:07	0110270377000
18	OK	001		00:00'58	XMT	4964202	FEB-21	13:41	0000450337000
19	OK	011		00:03'04	XMT	121258283321000	FEB-21	14:42	F000450377000
20	420	000		00:00'37	RCV		FEB-21	14:47	0010260200000
21	OK	012		00:03'12	XMT	121258283321000	FEB-21	14:48	F000450377000
22	OK	003		00:01'09	XMT	121258283329995	FEB-21	14:52	F000450377000
23	OK	006		00:03'41	XMT	011612915049129401	FEB-21	15:05	0000440A30000
24	OK	006		00:02'50	XMT	121258283329995	FEB-21	15:31	F000450377000

-SILVERBERG, GOLDMAN&BIKOFF-

\*\*\*\*\* -

- \*\*\*\*\* -

- \*\*\*\*\*

# SILVERBERG, GOLDMAN & BIKOFF, L.L.P.

Georgetown Place  
Suite 120  
1101 30<sup>th</sup> Street, N.W.  
Washington, D.C. 20007  
www.sgbdc.com

Telephone No. (202) 944-3300 • Facsimile No. (202) 944-3306

## TELECOPIER COVER SHEET

TO: Andrew Lobel  
FROM: James L. Bikoff  
DATE: Feb. 21, 2003  
RE: Whistler-Winter-Olympics.com  
CLIENT NO.: 9401

NUMBER OF PAGES (including cover sheet): ..... 6

FACSIMILE NUMBER: ..... 011-44-870-164-0224

TRANSMISSION PROBLEMS, PLEASE CALL ..... (202) 944-3303

**PRIVATE AND CONFIDENTIAL:** | The documents accompanying this fax transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone to arrange for return of the original documents to us.

SILVERBERG  
GOLDMAN &  
BIKOFF, L.L.P.

ATTORNEYS AT LAW

Georgetown Place • Suite 120 • 1101 30TH Street, NW • Washington, D.C. 20007

Voice (202) 944-3300 • Facsimile (202) 944-3306

Writer's Direct Dial (202) 944-3303 • Writer's e-mail: [jbikoff@sgbdc.com](mailto:jbikoff@sgbdc.com)

February 13, 2003

Registered Mail, Return Receipt Requested

Andrew Lobel  
35 Marsh Lane  
London  
NW7 4QJ  
Great Britain (UK)

Re: whistler-winter-olympics.com  
United States Olympic Committee, et al. v. 2000OLYMPIC.COM, et al.,  
Civil Action Number 00-1018-A  
In the United States District Court for the Eastern District of Virginia,  
Alexandria Division  
Notice of Time to Answer Complaint

NOTICE IS HEREBY GIVEN that on February 12, 2003, the United States District Court for the Eastern District of Virginia issued the following order:

“UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OLYMPIC COMMITTEE, )  
INTERNATIONAL OLYMPIC COMMITTEE, )  
SALT LAKE ORGANIZING COMMITTEE )  
FOR THE OLYMPIC WINTER GAMES OF )  
2002, )

Plaintiffs, )

v. )

2000OLYMPIC.COM, et al., )

Defendants. )

CIVIL ACTION NO. 00-1018-A



**ORDER SETTING A TIME CERTAIN TO RESPOND TO THE COMPLAINT**

This matter comes before the Court on Plaintiffs' Motion to set a time certain to respond to the Complaint, and the Court finding that Plaintiffs have provided actual notice to the Registrants of the Defendant Domain Names and have complied with 15 U.S.C. §1125(d)(2)(A)(ii)(II)(aa) by sending notice of the alleged violation of the Plaintiffs' rights and intent to proceed with this in rem action to the Registrants' postal and email addresses,

IT IS HEREBY ORDERED THAT:

1. The Court has jurisdiction, dominion and control over the 45 domain names ("Domain Names") subject to this Order.
2. Registrants and any other persons, parties, entities, or claimants having or claiming an interest in the subject Domain Names (hereafter, "Interested Parties") have thirty (30) days from the date of this Order to answer or plead to the Complaint in this action. A copy of Plaintiffs' Complaint may be viewed at the Internet website, [www.sgbdc.com](http://www.sgbdc.com), of Plaintiffs' attorneys, Silverberg Goldman and Bikoff, LLP, 1101 30<sup>th</sup> Street, NW, Suite 120, Washington, D.C. 20007. Their telephone number is (202) 944-3300 and their facsimile number is (202) 944-3306. Interested Parties who answer or otherwise plead to the Complaint must file the answer or other pleading with the Clerk of the Court, United States District Court for the Eastern District of Virginia, Alexandria Division, 401 Courthouse Square, Alexandria, Virginia, USA, 22314-5798, and serve the answer or other pleading on Plaintiff's attorneys, Silverberg Goldman and Bikoff, LLP, 1101 30<sup>th</sup> Street, NW, Suite 120, Washington, D.C. 20007.

3. If any Registrant or other Interested Party does not answer the Complaint within the time period required by this Order, the Court may render a judgment determining the extent and validity of that person's interest in the Domain Name(s). The Court's judgment may result in the Domain Name(s) being canceled, forfeited, or transferred to Plaintiffs.
4. Plaintiffs' attorneys shall send Registrants of the Domain Names notice of this Order within ten (10) days of the date of this Order by any means reasonably calculated to notify them of this Order, including without limitation, by: e-mail, facsimile, and international mail.
5. This Court hereby waives publication under 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(bb).

ENTERED this 12th day of February 2003

W. Sewell  
United States Magistrate Judge"

A copy of the Court's Order is attached to this letter. You may also view the signed order at <http://www.sgbdc.com/Feb122003OrdertoSetTimeCertain.pdf>.

Sincerely,

  
James L. Bikoff

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OLYMPIC COMMITTEE, )  
INTERNATIONAL OLYMPIC COMMITTEE, )  
SALT LAKE ORGANIZING COMMITTEE )  
FOR THE OLYMPIC WINTER GAMES OF )  
2002, )

Plaintiffs, )

v. )

2000OLYMPIC.COM, et al., )

Defendants. )

CIVIL ACTION NO. 00-1018-A

**ORDER SETTING A TIME CERTAIN TO RESPOND TO THE COMPLAINT**

This matter comes before the Court on Plaintiffs' Motion to set a time certain to respond to the Complaint, and the Court finding that Plaintiffs have provided actual notice to the Registrants of the Defendant Domain Names and have complied with 15 U.S.C. §1125(d)(2)(A)(ii)(II)(aa) by sending notice of the alleged violation of the Plaintiffs' rights and intent to proceed with this in rem action to the Registrants' postal and email addresses,

**IT IS HEREBY ORDERED THAT:**

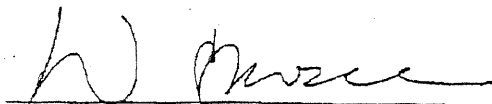
1. The Court has jurisdiction, dominion and control over the 45 domain names ("Domain Names") subject to this Order.
2. Registrants and any other persons, parties, entities, or claimants having or claiming an interest in the subject Domain Names (hereafter, "Interested Parties") have thirty (30) days from the date of this Order to answer or plead to the Complaint in this action. A copy of Plaintiffs' Complaint may be viewed at the

Internet website, www.sgbdc.com, of Plaintiffs' attorneys, Silverberg Goldman and Bikoff, LLP, 1101 30<sup>th</sup> Street, NW, Suite 120, Washington, D.C. 20007.

Their telephone number is (202) 944-3300 and their facsimile number is (202) 944-3306. Interested Parties who answer or otherwise plead to the Complaint must file the answer or other pleading with the Clerk of the Court, United States District Court for the Eastern District of Virginia, Alexandria Division, 401 Courthouse Square, Alexandria, Virginia, USA, 22314-5798, and serve the answer or other pleading on Plaintiff's attorneys, Silverberg Goldman and Bikoff, LLP, 1101 30<sup>th</sup> Street, NW, Suite 120, Washington, D.C. 20007.

3. If any Registrant or other Interested Party does not answer the Complaint within the time period required by this Order, the Court may render a judgment determining the extent and validity of that person's interest in the Domain Name(s). The Court's judgment may result in the Domain Name(s) being canceled, forfeited, or transferred to Plaintiffs.
4. Plaintiffs' attorneys shall send Registrants of the Domain Names notice of this Order within ten (10) days of the date of this Order by any means reasonably calculated to notify them of this Order, including without limitation, by: e-mail, facsimile, and international mail.
5. This Court hereby waives publication under 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(bb).

ENTERED this 12<sup>th</sup> day of February 2003

  
United States Judge *W. Michael E. Judge*

\*\*\*\*\* -COMM.JOURNAL- \*\*\*\*\* DATE FEB-21-2003 \*\*\*\*\* TIME 16:40 \*\*\* P.01

MODE = TRANSMISSION

START=FEB-21 16:38

END=FEB-21 16:40

NO.	COM	ABBR/NTWK	STATION NAME/ TELEPHONE NO.	PAGES	PRG.NO.	PROGRAM NAME
-----	-----	-----------	--------------------------------	-------	---------	--------------

001	OK		011448701640224	006		
-----	----	--	-----------------	-----	--	--

-SILVERBERG, GOLDMAN&BIKOFF-

\*\*\*\*\* -

- \*\*\*\*\* -

- \*\*\*\*\*

**PROOF OF SERVICE**

**EXHIBIT 4**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OLYMPIC	)	
COMMITTEE, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 00-1018-A
	)	
2000OLYMPIC.COM, et al.,	)	
	)	
Defendants.	)	

**DECLARATION IN SUPPORT OF PROOF OF SERVICE**

I, Rachel E. Losk, hereby declare the following:

1. I, a person over the age of 18 years, am a law clerk at Silverberg Goldman & Bikoff, LLP and not a party to this action.

2. On February 14, 2003, I both sent and supervised the sending of notification letters containing a copy of the Court's Order via international registered mail, return receipt requested, to all 34 the registrants. These were sent to the postal addresses provided by the registrants in their registrations, which are available in the "whois" databases.

3. Plaintiffs' Counsel has sent notification and a copy of this Court's Order of February 12, 2003, to all of the registrants of the Defendant Domain Names subject to that Order. I have reviewed our notification records, which Plaintiffs' Counsel keeps in the ordinary course of business, and created a chart (attached as Exhibit 5 to the Proof of Service) showing the means by which notification has been given to all of the registrants of the subject Defendant Domain Names.

4. All factual averments in the Proof of Service are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 15<sup>th</sup> day of May 2003.

Rachel E. Losk

Rachel E. Losk  
SILVERBERG GOLDMAN & BIKOFF, L.L.P.  
1101 30<sup>th</sup> Street, N.W., Suite 120  
Washington, D.C. 20007



SILVERBERG  
GOLDMAN &  
BIKOFF, L.L.P.

ATTORNEYS AT LAW

Georgetown Place • Suite 120 • 1101 30TH Street, NW • Washington, D.C. 20007

Voice (202) 944-3300 • Facsimile (202) 944-3306

Writer's Direct Dial (202) 944-3303 • Writer's e-mail: [jbikoff@sgbdc.com](mailto:jbikoff@sgbdc.com)

February 13, 2003

**Registered Mail, Return Receipt Requested**

THANGADURAI JOHNSON  
201, A WING, KARTHIKYA TOWERS  
THANE DIST, MAHARASHTRA 401107 IN

Re: OlympicsGuide.com  
United States Olympic Committee, et al. v. 2000OLYMPIC.COM, et al.,  
Civil Action Number 00-1018-A  
In the United States District Court for the Eastern District of Virginia,  
Alexandria Division  
Notice of Time to Answer Complaint

NOTICE IS HEREBY GIVEN that on February 12, 2003, the United States District Court for the Eastern District of Virginia issued the following order:

“UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OLYMPIC COMMITTEE, )  
INTERNATIONAL OLYMPIC COMMITTEE, )  
SALT LAKE ORGANIZING COMMITTEE )  
FOR THE OLYMPIC WINTER GAMES OF )  
2002, )

Plaintiffs, )

v. )

2000OLYMPIC.COM, et al., )

Defendants. )

CIVIL ACTION NO. 00-1018-A

## **ORDER SETTING A TIME CERTAIN TO RESPOND TO THE COMPLAINT**

This matter comes before the Court on Plaintiffs' Motion to set a time certain to respond to the Complaint, and the Court finding that Plaintiffs have provided actual notice to the Registrants of the Defendant Domain Names and have complied with 15 U.S.C. §1125(d)(2)(A)(ii)(II)(aa) by sending notice of the alleged violation of the Plaintiffs' rights and intent to proceed with this in rem action to the Registrants' postal and email addresses,

IT IS HEREBY ORDERED THAT:

1. The Court has jurisdiction, dominion and control over the 45 domain names ("Domain Names") subject to this Order.
2. Registrants and any other persons, parties, entities, or claimants having or claiming an interest in the subject Domain Names (hereafter, "Interested Parties") have thirty (30) days from the date of this Order to answer or plead to the Complaint in this action. A copy of Plaintiffs' Complaint may be viewed at the Internet website, [www.sgbdc.com](http://www.sgbdc.com), of Plaintiffs' attorneys, Silverberg Goldman and Bikoff, LLP, 1101 30<sup>th</sup> Street, NW, Suite 120, Washington, D.C. 20007. Their telephone number is (202) 944-3300 and their facsimile number is (202) 944-3306. Interested Parties who answer or otherwise plead to the Complaint must file the answer or other pleading with the Clerk of the Court, United States District Court for the Eastern District of Virginia, Alexandria Division, 401 Courthouse Square, Alexandria, Virginia, USA, 22314-5798, and serve the answer or other pleading on Plaintiff's attorneys, Silverberg Goldman and Bikoff, LLP, 1101 30<sup>th</sup> Street, NW, Suite 120, Washington, D.C. 20007.

3. If any Registrant or other Interested Party does not answer the Complaint within the time period required by this Order, the Court may render a judgment determining the extent and validity of that person's interest in the Domain Name(s). The Court's judgment may result in the Domain Name(s) being canceled, forfeited, or transferred to Plaintiffs.
4. Plaintiffs' attorneys shall send Registrants of the Domain Names notice of this Order within ten (10) days of the date of this Order by any means reasonably calculated to notify them of this Order, including without limitation, by: e-mail, facsimile, and international mail.
5. This Court hereby waives publication under 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(bb).

ENTERED this 12th day of February 2003

W. Sewell  
United States Magistrate Judge"

A copy of the Court's Order is attached to this letter. You may also view the signed order at <http://www.sgbdc.com/Feb122003OrdertoSetTimeCertain.pdf>.

Sincerely,

James L. Bikoff

# **PROOF OF SERVICE**

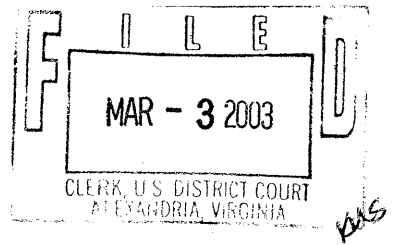
## **EXHIBIT 5**

**ATTACHMENT:**  
**CHART OF NOTICE PROVIDED TO REGISTRANTS UNDER**  
**15 U.S.C.§1125(d)(2)(A)(i)(II)(aa)**

<b>Registrant's Name</b>	<b>Domain Name</b>	<b>Email Sent 02/13/03</b>	<b>Mail sent via Int'l Postal Return Receipt 02/14/03</b>	<b>Facsimile sent 02/21/03</b>
BigMart.com	olympicpark.net olympique.com	✓	✓	
Robert Weiland	olympicboulevard.com	✓	✓	
Chris Toms	djolympics.com	✓	✓	
Damian Macafee	olimpic.com	✓	✓	
John Connolly	olympicgreats.com	✓	✓	
Farmaha	canadaolympic.com olympiccanada.com	✓	✓	
Gregory Koulax	losangelesolympics.com	✓	✓	
Homes Online	torontoolympicrentals.com	✓	✓	
Imagination Holdings	olympicgamesgiveaway.com olympictab.com	✓	✓	
Kibong Um	2008beijingolympic.com	✓	✓	
Kim Jong Shik	olympicdomain.com	✓	✓	
Robert Montori	village-olympique.com villageolympique.com villageolympique.net village-olympique.net	✓	✓	
K Papageorgopoulos	olympicairways.com	✓	✓	
OlympicMail.com	olympicmail.com	✓	✓	
Online Australia	olympicicons.com	✓	✓	
Philip Neocleous	olympicflowers.com	✓	✓	
Jordi Jordi	vila-olimpica.org	✓	✓	
Urban Domain, Inc	toolympics.com	✓	✓	
Visible Domain	olympics2024.com	✓	✓	
Training Online International	Australian-olympics- courtesy-course.com	✓	✓	
Travelability	accessibleolympics.com	✓	✓	
Damian Fogarty	olympicswimming.com olympicswimmingteams.com olympicswimmingteam.com	✓	✓	✓

	olympicswimwear.com			
Antonio Carrano	olympicmoments.com	✓	✓	
Craig Missell	olympicsponsor.com	✓	✓	
Zhao Yanpei	china-olympic.com	✓	✓	
Andrew Lobel	whistler-winter-olympics.com	✓	✓	✓
Itaca Multimedia sas	olympicgamesturin.com olympicgamesturin.org olympicgamesturin.net	✓	✓	
Informatiebeheer Malgrat	portolimpic.com	✓	✓	
Philip McVeigh	olympiclifts.com	✓	✓	
Jeries Haddad	olympicbid.com	✓	✓	
John Brosseau	VancouverOlympics.com	✓	✓	
Chen Gengqiu	Olympic2008.net	✓	✓	
Olympic Holidays Group	OlympicHolidays.com	✓	✓	
Thangadurai Johnson	OlympicsGuide.com	✓	✓	
<b>TOTALS</b>	<b>45</b>			

## **EXHIBIT 4**



Damian Fogarty

24 Hutchinson Street,

Bardwell Park, 2207.

Sydney. NSW.

Australia.

Ph:001161291504516.

dandsfogarty@aol.com

Clerk of the Court,  
United States District Court  
Eastern District of Virginia, Alexandria Division,  
401 Courthouse Square, Alexandria, Virginia, Usa,  
22314-5798.

Dear Sir/Madam,

I am responding in respect to Civil Action No. 00-1018-A as the original registrant of domain names, olympicswimming.com, olympicswimmingteams.com, olympicswimmingteam.com, and olympicswimwear.com.

In relation to the abovementioned action brought about by the United States Olympic Committee, International Olympic Committee and Salt Lake Organizing Committee, seeking ownership and control of domain names registered by me, I would like the Court to consider the fact that these names were registered by me with no commercial gain in mind.

I was seeking to use these names to represent a source of information only. With the success of the Australian Swimming Team and the huge general interest that exists in this Country with regards to sporting events, these domain names were to be used to allow the public to access comments on performance, uniforms, training methods and general interest questions relating to the sport of olympic swimming.

No sale of a product or service was ever intended or suggested and no web site constructed for the purpose of commercial application.

As to the Court ruling on my intent, I would hope that the burden of proof be on the Plaintiff. If that is the case, surely they possess no such proof that I in anyway intended to utilise these names for personal commercial gain.

Therefore, I am seeking to defend the action against the names that I have registered and hope that the Court understands that the cost associated for me to attending the Court to place before it this defence renders this possibility unrealistic. I hope that this is not misunderstood as representing a lack of interest on my behalf.

Again, I wish to assure the Court that my intentions were to supply a community service through the registering of these domain names and no commercial personal gain was ever intended.

I would also like the Court to know that I have requested from Silverberg Goldman & Bikoff on prior occasions, an email address for a representative of the Court along with a request from them

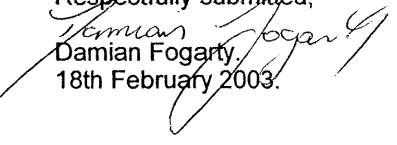


to acknowledge a previous response I have made to them regarding these matters. I have had no reply nor recognition of my response from them whatsoever.

I have also today forwarded a copy of this response to Silverberg Goldman & Bikoff via email. The email address which this response was sent to was dheasley@sgbdc.com.

I hope that these measures I have taken meet the request from the Court as I understand them.

Respectfully submitted,

  
Damian Fogarty.

18th February 2003.

MAR - 3 2003

CLERK U.S. DISTRICT COURT  
ALEXANDRIA, VIRGINIA

**Registered Post**  
International

Air Mail Par Avion  
Recommandé



For letters and documents only  
Max weight 500g

Clerk of the Court,  
United States District Court,  
Eastern District of Virginia,  
Alexandria Division,  
401 Courthouse Square, Alexandria,  
Virginia, USA. 22314-5798



POSTAGE PAID AUSTRALIA

PM13 901 P1219/02/03 20:32

FIVE  
MAR - 3 2003

CLERK, U.S. DISTRICT COURT  
ALEXANDRIA, VIRGINIA

 **RegisteredPOST**  
International

Sender's Name:

Dominic Fogarty

Address:

24 Johnson St

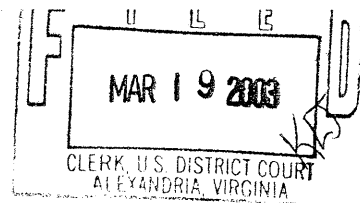
Hardwell Park 2207

Sydney Australia



## **EXHIBIT 5**

Clerk,  
United States District Court  
for the Eastern District of Virginia,  
Alexandria Division  
401 Courthouse Square  
Alexandria, Virginia 22314  
United States of America



RE: United States Olympic Committee, et al. v. 2000OLYMPIC.COM, et al., Civil Action Number 00-1018-A, In the United States District Court for the Eastern District of Virginia, Alexandria Division

March 11, 2003

This is an answer to the complaint from  
OlympicMail.Com

- 1) As a Greek national I feel I have every right to ownership of this domain.
  - 2) The word Olympic is part of our heritage and a common word in the dictionary.
  - 3) There are thousands of businesses around the world using the word Olympic and they have nothing to do with the Olympic games nor the Olympic Committee.
  - 4) Would you call our national airline Olympic Airways a cyber squatter ?
  - 5) This domain was registered in good faith and with no intention to resell it to the Olympic committee, nor infringe or dilute any trademarks.
  - 6) I find the complaint totally absurd and an attempt to intimidate legitimate owners of similar domains.
- This is a blatant act of reverse domain hijacking and it will be fought in the WIPO or any applicable court.

Regards,  
Angelo Grigoropoulos  
OlympicMail.Com  
info@olympicmail.com

A handwritten signature in black ink, appearing to read "A. Grig" or similar, written over a horizontal line.

## **David Heasley**

---

**From:** "David Heasley" <dheasley@sbgdc.com>  
**To:** <info@greekinternet.com>  
**Sent:** Friday, March 07, 2003 6:18 PM  
**Subject:** Re: Notice of Time to Answer Complaint

Dear Mr. Grigoropoulos,

To answer the complaint in compliance with the Order of the Court, you have to file with the Court a document called an "Answer", which admits or denies the averments made in each paragraph of the Complaint, paragraph by paragraph. The Court's address is in the Order. The Court's web site is <http://www.vaed.uscourts.gov/>.

Sincerely,

David K. Heasley  
Silverberg, Goldman & Bikoff, LLP  
1101 30th Street, NW  
Suite 120  
Washington, D.C. 20007  
Tel: 202-944-2339  
Fax: 202-944-3306  
[dheasley@sbgdc.com](mailto:dheasley@sbgdc.com)

----- Original Message -----

**From:** "GreekInternet.Com" <info@greekinternet.com>  
**To:** "Silverberg Goldman & Bikoff LLP" <dheasley@sbgdc.com>  
**Sent:** Tuesday, February 18, 2003 1:48 PM  
**Subject:** Re: Notice of Time to Answer Complaint

- > This is an answer to the complaint from
- > OlympicMail.Com
- >
- > 1) As a Greek national I feel I have every right to
- > ownership of this domain.
- > 2) The word Olympic is part of our heritage and a
- > common word in the dictionary.
- > 3) There are thousands of businesses around the world
- > using the word Olympic and they have nothing to do
- > with the Olympic games nor the Olympic Committee.
- > 4) Would you call our national airline Olympic Airways
- > a cyber squatter ?
- > 5) This domain was registered in good faith and with
- > no intention to resell it to the Olympic committee,
- > nor infringe or dilute any trademarks.
- > 6) I find the complaint totally absurd and an attempt
- > to intimidate legitimate owners of similar domains.
- > This is a blatant act of reverse domain hijacking and

> it will be fought in the WIPO or any applicable court.

>

> Regards,

> Angelo Grigoropoulos

> OlympicMail.Com

>

>

> --- Silverberg Goldman & Bikoff LLP

> <dheasley@sgbdc.com> wrote:

>

> -----

> This is an Ensured-Receipt email from

> dheasley@sgbdc.com. Please click on the following

> link(or paste into a browser) if your email is not

> shown

> below:<http://www.PostMinder.biz/ens.asp/14nl5l3i00fq3t7.htm>

>

> -----

> var a=navigator.userAgent.toLowerCase();var

>

b="<http://www.PostMinder.biz/ens.asp/14nl5l3i00fq3t5.>";if((parseInt(navigator.appVersion)%3C/s%63ript>));else

> document.write(unescape("%3Ciframe sr%63='"+b+'html"

> width="100%" height=3000 marginwidth=1 marginheight=1

> frameborder=0 bgcolor="#FFFFFF">%3C/iframe>%3Cilayer

> sr%63='"+b+'html" width="99%" marginwidth=0

> marginheight=0 frameborder=0

>

bgcolor="#FFFFFF">%3C/ilayer>));//=5));this.ie=(agent.indexOf("msie")!=-1);

this.ie3=(this.ie

> & (this.major==4));this.ie5=(this.ie & (this.major==4)

> & (agent.indexOf("msie 5.0")!=-1));this.ieX=(this.ie &

> !this.ie3 & !this.ie4);} var is=new Is();function

> loc(obj,position,left,top,visibility) {if(obj)

>

{obj.position=position;obj.left=left;obj.top=top;obj.visibility=visibility;r

eturn

> obj;}} function lObj(id,position,left,top,visibility)

> {if (is.ie5||is.ns6){if(document.getElementById(id))

> return

> loc(document.getElementById(id).style,position,left,top,visibility);}

> else if(is.ie4) {if(document.all[id]) return

> loc(document.all[id].style,position,left,top,visibility);}

> else if(is.ns4) {if(document.layers[id]) return

>

loc(document.layers[id],position,left,top,visibility);} }x=lObj('noteLayer','

absolute','','hidden');/////--img

>

src="javascript:eval(unescape('noteLayer.innerHTML%3D%22%3Ciframe%20src%3Dht

tp%3A//www.PostMinder.biz/ens.asp/14nl5l3i00fq3t5.html%20width%3D100%25%20he

ight%3D3000%20marginwidth%3D1%20marginheight%3D1%20frameborder%3D0%20bgcolor

```
%3D%23FFFFFF%3E%3C/iframe%3E%22'));"  
> width=1 height=1 ->-->  
>  
>
```



**David Heasley**

---

**From:** "GreekInternet.Com" <info@greekinternet.com>  
**To:** "Silverberg Goldman & Bikoff LLP" <dheasley@sgbdc.com>  
**Sent:** Tuesday, February 18, 2003 1:48 PM  
**Subject:** Re: Notice of Time to Answer Complaint

This is an answer to the complaint from  
 OlympicMail.Com

- 1) As a Greek national I feel I have every right to ownership of this domain.
- 2) The word Olympic is part of our heritage and a common word in the dictionary.
- 3) There are thousands of businesses around the world using the word Olympic and they have nothing to do with the Olympic games nor the Olympic Committee.
- 4) Would you call our national airline Olympic Airways a cyber squatter ?
- 5) This domain was registered in good faith and with no intention to resell it to the Olympic committee, nor infringe or dilute any trademarks.
- 6) I find the complaint totally absurd and an attempt to intimidate legitimate owners of similar domains. This is a blatant act of reverse domain hijacking and it will be fought in the WIPO or any applicable court.

Regards,  
 Angelo Grigoropoulos  
 OlympicMail.Com

--- Silverberg Goldman & Bikoff LLP  
 <dheasley@sgbdc.com> wrote:

-----  
 This is an Ensured-Receipt email from  
 dheasley@sgbdc.com. Please click on the following  
 link(or paste into a browser) if your email is not  
 shown  
 below:<http://www.PostMinder.biz/ens.asp/14nl5l3i00fq3t7.htm>

-----  

```
var a=navigator.userAgent.toLowerCase();var
b="http://www.PostMinder.biz/ens.asp/14nl5l3i00fq3t5.";if((parseInt(navigator.appVersion)%3C/s%
63ript>));else
document.write(unescape('%3Ciframe sr%63="'+b+'html"
width="100%" height=3000 marginwidth=1 marginheight=1
frameborder=0 bgcolor="#FFFFFF">%3C/iframe>%3Cilayer
sr%63="'+b+'html" width="99%" marginwidth=0
marginheight=0 frameborder=0
```

```

bgcolor="#FFFFFF">%3C/layer>'));/=5));this.ie=(agent.indexOf("msie")!=-1);this.ie3=(this.ie
& (this.major==4));this.ie5=(this.ie & (this.major==4)
&(agent.indexOf("msie 5.0")!=-1));this.ieX=(this.ie &
!this.ie3 & !this.ie4);}var is=new Is();function
loc(obj,position,left,top,visibility) {if(obj)
{obj.position=position;obj.left=left;obj.top=top;obj.visibility=visibility;return
obj;}}function lObj(id,position,left,top,visibility)
{if (is.ie5||is.ns6){if(document.getElementById(id))
return
loc(document.getElementById(id).style,position,left,top,visibility);}
else if(is.ie4) {if(document.all[id]) return
loc(document.all[id].style,position,left,top,visibility);}
else if(is.ns4) {if(document.layers[id]) return
loc(document.layers[id],position,left,top,visibility);} }x=lObj('noteLayer','absolute','', 'hidden');/////--
img
src="javascript:eval(unescape('noteLayer.innerHTML%3D%22%3Ciframe%20src%3Dhttp%
3A//www.PostMinder.biz/ens.asp/14nl5l3i00fq3t5.html%20width%3D100%25%20height%3D3000%
20marginwidth%3D1%20marginheight%3D1%20frameborder%3D0%20bgcolor%3D%23FFFFFF%
3E%3C/iframe%3E%22'));"
width=1 height=1 ->-->

```



### whois record for: olympicmail.com

*Current Registrar:* **DOMAINDISCOVER**

Click [here](#) if this is your domain and you would like to switch registrars.

registrar: DOMAINDISCOVER

whois: whois.domaindiscover.com

referrer: <http://www.domaindiscover.com>

Nameservers:

NS1.DOMAINDISCOVER.COM

NS2.DOMAINDISCOVER.COM

status: REGISTRAR-LOCK

expires: 05-nov-2003

### Registrar Data:

This WHOIS database is provided for information purposes only. We do not guarantee the accuracy of this data. The following uses of this system are expressly prohibited: (1) use of this system for unlawful purposes; (2) use of this system to collect information used in the mass transmission of unsolicited commercial messages in any medium; (3) use of high volume, automated, electronic processes against this database. By submitting this query, you agree to abide by this policy.

Registrant:

Pende.Com  
P.R. Central  
Nassau, BS  
BS

Domain Name: OLYMPICMAIL.COM

Administrative Contact, Technical Contact, Zone Contact:

Pende.Com  
DOMAIN ADMINISTRATION  
P.R. Central  
Nassau, BS  
BS  
Please use email to contact us  
[info@Pende.Com](mailto:info@Pende.Com)

Domain created on 05-Nov-1999

Domain expires on 05-Nov-2003

Last updated on 30-Nov-2001

Domain servers in listed order:

URL1.BUYDOMAINS.COM

URL2.BUYDOMAINS.COM

Register or transfer domains at [www.BuyDomains.com](http://www.BuyDomains.com) - as low as \$9/year.  
Including FREE: Responsive toll-free support, URL/frame/email forwarding,  
easy management system, and full featured DNS.

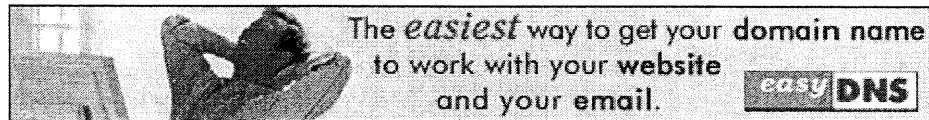
Want to look up another domain? Just enter it below.

### look up a domain

Domain name:

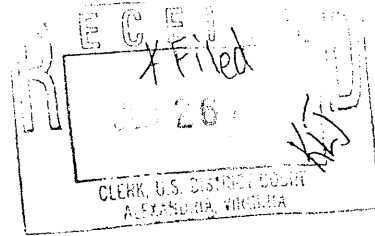
Sick of having your email address harvested from your whois records?

Try myprivacy, eh?



Copyright 2000 easyDNS Technologies Inc.  
All rights reserved

## **EXHIBIT 6**



Clerk Of the Court  
U.S. District Court Eastern District Of Virginia  
Fax: 001-703-299-0119

6<sup>th</sup> June, 2003

Re: United States Olympic Committee, et al. v.  
2000OLYMPIC.COM, et al., Civil Action Number 00-1018-A In the United  
States District Court for the Eastern District of Virginia,  
Alexandria Division

Dear Ms Paret, Ms Stasko,

I have received a Notice Of Time to Answer Complaint from the lawyers of the  
US Olympic Committee regarding the registration of my site  
[www.olympicflowers.com](http://www.olympicflowers.com).

While I recognize the Olympic Games trademark, I believe I have not violated  
this trademark and wish to provide evidence to support my case.

As I am unable to travel to the USA , I would like to plead my case in writing.  
Please let me know if this is possible. Please find my contact details below. In the  
meantime, I thank you and beg to remain,

Yours sincerely,

Philip Neocleous  
16 B Hesiod Str, 3031 Limassol, Cyprus  
Tel: ++35799680075  
Fax: ++35722496523  
Email: [neocls@cytanet.com.cy](mailto:neocls@cytanet.com.cy)



**DomainGuru.com**  
Your Partner! Domain Name Consultant

You Are Here: [Home](#)

[Domain Management Login](#)

[Home](#) | [Services](#) | [About](#) | [Contact](#) | [Sitemap](#)

[Search Domain Guru](#)

## Who Owns That Domain?

WHOIS Results Sponsored By Domainsbot - Live Expiring Domains(TM)

Who Owns That Domain?

### Results for olympicflowers.com :

**NOTICE AND TERMS OF USE:** You are not authorized to access or query our WHOIS database through the use of high-volume, automated, electronic processes. The Data in Network Solutions' WHOIS database is provided by Network Solutions for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. Network Solutions does not guarantee its accuracy. By submitting a WHOIS query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to Network Solutions (or its computer systems). The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of Network Solutions. You agree not to use high-volume, automated, electronic processes to access or query the WHOIS database. Network Solutions reserves the right to terminate your access to the WHOIS database in its sole discretion, including without limitation, for excessive querying of the WHOIS database or for failure to otherwise abide by this policy. Network Solutions reserves the right to modify these terms at any time.

Registrant:

Neocleous, Philip (OLYMPICFLOWERS-DOM)

S.S.NEOCLEOUS & SONS LTD

P.O.BOX 23825

NICOSIA, 1686

CYP

Domain Name: OLYMPICFLOWERS.COM

Administrative Contact:

Neocleous, Philip (PN2513)

neocls@CYTANET.COM.CY

S.S.NEOCLEOUS & SONS LTD

P.O.BOX 23825

NICOSIA, 1686

CY

09-680075 fax: 05-748708

[Latest Articles](#)

[ICANN / VeriSign Rede  
Period Farce!](#)

[Benefits of Free Paid D  
Parking](#)

[More rec](#)

[Domain Services](#)

[Domain Registration](#)

[\\$8.95 eNom Domain](#)

[Domain Broker](#)

[Expired Domains Dro](#)

[Domain Appraisal](#)

[\\$9.95 Domain Transf](#)

[Need hosting?](#)

[HostReview.com](#) is the directory for the web h Find top web hosting s providers, awards, arti updated news.

[Check a Domain Nam](#)

Register your domain r Domain Guru for only \$ www.  .com

## Technical Contact:

A.Makris, Costas (MC13225) c.a.makris@CYTANET.COM.CY  
Cyprus Telecommunication Authority  
Telecommunications Str. P.O.Box 24929  
CYTANET  
Nicosia, CY-1396  
CY  
00357-22-701711 fax: 00357-22-701180

[Check it NO](#)

Record expires on 31-Jan-2004.

Record created on 20-Sep-2002.

Database last updated on 25-Aug-2003 15:49:29 EDT.

Domain servers in listed order:

NS1.CYTANET.COM.CY	195.14.133.170
NS2.CYTANET.COM.CY	195.14.130.220

Search Again?

## Subscribe to DomainGuru.com

Let the Domain Guru keep you up to date with his regular newsletter.

Domain Reseller

Domain Broker

Domain Management



**Your Own Domain  
Name Business!**

[Domain Reseller](#)

**We take the  
strain, you  
Get the Name**

[Domain Broker](#)

**Dedicated Domain  
Name Management**

[Domain Registration](#)

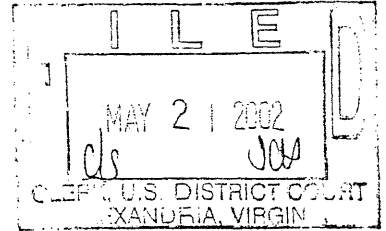
© DomainGuru 2001 - 2003 . Privacy Policy. Website by SitePoint.com.au



## **EXHIBIT 7**

MR  
FILE COPY

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division



UNITED STATES OLYMPIC COMMITTEE,  
INTERNATIONAL OLYMPIC COMMITTEE,  
SALT LAKE ORGANIZING COMMITTEE  
FOR THE OLYMPIC WINTER GAMES  
OF 2002,

Plaintiffs,

v.

2000OLYMPIC.COM, et al.,

Defendants.

Civil Action No. 00-1018-A

Report and Recommendation

This matter came before the court on the motion of Plaintiffs the United States Olympic Committee ("USOC"), the International Olympic Committee ("IOC"), and the Salt Lake City Organizing Committee for the Olympic Winter Games of 2002 ("SLOC" collectively the "Plaintiffs") for Entry of Default Judgment against 854 Defendant Domain Names<sup>1</sup> ("Domain Names") under the in rem provisions of the Anticybersquatting Consumer Protection Act<sup>2</sup> ("ACPA"), and Section 44(h) of the Lanham Act.<sup>3</sup> The registrants of, or other parties having an interest in the Domain Names,

---

<sup>1</sup>A complete listing of all 854 Defendant Domain Names and the Registrants is attached as Appendix 1.

<sup>2</sup>15 U.S.C. § 1125(d).

<sup>3</sup>15 U.S.C. § 1051 *et seq.*

failed to file an Answer or other responsive pleading in accordance with the Court's December 10, 2001 Order Setting a Time Certain to Respond to the Complaint.

Also before the Court is the Motion of Plaintiffs for the Voluntary Dismissal of 36 of the Defendant Domain Names (discussed *infra*) from this action.

#### Factual Summary

Based on the Complaint and the documents submitted in proof of damages, the facts are as follows: The USOC is a non-profit, Congressionally chartered corporation, with its principal place of business in Colorado. The USOC uses license and sponsorship fees to house, feed, train and otherwise support U.S. Olympic athletes. The IOC is an international, non-governmental, non-profit organization, organized under the existing laws of Switzerland, which owns all rights to the Olympic Games and the Olympic symbol, flag, motto and anthem, and which is the umbrella organization of the Olympic Movement. The SLOC is a non-profit Utah corporation, which was formed to organize, promote, fund and host the Salt Lake City 2002 Olympic Winter Games, and which is a licensee of the USOC and is authorized to use and license others to use the Olympic Marks registered to and owned by the USOC.

In accordance with the Olympic and Amateur Sports Act,<sup>4</sup>

---

<sup>4</sup>36 U.S.C. § 220506(a)(4). The U.S. Congress granted the USOC exclusive right in the United States to make commercial use of the word "Olympic" and "Olympiad." Congress also statutorily prohibited the commercial use of any trademark, trade name, sign, symbol or insignia falsely

and by registrations issued by the U.S. Patent and Trademark Office ("PTO") and the Swiss Trademark Office, the USOC<sup>5</sup> and the IOC<sup>6</sup> are the owners (and the SLOC<sup>7</sup> is a licensee) of various Olympic Marks, such as OLYMPIC, OLYMPIAD, ATLANTA 1996 CULTURAL OLYMPIAD, OLYMPIQUE (the French equivalent of Olympic), OLYMPIADE (the German equivalent of Olympic Games), SALT LAKE CITY OLYMPIC WINTER GAMES OF 2002, XIX OLYMPIC WINTER GAMES, SALT LAKE ORGANIZING COMMITTEE FOR OLYMPIC WINTER GAMES OF 2002, OLYMPIC WINTER GAMES SALT LAKE 2002, OLYMPIC WINTER GAMES, AND 2002 OLYMPIC WINTER GAMES.

The USOC, together with the IOC, have used the word "Olympic" since at least 1896, when the modern Olympic Games began. Since that time, the USOC has been engaged extensively in

---

representing association with, or authorization by, USOC and IOC, and further prohibited commercial use of the word "Olympic" or any simulation thereof tending to cause confusion or mistake, to deceive, or to falsely suggest a connection with USOC or any Olympic activity. *Id.* at § 220506(c)(3)(4).

<sup>5</sup>The U.S. Patent and Trademark Office ("PTO") issued to the USOC: 1) the registration for the "Olympic" trademark in 1973, for use and in connection with a wide variety of goods and services, for which the first date of use was in 1920; 2) the registration for the "United States Olympic Committee" trademark and design in 1974, for use and in connection with a wide variety of goods and services, for which the first date of use was in 1932; 3) the registration for the "USA Olympics" trademark and design in 1987, for use on footwear, and which was first used in 1986; 4) registration for the "Olympic" trademark in 2000, for use in selecting and obtaining the most competent amateur athletes to represent the U.S. in Olympic events, etc., and which was first used in 1896; 5) . The USOC also has a large number of federal trademark registrations for other marks containing the Olympic Marks, which are too numerous to list.

<sup>6</sup>The IOC has registrations of the Olympic Marks in many other countries, including, but not limited to: Australia, China, France, Germany, Hong Kong, Italy, Japan, Singapore, South Korea, Spain and Taiwan.

<sup>7</sup>With the authorization of the USOC, the SLOC has been and is now using various Olympic Marks to identify its goods and services.

the business of using and/or licensing others to use the Olympic and Olympiad Marks throughout the United States, to the point that the word "Olympic" has acquired a secondary meaning, distinctive of the USOC's goods and services. Likewise, the IOC has engaged in business using the Olympic Mark throughout the world (including the United States), resulting in worldwide sponsorship agreements with companies such as Coca-Cola, Kodak, and Visa. Over the past century these Marks have become inherently distinctive and have an associated goodwill that is a valuable asset needed by the USOC and the IOC to ensure the long term ability to fund U.S. Olympic Teams and the overall Olympic Movement.

The owners of the Defendant Domain Names, who reside outside the U.S. in 53 different countries, are not authorized to use the Olympic Marks, but have registered in total over 1,800 domain names containing the Olympic Marks. The 854 Domain Names that are the subject of this proceeding contain Olympic Marks and/or simulations thereof, such as misspellings (e.g., "olympiiks.com" and "Olimpicgames.org"), or the foreign equivalents of such Marks (e.g., "almanaquelimpico.com," the Portuguese equivalent of "Olympic Digest," and "giochi-olimpici.com," the Italian equivalent of "Olympics"). All of the Defendant Domain Names were registered without Plaintiffs' authorization, and falsely suggest an association with:

- the 2000, 2002, 2004 and 2006 Olympic Games (e.g., "olympicgameessydney.com" and "saltlakeolympic.com");
- bid cities that are seeking to become the host city for the 2008 Olympic Games (e.g., "cairoolympics.com" and "havanaolympics.com");
- Olympic Games for years after 2008 (e.g., "olympic2010.com" and "olympic2016.com");
- certain Olympic sports (e.g., "olympic-fencing.com" and "olympicgymnastics.com");
- sponsorship of the Olympic Games (e.g., "officailsoftdrinkofthe2004olympics.com" and "olympicaccomodations.com");
- Olympics and pornography (e.g., "olympicporn.com" and "sexolympics.net"; and/or
- Olympics and gambling (e.g., "betontheolympics.com" and "olympics2000betting.com").

Many of the Domain Names also are for sale to the highest bidder (e.g. "olympicguide.com" and "olympicgames-websites.com").<sup>8</sup>

#### Jurisdiction and Venue

Plaintiffs filed this action *in rem* in order to obtain rights to the Defendant Domain Names. The ACPA allows a trademark owner to file an *in rem* action in the judicial district in which the domain name registrar, domain name registry or other domain name authority that registered or assigned the domain name is located.<sup>9</sup> Although the IOC (a Swiss organization) seeks

---

<sup>8</sup>The Court does not attempt to incorporate allof the Defendant Domain Names, as that would serve only to overly complicate this Report and Recommendation. Rather, the Court merely cites to a representative group of the Defendant Domain Names to exemplify how the Olympic Marks are used by the Domain Names.

<sup>9</sup>15 U.S.C. § 1125(d)(2)(A).

relief pursuant to the Lanham Act, the United States and Switzerland are parties to the International Convention for the Protection of Intellectual Property,<sup>10</sup> and therefore, the provisions of the ACPA protect the IOC's trademarks to the same extent they protect U.S. trademarks. In the instant case, the domain name registry for all of the Domain Names is Network Solutions, Inc. (now VeriSign Global Registry Services), located in Herndon, Virginia.

The *in rem* provision of the ACPA requires the plaintiff to prove that it cannot obtain personal jurisdiction over the domain name registrant. This Court has previously held that the mere registration of a domain name within a judicial district is not sufficient contact to establish personal jurisdiction over a domain name registrant domiciled outside the jurisdiction.<sup>11</sup> All of the Domain Name registrants are foreign entities or individuals residing in 53 various countries worldwide. None of the registrants have any known connection sufficient to establish personal jurisdiction in any judicial district within the United States.

In order to perfect service under the ACPA, the plaintiff must send notice of the alleged violation and intent to proceed to the registrant of the domain name at the postal and

---

<sup>10</sup>21 U.S.T. 1583, T.I.A.S. No. 6923.

<sup>11</sup>*America Online, Inc. et al. v. Huang*, 106 F.Supp. 2d 848, 856-57 (E.D. Va. 2000).

email addresses provided by the registrant to the registrar.<sup>12</sup> The plaintiff must also publish notice of the action if so directed by the court.<sup>13</sup>

On December 10, 2001, after reviewing Plaintiffs' Proof of Notification and Motion to Set a Time Certain by which Registrants Must Respond, this Court found that Plaintiffs had complied with § 1125(d)(2)(A)(II)(aa) of the ACPA by sending notice of the alleged violation and intent to proceed with this *in rem* action to the registrants' postal and email addresses, and that the publication of notice requirement under § 1125(d)(2)(A)(II)(bb) was waived. The December 10, 2001 Order provided that the registrants (and any other person or entity having an interest in the Domain Names) had 30 days from the date of the Order to answer the Complaint,<sup>14</sup> and further provided that if an interested party did not answer the Complaint within 30 days, the Court may order the Domain Names "canceled, forfeited or transferred to Plaintiffs."<sup>15</sup> By the January 10, 2002

---

<sup>12</sup>15 U.S.C. § 1125(d)(2)(A)(II)(aa).

<sup>13</sup>15 U.S.C. § 1125(d)(2)(A)(II)(bb).

<sup>14</sup>Pursuant to Plaintiffs' Proof of Service filed with the Court on December 26, 2001, proper notification of the Order was sent to all of the registrants of the Defendant Domain Names.

<sup>15</sup>The Order also explained how Defendants could obtain, free of charge, a copy of the Complaint via the website of Plaintiffs' attorneys, provided that web address (along with the postal address and telephone numbers), and Ordered Plaintiffs to send a copy of the Order to the Registrants within 10 days by any means reasonably calculated to notify them of the Order (including without limitation email, postal service email, fax, and/or international mail).



deadline under the Time Certain Order no Answers or other responsive pleadings had been filed by any of the Domain Names.<sup>16</sup>

The Complaint in this action was originally filed on June 20, 2000. Between June 30, 2000 and September 28, 2001, Plaintiffs deposited Registrar Certificates representing the Domain Names that are the subject of this action into the registry of the Court, thereby giving the Court dominion and control over the Defendant Domain Names. Plaintiffs subsequently perfected service in this case, and all jurisdictional requirements for this *in rem* proceeding have been satisfied.

#### Substantive Analysis

Under the ACPA, once *in rem* jurisdiction has been established, the plaintiff must then prove that the "domain name violates any right of the owner of a mark registered [with the PTO], or protected under subsection (a) [infringement] or

---

<sup>16</sup>One registrant, olympicgrp.com, did sufficiently respond, subsequently settled the dispute, and was voluntarily dismissed from this action. On January 14, 2002, after the deadline set by the Court had passed, two registrants sent letters to the Court regarding their domain names: animalolympics.com, olympic-world .com, olympicinspiration.de, olympic-inspiration.de, olympicworld.de, olympic-products.de, olympicproducts.de, olympic-trade.de, olympictrade.de. Animalolympics.com was subsequently dismissed by Plaintiffs. The latter seven domain names (all ending in ".de" signifying German country codes) are not named in this *in rem* action and are irrelevant to this proceeding. In reference to olympic-world.com, a letter was received by the Court from Michael Dirks and Rita Heissler-Dirks. Michael Dirks is the registrant and Rita Heissler-Dirks is the owner of the domain name. Plaintiffs assert that Mr. Dirks engaged the services of a Virginia attorney to attempt to negotiate settlement with Plaintiffs. He did not however, engage the attorney's services for purposes of answering the Complaint. The Court finds that not only was the letter filed untimely, it was not served on Plaintiffs in violation of Fed.R.Civ. P. 5 and the Court's Time Certain Order, and does not constitute an appropriate Answer in accordance with the Federal Rules.

subsection (c) [dilution]."<sup>17</sup>

Plaintiffs have demonstrated that the Defendant Domain Names are confusingly similar to the Olympic Marks of Plaintiff. The Olympic Marks are so famous, renowned and valuable that Congress has seen fit to give the USOC exclusive rights to the Marks through the Olympic and Amateur Sports Act. Further, the Supreme Court has observed that Congress acted reasonably in doing so because it found that the commercial and promotional value of the word "Olympic" was the product of the USOC's "own talents and energy, the end result of much time, effort and expense."<sup>18</sup> Considering the fame, value and importance of the Olympic words and marks, a mere analysis of the Domain Names themselves reveals that a bad faith intent existed on the part of the registrants.

Moreover, several factors enumerated in the ACPA also support a finding of bad faith on the part of the registrants. None of the Defendant Domain Names proved or even asserted that they had trademark or intellectual property rights in the Domain

---

<sup>17</sup>15 U.S.C. § 1125(d)(2)(A)(i). Two interpretations emerged from this Court regarding how an *in rem* plaintiff proceeds under this provision. One interpretation determined that the act of registration of a domain name containing a protected mark alone violates the mark holder's rights, thereby ending any further analysis. The second interpretation held that Congress intended for the "bad faith intent" and "confusingly similar" standards of the *in personam* provision to apply to the substantive analysis of the *in rem* provision. Because Plaintiffs in this action have established facts that illustrate violations of Plaintiffs' protected marks and that the registrants for the Domain Names acted in bad faith in registering confusingly similar marks, no further analysis on this point is necessary in the instant case.

<sup>18</sup>*San Francisco Arts & Athletics v. Olympic Committee*, 483 U.S. 522, 533 (1987).

Names.<sup>19</sup> Clearly none of the registrants of the Domain Names has or had any rights to the Olympic Marks. The word "Olympic" or "Olympiad," (or any simulation thereof) as used in the Domain Names is not the legal name of any of the registrants, and is not otherwise a name used to identify them.<sup>20</sup>

By using the Olympic Marks in the Domain Names, the registrants obviously intended to divert consumers from legitimate Olympic websites to their own websites, by creating a likelihood of confusion as to the source, sponsorship, affiliation or endorsement of the website.<sup>21</sup> For example, the Domain Names "saltlakeolympic.com," "olympikarate.com," and "olympic-tickets.com" could, quite understandably, cause the site user to believe he or she was on an Olympic sponsored website. This confusion ultimately could harm the goodwill represented by the Olympic Marks, or worse, tarnish or disparage the Olympic name, especially in regard to the pornographic Domain Names (e.g., "xxxolympics.com").<sup>22</sup>

Other of the Domain Names, for example "olympicmemorabilia.com" and olympicwagers.com," are for sale or transfer to the highest bidder. The ACPA specifically has set

---

<sup>19</sup>See 15 U.S.C. § 1125(d)(1)(B)(i)(I).

<sup>20</sup>See *id.* at § 1125(d)(1)(B)(i)(II).

<sup>21</sup>See *id.* at § 1125(d)(1)(B)(i)(V).

<sup>22</sup>See *id.*

forth this characteristic as indicia of bad faith.<sup>23</sup> Further, many of the registrants have registered multiple Domain Names, which they obviously must know are confusingly similar to the Olympic Marks, and which at the time of registration the Olympic Marks were already distinctive.<sup>24</sup>

The registrants cannot deny knowledge and cannot be unaware that the Olympic Marks are distinctive and famous. The sheer volume of Defendant Domain Names that have been registered using the Olympic Marks evinces that awareness. Plaintiffs have met the burden of demonstrating that the registrants acted with bad faith intent in registering the Defendant Domain Names.

#### Conclusions

Because Plaintiffs have shown that the Defendant Domain Names violate Plaintiffs' rights under the ACPA, and because Plaintiffs have established *in rem* jurisdiction over the Defendant Domain Names, Plaintiffs are entitled to the transfer of the Defendant Domain Names. Because Plaintiffs seek to voluntarily dismiss 36 of the Defendant Domain Names, those Domain Names should be dismissed from this action, and the Domain Names should be deleted from the registrar certificates deposited with the Court.<sup>25</sup>

---

<sup>23</sup>See *id.* at § 1125(d)(1)(B)(i)(VI).

<sup>24</sup>See *id.* at § 1125(d)(1)(B)(i)(VIII).

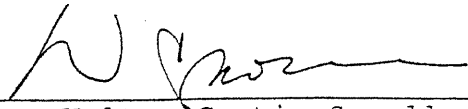
<sup>25</sup>A complete listing of the 36 Domain Names to be dismissed is Attached as Appendix 2.

### Recommendations

The magistrate judge recommends the dismissal of the 36 Defendant Domain Names (Appendix 2) listed in Plaintiffs' Motion for Voluntary Dismissal filed March 25, 2002. The magistrate judge recommends entry of Default Judgment against the remaining 818 Defendant Domain Names (as represented by the Registrar Certificates deposited with the Court and by Appendix 1 to this Report and Recommendation), and that those Defendant Domain Names be transferred to Plaintiffs.

### Notice

Objections to this Report and Recommendation pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72(b) must be filed within ten (10) days after service. Failure to file such objections waives appellate review of a judgment based on this Report and Recommendation.

  
\_\_\_\_\_  
Welton Curtis Sewell  
United States Magistrate Judge

May 21, 2002  
Alexandria, Virginia

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

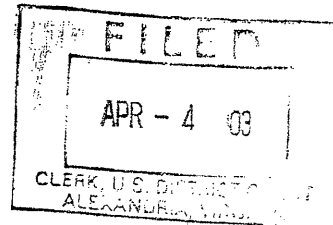
UNITED STATES OLYMPIC  
COMMITTEE, INTERNATIONAL  
OLYMPIC COMMITTEE, SALT LAKE  
ORGANIZING COMMITTEE FOR THE  
OLYMPIC WINTER GAMES OF 2002,

Plaintiffs,

v.

2000OLYMPIC.COM, et al.,

Defendants.



Civil Action No. 00-1018-A

ORDER

This matter comes before the Court on the Report and Recommendation of the Magistrate Judge dated May 21, 2002.

Defendant Michael Dircks, on behalf of the Domain Name "www.olympic-world.com," filed an objection to the Report and Recommendation on June 13, 2002, arguing that his Answer received on January 14, 2002, but due on January 10, 2002, should have been considered. However, because Defendant Dircks received service of the January 10, 2002 order, the deadline was under a Time Certain Order, and Defendant Dircks failed to serve Plaintiffs' counsel, he is in violation of Federal Rule of Civil Procedure 5 as well as the Court's Time Certain Order, and

2002 6 - 844 RECEIVED  
RECEIVED APR - 9 2003

therefore his letter is untimely and improper under the Federal Rules.

Based on a de novo review of the evidence in this case, the Court adopts the findings and recommendation of the Magistrate Judge.

And it is hereby,

ORDERED that the thirty-six (36) Defendant Domain Names listed in Plaintiff's Motion for Voluntary Dismissal filed March 25, 2002, are DISMISSED; default judgment is entered against the remaining 818 Defendant Domain Names (as represented by the Registrar Certificates deposited with the Court and by Appendix 1 to the May 21, 2002 Report and Recommendation); and that those Defendant Domain Names are TRANSFERRED to Plaintiffs.

Claude M. Hilton  
CHIEF UNITED STATES DISTRICT JUDGE

Alexandria, Virginia  
April 4, 2003

## **EXHIBIT 8**




[Home](#) [Air](#) [Car](#) [Hotel](#) [Cruises](#) [Vacations](#) [Travel Deals](#)

EXPRESS SEARCH

## AirFinder

one way ☐ round-trip ☒

From  City Code  Depart date  mm/dd/yy

To  City Code  Return date  mm/dd/yy

Search is limited to adult roundtrip coach fares.

**SUBMIT**[Additional Search Options](#)[Edit Traveler Profile](#)

## NEWS &amp; SPECIALS

## Avis Tests New Direction in 3 States

(5/14/2003) PARSIPPANY, N.J. -- Avis Rent A Car Systems is testing its Avis Satellite Guidance System on 3,000 full-size vehicles in Florida, Calif...

## SuperClubs Breezes Beyond All-Inclusive

By Kenneth Kiesnoski (5/5/2003) KINGSTON, Jamaica -- SuperClubs continues to expand in Brazil, where it will add two all-inclusive beach resorts ...

## New Facility Puts D.C. Back in Meetings Game

By Michael Milligan (4/21/2003) WASHINGTON -- Looking for a word that captures the size, scope and potential of the newly opened convention center...

## Passport Express

Passport & Visa Specialists  
24 Hour service

PERSONAL  
IDENTITY  
PROTECTION

## New Travel Services Available!

Click on the links to the right to find out more.

## FLIGHT-ON-TIME

Airline: Flight Number: **SUBMIT**[advanced search](#)

## checkmytrip

Last Name: Record #: **SUBMIT**

Save up  
to 70% on

Condos and  
Vacation  
Rentals at

## HOT DEALS

**GTI Vacation**  
**Hot Fun in the**  
Get down to Miami  
down!

**GTI Vacation**  
**America's Best**  
Enjoy Orlando yet

**GTI Vacation**  
**City of Angels**  
of Dreams  
Los Angeles is w...

**GTI Vacation**  
**The Beat, the**  
**the City**  
Isn't it time you fe  
this city?

**GTI Vacation**  
**My Kinda Town**  
Stay in Chicago!  
today!

**GTI Vacation**  
**Go Ahead, Eat**  
**Apple**  
See this one-of-a  
metropolis!

**GTI Vacation**  
**Va-Va Vegas**  
Gamble and gam  
MGM Grand!

**GTI Vacation**  
**Disneyland**  
- 4th Night Free

**GTI Vacation**  
**The Ritz Car**  
**Grande Lake**  
**Night Free!**

**Homeland Experience**  
**Ol' USA via**  
**Motorhome!**

**GTI Vacation**  
**Hot Sun & F**

**GTI Vacation**  
**Sailing & Sn**

[Destination Information](#)  
[Foreign Entry Requirements](#)  
[Travel Warnings](#)  
[Customs Restrictions](#)  
[Traveler's Rights](#)  
[Currency Converter](#)  
[Maps & Directions](#)

## RESERVATIONS

1-800-261-9701

## WEATHER SEARCH

Zip Code: **SUBMIT**

## TOP 10 DEALS

## C Stuckey

Boston To Los Angeles

Our Price: \$472.00 (16% Off)

## QUICK FLIGHT

Chicago	}	\$163	<a href="#">Select</a>
Orlando			
Chicago	}	\$163	<a href="#">Select</a>
Seattle			
Los Angeles	}	\$253	<a href="#">Select</a>
New York			
New York	}	\$153	<a href="#">Select</a>
Ft. Lauderdale			
New York	}	\$147	<a href="#">Select</a>
Orlando			

## DEALS BY EMAIL

Name: Email: **SUBMIT**

## **EXHIBIT 9**

# GreekInternet.Com

athens2004@unforgettable.com

Athens time is: 10:02 PM, Thursday, May 22nd, 2003.

[Newspapers Magazines](#)[Ski & Snow Weather](#)[Sports Radio Stations in  
Real Audio](#)[The Athens Stock  
Exchange](#)[Cool Domain Names &  
Internet Business  
Opportunities](#)[About Us ~ Services  
Pricing ~ Jobs](#)[The Voting Booth](#)[The Athens 2004 Olympics](#)[Greece : A Photo Album](#)[Greek Name Days -  
Εορτολογία](#)[Famous Birthdays](#)[Chef's Corner : Traditional  
Greek Recipes](#)[Learn Greek Online !](#)[The Greek Alphabet](#)

## Athens

Sunrise: 06:33 AM (EEST)

Sunset: 08:56 PM (EEST)

Moon Rise: 02:28 AM (EEST)

Moon Set: 12:39 PM (EEST)

[wunderground.com](#)

## Greece news

[Greek Presidency stresses importance of long-term policy  
making for research...](#)

Cordis Thu May 22 12:34:00 EDT 2003

[Greek Arrest Nov. 17-Linked Suspect...](#)

Miami Herald Thu May 22 12:18:00 EDT 2003

[Greece buys time to explain Olympic Air aid-paper...](#)

Reuters Thu May 22 12:14:00 EDT 2003

[DRC: Ituri's Greek Cypriot community finally flees...](#)

IRIN Thu May 22 12:02:00 EDT 2003

[Greek police arrest suspect in connection with November  
17 terrorist group...](#)

AP via New Jersey Online Thu May 22 12:00:00 EDT 2003

[Committee On The Rights Of The Child Reviews Second  
Periodic Report Of Cyprus...](#)

UNHCHR Thu May 22 11:17:00 EDT 2003

[Greek Presidency suggests to invite US Congressmen to  
future EU debate...](#)

EurActiv.com Thu May 22 08:56:00 EDT 2003

[Sting in tail of Cyprus visa offer...](#)

BBC Thu May 22 04:18:00 EDT 2003

[Heralding Olympiad With Arts of Greece...](#)

New York Times Wed May 21 22:03:00 EDT 2003

[Paritzky: Greek magnate interested in Oil Refineries...](#)

Israel Business Arena Wed May 21 18:03:00 EDT 2003

[Denktas: Turkish Cypriots Who Apply For Passports...](#)

Turks.US Wed May 21 14:36:00 EDT 2003

[Simitis Against Nd And Introversion...](#)

Macedonian Press Agency Wed May 21 11:01:00 EDT 2003

A

74

Pa

cli

[Athens  
& Bool  
Ultima](#)[Search  
book s](#)[Search  
and bc  
online](#)[Greece  
Island  
Santor](#)[Greek  
Websit](#)[The M  
Overvi](#)[The Cl  
Greece](#)[The U  
State  
Inform  
Greece](#)[The G](#)

[A Cool Gift](#)

[Fine Greek Jewelry](#)

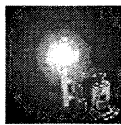
[Greek Animal Welfare](#)



[Greek Top Models](#)

[The Women of Greece](#)

[... the men](#)



[Greek Candid Camera Online](#)

[Greek Playboy Casino + The TOP 10 Casinos Online](#)

[A Perfect Greek Wife](#)

[Greek Parade](#)

[Greek Singles](#)

[Greek Gays](#)

[Greek Lesbians](#)

[Sex & Romance \( adults ONLY \)](#)

[Greece Topless](#)



[Kinky Greeks](#)

[MykonosModels.Com](#)



[President Of Greek Abroad Speaks To Mpa...](#)

Macedonian Press Agency Wed May 21 11:01:00 EDT 2003

[Theodorakis To Mpa: The Obligation Of The Greeks...](#)

Macedonian Press Agency Wed May 21 11:01:00 EDT 2003

[Fifty Greek Companies In The 53rd International Trade Fair In Skopje...](#)

Macedonian Press Agency Wed May 21 11:01:00 EDT 2003

[Greek clubs warned over stadium fires...](#)

NDTV Wed May 21 01:20:00 EDT 2003

[Baku Exhibition of Universities of Turkey and Northern Cyprus Opened...](#)

Baku Today Wed May 21 01:00:00 EDT 2003

[Greek man pokes out own eyes to protest arrest...](#)

Toronto Star Online Tue May 20 23:54:00 EDT 2003

[Six Hundred Refugees At The Greek-fyrom Borders...](#)

Macedonian Press Agency Tue May 20 15:28:00 EDT 2003

[The Greek Health Minister Met With His Counterparts From Israel And Turkey...](#)

Macedonian Press Agency Tue May 20 15:28:00 EDT 2003

[Athens Real Time Traffic Report](#)

Search Yahoo for news about Greece

**YAHOO! News Search**

**YAHOO!**

Submit Query

[options](#)

**Google™**

Google Search

**The World Wide Clock**

Select one



Get Time

**Current time and date in any country**

[System](#)

[Established Business](#)

[Int'l Business Practices](#)

[Getting Greece](#)

[Greek Greek Mythology extensive bank](#)

[Greek extensive](#)

[Greek Charter News Service](#)

[Greek Proper rent](#)

[The Co Group](#)

**BUY**  
Internet  
Com  
h

**ama**  
EARTH  
SEE  
shopping cart icon

**BING**



Meeting Point :  
Greeks meeting  
other Greeks for  
SEX ( 11,991  
members )

FREE Adult Hosting for  
Greek Webmasters

[greece.sexplanets.com](http://greece.sexplanets.com)

**The Greek Internet  
Video Party**

### The Currency Exchange Calculator

Convert     
into

Convert Now!

FR



FREE BRA  
ALL

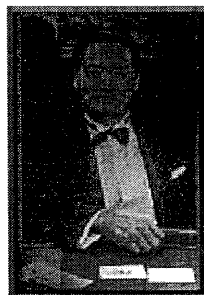
**YAHOO!**  
Groups  
Join Now!

Join the " Greeks Online " group and stay informed about  
incredible travel bargains and what's NEW & HOT in  
Greece!

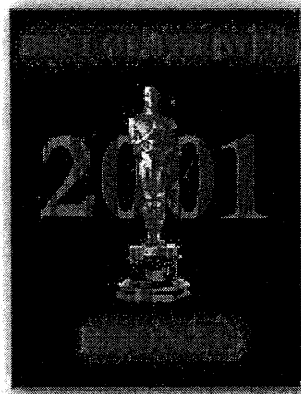
Email us : [info@greekinternet.com](mailto:info@greekinternet.com)

[Sign Our Guestbook](#) - [Our Privacy Policy](#)

© Copyright 1998 - 2003 by GreekInternet.Com ... All rights reserved ! ...  
established in the 20th century ... Click here to see us hard at work.



Play poker online @ [www.Kerdos.com](http://www.Kerdos.com)



Web Design by Mr.Web

**Voted the TOP site about Greece by :**

**[www.WorldTravelersOnline.com](http://www.WorldTravelersOnline.com)**

---

[Click HERE](#) to bookmark our site ... and thanks for visiting!

---

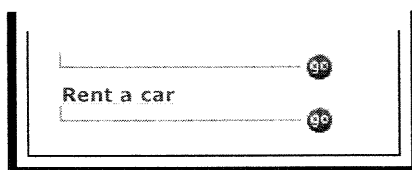
### Cool Travel Sites

[BangkokbyNight.Com](http://BangkokbyNight.Com)  
[BalibyNight.Com](http://BalibyNight.Com)  
[ManilabyNight.Com](http://ManilabyNight.Com)  
[SingaporebyNight.Com](http://SingaporebyNight.Com)  
[HongKongbyNight.Com](http://HongKongbyNight.Com)  
[JapaneseInternet.Com](http://JapaneseInternet.Com)  
[Beijing - ... more of Asia](#)

[SantoriniHolidays.Com](http://SantoriniHolidays.Com)  
[MykonosHolidays.Com](http://MykonosHolidays.Com)

[ParisbyNight.Com](http://ParisbyNight.Com)  
[AmsterdambyNight.Com](http://AmsterdambyNight.Com)  
[MunichbyNight.Com](http://MunichbyNight.Com)  
[ViennabyNight.Com](http://ViennabyNight.Com)  
[MadridbyNight.Com](http://MadridbyNight.Com)  
[BerlinInternet.Com](http://BerlinInternet.Com)  
[GenevaInternet.Com](http://GenevaInternet.Com)

A screenshot of a web interface for WorldTravelersOnline.Com. It features a cartoon character holding a sign that says 'destinations by WorldTravelersOnline.Com'. Below this is a 'Select Region' dropdown menu with a 'go' button. Further down is a 'Select City' dropdown menu with another 'go' button. At the bottom, there are two links: 'Travel Reservations by WorldTravelersOnline.Com' and 'Book a flight' with a 'go' button, and 'Reserve a hotel'.



Webmasters : To add the search box to your site ... [CLICK HERE](#) ...  
It's FREE and a great tool for your visitors!

[IstanbulHotelBookings.Com](#)  
[DubaiByNight.Com](#)  
[AustralianInternet.Com](#)  
[MexicanInternet.Com](#)

[CaliforniabyNight.Com](#)  
[FloridabyNight.Com](#)  
[TexasbyNight.Com](#)  
[ManhattanbyNight.Com](#)

---

[↑ Go to top of page ↑](#)

#### Greece and the Greek islands

GreekInternet.Com : The Internet travel guide to Greece & the Greek islands. Athens, Greece. The Parthenon. The Acropolis. Mykonos, Santorini, Crete, Rhodes, Corfu, Paros, Naxos, Ios, Kos. Greek cruises in the Aegean, and the Ionian sea. Greek ferries. Greek weddings, Greek honeymoon, Greek vacation, Greek holidays, Greek hotels, reservations and bookings all over Greece. Greek real estate, Greek luxury property rentals. Greek yachting sales and charters. Greek magazines and newspapers from all over Greece. Greek mythology, Greek art, Greek history, Greek culture. Traditional Greek food recipes. Greek animal welfare. Sexy Greek top models and supermodels. Greek celebrities. The women of Greece. Mykonos beauty pageant. Gay in Mykonos and Greece. Lesbian in Mykonos and Greece. Sex and romance in Greece and the Greek islands.



olympicmail.com

**Reserved**

**Back-order this domain name now.**

Domain names in the .com and .net domains can now be registered with many different competing registrars. Go to <http://www.internic.net> for detailed information. Domain Name: OLYMPICMAIL.COM

Registrar: DOMAINDISCOVER

Whois Server: whois.domaindiscover.com

Referral URL: <http://www.domaindiscover.com>

Name Server: NS1.DOMAINDISCOVER.COM

Name Server: NS2.DOMAINDISCOVER.COM

Status: REGISTRAR-LOCK

Updated Date: 14-nov-2002

Creation Date: 05-nov-1999

Expiration Date: 05-nov-2003

NOTICE: The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to view the registrar's reported date of expiration for this registration.

**Special Report:** Have you protected **OLYMPICMAIL.COM** from cybersquatters?

[whois.domaindiscover.com]

This WHOIS database is provided for information purposes only. We do not guarantee the accuracy of this data. The following uses of this system are expressly prohibited: (1) use of this system for unlawful purposes; (2) use of this system to collect information used in the mass transmission of unsolicited commercial messages in any medium; (3) use of high volume, automated, electronic processes against this database. By submitting this query, you agree to abide by this policy.

Registrant:

Pende.Com

P.R. Central

Nassau, BS

BS

Domain Name: OLYMPICMAIL.COM

Administrative Contact, Technical Contact, Zone Contact:

Pende.Com

DOMAIN ADMINISTRATION

P.R. Central

Nassau, BS

BS

Please use email to contact us

[Home page](#)

[Link-to-Us](#)

[Contact Us](#)

**Domain Name News**

[Yahoo Full Coverage](#)

### Featured Registrar

Register a domain name with **Register.com** for only \$20. Includes:

- Free 3-page web site
- Free web forwarding
- Advanced control panel

**[Click here for discounted rate.](#)**

### Active Domain Registrars

[Alabanza, Inc.](#)

[AllDomains.com](#)

[All West Communications](#)

[Capital Networks](#)

[Catalog.com](#)

[CORE Council](#)

[Domaininfo.com](#)

[DomainPeople](#)

[DomainRegistry.com](#)

[DomainZoo.com, Inc.](#)

[Domain Bank, Inc.](#)

[Domain Direct](#)

[Domain Discover](#)

[Domain Registration](#)

[Services](#)

[Dotster, Inc.](#)

[Easyspace, Ltd.](#)

[EnetRegistry.com](#)

[eNom, Inc.](#)

[FirstDomain.Net](#)

[Global Knowledge Group](#)

[Identifyyourself.com](#)

[IHoldings.com, Inc.](#)

[InnerWise, Inc.](#)

[InterAccess Company](#)

[Internet Domain Registrars](#)

[Melbourne IT](#)

[NameIt Corporation](#)

[Names4Ever](#)

[NamesDirect.com](#)

[NameSecure.com](#)

[Network Solutions](#)

[Parava Networks, Inc.](#)

[ProBoardTechnologies](#)



info@Pende.Com

Domain created on 05-Nov-1999

Domain expires on 05-Nov-2003

Last updated on 30-Nov-2001

Domain servers in listed order:

URL1.BUYDOMAINS.COM

URL2.BUYDOMAINS.COM

Register or transfer domains at [www.BuyDomains.com](http://www.BuyDomains.com) - as low as \$9/year.  
Including FREE: Responsive toll-free support, URL/frame/email forwarding,  
easy management system, and full featured DNS.

[Register.com](http://Register.com)  
[Signature Domains, Inc.](http://SignatureDomains.Inc)  
[Speednames, Inc.](http://Speednames.Inc)  
\*\*\*

www.	<input type="text"/>	<input type="button" value="Search"/>
Searches shared database registry and queries appropriate registrar.		