



NATIONAL  
ARBITRATION  
FORUM

COMPLAINT NOTIFICATION INSTRUCTIONS

Forum Case Number FA0402000237446

- 1. Notification.** You are hereby notified that an administrative proceeding has been commenced against you pursuant to the Uniform Domain Name Dispute Resolution Policy, adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) on October 24, 1999 (Policy) (<http://www.icann.org/udrp/udrp-policy-24oct99.htm>). It concerns domain name(s) that are currently registered and being used by you. The Policy is incorporated by reference into your Registration Agreement with the Registrar(s) of your domain name(s). When you registered your domain name(s) you also agreed to submit to and participate in a mandatory administrative proceeding in the event that a third party (Complainant) submits a Complaint to an ICANN-approved dispute resolution service provider (<http://www.icann.org/udrp/approved-providers.htm>) concerning a domain name registered and being used by you.
- 2. Date Complaint Received.** The Complaint was submitted by **Dustin N. Diamond** and was received on **2/17/2004** by the National Arbitration Forum (Forum). A copy of the Complaint accompanies this notification.
- 3. Formal Requirements Compliance Review.** In accordance with Paragraph 4(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (Rules) (<http://www.icann.org/udrp/udrp-rules-24oct99.htm>) and Paragraph 4 of the Forum's Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (Supplemental Rules) (<http://www.arb-forum.com/domains/domain-rules.html>) the Forum has verified that the Complaint satisfies the formal requirements of the Policy, Rules, and Supplemental Rules. Payment in the required amount to the Forum has been made by the Complainant.
- 4. Commencement of Administrative Proceeding.** In accordance with Rules, Paragraph 4(c), the formal date of the commencement of the administrative proceeding is **2/20/2004**.
- 5. Deadlines.** Within 20 days from the commencement date, the Forum must receive, a Response and all exhibits according to the requirements that are described in The

Rules, Paragraph 5 and the Supplemental Rules. You must also serve these on the Complainant. Your Response and exhibits must be received by the Forum by **3/11/2004**. In the event the Complainant elects to have the dispute heard before a single-member Administrative Panel, and you elect to proceed with a three-member Administrative Panel, this is also the date by which you must make the required additional payment.

6. **Default.** If your Response and/or required payment are not received by the above date, you will be considered in default. We will still appoint an Administrative Panel to review the facts of the dispute and to decide the case. The Administrative Panel will not be required to consider a late-filed Response, but will have the discretion to decide whether to do so and, as provided for by Rules, Paragraph 14, may draw such inferences from your default as it considers appropriate. There are other consequences of a default, including no obligation on our part to consider any designations you have made concerning the appointment of the Administrative Panel or to observe any guidelines you have provided concerning case-related communications.
7. **Administrative Panel.** The dispute between you and the Complainant will be decided by an Administrative Panel consisting of either one or three impartial and independent decision makers who will be appointed by the Forum. The Complainant in this administrative proceeding has elected an Administrative Panel consisting of:  
[  ] A Single Member [  ] Three Members    See below:

**A Single Member Panel.** If the Complainant has selected the single-member option as indicated above, then the appointment of that Panelist will be made by the Forum from our published list of Panelists (<http://www.arb-forum.com/domains/UDRP/rules.asp>). We will appoint a Panelist within 5 calendar days of when your Response was received or the date your Response was due. The fees for this administrative proceeding have been paid in their entirety by the Complainant.

Despite the Complainant's election of a Single-Member Panel, you can still choose to have the case decided by an Administrative Panel consisting of three members. If you choose this option, you will be required to pay half of the applicable fees for the Administrative Proceeding. The payment must be made at the time you submit your Response. Failure to submit the required payment at that time may, along with other considerations, may be taken as grounds for proceeding with a Single-Member Panel.

If you choose a three-member Administrative Panel and make the required payment when you submit your timely Response, you should indicate the names and contact details of three persons in your Response. These three persons can be selected from our published list or that of any other ICANN-accredited dispute resolution service provider <http://www.icann.org/udrp/approved-providers.htm>. We will try to

appoint one of the three persons you have recommended to the Administrative Panel. If we are unsuccessful, we shall make an appropriate appointment from our published list. If you choose a three-member Administrative Panel, but do not provide us with the names and contact details of any candidates, we shall make the appointment from our published list.

Please note that if you choose a three-member Administrative Panel, the Complainant will also be requested to provide the names of three candidates who can be taken from our published list or that of any other ICANN-accredited dispute resolution service provider. We will try to appoint one of these three persons to the Administrative Panel. If we are unsuccessful, we shall make an appropriate appointment from our published list. If the Complainant does not provide us with the names of its candidates, we shall make the appointment from our published list. Both you and the Complainant will be contacted concerning the procedures for the appointment of the Presiding Panelist (i.e., the third Panelist).

**Three-Member Administrative Panel.** If the Complainant has selected the three-member Administrative Panel option as indicated above, then the Complainant has provided us with the names and contact details of three candidates to serve on the three-member Administrative Panel. We will try to appoint one of these three candidates. If we are unsuccessful, we shall make the appointment from our published list of Panelists.

You are kindly requested to provide the names and contact details of three persons in your Response. These three persons can be taken from our published list or that of any other ICANN-accredited dispute resolution service provider (<http://www.icann.org/udrp/approved-providers.htm>). We will try to appoint one of the three persons you have recommended to serve on the Administrative Panel. If we are unsuccessful, we shall make an appropriate appointment from our published list. If you do not provide us with the names and contact details of any candidates, we shall make the appointment from our published list. Please note that the fees for the administrative proceeding have been paid in their entirety by the Complainant. Both you and the Complainant will be contacted concerning the procedures for the appointment of the Presiding Panelist (i.e., the third Panelist).

8. **Communications.** Your Response must be communicated to us according to the requirements of Rules, Paragraph 5(b) and Supplemental Rules, Paragraph 5 (i.e., one copy online or by e-mail and hard copy by fax or three or five sets of hard copies by mail). All case-related filings or submissions to the Forum after the submission of your Response must be made according to Supplemental Rules, Paragraph 7. In your Response you must indicate where and how you would like us to send case-related communications to you. Please provide only a single postal address, fax number, and e-mail address for you and, if applicable, your authorized representative for the dispute, otherwise we will use our discretion as to which contact details we will use.

All communications that are required to be made to the Complainant under the Rules and Supplemental Rules, including your Response, should be made according to the contact details and method(s) specified in the Complaint.

9. **Fees.** Payment of the required fee for a three-member Administrative Panel, an extension request or the submission of additional documents, must be submitted with your Response. Payment methods and other relevant details about fees can be found in Paragraph 6, 7 and 16 of the Supplemental Rules.
10. **The Administrative Proceeding.** If this case is to be decided by a single-member Administrative Panel, we shall appoint the Administrative Panel within five (5) calendar days of when your Response was received or the date your Response was due. If the case is to be decided by a three-member Administrative Panel, we shall send to you and to the Complainant a list of five (5) candidates for the Presiding Panelist. You will each be offered the opportunity to strike two from that list. We shall make the appointment of the Presiding Panelist and take into consideration the preferences indicated by you and the Complainant.

The Administrative Panel will have 14 days from the date of its appointment to issue a decision in the case. Under normal circumstances, we will forward the decision to you, the Complainant, the concerned Registrar(s) and ICANN within three calendar days of receiving it from the Administrative Panel. The Registrar(s) will notify all parties concerned of the date that the decision will be implemented if the Registrar(s) does not receive notification and the required documentation from you in accordance with Paragraph 4(k) of the Policy. We will then post the decision on a publicly accessible web site, unless we have been directed not to by the Administrative Panel.

11. **Case Coordinators.** The Forum has appointed a Case Coordinator to be in charge of administering your case. Please note that, while the Case Coordinator is available to answer questions relating to such matters as filing requirements and to help you to understand the Policy, Rules and Supplemental Rules, the Coordinator cannot provide you with any legal advice or make any representations on your behalf.

Case Coordinator:	Michelle K Schaber
Regular Mailing Address:	National Arbitration Forum P.O. Box 50191 Minneapolis, MN 55405 USA
Fed-Ex Mailing Address:	National Arbitration Forum 500 Rosedale Towers 1700 West Highway 36 Roseville, MN 55113 USA

Telephone: (800) 474-2371  
Fax No.: (651) 604-6778  
E-Mail Address: mschaber@arb-

forum.com

12. **Additional Information.** Additional information about the ICANN administrative procedure is available at <http://www.icann.org> and about the National Arbitration Forum at <http://www.arbitration-forum.com>. Online Response filing is available at [www.arbitration-forum.com](http://www.arbitration-forum.com).